

Implementation of Law No. 5 of 1960 in the Acquisition of Regionally Owned Land from the Perspective of the Due Process of Law Principle: An Empirical Study in Laju Village, Langgudu District, Bima Regency

Wisdarjon¹, Ihlas², Hj. Adnan³

^{1,2,3}Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Muhammadiyah Bima, Indonesia

Email: wisdarjon02@gmail.com

This study aims to analyze the implementation of Law Number 5 of 1960 concerning the Basic Agrarian Principles in the acquisition of regional government-owned land and to examine its conformity with the principle of *due process of law* in Laju Village, Langgudu District, Bima Regency. The acquisition of government-owned land must be carried out in accordance with the applicable laws and regulations while ensuring the protection of community rights through procedures that are fair, transparent, and accountable. This research employed an empirical legal approach using both statutory and socio-legal approaches. Primary data were obtained through interviews with the Head of Laju Village, the Head of Langgudu District, officials of the National Land Agency (BPN) of Bima Regency, and affected community members. Secondary data were collected through a literature review of laws and regulations, books, scientific journals, and other relevant documents. All data were analyzed using a descriptive qualitative method. The findings indicate that the implementation of land acquisition in Laju Village has not been carried out optimally. Several obstacles were identified, including weak inter-agency coordination, a lack of transparency, limited public participation, and inadequate land administration. From the perspective of *due process of law*, the implementation has not fully fulfilled the principles of legality, legal certainty, transparency, public participation, and the protection of community rights. Therefore, strengthening supervisory mechanisms, improving inter-agency coordination, and implementing more transparent, accountable, and rights-oriented procedures are essential to ensuring legal certainty in every process of regional government-owned land acquisition.

Keywords: Implementation of the Basic Agrarian Law, Expropriation of Regionally Owned Land, Due Process of Law, Legal Protection, Land Rights.

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Corresponding Author:

Wisdarjon

Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Muhammadiyah Bima, Indonesia

wisdarjon02@gmail.com

1. Introduction

Land is an agrarian resource that plays a strategic role in both community life and state administration. In addition to serving as a means of fulfilling basic human needs, land functions as a development asset, state property, and an object possessing significant economic, social, and legal value. Therefore, land administration requires legal certainty capable of protecting the rights of every legal subject while ensuring the realization of public welfare, as mandated by Article 33(3) of the 1945 Constitution of the Republic of Indonesia. This constitutional mandate is further elaborated through Law No. 5 of 1960 concerning the Basic Agrarian Law (Undang-Undang Pokok Agraria/UUPA), which serves as the foundation of Indonesia's national agrarian legal system (Kosasih et al., 2025).

The Basic Agrarian Law (UUPA) grants the State the right of control over land, water, and airspace to regulate their allocation, utilization, availability, and preservation for the greatest prosperity of the people. This right of control does not constitute ownership; rather, it represents a public authority that must be exercised in accordance with the principles of justice, legal certainty, public benefit, and respect for the rights of the community. Consequently, every governmental action relating to land management or land

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acquisition must be implemented in compliance with applicable legal provisions to prevent abuses of authority and agrarian conflicts (Santoso, 2012).

Within the context of regional government administration, land constitutes an important component of regional assets that supports governmental functions and regional development. The management of such assets, including their acquisition or transfer, must be conducted in an orderly, transparent, accountable, and legally compliant manner. When legal requirements, the clarity of land rights, or public participation are neglected, the process may lead to land disputes, legal uncertainty, and prolonged social conflicts. Numerous studies have shown that weak land administration and non-compliance with legal procedures are among the primary factors contributing to disputes over land rights.

These issues are closely associated with the application of the due process of law principle. This principle requires that every governmental action affecting citizens' rights be carried out under lawful authority, follow prescribed legal procedures, uphold transparency, provide affected parties with the opportunity to be heard, and ensure access to fair objection and dispute resolution mechanisms. Within the framework of the rule of law (*rechtsstaat*), due process of law serves as an essential safeguard against arbitrary governmental actions while ensuring the protection of citizens' constitutional rights. Accordingly, the legality of a governmental policy depends not only on the existence of a legal basis but also on whether its implementation complies with established procedures and the principles of good governance (Wulandari & Wiraguna, 2025).

Empirical evidence indicates that the implementation of agrarian regulations in Indonesia continues to face numerous challenges. Disputes concerning land tenure, transfer, and relinquishment of land rights persist due to weak inter-agency coordination, inadequate administrative management, limited transparency, and insufficient public participation in decision-making processes. These conditions suggest that the existence of comprehensive regulations alone has not been sufficient to ensure their effective implementation in practice (Ismaidar et al., 2025).

