THE DEVELOPMENT OF LAND CONSOLIDATED INTEGRATION IN THE LAND ACQUISITION OF ROAD NETWORK AT KEBUMEN DISTRICT, INDONESIA

Background

Development of road network in the southern part of Java Islands was implemented to encourage the optimum use of natural resources potentials.

The local government need the lands via land acquisition for public development (Presidential decree 65/2006)

The land compensation is not really so liable to fulfill the social welfare needs for the society.

The local government budget does not well supporting enough for the land compensation.

The solution is to integrate the land consolidation to the spatial planning for the successful managing of the land ownership distribution to the society.
Research Question

- Is the land consolidation can be integrated to the land acquisition for development of Southern Road Network in Kebumen regency?
- Is the integration of land consolidation with the land acquisition of development of Southern Road Network can be give some benefits to the local government and the land owners.

The Objectives

Aims:
To develop the mechanism of land data acquisition to integrate with the land consolidation in order to give a win-win solution for the local government and the land owners.

Benefits:
Academically, this research will develop the land administration matters in scientific point a view.

Practically, this research will give some solution to do some implementation for land acquisition to local government and also the value added of land after consolidated in that location.
Location of Kebumen Regency, Central Java, Indonesia

LC located at Petanahan Sub-District, Kebumen.
INTEGRATION OF LAND CONSOLIDATION TO LAND ACQUISITION

Institutional Aspect for Land Acquisition

- Local Government
- National Land Agency
- Land Acquisition Commission
- Society?
The problem in land acquisition for development is depended on “THE COMPENSATION”.

- Kompensasi tanah pertanian harus 6 – 10 kali lipat dari nilai output rata-rata tahunan tanah yang diperoleh selama tiga tahun sebelum pengadaan tanah.
- Sedangkan subsidi pemukiman kembali tidak melebihi 6 - 10 kali lipat dari hasil tahunan dari tanah yang diduduki (Ding, 2004).

Land Consolidation is not the complete activity because the implementation base of land consolidation in Indonesia should be self-resilience of the society.
The step of Land Consolidation Integration

1. **Preparation;** Land Acquisition plan and Land Consolidation will include determination of location, land compensation, LC permit and block plan.

2. **Implementation of LC;** Spatial planning design, ownership title and certification of Land.

3. **Physical Land development;** Physical land development, include for public facilities and utilities, etc.
Computation of STUP

STUP = (L – Ls) / L \hspace{1cm} (1)

Where:
L = Land area ownership before Land consolidation
Ls = Land area ownership after Land Consolidation

Computation of Land Value

p = Ls / L \hspace{1cm} (2)

Where:
p = Comparison of Land Area after LC and before LC
L = Land Area before LC
Ls = Land Area After LC

Nb \geq ( Na + Nm ) / p \hspace{1cm} (3)

Dimana:
Nb = Average Land Value per m2 after Integration of LC
Na = Average Land Value per m2 before Integration of LC
Nm = Average Value per m2 of Land development
## Principle of Land Consolidation & Land Acquisition

<table>
<thead>
<tr>
<th>ASPECTS</th>
<th>LAND ACQUISITION</th>
<th>L. CONSOLIDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEOMETRY</td>
<td>IRREGULAR FORM</td>
<td>REGULAR FORM</td>
</tr>
<tr>
<td>JURIDICATION</td>
<td>COMPENSATION – LAND CLEARING</td>
<td>LANDPLANNING – NO LAND CLEARING</td>
</tr>
<tr>
<td>INSTITUTION</td>
<td>NOT FOR SOCIETY?</td>
<td>FOR SOCIETY</td>
</tr>
<tr>
<td>FINANCING</td>
<td>LOCAL GOV’T BUDGET</td>
<td>STUP - TPBP</td>
</tr>
<tr>
<td>SOCIAL AND ECONOMIC</td>
<td>WELFARE ?</td>
<td>IMPROVEMENT OF LAND VALUE</td>
</tr>
</tbody>
</table>

### Land Acquisition

- **Geometry:** Irregular form
- **Jurisdiction:** Compensation – Land Clearing
- **Institution:** Not for society?
- **Financing:** Local Gov’t budget
- **Social and Economic:** Welfare?

### Land Consolidation

- **Geometry:** Regular form
- **Jurisdiction:** Land planning – no land clearing
- **Institution:** For society
- **Financing:** Stup - TPBP
- **Social and Economic:** Improvement of land value
LC Design for Agriculture uses with Zonation

- Shape of lands on Agriculture LC not simmetrical obligatory but should be follow the commodities or the type of agriculture plantations.
- The area of lands become less than before, where a part of lands used for road access development and not sufficient enough to the minimum area needed for agricultural land ownerships.
- Road Access will give the easily agricultural product transportation, but also give an access also for agriculture product collectors come in to the agriculture location.
LC Design for Agriculture with zonation & Commercial

- Land’s shape in agriculture LC must not be symmetric but should follow the type of agriculture commodities.
- Land area become less where a part of the land for development of road access and not sufficient for the minimum ownership of agriculture land.
- Road access and commercial location can be easily for marketing and promotion the agriculture products and also avoiding the speculators.

