

## Principles of Human Rights in Land Procurement for Public Interest (Case Study of Wadas Village Bener Dam)

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### Abstract

*The regulations on land regulated in UUPA contain a social function, in which every land controlled by the community can be procured for the public interest but must receive balanced compensation. Land acquisition for the public interest has been regulated in Law Number 2 of 2012, the main requirement for land acquisition for the public interest is obtaining a permit. Permits are needed as development legality, but there is an aspect that is no less important, namely the human rights aspect, because land is the primary need of the community so that in granting a land acquisition permit it must reflect the values of human rights. Research approach is a method or method of conducting research. The approach method used in this research is the Socio-legal method using descriptive analytical research specifications, the result of which is to focus on the problems as they were when the research was carried out, then the results of the research were processed and analyzed with the relevant laws and regulations to draw conclusions. , in this case is the case of the construction of the Wadas Village dam which is a national strategic project.*

### Keywords

Bendungan bener; land acquisition; human rights



## I. Introduction

Land is a very complex thing because it involves many aspects of people's lives. Every living person needs land, both as a place to live and a place of business. As the population increases, the demand for land also increases, even though the area of the State is fixed or limited. Land is given to and owned by people with the rights provided by the Basic Agrarian Law to be used and exploited. The legal provisions governing land tenure rights can be compiled into a single unit which is a system called Land Law.

Land is one of the natural resources that is important for the survival of mankind, the relationship between humans and the land is not just a place to live, but more than that, land provides resources for the survival of mankind. Land is an immovable object that is able to provide life, a place to live, a place to survive by working on it, so that most of human needs depend on land. Given the importance of the meaning of land for humans, it is necessary to have certain regulations or norms in the use, control, and ownership of land. The definition of land according to the explanation of Article 1 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (hereinafter referred to as UUPA), what is meant by land is the surface of the earth.

The existence of land is a natural resource that is very important for natural resources that are very important for human life, not only because of its function as a factor of agricultural production that produces various kinds of food, especially in an agricultural country like Indonesia, but also because socio-cultural function. In order to realize a just and prosperous society as mandated by Pancasila and the 1945 Constitution of the

Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia), Indonesia needs to carry out development. Development is essentially a homework for every developing country, such as Indonesia. In order to realize this development, many things are needed by the government, including a large and strategic land. To meet these needs, the government conducts land acquisition.

Today, the construction of public facilities in Indonesia is increasing, such as the construction of toll roads, hospitals, airports, train stations and so on. The establishment of these facilities is the result of legal actions for land acquisition carried out by the government in order to realize national development as the ideals of the Indonesian nation. Land acquisition is an act of the government in order to acquire land for various development purposes, especially for the public interest. In principle, land acquisition is carried out by means of deliberation between parties who need land and land rights holders whose land is needed for development activities. This shows that the land acquisition process is not simple, because it is directly related to the rights of certain parties (communities) to land.

In essence, national law recognizes and respects land rights owned by the community, and provides legal certainty guarantees with the establishment and enforcement of Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Agrarian Regulations (hereinafter referred to as Law No. 5 of 1960). ). The establishment of Law no. 5 of 1960 is to realize the provisions of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which stipulates that "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." Based on Article 6 of Law no. 5 of 1960 stipulates that "All land rights have a social function". This provision is the basis that ownership of one's land by law must be released if at any time the land owned is to be converted and or development is carried out in the context of implementing social functions. This is the forerunner of the government in carrying out land acquisition other than Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, provided that the land acquisition is carried out according to the procedures as stipulated in the law.

In the general explanation of Law no. 2 of 2012 it is stated that one of the development efforts within the framework of national development organized by the government is development for the public interest. The development for the public interest requires land whose procurement is carried out by prioritizing the principles contained in the 1945 Constitution of the Republic of Indonesia and national land law, including the principles of humanity, justice, benefit, certainty, openness, agreement, participation, welfare, sustainability, and harmony in accordance with national and state values. The principles of land acquisition as stated in the general explanation of Law no. 2 of 2012 must be in accordance with the values contained in Pancasila. In other words, that the implementation of land acquisition in Indonesia should not be outside the corridor of Pancasila. This is to ensure justice for each party. Furthermore, in addition to development in accordance with the values affirmed in Pancasila and the 1945 Constitution of the Republic of Indonesia, all other regulations governing land acquisition must also be carried out for development in the public interest or the interests of all Indonesian people.