This phenomenon is also reflected in the acquisition of regionally owned land in Laju Village, Langgudu District, Bima Regency. Based on empirical observations, the implementation of land acquisition in this area continues to encounter various challenges related to institutional coordination, transparency of information, and the protection of community rights. These circumstances raise important questions regarding the extent to which the implementation of the Basic Agrarian Law (UUPA) has complied with applicable legal provisions and whether every stage of the acquisition process reflects the principle of due process of law. Examining these issues is important because the success of public administration should be assessed not only by the achievement of development objectives but also by the realization of legal certainty and the protection of citizens' rights.

Previous studies have primarily examined mechanisms for land acquisition for public purposes, systems of land rights transfer, legal protection for land rights holders, and the resolution of agrarian disputes. For example, research on the transfer of land rights following the enactment of the Basic Agrarian Law has mainly focused on the normative aspects of land transfer procedures. Other studies have investigated legal protection in the relinquishment of land rights for public purposes, emphasizing compensation mechanisms. Meanwhile, research concerning land tenure and land rights transfer has highlighted the importance of land registration as an instrument for ensuring legal certainty. However, studies specifically analyzing the implementation of Law No. 5 of 1960 in the acquisition of regionally owned land from the perspective of due process of law, particularly at the village government level, remain relatively limited. This situation demonstrates the existence of a significant research gap that warrants further investigation.

Based on the foregoing discussion, this study aims to analyze the implementation of Law No. 5 of 1960 in the acquisition of regionally owned land in Laju Village, Langgudu District, Bima Regency, and to assess its conformity with the principle of due process of law. The findings are expected to contribute to the development of agrarian law and administrative law scholarship while also providing recommendations for regional governments to improve land governance based on the principles of legal certainty, justice, transparency, accountability, and the protection of community rights.

2. Research Method

This study employed an empirical legal research method using both a statutory approach and a socio-legal approach. The statutory approach was applied to examine the legal provisions governing the acquisition of regionally owned land, while the socio-legal approach was used to analyze the implementation of these legal norms in practice in Laju Village, Langgudu District, Bima Regency.

The research site was selected purposively because Laju Village has experienced the acquisition of regionally owned land, making it highly relevant to the focus of this study. The research informants consisted of the Head of Laju Village, representatives from relevant government agencies, and members of the local community affected by the land acquisition process. Informants were selected using purposive sampling based on their knowledge of and involvement in the research subject.

The research materials comprised primary legal materials, secondary legal materials, and empirical data. The primary legal materials included the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 1960 concerning the Basic Agrarian Law, Law No. 23 of 2014 on Regional Government, Government Regulation No. 24 of 1997 on Land Registration, and Government Regulation No. 27 of 2014 concerning the Management of State/Regional Property, as amended by Government Regulation No. 28 of 2020. Secondary legal materials were obtained from books, scholarly journals, previous research, and other relevant documents concerning agrarian law and administrative law.

Data were collected through semi-structured interviews, field observations, and document analysis. Semi-structured interviews were conducted to obtain information regarding the implementation of the regional land acquisition process. Field observations were undertaken to identify the actual conditions at the research site, while document analysis was used to complement the information obtained from administrative records, official documents, and relevant legal regulations.

The data were analyzed using a descriptive qualitative approach through the stages of data reduction, data presentation, and drawing conclusions. Subsequently, the empirical findings were compared with the applicable legal provisions and analyzed based on the due process of law principle to assess whether the implementation of Law No. 5 of 1960 in the acquisition of regionally owned land was consistent with the applicable legal framework and procedural requirements.

3. Results and Discussion

Geographic Location of Laju Village

Laju Village is one of the villages located in Langgudu District, Bima Regency, West Nusa Tenggara Province, Indonesia. Geographically, the village is situated in the southern part of Bima Regency and is directly bordered by the sea to the south. The administrative boundaries of Laju Village are Karampi Village to the north, Waduruka Village to the east, and Welamaci Village to the west. This geographical setting gives Laju Village the characteristics of a coastal area with considerable potential in marine resources, agriculture, and tourism, making it strategically important for regional development.

Area and Administrative Boundaries

Laju Village covers an area of approximately 45.5 km², making it one of the relatively large villages in Langgudu District. Its topography is dominated by lowland and hilly coastal landscapes, which support a wide range of community activities, particularly in agriculture, fisheries, livestock farming, and the utilization of natural resources.