LC Design of Settlement with the commercial location

- The use of dry land agriculture can be converted to non-agriculture.
- Land shape for the Settlement LC should be symmetric as the condition of housing development.
- For housing is limited minimum 5 m frontage in order number of houses can have access to commercial location (where 90 m of southern Road network sides for only 36 number of owners), so then the commercial location in form of shop houses.
## Financial Project

<table>
<thead>
<tr>
<th>No.</th>
<th>Comparison</th>
<th>Land Acquisition</th>
<th>Land Consolidation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Determination base</td>
<td>Compensation of Land Acquisition for Shoutern road network.</td>
<td>Project Budget of Land Consolidation of National Land Agency (NLA)</td>
</tr>
<tr>
<td>2</td>
<td>Financing (Rp)</td>
<td>80 billion for 119 Ha</td>
<td>400 million for 500 lots</td>
</tr>
<tr>
<td>3</td>
<td>Land value per m²</td>
<td>Rp 67,000,00</td>
<td>Rp 800,000,00</td>
</tr>
<tr>
<td>4</td>
<td>Land area in this research (m²)</td>
<td>3217</td>
<td>45 lots = 21,381 m² (approx. 2 Ha)</td>
</tr>
<tr>
<td>5</td>
<td>Project value</td>
<td>Rp 215,539,000,00</td>
<td>Rp 36,000,000,00</td>
</tr>
</tbody>
</table>

NLA ? Less counting

7,09 times of NLA Budget

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### The minimum selling value on Agriculture Land Consolidation with zonation

<table>
<thead>
<tr>
<th>Zone</th>
<th>Selling value Before LC (Rp./m²)</th>
<th>Selling value After LC (Rp./m²)</th>
<th>Gain of Landselling value (Rp./m²)</th>
<th>%</th>
<th>times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone 1</td>
<td>30,000,00</td>
<td>89,448,22</td>
<td>59,448,22</td>
<td>198,16</td>
<td>2,98</td>
</tr>
<tr>
<td>Zone 2</td>
<td>30,000,00</td>
<td>73,171,79</td>
<td>43,171,79</td>
<td>143,91</td>
<td>2,44</td>
</tr>
<tr>
<td>Zone 3</td>
<td>35,000,00</td>
<td>75,483,87</td>
<td>40,483,87</td>
<td>115,67</td>
<td>2,16</td>
</tr>
<tr>
<td>Average</td>
<td>31,666,67</td>
<td>79,367,96</td>
<td>47,701,29</td>
<td>152,58</td>
<td>2,53</td>
</tr>
</tbody>
</table>
Minimum Selling Value of Agriculture LC with Zonation and Commercial location

<table>
<thead>
<tr>
<th>Zone</th>
<th>Selling Value Before LC (Rp./m²)</th>
<th>Selling Value After LC (Rp./m²)</th>
<th>Gain of Landselling value (Rp./m²)</th>
<th>%</th>
<th>times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone 1</td>
<td>30.000,00</td>
<td>144.199,84</td>
<td>114.199,84</td>
<td>380,67</td>
<td>4,81</td>
</tr>
<tr>
<td>Zone 2</td>
<td>30.000,00</td>
<td>117.662,04</td>
<td>87.662,04</td>
<td>292,21</td>
<td>3,92</td>
</tr>
<tr>
<td>Zone 3</td>
<td>35.000,00</td>
<td>123.862,38</td>
<td>88.862,38</td>
<td>253,89</td>
<td>3,54</td>
</tr>
<tr>
<td>Average</td>
<td>31.666,67</td>
<td>128.574,75</td>
<td>96.908,08</td>
<td>308,92</td>
<td>4,09</td>
</tr>
</tbody>
</table>

The Gain of Land Selling Value is 615,28 % or 7,15 times of Land Selling Value before Land Consolidation.
CONCLUSION

1. LC Budget given by NLA is not enough or too small for implementing the integration of LC and Land Acquisition of Southern Road Network where the real cost of LC is 7 times compared to NLA budget.
2. The allocation of land compensation is not enough to cover LC cost, where the accumulation budget (LG n NLA) still have deficit 3 million Rupiah or 1.2% deficit. This will invite some involvements of the 3rd party for financing the LC project.
3. Development of Agriculture LC integration with zonation will improve average selling value of land 152.58% or 2.53 times bigger than the selling value of land, before LC.
4. Additional commercial location will improve the average of land selling value become 308.92% or 4.09 times bigger than the land selling value before LC and also will improve the bargaining position of agricultural products to avoid the speculant coming.
5. The limitation of minimum land ownership of agriculture land still become a contrains for the agriculture Land Consolidation.
6. Development of integration for Human Settlement LC with commercial location (shop house) will give a benefit to the land owner to strengthening the local economy and also improving the selling value 615.28% or 7.15 times of selling value before LC.
SUGGESTION

1. The development of Land Consolidation Integration need to be ruled in Government regulation as the base of law enforcement for LC implementation. So, there is a synergy for implementing the land acquisition for development, will always be integrated to the Land Consolidation activities.
2. National Land Agency need to rationalise the budget for LC according to the local condition of the region.
3. The financing of LC integration within the land acquisition of Southern Road Network Project, it will be important to invite the involvement of the 3rd party as the financial corporation likes: ADB or World Bank.