Fundamentally, the principle of the social function of land rights aims to ensure the benefit of the land for the greatest prosperity of the people. As a legal state with the concept of a welfare state based on Pancasila, land use must guarantee a sense of justice for all people. The application of the principle of the social function of land rights is a strategy for the realization of a state of law that ensures equitable use of land. For this reason, it is very important to conduct an assessment of the nature of the principles of

social function, both in terms of theory, juridical, and its application in Indonesia, as a strategic effort to fulfill land rights for the greatest prosperity of the people.

Recognition of property rights as part of human rights is also guaranteed in Law Number 39 of 1999 concerning Human Rights (UU HAM) in Article 36, paragraph (1) which states that "Everyone has the right to own property, either alone or jointly with others. together with others for the development of themselves, their families, the nation and society in a way that does not violate the law"; paragraph (2) "No one may be deprived of his property arbitrarily and against the law"; (3) "Property has a social function". This provision implies that property rights are the rights of every citizen in fulfilling their needs. Property rights are protected by law, but are also limited by social functions. This provision is emphasized in Article 37 paragraph (1) of the Human Rights Law, that "Revocation of property rights to an object in the public interest is only permitted by compensation for reasonable and immediate losses and its implementation in accordance with the provisions of laws and regulations"; paragraph (2) "If an object based on legal provisions in the public interest must be destroyed or not empowered either permanently or temporarily, then this is done by compensating for the loss in accordance with the provisions of the legislation unless otherwise stipulated".

The agrarian conflict that occurred in Wadas Village, Bener District, Purworejo Regency, Central Java became public attention. The cause of the agrarian conflict was that some residents rejected the planned andesite mining activity. The refusal was marked by a series of protests that ended in clashes with heavily armed officers. The incident was declared an agrarian conflict because there were 2 (two) land acquisition projects in the public interest. The first project is land acquisition for the public interest with the aim of building a dam, and the second project is land acquisition for the public interest, namely the mining of andesite stone used to build the first project (Bener Dam). The government's choice to prioritize repressive actions through the apparatus resulted in a conflict between the apparatus and the residents of Wadas Village who rejected the mining project. The solution that is considered the most beneficial for each party is urgently needed so that the very useful policy of the Bener Dam National Strategic Project (hereinafter referred to as PSN) can be built immediately by minimizing agrarian conflicts..

Based on Law Number 2 of 2012 concerning Land Procurement in the Public Interest for Development, mining activities are not included in the public interest section. The government refers to Law Number 11 of 2020 concerning Job Creation and the unconstitutional implementing regulations according to the decision of the Constitutional Court, using land acquisition schemes for the public interest for mining activities. This research will result in a finding that land acquisition for the public interest is a manifestation of social functions on land, but in its application it must prioritize social and community aspects as well as human rights so that not only PSN is prioritized but community compensation rights are also fulfilled.

## **II. Review of Literature**

### **2.1 The State's Right to Control the Land**

Soil is a layer of the earth's surface which is one of the natural resources that are important for human survival. Human life is almost largely dependent on land, both for livelihoods, housing needs, food and other economic and religious needs. The State's Right to Control in the National Land Law, namely Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, known as the Basic Agrarian Law (hereinafter referred to as UUPA) which is a further elaboration of Article 33 (3) of the Constitution The

Republic of Indonesia 1945 which reads "Earth, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people." The definition of "controlled" here means that the state has the power to make regulations related to agrarian affairs for the benefit of its people.

State land is land controlled by the state. Article 2 State Government Regulation of the Republic of Indonesia Number 8 of 1953 Concerning Control of State Lands Unless the control of State land by law or other regulations at the time this Government Regulation comes into effect, has been handed over to a Ministry, Bureau or Autonomous Region, the control on state land is in the hands of the Minister of Home Affairs. Article 3 State Government Regulation of the Republic of Indonesia Number 8 of 1953 concerning Control of State Lands;

- (1) In the event that the control referred to in Article 2 rests with the Minister of Home Affairs, he is entitled to:
  - a. hand over the control to a Ministry, Bureau or Autonomous Region for the purposes referred to in Article 4;
  - b. Supervise that the State land referred to in sub a is used in accordance with its designation and act according to the provisions referred to in Article 8.
- (2) In the event that control over State land at the time this Government Regulation comes into force has been handed over to a Ministry, Bureau or Autonomous Region as referred to in Article 2, the Minister of Home Affairs also has the right to supervise the use of the land and act according to the provisions in Article 8.