Population

According to the latest data from the Laju Village Government and the Bima Regency Statistics Office (BPS), Laju Village has a total population of 4,229 people, consisting of 2,009 males and 2,220 females, distributed among 1,233 households. This demographic composition indicates that the village possesses substantial human resources to support village governance and regional development. The majority of residents depend on agriculture, fisheries, livestock farming, and seaweed cultivation as their primary sources of livelihood, making these sectors the main drivers of the village's economy.

The Process of Acquiring Regionally Owned Land

The acquisition of land in Laju Village, Langgudu District, Bima Regency, was initiated to meet the regional government's need to provide land for the development of the Merah Putih Cooperative. This need emerged in response to increasing demands for infrastructure development, public facilities, and the optimal utilization of regional assets to support public administration and regional development.

In its implementation, the land acquisition process must comply with the provisions of Law No. 5 of 1960 concerning the Basic Agrarian Law (UUPA), Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, and their implementing regulations. Furthermore, every stage of the land acquisition process must adhere to the due process of law principle by ensuring legal certainty, transparency, public participation, respect for land rights, and the provision of fair and adequate compensation to eligible rights holders.

In the context of Laju Village, the land acquisition process is particularly significant because differences of opinion have arisen between community members who previously controlled the land and the village and regional governments. The implementation of the acquisition has generated various social issues and legal uncertainties, particularly concerning compensation determined through deliberative decision-making. One affected resident stated:

"I am very disappointed with the government authorities who promised compensation following the deliberation process. The land that I have controlled for the past 20 years, including the land designated for the Merah Putih Cooperative development, belonged to my ancestors. I also possess documentary evidence in the form of a Letter C land record." (Ridwan, 2026)

These differing perceptions regarding land ownership status, acquisition procedures, and the fulfillment of the rights of affected community members have become significant issues. Therefore, this study seeks to assess whether the acquisition of regionally owned land in Laju Village has been implemented in accordance with applicable laws and regulations as well as the due process of law principle, thereby ensuring adequate legal protection for all stakeholders involved.

Implementation of the Basic Agrarian Law (UUPA)

The acquisition of land in Laju Village, Langgudu District, must be carried out in accordance with Law No. 5 of 1960 concerning the Basic Agrarian Law (UUPA), which serves as the primary legal foundation of Indonesia's agrarian legal system. Pursuant to Article 2 paragraphs (1), (2), and (3) of the UUPA, the State exercises the right of control over land, water, and airspace, granting it the authority to regulate the

allocation, utilization, and management of land for the greatest prosperity of the people. Furthermore, Article 6 of the UUPA stipulates that every land right carries a social function. Consequently, land utilization must maintain a balance between individual interests and the public interest, ensuring that all land-related policies prioritize justice and public welfare.

The legal basis for the acquisition of land rights is explicitly provided in Article 18 of the UUPA, which states that land rights may be revoked for public purposes, provided that fair compensation is granted and the acquisition is carried out in accordance with procedures prescribed by law. Accordingly, every land acquisition process must be conducted transparently, through deliberation, with due respect for the rights of entitled parties, while ensuring legal certainty.

The findings of this study indicate that the land acquisition process in Laju Village has generally complied with the provisions of the UUPA through the identification of land parcels, verification of entitled parties, and the implementation of deliberative consultations. However, several challenges remain. According to Ridwan, a resident of Laju Village:

"The decisions reached during the deliberation have never been implemented—they were merely promises. Situations like this undermine the community's trust in the government authorities."
(Ridwan, 2026)

In addition to the failure to implement the agreed outcomes of the deliberation, differences in perceptions regarding land ownership status also continue to exist. These findings indicate that although the implementation of the UUPA has generally been carried out, greater commitment and consistency are still required to ensure the realization of legal certainty, justice, and the effective protection of community rights. Therefore, the conformity of the land acquisition process in Laju Village can be evaluated based on the implementation of Articles 2, 6, and 18 of the UUPA, which collectively provide the legal foundation for ensuring that land acquisition is conducted for the public interest, follows lawful procedures, and adequately safeguards the rights of affected communities.

Analysis of the Acquisition of Regionally Owned Land from the Perspective of the Due Process of Law Principle

The due process of law principle requires that every governmental action be carried out in accordance with the law, through fair and transparent procedures, while ensuring the protection of citizens' rights. In the context of land acquisition, this principle is reflected in Article 18 of Law No. 5 of 1960, which provides that the revocation of land rights may only be undertaken for public purposes and must be accompanied by fair compensation in accordance with legally prescribed procedures (Julius & Rasji, 2025).

The findings of this study reveal that the acquisition of land in Laju Village has been implemented through the identification of entitled parties and deliberative consultations, thereby fulfilling important procedural requirements prescribed by law. Nevertheless, several shortcomings remain, particularly regarding the limited dissemination of information to affected communities and differing perceptions between the government and local residents. These issues have been further exacerbated by the government's failure to implement the compensation agreements reached during the deliberation process with affected community members.

