

Land Acquisition Of Former Building Use Rights (HGB) For The Construction Of Permanent Housing After The Earthquake In Tondo-2 Area, Hammer

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Abstract

About 50,000 people were displaced by a 7.4 magnitude earthquake, tsunami, and liquefaction 10 km north of Palu City, Central Sulawesi Province, on September 28, 2018. The tragedy damaged many civic, social, and critical infrastructure in Palu City and nearby regions. The national government, Sulawesi provincial administration, and Palu city government are developing a relocation plan for earthquake, tsunami, and liquefaction-affected residents. This strategy will restore and rehabilitate sites like Palu City's Tondo-2 Area. To move affected residents to a safe area quickly after a disaster, land acquisition must be accelerated. This research aims to determine how the earthquake influenced the acquisition of ex-HGB land for Huntap's development in the Tondo-2 Area, Palu, and how such land acquisition was affected by the earthquake. Normative legal research is used. This study used a wide range of relevant books and scholarly papers. The Governor's development block authorized Huntap's construction in Tondo-2, as stated in Governor Decree No. 369/516/DIS-BMPPR G.ST/2018, which determines the location (penlok) of land for permanent residential sites for disaster-affected communities in Central Sulawesi Province. The release or transfer of HGB from PT Sinar Putra Murni and PT Sinar Waluyo gave this 65.3-hectare state land its status. The community claims to own the land, and PT Sinar Putra Murni and PT Sinar Waluyo want compensation, which could lead to a lawsuit. Since the two firms no longer own the land, their legal chances

are slim. If the firm continues to sue over land acquisition, Huntap can still be built under Law Number 2 of 2012 on Land Acquisition for Development for the Public Interest.

I. Introduction

An earthquake is the shaking of the earth due to plate collision, fault activity, volcanic activity, or rockfall.¹ Because of their destructive nature, rapid occurrence, and relatively short duration, earthquakes can swiftly demolish infrastructure such as buildings, roads, bridges, and more. The occurrence of an earthquake can lead to secondary effects in the form of non-tectonic processes on the surface that are directly related to the earthquake. Liquefaction is one of the secondary effects of earthquakes, which is a phenomenon of soil liquefaction due to earthquake loads (cyclic loads).²

The earthquake in Palu, Central Sulawesi Province on September 28, 2018 was one of the most devastating natural disasters in Indonesian history. More than 50,000 people were forced to leave their homes as a result of the 7.4 SR earthquake, tsunami, and liquefaction that occurred in the north of Palu City. The earthquake was felt at a depth of 10 km. The disaster caused damage to key infrastructure, thousands of public and social facilities in Palu City and surrounding regencies.

This earthquake was a complete phenomenon of fault movement, tsunami, landslide and powerful liquefaction events that may be the largest ever to occur in the world. In particular, the liquefaction phenomenon received attention from Indonesians and even the world because the flow of mud during liquefaction has destroyed infrastructure and housing on a massive scale and shocked the general public, especially those who experienced or saw the event firsthand.³

The greatest damage and losses occurred in the settlement sector, followed by the economic sector. Damage to settlements caused people to lose their homes and proof of ownership of their land. These land ownership boundaries are also difficult to recover and even disappeared due to the liquefaction phenomenon.

¹ Yanuarto, T., Pinuji S., Utomo A. C., & Satrio, I. T. (2019). Buku Saku: Tanggap Tangkas Tangguh Bencana. Jakarta: Pusat Data Informasi dan Humas BNPB.

² Amrin, Reza Nur., Anan Haji Imantaka, Enny Tatagelo Narince Yanengga, Gita Cahyani Maulida. (2022). Status Hukum Hak Atas Tanah Yang Terkena Bencana Alam, Jurnal Tunas Agraria, Vol.5 No.1, 69

³ Rahardjo, Paulus P., Prieschila C. Tamsir, Aflizal Arafianto, Nabila Q. Aulia. (2018). Fenomena Likuifaksi Alir Di Desa Lolu, Kecamatan Jono Oge Pada Gempa Palu 28 September 2018, Universitas Katolik Parahyangan Kajian Gempa Palu Provinsi Sulawesi Tengah.

Damage to the residential sector as well as social facilities such as schools, health services and offices has also led to a decline in the productivity of people in the affected areas. Thus, rebuilding is a top priority for the Government and affected communities.

