

Regulatory reform of land acquisition for public interest after the omnibus law on job creation

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ABSTRACT

Land acquisition for public interest constitutes a fundamental aspect of national development; however, it frequently generates conflicts owing to the tension between development objectives and the protection of community rights. Prior to the enactment of Law Number 11 of 2020 on Job Creation, the legal framework governing land acquisition was regulated by Law Number 2 of 2012, which, despite providing a comprehensive statutory basis, continued to face obstacles, including lengthy procedures, high costs, and dissatisfaction with the compensation determination process. The enactment of the Job Creation Law introduced significant changes through the simplification of procedures, expansion of the definition of public interest, strengthening of institutional mechanisms, digitization of processes, and introduction of the land bank concept. This new regulation aims to accelerate infrastructure development while safeguarding community rights through more flexible compensation mechanisms and effective dispute resolution processes. However, these reforms raise concerns about a potential reduction in protection for vulnerable groups due to procedural acceleration. This study employs a normative and conceptual approach, drawing on statutory analysis and legal doctrine to assess the implications of the new regulatory framework. The findings indicate that although the Job Creation Law enhances the efficiency of land acquisition, the success of its implementation ultimately depends on the quality of on-the-ground execution, strict oversight, and the active participation of affected communities in the decision-making process.

Keywords: rights protection, land acquisition, public interest.

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1. INTRODUCTION

National development is highly dependent on land containing natural resources that support the structure of human life, thereby giving it substantial economic value. Within the context of sustainable economic development, infrastructure development programs are inseparable components that require land acquisition for public interest (Chomzah, 2002). Philosophically, land carries a social function that cannot be separated from the broader interests of society, as mandated in Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter “the 1945 Constitution”), which requires its utilization for the maximum prosperity of the Indonesian people.

The historical trajectory of land acquisition regulation in Indonesia has undergone various phases of evolution, reflecting the dynamics between development needs and the protection of community rights. From the colonial era to the post-independence period, land acquisition issues have remained complex and sensitive. Even after the enactment of Law Number 5 of 1960 concerning the Basic Agrarian Law (BAL”), land acquisition continued to pose significant challenges to the implementation of national development. The complexity of land acquisition in Indonesia arises not only from technical and administrative aspects but also from the socio-cultural dimensions of the highly diverse Indonesian society. For many Indonesian communities, land holds not only economic value but also deep historical, religious, and emotional significance (Limbong, 2011). These conditions often trigger conflicts when development interests clash with landholders’ individual or communal land rights.

In the context of modern economic development, the demand for land for public-interest purposes continues to increase alongside economic growth and population expansion. Infrastructure development, such as toll roads, airports, seaports, industrial zones, and other public facilities, requires adequate land availability within relatively short time frames. However, the land acquisition process in Indonesia frequently encounters legal, social, and economic challenges. Prior to the enactment of Law Number 11 of 2020 on Job Creation (hereinafter “the Job Creation Law”), land acquisition for public interest was governed under Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest (hereinafter “the Land Acquisition Law”). The Land Acquisition Law emerged as a legislative response to the shortcomings of previous regulations, particularly Presidential Decree Number 55 of 1993 concerning Land Acquisition for Development in the Public Interest, which was deemed insufficient to provide adequate protection for community rights (Cahyani & Rahman, 2021).

Although the Land Acquisition Law provided a stronger and more comprehensive statutory basis for land acquisition, its implementation faced numerous challenges. Lengthy time frames, cumbersome procedures, and persistent deadlocks in compensation negotiations frequently serve as significant obstacles to infrastructure development. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (hereinafter, “the Ministry of ATR/BPN”) released data showing that completing a single land acquisition project generally takes 3–5 years and, in many cases, even longer. Another significant challenge in implementing the Land Acquisition Law lies in the mechanism for determining compensation, which often fails to satisfy all parties involved. Divergent perceptions of land value among the government, independent appraisers, and landowners often lead to protracted disputes. In addition, the government’s limited fiscal capacity to allocate compensation funds further hinders the acceleration of the land acquisition process.

From a global perspective, Indonesia’s economic growth necessitates accelerated infrastructure development to strengthen its economic competitiveness at the regional and international levels. Various strategic government programs, such as infrastructure projects under the Master Plan for the Acceleration and Expansion of Indonesia’s Economic Development (MP3EI), the maritime highway program, and other national strategic projects, require regulatory support to expedite land acquisition without compromising human rights principles (Harsono, 2013). Within this context, the Job Creation Law was enacted to provide a more facilitative regulatory environment for investment by simplifying bureaucratic processes. The Omnibus Law framework characterizing the Job Creation Law seeks to harmonize overlapping sectoral regulations that have long been viewed as obstacles to economic growth.