The highest land tenure rights and the parent for the existing land tenure rights are the rights of the Indonesian people to land. In the rights of the Indonesian people to land, it shows the existence of a private element, namely the ownership relationship between the Indonesian people and land throughout the territory of the Republic of Indonesia. In addition, the rights of the Indonesian people to land contain the task of authority to regulate and manage the shared land for the greatest prosperity of the people, which is included in the field of public law. The implementation of this authority is assigned to the Republic of Indonesia. The state's right to control land stems from the rights of the Indonesian people to land, which in essence is an assignment to carry out the duties of the Indonesian nation's authority which contains elements of public law. The task of managing the entire common land cannot be carried out by the Indonesian people alone, so in its implementation, the Indonesian nation as the holder of the rights and the bearer of the mandate, at the highest level is authorized to the state of the Republic of Indonesia as an organization of power for all the people.

The implementation of the state's right to control is not fully held by the central government. In the UUPA, the implementation of the right to control from the State can be delegated to the Regional Government and customary law communities as needed and does not conflict with national interests. Thus, on the basis of the Right of Control from the State, it is determined that there are various kinds of land rights that can be given to and owned by people either alone or together with other people and legal entities. This illustrates the relationship between individual rights and the state's right to control. The right of control from the State is the basis of the State to grant certain rights to the land in question and based on that power the State surrenders the land to a government agency such as a Ministry or to an Autonomous Region..

## **2.2 Social Functions of Land Rights**

The principle of the social function of land rights is one of the principles that form the basis for implementing agrarian law in Indonesia. Juridically, the principle of the social

function of land rights is regulated in the Basic Agrarian Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA), in Article 6 which states that "All land rights have a social function". Furthermore, according to the General Elucidation of the LoGA in letter A, Roman numerals II concerning the Basics of National Agrarian Law, especially number (4) states:

The fourth basis is laid out in article 6, namely that "All land rights have a social function". This means that any land rights that exist in a person cannot be justified, that the land will be used (or not used) solely for his personal interests, especially if it causes harm to the community. The use of land must be adapted to its conditions and the nature of its rights, so that it is beneficial both for the welfare and happiness of those who own it and for the community and the state. However, at the same time, this provision does not mean that individual interests will be totally suppressed by the public interest (society). The Basic Agrarian Law also takes into account individual interests. The interests of the community and individual interests must balance each other, so that in the end the main goal will be achieved: prosperity, justice and happiness for the people as a whole (article 2 paragraph 3). Due to its social function, it is a natural thing that the land must be properly maintained, in order to increase its fertility and prevent its damage. The obligation to maintain this land is not only borne by the owner or the holder of the right in question, but also becomes the burden of every person, legal entity or agency that has a legal relationship with the land (Article 15). In implementing this provision, the interests of economically weak parties will be taken into account.

Article 6 of Law Number 5 of 1960 concerning Agrarian Principles (UUPA) confirms that all land rights have a social function, this is a reflection of the provisions of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia as a provision that emphasizes the importance of protection of earth, water and natural resources, including the notion of land for the greatest prosperity of the people. Juridically, the two provisions contain an explicitly interconnected meaning, that land in the understanding of social functions must be protected in order to provide prosperity for all people. This implies an obligation for all people in utilizing land not only to prioritize their personal interests but also to pay attention to the interests of the community and the public interest. The obligation to provide land protection is carried out by the state for the benefit of the prosperity of all the people. So it is the obligation of all people under state power to use land as well as possible, without eliminating the potential of land as a resource for common life.

The principle of the social function of land rights in national land law implies that whatever land rights exist in a person, it cannot be justified that his land will be used (or not used) solely for his personal interests, especially if it causes losses. for society. The use of land must be adapted to its conditions and the nature of its rights, so that it is beneficial, both for the welfare and happiness of those who own it and for the community and the state. However, in that context, this provision does not mean that individual interests will be totally suppressed by the public interest and the public interest. UUPA also pays attention to individual interests. Everyone's authority over property rights is guaranteed in the 1945 Constitution of the Republic of Indonesia, in Article 28 H paragraph (4) which states that "Everyone has the right to have private property rights and such property rights may not be taken over arbitrarily by anyone". This provision is an affirmation of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia relating to the ownership rights of the Indonesian people over the earth, water and space within the limits determined for the greatest prosperity of the people. Included in this understanding are land rights, especially land ownership rights.