In accordance with Presidential Instruction No. 10/2018 on the Acceleration of Rehabilitation and Reconstruction after the Earthquake and Tsunami Disaster in Central Sulawesi Province and Other Affected Areas, the Ministry of Public Works and Public Housing (PUPR) is tasked with restoring and rebuilding educational, health, economic support, and basic infrastructure facilities. It is also responsible for overseeing the implementation of these projects and providing assistance and supervision to the community in building earthquake-resistant housing through contractual and self-help schemes.

The Central Sulawesi Rehabilitation and Reconstruction Project (CSRRP) is an initiative of the Indonesian government's Ministry of Public Utilities and Disaster Relief (PUPR). Its goal is to carry out the government's recovery program in Central Sulawesi and help with the restoration of public settlements and housing in Palu as well as the reduction of social and economic damages that could occur as a result of future earthquakes and other disasters.

The Palu city government, Central Sulawesi provincial government and central government are working on a relocation plan for communities affected by the earthquake, tsunami and liquefaction. This plan includes rehabilitation and reconstruction measures in the area, one of which is in the Tondo-2 Area, Tondo Village, Mantikulore District, Palu City.

Relocation is one of the alternatives to provide an opportunity for people whose land was partially or completely destroyed to reorganize and continue their lives in a new place. Several things need to be considered by the government as the party that facilitates this collective relocation program.⁴ The housing relocation policy is designed using a participatory inclusive approach involving the Local Government, the community and potential beneficiaries, especially beneficiaries who lost their homes due to liquefaction and tsunami, as well as beneficiaries who cannot rebuild their homes due to the red zone policy in the liquefaction location area.

Land acquisition for the relocation of housing for earthquake, tsunami and liquefaction disaster victims is carried out through procedures and mechanisms of deliberation with the community, the Local Government, the Rehabilitation and Reconstruction Agency, and other relevant agencies. The steps for the rehabilitation and reconstruction of the Tondo-2 area, related to land acquisition, involve several processes. It is the responsibility of the government and/or local governments to guarantee the availability of land for public interest acquisitions,

⁴Sumardjono, M.S.W. (2005). Kebijakan Pertanahan: Antara Regulasi Dan Implementasi. Jakarta: Penerbit Buku Kompas.

as stated in Article 4 Paragraph (1) of Law No. 2 of 2012 regarding Land Acquisition for Development in the Public Interest. The National Land Agency (BPN) executes these land acquisitions at the provincial or city level in Central Sulawesi. In addition, the guidelines for speeding up recovery and rebuilding in disaster-stricken regions are laid out in Presidential Instruction No. 10/2018 on the Acceleration of Post-Disaster Rehabilitation and Reconstruction. This includes enhancing public infrastructure and ensuring that the population has access to safe housing.

In order to support the rehabilitation and reconstruction process, community relocation is a step that must be taken. This step is necessary considering the loss of land and shelter due to the disaster, as well as the damage that continues to occur in the affected residential areas. Based on this, the Central Sulawesi Provincial Government issued Decree Number 369/516/DIS.BMPR-G.ST/2018 on the Determination of Land Location (Penlok) for Permanent Housing for Disaster Affected Communities in Central Sulawesi Province, on December 18, 2018.

The land parcel stipulated in the Penlok for the construction of Huntap in the Tondo-2 area was previously a land with HGB status managed by PT Sinar Waluyo and PT Sinar Putra Murni. The HGB concession expired in August and September 2019. To provide shelters for Disaster Affected Persons (DAPs) in Palu City, the former HGB land was allocated as the construction site for the Tondo-2 shelter.

Given this background, it's crucial to understand the process of acquiring land in the Tondo-2 district of Palu for post-earthquake Huntap building and acquiring land from ex-HGB for the same purpose

2. Research Method

This study falls within the category of normative legal research that employs a dual methodology – a conceptual approach and an empirical one,⁵ In order to answer these questions, researchers look at all applicable rules and regulations. This research relies on data gathered via library research, specifically perusing a range of literature books and scientific publications pertinent to the research issues at hand.