THANK YOU
JJLS

- JJLS merupakan jalan penghubung wilayah bagian selatan Pulau Jawa mulai dari Jawa Barat, Jawa Tengah, Yogyakarta sampai ke Jawa Timur
- Melewati Kabupaten Kebumen di 30 desa yang tersebar di 8 kecamatan, dengan panjang jalan direncanakan mencapai 55,8 Kilometer (Km).
- Tujuan:
  * merangsang pendayagunaan potensi sumber daya alam di wilayah tengah Pulau Jawa;
  * mengatasi kesenjangan antara wilayah selatan dan utara;
  * mengejar kemajuan pengembangan akses transportasi wilayah selatan.

Aspek Sosial Ekonomi Pengadaan Tanah

- Pembangunan Kepentingan Umum
- UUD 45 UUPA
- Pengadaan Tanah
- Sebesar-besar kemakmuran rakyat?
- Ganti Rugi tidak layak
KONSOLIDASI TANAH

- Dasar Hukum:
  - UUD 45
  - UUPA
  - Peraturan KBPN 4/1991
  - Surat KBPN 410-4245/1991

- Kegiatan penataan kembali penguasaan dan penggunaan tanah disertai perbaikan infrastruktur dan fasilitas sosial dengan melibatkan partisipasi aktif dari masyarakat.
  - Pendanaan STUP - TPBP
  - Tanah Teratur
  - Perbaikan Infrastruktur
  - Pemilik asal tidak tergusur

PENGADAAN TANAH UNTUK PEMBANGUNAN

- Dasar Hukum:
  - UUD 45
  - UUPA
  - UU 20/1961
  - Perpres 65/2006
  - Peraturan KBPN 3/2007

- Kegiatan untuk mendapatkan tanah bagi pembangunan melalui mekanisme tertentu (Ganti Rugi).
  - Keterbatasan APBN/APBD
  - Ganti Rugi tidak layak (Kalo, 2004)
  - Sisa tanah tidak teratur (Setiawan, 2008)
  - Pemilik tanah tergusur
Aspek Yuridis Konsolidasi Tanah

- Per. KBPN 4/1991:
  - Penataan Tanah
  - Perbaikan Infrastruktur
  - Partisipasi Masyarakat
  - Tidak ada penggusuran

Analisis Aspek Kelembagaan

- Pembagian tugas dan wewenang.
- Optimalisasi peran serta masyarakat dan penguatan kelembagaan masyarakat pemilik tanah.
- Optimalisasi BPN: Bidang sengketa – mediasi sengketa
  - PPM – pendekatan kepada masyarakat serta penyuluhan-penyuluhan yang terkait kauntungan yang didapat dengan KT.
Aspek Yuridis Pengadaan Tanah

- Bentuk ganti rugi (Perpres 65/2006):
  - Uang
  - Tanah Pengganti
  - Pemukiman Kembali
  - Cara Lain?

Tahapan Integrasi KT
Aspek Sosial Ekonomi KT

Prinsip KT

- Prinsip musyawarah mufakat, hal ini sesuai dengan prinsip demokratis karena subyek dari KT adalah pemilik tanah.
- Prinsip kesesuaian dengan RTRW, KT harus sesuai dengan rencana pemukiman, pembangunan dan pertumbuhan daerah perkotaan.
- Prinsip administrasi tanah, konsolidasi tanah harus dilakukan dengan tertib administrasi, meliputi: pendataan fisik tanah, administrasi, aspek hukum sampai kepada dikeluarkannya sertifikat, yang merupakan satu kesatuan dalam manajemen pertanahan.
- Prinsip manfaat, melalui KT yang menikmati tidak hanya pemerintah akan tetapi juga para peserta (pemilik tanah)
- Prinsip partisipasi komunitas, melalui konsolidasi tanah dilakukan pelibatan peran serta masyarakat.
Analisis Aspek Yuridis

- Integrasi KT pada lokasi penelitian dalam rangka mengimplementasikan keinginan masyarakat dan tujuan BPN.

Aspek Kelembagaan Konsolidasi Tanah

- Pemerintah Daerah
- BPN
- Masyarakat
- Tim Koordinasi KT
- Satgas Pelaksanaan KT