

**ANALISIS YURIDIS KEPASTIAN HUKUM GANTI RUGI DALAM
PENGADAAN TANAH BAGI KEPENTINGAN UMUM TERHADAP
PUTUSAN No.78/PDT.G.KEBERATAN-UGR/2017/PN KLA**

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ABSTRAK

Perumusan peraturan PerUndang-Undangan dalam hal Pengadaan Tanah Bagi Kepentingan Umum, sudah seharusnya menjadi perhatian kita semua, terutama Pemerintah selaku pramakarsa daripada pembangunan infrastruktur yang telah terjadi di beberapa pelosok Negeri Indonesia ini. Pemerintah pun diharapkan harus mampu hadir dengan adil ditengah-tengah kepentingan umum dalam hal melakukan pengadaan tanah Bagi Kepentingan Umum, sesuai dengan bunyi Undang-Undang Dasar 1945 Pasal 33 ayat 3 yang berbunyi Bumi dan air dan kekayaan alam yang terkandung di dalamnya dikuasai negara dan dipergunakan untuk sebesar-besarnya kemakmuran rakyat. maka dari itu dalam hal pengadaan tanah Bagi Kepentingan Umum pemerintah harus tunduk kepada Undang-Undang yang mengatur terkait Pengadaan Tanah yaitu Undang-Undang No. 2 Tahun 2012 tentang Pengadaan Tanah Bagi Kepentingan Umum, UU inilah yang menjadi Fundamental atau dasar dalam hal Pengadaan Tanah Bagi kepentingan Umum. lalu perlu diingat Pula dalam Hal pengadaan Tanah Bagi Kepentingan Umum diharuskan pemerintah memberikan jaminan kemakmuran bagi warga negaranya yang terkena Pengadaan Tanah Bagi Kepentingan Umum, sesuai dengan Yang diatur dalam UUPA tahun 1960 bahwa untuk kepentingan umum, termasuk kepentingan bangsa dan negara serta kepentingan bersama dari rakyat, hak-hak atas tanah dapat dicabut, dan dijamin dengan pemberian ganti kerugian yang layak dan menurut cara yang ada serta diatur dalam Undang-Undang. Jika ditilik dalam hal ganti kerugian pastinya banyak hal yang patut diperhitungkan terutama dalam hal pengajuan keberatan atas ganti rugi yang diberikan pemerintah. Seperti contoh pada putusan Hakim No.78/PDT.G.KEBERATAN-UGR/2017/PN KLA yang sekaligus menjadi rujukan Peneliti untuk melakukan penelitian ini, dalam hal tersebut ganti kerugian seperti apa yang dijaminakan Pemerintah menurut UU serta dalam hal keberatan terkait ganti kerugian, upaya apa yang patut ditempuh Warga Negara untuk mempertahankan Haknya.

Kata Kunci : Pengadaan Tanah Bagi Kepentingan Umum, Ganti Rugi, Pengajuan Keberatan

ABSTRACT

The formulation of laws and regulations in the matter of Land Acquisition for Public Interest, should be the concern of all of us, especially the Government as the infrastructure development initiative that has taken place in several parts of Indonesia. The government is also expected to be able to attend fairly in the midst of the public interest in terms of carrying out land acquisition for the Public Interest, in accordance with the provisions of the 1945 Constitution article 33 paragraph 3 which reads that Earth and air and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. Therefore, in the case of land acquisition for public interest, the government must comply with the Law related to Land Acquisition, namely Law No. 2 of 2012 concerning Land Acquisition for Public Interest, this Law is the basis or basis in terms of Land Acquisition for Public Interest. Then it is necessary to remember that in terms of land acquisition for public interest, the government is required to guarantee the prosperity of its citizens who are affected by land acquisition for public interests, in accordance with what is regulated in the 1960 UUPA that for the public interest, including the interests of the nation and state as well as the common interests of the people. , land rights can be revoked, and guaranteed by providing appropriate compensation and according to existing methods and regulated in law. When viewed in terms of compensation, there are, of course, many things that should be taken into account, especially in terms of submitting an agreement for compensation provided by the government. For example in the decision of Judge No.78 / PDT.G.KEBERATAN-UGR / 2017 / PN KLA which is also the Researcher's reference for conducting this research, in this case what kind of compensation is guaranteed by the Government according to law and in matters related to compensation loss, what efforts should be achieved by citizens to defend their rights.

Keywords: Land Acquisition for Public Interest, Compensation, Objection Submission