3. Results and Discussion

Land Acquisition for Post-Earthquake Shelter Construction

The purpose of land acquisition is to secure parcels of land for future public use and development. Land rights can be revoked in the public interest,

⁵ Peter Mahmud Marzuki. (2005). *Penelitian Hukum*, Jakarta: Prenada Media. hlm. 66.

including the interests of the nation and state and the common interests of the people, by providing adequate compensation and in accordance with the procedures regulated by law (Article 18 of Law No. 5/1960 on the Basic Regulation of Agrarian Principles, UUPA). The implementation of land acquisition procedures in Law No. 2/2012 on Land Acquisition for Development in the Public Interest is based on this provision. Providing just and sufficient compensation to the rightful parties is an action that is outlined in Article 1 point 2 of the Law.

Article 6 of the UUPA mandates the social function of land rights, which includes the acquisition of land for public purpose. The Land Acquisition Law was established with the goal of protecting people's right to own land so that development can take place in an environmentally responsible manner, in accordance with the guiding principles of the social function of land rights.⁶ Acquiring land for development purposes in the public interest ensures the legal rights of entitled parties while also improving the nation's, state's, and society's well-being and prosperity.

Objections from entitled parties and affected communities regarding the location of the land acquisition are a common source of delay in the preparation stage of land acquisition for public interest development, which is one of four stages that include planning, preparation, implementation, and delivery of results.⁷

In order to facilitate the prompt transfer of impacted individuals, it is imperative that the policies pertaining to the acquisition of land for post-earthquake development and relocation of the WTB, the majority of whom are currently residing in temporary accommodation, be expedited. The present legal framework for the execution of land acquisition during disaster events is outlined in Article 49 Paragraphs 1 and 2 of Law No. 2/2012. Land purchase for the public interest can be immediately implemented following the determination of the development's intended location in cases of extreme urgency caused by natural catastrophes, war, social conflicts, or disease outbreaks, as explained in Article 49 paragraph (1). Paragraph 2 further explains that the entitled party is notified before the public interest development site is determined; paragraph 3 explains that the acquiring agency can continue to operate in the case of a lawsuit or objection to the land acquisition, but the site cannot be changed.

According to Article 1 paragraph 6 of Law Number 2 Year 2012, land acquisition is done in the context of development for the public interest. This means that the government must realize and use the acquired land to the greatest

⁶ Rajagukguk, Erman. (2012). *Serba-serbi Hukum Agraria: Tanah Untuk Kepentingan Umum, Larangan Alih Fungsi Tanah Pertanian, Landreform Tanah Pekarangan*, Jakarta, Vol 1.

⁷ Hamzani, A. I., Idayanti, S., Indriasari, E., & Fuad, Z. M. (2023). *Perlindungan Hukum Bagi Pemilik Hak Atas Tanah Dalam Pelaksanaan Musyawarah Ganti Rugi Pengadaan Tanah*. Salam: Jurnal Sosial dan Budaya Syar-i, 10(3), 683-698

extent possible for the prosperity of the people, as it is the interest of the nation, state, and society. Acquiring land for development purposes is different from acquiring land for the public interest in the event of an emergency resulting from a natural disaster. Natural catastrophes and other pressing matters often prevent certain steps in the public interest property purchase process from being completed. As a result, in the event of a natural disaster, the government must swiftly establish rules and procedures for the acquisition of land and the relocation of impacted populations, as well as identify the best locations for such acquisitions.

Based on Law Number 2 Year 2012 and its derivative regulations, there are 2 (two) types of land acquisition based on urgency situations, namely regular land provision and land provision in urgent situations. In the type of regular land provision (not in an urgent situation), this regulation regulates the provisions of two types of land acquisition based on the area of land held (needed), namely SmallScale Land Procurement, with a land area limit below 5 hectares (not exceeding 5 hectares) and LargeScale Land Procurement, which is land with an area above 5 hectares.

Apart from being different from the aspect of the required land area, the difference between Small Scale Land Acquisition and LargeScale Land Acquisition also exists in the provisions of the scheme, process, or method of procurement. Purchase and sale, exchange, other mutually agreed upon methods, and the stages of land acquisition as outlined in relevant regulations (PP No. 19 of 2021 and Permen ATR/BPN No. 19 of 2021) are the four possible ways to acquire small-scale land. The only way to complete a large-scale land acquisition is to adhere to the established procedures.