In the domain of land acquisition, the Job Creation Law introduces significant reforms to the mechanisms, procedures, and institutional arrangements governing land acquisition for public interest purposes. The underlying philosophy of these reforms is the pursuit of a balanced relationship between national economic development objectives and the protection of the land rights of the peasantry. This approach reflects a new paradigm in land resource governance—one that is not merely oriented toward administrative and procedural aspects but also toward achieving greater effectiveness and efficiency consistent with sustainable development goals. The changes introduced by the Job Creation Law are not solely technical or procedural; they also encompass the substantive aspects of land acquisition regulations. This is reflected in innovations such as the land bank concept, simplified location designation procedures, accelerated compensation processes, and strengthened roles of land acquisition institutions. These reforms are expected to expedite infrastructure development while ensuring the continued protection of land rights holders (Arba, 2021).

However, these fundamental reforms have sparked extensive debate among scholars, legal practitioners, and the public. While some argue that the reforms support urgently needed economic acceleration, others express concern that procedural simplification may diminish protections for community rights, particularly among vulnerable groups. The regulatory transformation of land acquisition under the Job Creation Law encompasses a range of fundamental aspects, including redefining public interest, procedural simplification, and institutional strengthening. These changes have wide-ranging implications, both beneficial and challenging, that must be anticipated during implementation.

Thus, this study aims to comprehensively examine the regulatory framework governing land acquisition for public interest prior to the enactment of the Job Creation Law, the fundamental changes introduced thereafter, and the impacts and implications of these regulatory reforms on development processes and the protection of community rights.

2. METHOD

This study employs a normative legal research method to analyze regulatory reforms aimed at prohibiting absentee ownership of agricultural land in Indonesia (Muhamin, 2020). Furthermore, this study adopts both statutory and conceptual approaches (Muwahid, 2017).

The statute approach is used to examine and analyze relevant legal instruments, including the Basic Agrarian Law (BAL), Job Creation Law, Land Acquisition Law for Public Interest, and other related legislation and regulations. A conceptual approach is employed to explore legal issues by referring to existing legal doctrines and scholarly views, particularly those related to land law, with specific emphasis on land acquisition for public purposes.

3. RESULT AND DISCUSSION

3.1. Land Acquisition for Public Interest Prior to the Enactment of the Job Creation Law

Before the enactment of the Job Creation Law, the regulation governing land acquisition for public interest was contained in the Land Acquisition Law for Public Interest (LALPI). This statute emerged in response to various land acquisition issues that frequently generated social conflict and legal uncertainty (Harsono, 1994). The Land Acquisition Law for Public Interest represents the culmination of extensive deliberation and lessons learned from numerous controversial land acquisition cases, such as the Kedung Ombo Reservoir case. These land acquisitions for the Soekarno–Hatta International Airport and other disputes resulted in prolonged conflicts.

The Land Acquisition Law for Public Interest stipulates that land acquisition shall be conducted in accordance with the principles of public interest, legal certainty, humanity, justice, benefit, and agreement. The principle of public interest constitutes the primary foundation, emphasizing that land acquisition must genuinely serve broader community needs rather than individual interests. The principle of legal certainty ensures that land acquisition is conducted in accordance with applicable laws and

regulations. The principle of humanity mandates the protection of human rights throughout the land acquisition process, including the right to housing and an adequate standard of living.

The principle of justice underscores the requirement that land acquisition must treat all parties fairly, both the government as the land-requiring entity and the community as land-rights holders. The principle of benefit prescribes that land acquisition should maximize benefits for society, the nation, and the state. Meanwhile, the principle of agreement highlights that the acquisition process must be carried out through deliberation and consensus with the landowners.

In addition, Article 13 of the Land Acquisition Law for Public Interest sets forth four primary stages in the land acquisition procedure: planning, preparation, implementation, and handover of results.

Each stage contains specific mechanisms and stringent requirements to ensure compliance with the principles. The planning stage begins with the formulation of development plans requiring land, including feasibility studies and environmental impact assessments. It also involves public consultation to ensure that affected communities understand the development plan and can provide input.