From the perspective of the due process of law principle, the land acquisition process possesses a clear legal basis. However, its effectiveness ultimately depends on the government's consistency in ensuring transparency, meaningful public participation, and the protection of the rights of affected parties throughout the entire acquisition process. Accordingly, land acquisition should always prioritize legal certainty, justice,

transparency, and accountability to ensure that development objectives can be achieved without compromising the legitimate rights and interests of the community.

Discussion

Land acquisition is a legal action undertaken by the State or the government to obtain land required for public purposes. Within Indonesia's agrarian legal system, such actions cannot be carried out unilaterally but must be based on the principles of the rule of law (*rechtsstaat*), respect for human rights, and legal certainty. Accordingly, every land acquisition process must comply with both the substantive and procedural requirements established under the applicable legal framework (Ginting et al., 2024).

The constitutional foundation for land acquisition is found in Article 33(3) of the 1945 Constitution of the Republic of Indonesia, which stipulates that the land, waters, and natural resources contained therein are controlled by the State and utilized for the greatest prosperity of the people. This constitutional mandate is further elaborated in Law No. 5 of 1960 concerning the Basic Agrarian Law (UUPA). Article 2(1) of the UUPA grants the State the right of control over land, while Article 2(2) authorizes the State to regulate the allocation, use, availability, and maintenance of land. However, this authority does not make the State the owner of all land; rather, it acts as a regulator and administrator responsible for ensuring that land resources are managed for the benefit of public welfare, as emphasized in Article 2(3) of the UUPA (Yusuf, 2023).

The exercise of land rights is further limited by Article 6 of the UUPA, which provides that every land right carries a social function. This means that land ownership does not merely grant holders the authority to use land for their personal interests but also requires consideration of the interests of society and national development. The concept of the social function of land constitutes the legal justification for land acquisition for public purposes, provided that the process is conducted in accordance with applicable legal procedures while ensuring adequate protection of the rights of landholders (Tuharea et al., 2024).

The legal basis for the revocation or acquisition of land rights is explicitly established in Article 18 of the UUPA, which stipulates that land rights may be revoked for public purposes upon the payment of fair compensation in accordance with procedures prescribed by law. This provision is implemented through Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, which regulates the entire land acquisition process, including the planning, preparation, implementation, and transfer of acquired land. The law also guarantees the rights of affected communities to receive adequate information, participate in public consultations, submit objections, and obtain fair compensation (Sahibu et al., 2023).

From a theoretical perspective, land acquisition must satisfy the three fundamental legal values proposed by Gustav Radbruch: legal certainty, justice, and utility. Legal certainty is achieved through strict compliance with statutory procedures. Justice is reflected in the protection of community rights through meaningful deliberation and the provision of fair compensation. Utility is realized when acquired land is utilized for development projects that genuinely serve the public interest (Wahyuni, 2025).

Therefore, the legality of land acquisition should not be assessed solely on the existence of a statutory basis but also on whether the procedures adopted comply with the principles of agrarian law and effectively protect the rights of affected communities. When all procedural stages are implemented in accordance with applicable legislation, land acquisition can be considered legally valid while simultaneously upholding the principles of justice, legal certainty, and public benefit.

4. Conclusion

Based on the findings of this study, the implementation of Law No. 5 of 1960 concerning the Basic Agrarian Law (UUPA) in the acquisition of regionally owned land in Laju Village, Langgudu District, Bima Regency

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has generally been carried out in accordance with the provisions of Articles 2, 6, and 18 of the UUPA, supported by Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest. The implementation process has included the identification of land parcels, verification of entitled parties, and deliberative consultations. However, its implementation has not yet been fully effective due to several persistent challenges, including weak inter-agency coordination, limited transparency, inadequate land administration, and the failure to implement the compensation agreements reached through deliberation with the affected communities.

From the perspective of the due process of law principle, the land acquisition process has not yet fully satisfied the principles of legality, legal certainty, transparency, public participation, and the protection of citizens' rights. The failure to implement the outcomes of the deliberation process, together with differing perceptions regarding land ownership status, demonstrates that legal protection for affected communities remains inadequate. Therefore, regional governments should strengthen institutional coordination, enhance transparency and public participation, fulfill community rights in accordance with the agreements reached during deliberations, and improve land administration. These measures are essential to ensure that future land acquisition processes are conducted in full compliance with applicable laws and the due process of law principle, thereby promoting legal certainty, justice, and public welfare for all stakeholders.

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