As mentioned before, the procedure of acquiring land with a total area of no more than 5 hectares is considered small-scale land acquisition. In Small Scale Land Acquisition, there are provisions that are regulated, namely 1) regarding the method, 2) provisions regarding location determination, 3) planning documents, 4) requirements for conformity with spatial utilization, and 5) land valuation conducted by an independent institution. These provisions are regulated both in PP No.19 of 2021 and in Permen ATR/BPN No. 19 of 2021. There are differences between the two regulations in terms of regulating the 5 (five) aspects mentioned above as presented in Table 1 below.

Table 1. Provisions for Small Scale Land Acquisition According to Regulations

Aspects	PP No.19 of 2021, Article 126 - 127		Permen ATR/BPN No.19 of 2021, Article 146 - 151	
Scheme/Method	Buy-sell, exchange, other agreed methods	Stages of land acquisition (there is no provision for when this scheme is used)	Buy-sell, exchange, other agreed methods	Stages of land acquisition are applied when it is expected that there will be resistance from

				the community, the location of land acquisition is not possible to move
Penlok	There is no provision yet	Determined by the Regent/Mayor	Does not require Penlok (Article 147, paragraph 1)	Determined by the Regent/Mayor (Article 148)
Land acquisition planning document (DPPT)	- Land Acquisition Planning Document in accordance with the provisions of Article 6 & 7 of PP No.19 of 2021 - Work plan of the agency that requires land	In accordance with the stages of Land Acquisition as referred to in Article 3 of Government Regulation No. 19 of 2021	There is no provision yet	Land Acquisition Plan prepared in the form of DPPT and feasibility study at least
Utilization Suitability Requirements	In accordance with the suitability of space utilization activities (Article 126, paragraph 3)	If the location has already been determined, there is no need for requirements on the suitability of spatial utilization activities, technical land considerations, outside the forest area and outside the mining area, outside the peat/coastal area, environmental impact analysis, (Article 127, paragraph 1).	Must be in accordance with the suitability of space utilization activities (Article 146, paragraph 2)	Suitability of Spatial Utilization Activities and location feasibility and outlined in the feasibility study document
Land Valuation	Using the results of the Independent Appraisal Service valuation			

Source: PP No.19 of 2021, Permen ATR/BPN of 2021

As previously stated, Land Acquisition in Natural Disaster Conditions is regulated in Article 49 of Law No.2 of 2012, and in Government Regulation No.19 of 2021 Article 118 paragraphs 1-4. The two regulations regulate provisions regarding: 1) location determination, 2) notification to the entitled party, 3) determination of urgency, 4) implementation of development, and 5) compensation. There are differences in the provisions between the two regulations on 5 (five) aspects presented in Table 2.

Table 2. Principal Provisions for Land Acquisition in Natural Disaster Conditions

Aspects	Law No.2 Year 2012 Article 49, paragraphs 1-3	Government Regulation No.19 of 2021 Article 118, paragraphs 1 - 4
Penlok	Determined after notification to the entitled party	Determined by the Governor/Regent/Mayor in accordance with the authority
Notification to eligible parties	Notification to the rightful party is done prior to location determination	There is no provision yet
Determination of urgency	There is no provision yet	Conducted by the Central Government/Local Government
Development	The construction can be carried out immediately after the determination of the construction location, even if there is an objection or lawsuit in court.	The construction can be carried out immediately after the determination of the construction location, even if there is an objection or lawsuit in court.
Indemnification	There is no provision yet	The granting of compensation to the entitled parties is carried out based on the provisions in this PP.

Source: Law No.2 of 2012, PP No.19 of 2021, Permen ATR/BPN of 2021

Regarding the compensation for public interest land acquisition, the law that grounds the acquisition is Law No. 2 of 2012. As for the operational basis, it is stated in the budgeting document that the Agency is responsible for funding Land Acquisition for the Public Interest, as per the requirements of laws and regulations, as cited in Article 53 paragraphs (2) and (3) of Law No. 2 of 2012. The process by which the government acquires land for public use is governed by presidential regulation. It follows that Presidential Regulation No. 148/2015, which amends Presidential Regulation No. 71/2012, provides the operational basis for the system of land acquisition for development in the public interest.