The preparation stage includes determining the project location, public dissemination, and identification of landowners and affected assets. This stage also encompasses the inventory and identification of assets, including land, buildings, crops, and other objects related to the land. The implementation stage involves compensation assessment, deliberation on compensation determination, compensation payment, and relinquishment of land rights. The final stage, the handover of results, is the transfer of the released land to the requesting agency for development execution.

The deliberation process for determining compensation constitutes a pivotal aspect of the LALPI. This deliberation aims to reach an agreement on the form and amount of compensation provided to landowners. If no agreement is reached within the prescribed period, the determination of compensation is delegated to an independent appraiser (Sanjaya & Tresna, 2025). This mechanism is intended to ensure that landowners' rights remain adequately protected and that compensation determinations are conducted objectively and transparently.

From an institutional perspective, the Land Acquisition Law for Public Interest establishes a complex institutional structure for the implementation of land acquisition. The National Land Agency (BPN) and regional land offices are designated as the primary authorities responsible for conducting land acquisitions (Setiawan & Permata, 2025). In addition, a Land Acquisition Institution is established to carry out land acquisition from the planning stage through handover. Determining project locations for public interest requires a mechanism that involves multiple stakeholders, including the requesting agency, regional governments, and the landowners. A comprehensive feasibility study, including social, economic, and environmental impact assessments must precede this process. Public participation is ensured through mandatory public consultations prior to the issuance of location determinations.

The institutional framework also governs the role of independent appraisers, who are responsible for assessing compensation when deliberation fails to reach an agreement. These appraisers must possess certified expertise and guaranteed independence to maintain their objectivity. Furthermore, oversight mechanisms involving several institutions have been established to ensure compliance with the applicable provisions.

Despite offering a more comprehensive legal foundation than previous regulations, the Implementation of the Land Acquisition Law for Public Interest still encountered numerous challenges. One major challenge is the complexity of the procedures, which often require significant time and cost. On average, land acquisition for a single project could take 3–5 years and even longer in complex cases.

Another challenge lies in the mechanism for determining compensation, which frequently becomes a source of conflict between the government and the landowners. Divergent perceptions of land value, particularly between market value and appraiser-set values, often result in disputes that are difficult to resolve. Moreover, limited government budget allocations for compensation further impede land acquisition acceleration.

Institutional challenges also arise from suboptimal coordination among agencies involved in land acquisition, leading to overlapping or unclear authority in specific areas. Human resource capacity within implementing agencies also remains limited, especially in terms of understanding regulations and technical

procedures. Additionally, the dispute resolution mechanisms provided under the Land Acquisition Law for Public Interest have not been fully effective in addressing these issues. Court proceedings are often lengthy and costly, while alternative dispute resolution mechanisms have not been fully developed, resulting in prolonged stagnation in many land-acquisition cases.

3.2. Land Acquisition for Public Interest After the Enforcement of the Job Creation Law

The Job Creation Law introduced a fundamental paradigm shift in land acquisition for public interest. This change is not merely procedural; it also affects the substantive aspects of land acquisition regulation. The new paradigm is grounded in the understanding that land acquisition must accelerate economic development without undermining human rights protection and social justice principles. One of the most essential paradigm shifts is the transition from a rigid, bureaucratic approach to a more flexible and development-responsive approach. This shift is reflected in several innovations introduced by the Job Creation Law, including the concept of a land bank, simplification of the location-determination mechanism, and acceleration of compensation procedures.

This new paradigm also emphasizes the importance of integrating spatial planning with public land acquisition needs. Through the “one map initiative,” the Job Creation Law seeks to improve synchronization between sectoral development plans and land availability. This approach is expected to reduce spatial-use conflicts and accelerate the identification of land required for public purposes in the future. One of the fundamental changes introduced by the Job Creation Law is the expansion of the definition of public interest employment. The Law broadens the scope of public interest to include a broader range of development activities considered strategic to the national economy (Setiawan & Anugerahayu, 2025). This expansion includes activities previously excluded from the public-interest category, such as the development of strategic industrial zones, special economic zones, and various facilities that support the investment climate. The expansion is intended to provide greater flexibility in using land for strategic development programs. However, this expansion is accompanied by strict oversight mechanisms to ensure that the concept of public interest is not misused for commercial or private purposes. In this regard, the Job Creation Law also introduces more precise criteria for activities classified as public interest, including economic impact, social benefits, and contributions to national development. Thus, the use of the public interest concept has become more objective and accountable.