The social function of land rights is also emphasized in Law Number 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights). Article 11 paragraph (1) mentions "everyone's right to an adequate standard of living for himself and his family, including the right to food, clothing and housing, and to the continuous improvement of living conditions". Furthermore, in paragraph (2) it is emphasized about "recognition of the fundamental right of everyone to be free from hunger, and to support this right the state must take the necessary steps to improve the means of production, consumption and distribution of food so as to achieve the development and utilization of food" efficient natural resources".

The UUPA was issued in order to realize the mandate of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which is a legal fact in explaining the purpose of land as a social asset and capital asset. As a national law, the provisions contained in the articles of the UUPA are the embodiment of the precepts in Pancasila.

The existence of land in human life has meaning and at the same time has a dual function, namely as a social asset and a capital asset. As a social asset, land is a means of binding social unity among the community to live and make a living, while as a capital asset, land is a capital factor in development and has grown as a very important economic object as well as a commercial material and object of speculation. Land as a public interest, besides having to fulfill its designation, its benefits must also be felt (socially profitable or for public use or actual used by the public). Which means in other words the public interest is an interest that must fulfill its designation and its benefits must be felt, meaning that it can be felt by the community as a whole and/or directly..

The existence of the social function of land rights in the UUPA is the main source of the National Land Law, where the social function of land rights is one of the 3 (three) obligations in the UUPA of a general nature that is imposed on each holder of land rights, namely:

- a. the obligation to carry out the social function of land rights (Article 6);
- b. obligation to maintain land (Article 52 paragraph (1));
- c. the obligation to actively work on agricultural land (Article 10).

The criteria for public interest in the Law are that it is held by the Government or Regional Government, then owned by the Government or Regional Government and in its implementation the Government may cooperate with BUMN, BUMD, or Private Business Entities. Based on the definition of public interest above, there are 5 (five) elements categorized as public interest activities, namely:

1. The interests of all levels of society;
2. Conducted and owned by the Government;
3. Not used for profit;
4. Enter the list of activities that have been determined;
5. Planning and implementation is in accordance with the RTRW and National and Regional Development Plans.

### **III. Research Method**

The research approach method is a method or method of conducting research. The approach method used in this research is the Socio-legal method, which is to find between abstract legal concepts and analysis of the social environment. With the socio-legal research method, it will help legal research regarding the enforcement or implementation

of normative legal provisions in action on every particular legal event that occurs in society.

This research specification uses descriptive-analytical research specifications. Descriptive, namely research that aims to describe a thing in a certain area and at a certain time. According to Soerjono Soekanto, a descriptive study is intended to provide data as accurately as possible about humans, circumstances, or other symptoms. Analytical, meaning that it is related to existing legal theories and/or laws and regulations related to the object under study, namely the implementation and obstacles in land acquisition for the construction of the Bener Dam in Wadas Village, Purworejo Regency. So that the analytical descriptive is focused on the problems as they were when the research was carried out which then the results of the research were processed and analyzed with the relevant laws and regulations to draw conclusions.

Data analysis is very important in a study in providing answers to the problems studied, before data analysis is carried out, data collection is first held. The method used in analyzing and processing the collected data is qualitative analysis. Qualitative analysis emphasizes the deductive method as the main guide, especially using library materials as a source of research data. The data are analyzed qualitatively, in this case the relationship between the theories obtained from the literature study will be analyzed and studied, then conclusions will be drawn using the deductive method, namely a method that applies general things first, then connected with special parts and then systematized into analysis. data compiled in the form of legal writing.