Land Acquisition for the Construction of Post-Earthquake Shelters in the Tondo-2 Area, Palu

The construction of Huntap Tondo-2 Area, Tondo Village, Mantikulore Subdistrict, Palu City, utilizes former HGB land for housing for earthquake-affected residents who lost their homes. This development is part of the post-

disaster recovery efforts aimed at providing decent and safe housing for the community. The Huntap development is carried out through collaboration between the federal government, state and regional governments, and a number of development-related organizations.

The process of acquiring land for the Tondo-2 area, consists of 5 (five) main activities, namely:

- a. Location Determination through a Governor Decree;
- b. Measurement and Release of HGB from the Owner to the Ministry of ATR/BPN through the Regional Office of ATR/BPN;
- c. Deletion of HGB Data by the Regional Office of ATR/BPN;
- d. Assessment of field conditions; and
- e. Handover of land to the Local Government by the Regional Office of ATR/BPN.

In an effort to relocate disaster-affected residents in Central Sulawesi, the government decided to use abandoned or expired HGB and HGU lands as Huntap locations. One of them is the location of land owned by PT Sinar Waluyo and PT Sinar Putra Murni in the Tondo-2 area, Palu City, appointed by the government as a Huntap location. Determination of Location (Penlok) of Land for Permanent Residence Sites for Disaster Affected Communities in Central Sulawesi Province was addressed by Decree of the Governor of Central Sulawesi No.369/519/DIS-BMPPR G-ST/2018 on December 18, 2018, and the site of the huntap has been designated by the governor. The Governor's Decree was issued in response to Presidential Instruction No. 10/2018, which sought, among other things, that the Ministry of Agrarian Affairs and Spatial Planning Agency/Land expedite the acquisition of land to meet the needs of disaster relief and rehabilitation in Central Sulawesi Province and other impacted areas.

A land inventory and identification of parcels of land marked as abandoned was carried out by the Land Acquisition Implementation Team of the Central Sulawesi Regional Office of the Ministry of ART/BPN with reference to the Penlok. "If it is a whole stretch, then the land rights are removed, the legal relationship is terminated and confirmed to be land directly controlled by the state," is stated in Article 10 paragraph (1) of Government Regulation No. 11/2010 on the Control and Utilization of Abandoned Land, which is based on Article 40 of the UUPA. In Boedi Harsono's view, "state land" refers to areas under the direct jurisdiction of the state"⁸

There are 9 types of state land, one of which is land originating from the release/surrender of rights. Based on this provision, the Tondo-2 Huntap Area land, which was originally HGU / HGB land that had been released by the

⁸ Boedi Harsono (2007). Menuju Penyempurnaan Hukum Tanah Nasional, Perkembangan Pemikiran & Hasilnya sampai menjelang Kelahiran UUPA tanggal 24 September 2007. Jakarta: Penerbit Universitas Trisakti, hlm.53

entitled party to the Ministry of ATR / BPN, changed its status to state land (Ex HGU / HGB) after the data was deleted.

As a follow-up to the issuance of the Penlok, the Minister of ATR / BPN has held a meeting with the right holder on July 11, 2019 at the Shangrila Hotel Jakarta with the results of the meeting decided that the HGB / HGU Holder agrees to release part of its rights for Huntap without compensation and is willing to make a legal termination with a letter of release of rights with the Ministry of ATR / BPN and then the remaining land can be extended or renewed in accordance with the provisions of Spatial Planning.⁹

On September 10, 2019, the President Director of PT Sinar Waluyo and PT Sinar Putra Murni signed a letter of agreement to voluntarily relinquish the rights to 30 hectares of HGB land. The land consists of two parcels, namely 15 hectares with HGB 122/Tondo status which expired on August 25, 2019 and 15 hectares with HGB 10/Tondo status which expired on September 11, 2019. At the time the Penlok Decision was issued on December 28, 2018, both parcels of land still had valid HGB status. The release of land rights is to support the construction of the Tondo-2 Huntap Area which aims to provide housing for people affected by natural disasters in 2018.