Procedurally, the Job Creation Law introduced several innovations to accelerate and facilitate the land acquisition process. One major innovation is the “one map initiative,” which synchronizes various thematic maps used in development planning (Devita, 2021). This initiative is expected to reduce planning overlaps and accelerate the identification of locations for public purposes. The land bank concept constitutes another innovation under the Law. Through this mechanism, the government may acquire land in anticipation of future development needs. Land obtained through the land bank may subsequently be utilized for various development purposes as needed. This concept is expected to reduce the time required for land acquisition when urgent development needs arise.

The Law also introduces a more flexible and responsive mechanism for determining location. The process may be conducted more rapidly by eliminating several stages previously considered redundant. Nevertheless, this simplification maintains essential elements, such as public consultation and feasibility studies, to ensure accountability and transparency. Another significant change in the Job Creation Law is the strengthening of the role of land acquisition-implementing agencies. The Law grants land agencies broader authority to conduct land acquisitions through more efficient mechanisms (Sutedi, 2020). This includes simplified administrative procedures and accelerated decision-making processes. Institutional strengthening also includes enhanced coordination among the various agencies involved in land acquisition. The Job Creation Law mandates the establishment of more effective coordination mechanisms to avoid overlapping authority and accelerate decision making. In addition, monitoring and evaluation mechanisms have been strengthened to ensure compliance with applicable legal requirements.

In terms of governance, the Job Creation Law emphasizes transparency and accountability in land acquisition. That is reflected in several mechanisms introduced, including an integrated land acquisition information system, more accessible public complaint mechanisms, and continuous monitoring and

evaluation systems. The Law also reforms the mechanism for determining and paying compensation. A more flexible approach to compensation valuation is expected to accelerate negotiations with landowners (Hajati et al., 2021). The reform includes diversifying compensation forms—not only monetary compensation but also land-for-land compensation, replacement buildings, or combinations of the two.

Furthermore, the Law introduces more structured relocation or resettlement options. These programs provide not only replacement housing but also consider socioeconomic aspects of affected communities, such as access to livelihoods, public facilities, and existing social networks. The compensation determination process is also simplified by removing unnecessary stages while maintaining the principles of fairness and transparency. Additionally, the Law allows phased compensation payments based on budgetary capacity and landowners' needs (Arba, 2017).

Another important aspect of the Job Creation Law is the strengthening of dispute-resolution mechanisms in land acquisition. The Law provides more diverse and effective avenues for dispute resolution, including mediation, arbitration, and various forms of alternative dispute resolution. These mechanisms aim to reduce prolonged conflicts and provide faster and more cost-efficient settlement options. Strengthening dispute resolution also includes establishing specialized institutions for land acquisition disputes that possess expertise and deliver prompt, fair decisions. Appeal and cassation mechanisms remain available when parties are dissatisfied with decisions.

The Job Creation Law also underscores the importance of preventive measures in dispute mitigation. This is reflected in various mechanisms designed to prevent disputes, including intensive public outreach, more effective public consultations, and improved communication between the government and the community. Regarding community rights protection, the Law maintains existing protection principles while enhancing the efficiency of implementation. Public participation remains guaranteed through more accessible and effective consultation and outreach mechanisms.

The Law also introduces specific protection mechanisms for vulnerable groups, including indigenous peoples, women, children, and persons with disabilities. These protections include adequate compensation, intensive assistance programs, and improved access to legal aid. Furthermore, the Law emphasizes community empowerment for those affected by land acquisition. This is reflected in various programs, including skills training, business capital assistance, and access to broader development programs. Thus, land acquisition is not solely perceived as a process of taking rights, but also as an opportunity to improve community welfare.

3.3. Comparative Analysis and Implications of Procedural Changes

A comparison of procedural aspects of land acquisition before and after the enactment of the Job Creation Law demonstrates a fundamental transformation, particularly regarding the simplification of stages, institutional strengthening, and acceleration of implementation timelines. The Land Acquisition Law for Public Interest previously regulated four rigid stages—planning, preparation, implementation, and handover of results. In contrast, the Job Creation Law streamlines these into three stages by eliminating administrative sub-stages deemed ineffective, thereby accelerating land acquisition to support national development (Setiawan & Tresna, 2025). Furthermore, significant changes appear in planning and location determination. Under the earlier Land Acquisition Law for Public Interest, location determination required repeated public consultations at multiple levels of government; however, the Job Creation Law integrates digital public consultation and expedites location determination through the One Map Policy system integrated with the OSS RBA framework (Ulfiah, Koto, and Ningsih, 2024). It not only enhances bureaucratic efficiency but also reduces potential conflicts arising from spatial overlap, a recurring problem in land acquisition.