#### **IV. Result and Discussion**

National Strategic Programs, which will be carried out by the government as outlined in Presidential Regulation Number 109 of 2020 concerning the Third Amendment to Presidential Regulation Number 3 of 2016 concerning Acceleration of Implementation of National Strategic Projects, including the following:

1. Electricity Infrastructure Development Program (PIK) (the list of projects is regulated in the Presidential Regulation on the Acceleration of Electricity Infrastructure Development)
2. Economic Equity Program
3. Border Area Development Program
4. Toll Exit Access Road Development Program
5. National Tourism Strategic Area Development Program (KSPN)
6. Program for Construction of Waste Processing into Electrical Energy (PSEL) installations (the list of projects is regulated in the Presidential Regulation concerning the Acceleration of Construction of Waste Processing Installations into Electrical Energy Based on Environmentally Friendly Technology)
7. Smelter Development Program
8. National Food Supply Improvement Program (Food Estate)
9. Superhub Tire Carrier Program
10. Regional Development Acceleration Program stipulated in the Presidential Regulation concerning the Acceleration of Regional Economic Development

The Bener Dam is a national project that has been established through Presidential Regulation No. 56 of 2013 concerning the fourth amendment to Presidential Regulation no. 24 of 2010 concerning the Position of Duties and Functions of the State Ministries and Organizational Structure of Echelon I Tasks and Functions of the State Ministries, Decree of the Governor of Central Java Number 590/41/2018 concerning Permit for Determination

of the Location of the Bener Dam and Decree of the Governor of Central Java Number 660.1/20 Year 2018 regarding the Environmental Permit for the True Development Plan.

In this land acquisition, the land to be acquired is mostly dry fields, fields and rice fields. While the houses of residents who are entitled to land are only about a dozen. Land acquisition is not only freeing the land of the residents, there is also land belonging to the village government, village treasury land, or waqf.

The term land acquisition means to procure or provide land. Prior to Presidential Decree No. 55 of 1993 was stipulated, there is no clear definition of land acquisition for the standard public interest. In simple terms, it can be interpreted that the public interest can be said for the purposes, needs or interests of many people or broad goals. However, the formulation is too general and has no limits.

The public interest according to John Salindeho is: "Encompassing the interests of the nation and the state as well as the common interests of the people, by paying attention to social, political, psychological, and national defense aspects on the basis of the principles of national development by taking into account national resilience and insight into the archipelago." The interest in a broad sense is defined as "public benefit" while in a narrow sense it is defined as "public access", or if public access is not possible, then it is enough "if the entire public could use the product of the facility". Based on Article 1 point 6 of Law Number 2 of 2012 it means that: "The public interest is the interest of the nation, state, and society that must be realized by the government.

From the definition of the above provisions, it can be concluded that land acquisition for the public interest is an activity to provide land for the benefit of the nation, the state and the wider community by providing appropriate and fair compensation to those who are entitled to realize the prosperity of the people. Furthermore, based on Article 2 of Law no. 2 of 2012 stipulates that land acquisition for the public interest is carried out based on the principle of:

- a. humanity;
- b. justice;
- c. benefit;
- d. certainty;
- e. openness;
- f. agreement;
- g. participation;
- h. well-being;
- i. continuity; and
- j. harmony.

Furthermore, based on Article 3 of Law Number 2 of 2012 stipulates that: "Land Procurement for Public Interest aims to provide land for the implementation of development in order to improve the welfare and prosperity of the nation, state, and community while still guaranteeing the legal interests of the Entitled Party."

Meanwhile, based on Article 4 paragraph (1) of Law Number 2 of 2012 it stipulates that "The Government and/or Regional Governments guarantee the availability of land for public purposes". Furthermore, based on Article 10 of Law Number 2 of 2012 stipulates that Land for Public Interest as referred to in Article 4 paragraph (1) is used for development:

- a. national defense and security;
- b. public roads, expressways, tunnels, railroads,
- c. train stations, and rail operating facilities;



- d. reservoirs, dams, weirs, irrigation, drinking water canals, sewers and sanitation, and other irrigation structures;
- e. ports, airports, and terminals;
- f. oil, gas, and geothermal infrastructure;
- g. power generation, transmission, substation, network, and distribution;
- h. government telecommunications and information networks;
- i. place for waste disposal and processing;
- j. Government/Regional Government hospitals;
- k. public safety facilities;
- l. Public burial places of the Government/Regional Government;
- m. social facilities, public facilities, and public green open spaces;
- n. natural and cultural reserves;
- o. Government/Regional/Village Government offices;
- p. arrangement of urban slum settlements and/or land consolidation, as well as housing for low-income communities with rental status;
- q. Government/Local Government education or school infrastructure;
- r. sports infrastructure of the Government/Regional Government; and
- s. public market and public parking lot.