To add to that, Letter Number BP.04.01/1801/X/2019 was sent by the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of Central Sulawesi to the Regional Office Head of the Ministry on October 15, 2019. The ATR / BPN Minister wrote to the Central Sulawesi ATR / BPN Regional Office to refuse to renew HGU and HGB licenses and to encourage those with active licenses to voluntarily give them up. his concession is as large as the Huntap needs as stipulated in the Decree of the Governor of Central Sulawesi.¹⁰

Referring to the letter of the Minister of ATR/BPN above, the PUPR Ministry team conducted a physical field review of the condition of the 30 hectares of land that had been released by PT Sinar Waluyo and PT Sinar Putra Murni. The PUPR Ministry team concluded that the condition of the land is not fully feasible to be used as a settlement due to difficult topographical conditions (elevation, steep, etc.), thus requiring high land development costs which are estimated to be five times the cost of building permanent houses. Based on the technical study, the Ministry of PUPR through the Disaster Management Task Force on November 29, 2019 handed over the land to the Regional Office of the Ministry of ATR / National Land in Central Sulawesi.

⁹ Doni Janarto Widiyanto. (2021). Laporan Tahunan 2021: Kantor Wilayah Badan Pertanahan Nasional Provinsi Sulawesi Selatan, <https://pubhtml5.com/hbiun/uxac/basic/> diakses 16 Maret 2022

¹⁰ Moh. Syafari Firdaus, Rehabilitasi dan Rekonstruksi di Sulawesi Tengah: Penyediaan Hunian Tetap dan Permasalahannya, <https://monitoring.skp-ham.org/wp-content/uploads/2021/04/01.-Penyediaan-Hunian-Tetap-dan-Permasalahannya.pdf>

The Regional Office of the Ministry of ATR / BPN submitted an application for the provision of land covering an area of around 82.79 hectares in the Tondo-2 Area, which is planned to accommodate 2,222 Huntap units. This request was submitted by the Regional Office of the Ministry of ATR / BPN Central Sulawesi to PT Sinar Waluyo and PT Sinar Putra Murni through a letter dated December 18, 2019, which included land requirements for the construction of Huntap Tondo-2 Area (with more than 30 hectares of land already submitted). Also, in January 2020, the Regional Office of the Ministry of ATR / BPN Central Sulawesi measured the land. The 65.3-hectare plot of land was certified as being suitable for the potential development of the Tondo-2 Huntap Area on January 17, 2020, according to the results of measurements and determination of site limits provided by the Head of the Regional Office of the Ministry of ATR / BPN Central Sulawesi.

On May 17, 2021, the Minister of ATR / BPN issued letter Number AT.02 / 656 / V / 2021 regarding the construction of disaster relocation Huntap, namely, ordering the Head of the Central Sulawesi BPN Regional Office to hand over the Huntap land covering 193.1 hectares, which includes 65 hectares by PT Sinar Waluyo and PT Sinar Putra Murni located in Tondo Village to the Palu City government. Furthermore, the Minister of ART/BPN asked the Head of the Regional Office of the Ministry of ART/BPN Central Sulawesi to convey the results of land acquisition to the Palu City Government to be used for disaster recovery, with the priority target of building Huntap. The letter details the land allocation for the construction of the Tondo-2 Huntap Area of 65.3 hectares, which comes from former HGB land that was previously under the concession of PT Sinar Waluyo and PT Sinar Putra Murni but has expired.

The Palu City Government faced a major challenge in the process of acquiring land for the construction of the Tondo-2 Huntap Area, namely the settlement of land ownership claims. The first claim was filed by 37 residents who claimed to have a certificate of ownership over the land. The second claim came from the former HGB holders, PT Sinar Waluyo and PT Sinar Putra Murni, in January 2022. This claim relates to the utilization and extension of the HGB, which includes questions about changes or adjustments to the land area needed for the construction of the Huntap as well as clarity on the status of the HGB extension for the remaining land that is not used for Huntap construction.

The community's claim related to the Tondo-2 Huntap Area was accepted by the Mayor of Palu in October 2021 after a meeting with the Ministry of ATR/BPN and the Head of the Task Force. In response, the Mayor of Palu identified the problem and communicated with community leaders, using a land consolidation approach as a solution.¹¹ The Palu City Government resolved

¹¹ Redaksi Tim Pemantau Media. (2022). Lahan Huntap Tondo II Belum Tuntas. diakses dari <https://monitoring.skp-ham.org/lahan-huntap-tondo-ii-belum-tuntas/>

disputes with Tondo-Talise residents through land swaps. Residents whose land is affected by the construction of Huntap can get replacement land in another location. The expected replacement land is ex-HGB land in accordance with the Penlok Decree that has not been submitted by the Regional Office of ATR/BPN Central Sulawesi.¹² In the settlement of community claims in the Tondo-2 area, 47 people who submitted claims will be offered replacement land in another location. These demands are based on 37 Land Tenure Certificates (SKPT) in 1974, 9 SKPT in 1976, and 1 SKPT in 1995.