In terms of institutional arrangements, the Job Creation Law strengthens the role of the Land Bank Agency, established as a special institution with strategic authority to manage reserve land for development. Unlike the previous regime under the Land Acquisition Law for Public Interest, where authority was dispersed between the National Land Agency (BPN) and regional governments, the Land Bank is mandated to manage land on a national scale, including acquiring and redistributing land for development and agrarian reform (Setiawan & Anugerahayu 2025). This change has positive implications,

including more effective institutional coordination, though concerns remain about the centralization of authority that may marginalize regional roles. From an administrative procedural standpoint, the Job Creation Law introduces the digitalization of the entire land acquisition process, from planning to compensation payment. This electronic information system can reduce document verification time from several months to just a few weeks. Nevertheless, the main challenge in implementing digitalization lies in the uneven readiness of regional human resources in terms of technological competence and supporting infrastructure.

Changes are also evident in the valuation and payment of compensation. The previous Land Acquisition Law for Public Interest required full cash payment. In contrast, the Job Creation Law allows flexible payment mechanisms, including phased payments, land-for-land compensation, structured relocation, or combinations thereof. This approach is considered positive for addressing budgetary limitations but presents challenges in determining equivalent value and in community acceptance of non-cash compensation (Margita et al., 2024). The Job Creation Law also emphasizes accelerating development while protecting community rights. This is operationalized through more inclusive public consultations, provision of legal aid for affected communities, and the strengthening of independent appraisal institutions to ensure the objectivity of compensation valuation. Nonetheless, in practice, some criticisms remain that accelerated procedures sometimes compromise adequate public outreach, particularly toward vulnerable groups.

With respect to dispute resolution, the Job Creation Law introduces alternative mechanisms such as mediation and arbitration to reduce the burden on the judiciary and accelerate the resolution of land acquisition disputes. These mechanisms are effective in shortening dispute-resolution timelines, though their implementation requires independent, professional mediation institutions across regions to ensure decisions are acceptable to all parties (Santoso, 2016). Furthermore, the procedural changes have implications for governance and accountability. The Job Creation Law emphasizes transparency through an integrated land acquisition information system accessible to the public in real time. That opens space for community participation in oversight; however, it requires guarantees of data security and information integrity to prevent manipulation for particular interests.

4. CONCLUSION

Based on the foregoing discussion, the regulatory framework governing land acquisition prior to the enactment of the Job Creation Law, although providing strong protection for landowners' rights, exhibited weaknesses in procedural efficiency and implementation timelines. Lengthy, complex procedures frequently became obstacles to accelerating infrastructure development. The Job Creation Law introduces a paradigm shift in land acquisition by emphasizing procedural simplification, expanding the definition of public interest, and strengthening institutions. These changes are intended to create a balance between development needs and the protection of community rights.

The implementation of land acquisition regulations following the Job Creation Law has the potential to accelerate economic development positively. However, it likewise requires strict oversight to ensure that community rights are safeguarded. The success of implementation depends heavily on the quality of execution in the field and the commitment of all relevant stakeholders.

In line with the above conclusion, several recommendations are proposed. First, there is a need to formulate detailed, comprehensive implementing regulations to ensure that the application of the Job Creation Law in land acquisition contexts operates effectively while continuing to protect community rights. Second, strengthening the capacity of land acquisition implementing agencies—through training and enhanced human resources—is required to ensure that land acquisition processes are carried out in a professional and accountable manner. Third, a continuous monitoring and evaluation mechanism is essential to assess the implementation of the new regulatory framework and make necessary adjustments. Lastly, strengthening community participation through intensive dissemination and more accessible consultation mechanisms is needed to ensure that community aspirations are accommodated in the land acquisition process.

Ethical Approval

Not applicable.

Informed Consent Statement

Not applicable.

Authors' Contributions

MRS was responsible for conceptualizing the study, conducting the legal analysis, and drafting the manuscript. AAA contributed to data collection, literature review, and manuscript revision.

Disclosure statement

The Authors declare no conflict of interest.

Data Availability Statement

The data presented in this research are available on request from the corresponding author due to privacy reasons.

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Notes on Contributions

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