The application of the principle of the social function of land rights in terms of the legal structure, is known from the role of the government in carrying out the obligation to regulate the use, designation and supply of land for the benefit of the people, nation and state. The results of the research show that the role of the government includes:

1. The government in this case BPN issues a policy that seeks to ensure a balance between individual interests, social interests, and public interests in land. Among others, through land redistribution, control of abandoned land, legalization of land assets for the poor, and appropriate compensation in the process of land acquisition for the public interest.
2. Land control by providing protection of citizens' rights to land, through agrarian reform programs, by implementing asset reform and access reform, especially for the poor and farmers. BPN through the Land Office in the regions protects agricultural lands whose policy is in collaboration with the Regional Government, submits to the Spatial and Regional Planning (RTRW) in each region.
3. Community empowerment, through the establishment of Pokmasdartibnah (Land Orderly Awareness Community Groups), to form public awareness about the importance of protecting land in social functions.

It is very important to further disseminate the understanding of the principle of social function of land rights so that it is not only interpreted as the legal basis for the use of land for public purposes, but also is interpreted as the protection of land use for individual interests and social interests of land. It is better if the understanding of land as a social asset and capital asset is an important factor that must be known by citizens. It is better if the principle of the social function of land rights becomes knowledge for citizens so that their rights as citizens are guaranteed, therefore it is important to have socialization and education in the community which aims to form legal awareness to implement the social function of land rights for citizens.

The social function of land rights must also pay attention to aspects of human rights (hereinafter abbreviated as HAM) as the existence and protection of human life, this is in line with human conceptualization of themselves. Therefore, it means that the optimization of the reformulation of strategic thinking on the protection of basic human rights that are owned by humans continues to develop. The social function of land rights must also pay attention to aspects of human rights (herein after abbreviated as HAM) as the existence and

protection of human life, this is in line with human conceptualization of themselves. Therefore, it means that the optimization of the reformulation of strategic thinking on the protection of basic human rights that are owned by humans continues to develop

On December 10, 1948, a Universal Declaration of Human Rights (UDHR) was born, which was later known in Indonesia as the Universal Declaration of Human Rights. This declaration contains the principles of freedom, equality, ownership of property, rights in marriage, education, work rights and freedom of religion. The issue of compensation is the most important thing in the land acquisition process. Compensation is the provision of compensation for losses suffered by the holder of land rights upon the transfer of these rights. Article 1 of Law Number 2 of 2012 states that compensation is a proper and fair compensation to the party entitled to the land acquisition process. The determination of the amount of compensation per plot of land is carried out by the Head of the Land Procurement Executive based on the results of the appraisal service of an appraiser or public appraiser. Compensation for PSN which is part of land acquisition for the public interest starting from the licensing stage to the stage of providing compensation must involve the community and must be based on applicable regulations and prioritize human rights values.

Land procurement for the public interest needs to be handled as well as possible and carried out by taking into account the role of land in human life and the principle of respect for legal rights to land. Land, in addition to having economic value, also has a social function. As Article 6 of Law Number 5 Year 1960 reads: "all land rights have a social function". This social function sometimes requires that personal interests in land be sacrificed for the public interest. What is meant by public interest is the interest of the state and the government community and is used as much as possible for the prosperity of the people. Land procurement is an activity to provide land by giving proper and fair compensation to those who are entitled. This activity is carried out with the aim of providing land for the implementation of development for the welfare and prosperity of the nation, state and society while ensuring the legal interests of the entitled parties.

## **V. Conclusion**

One of the things outlined in the Nawacita is the creation of adequate human resources and encourages the creation of agrarian reforms related to the ownership of land rights for the community which becomes legal certainty regarding land in Indonesia. The wadas case in the name of PSN where the dam will be built using a land acquisition permit for the public interest is carried out without reflecting the values of human rights. Previously in the land acquisition permit, it was used for the manufacture of shelters, but along the way, adesite rock mining was carried out which previously did not have a permit. The community feels that the existence of this PSN is only for the benefit of the company which will result in environmental pollution and disruption of community life activities. The steps taken by the government so far are repressive measures which will only harm the community because there is no previous preventive legal action. The social function of land must also reflect the values of human rights, it cannot be justified in the interests of the state overriding the interests of the community.

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