On February 2, 2022, a virtual coordination meeting was held through Zoom Meeting to discuss the settlement of the issue of relocation land for disaster-affected residents in the Tondo Area, Palu City. This meeting took place in the office of Pj. Regional Secretary (Sekda) of the Central Sulawesi Governor's Office. The Governor of Central Sulawesi was represented by Pj. Secretary, Ir. Moh. Faisal Mang, MM, said that one of the main obstacles is the objection from the legal counsel of PT Sinar Waluyo and PT Sinar Putra Murni. To overcome these obstacles, support from the central government, especially from the Ministry of ATR / BPN, is needed to resolve the HGB status.¹³ During the meeting, the Vice President's Deputy for PMPP, Suprayoga Hadi, explained that the meeting aimed to follow up on the Vice President's directive delivered during his visit to Palu on January 6, 2022. The directive emphasized that the status of land in the Tondo-2 area be resolved completely and declared "clean and clear" before the end of February 2022.

As a follow-up to this, through Minister of ATR / BPN Letter No.HT.02.01 / 438 / III / 2022 on March 31, 2022, the Minister of ATR / BPN sent a letter to the Ministry of PUPR to provide explanation and confirmation regarding the settlement of claims and the status of the Tondo-2 Huntap Area land, with the following details:

- a. The Minister of ATR / BPN will not extend or renew land rights whose validity period has expired, with the aim of allocating the land to meet the needs of Huntap development (according to Letter No. BP.04.01/1801/X/2019, dated October 15, 2019).
- b. Huntap Tondo-2 area in Palu City, Central Sulawesi Province, covering an area of 65.3 hectares, located on the former HGB No. 122 / Tondo Concession owned by PT Sinar Putra Murni and HGB No. 9 / Tondo Concession owned by PT Sinar Waluyo whose concession rights have expired.
- c. PT Sinar Waluyo and PT Sinar Putra Murni, as former concession right holders, still expect compensation for some of the land that will be used

¹² Firdaus. (2021). Lokasi Hunia Tetap Tondo-Talise: Dilema Simalakama. diakses dari <https://monitoring.skp-ham.org/lokasi-hunian-tetap-tondo-talise-dilema-simalakama/>

¹³ Redaksi Tim Pemantau Media. (2022) Lahan Huntap Tondo II Belum Tuntas. diakses dari <https://monitoring.skp-ham.org/rakor-penuntasan-masalah-lahan-huntap-tondo-ii/>

for the Tondo-2 Huntap Area. This raises the potential for lawsuits to arise in court.

In connection with the above, the 65.3 hectares of former HGB land owned by PT Sinar Waluyo and PT Sinar Putra Murni that will be used for the construction of Huntap can be declared clear and clean. Since neither company has any legal claim to the property anymore, the likelihood of a court case is low. Further, Huntap development operations can be conducted in line with the terms of Law Number 2 of 2012 Governing Land Acquisition for Development for Public Interest, even if the corporation keeps suing over land acquisition implementation

4. Conclusion

Faster land acquisition for post-disaster relocation is necessary to ensure that impacted residents can be relocated to a safe area as soon as possible. National, state, and social interests must still be considered throughout the public interest property acquisition process. To guarantee that impacted people have a good location to live as soon as possible after a disaster, unique regulations and techniques are needed for land acquisition. Article 49 of Law No. 2 of 2012 and Article 118 paragraphs 1-4 of Government Regulation No. 19 of 2021 pertain to the acquisition of land during times of natural disasters. Notifying the entitled parties, issuing a location determination of the land acquisition objects, and implementing development are the stages outlined in Article 49 of the Act for the public interest during emergency situations caused by natural disasters. Under the terms of Law No. 2/2012 on Land Acquisition for Public Interest Development, development can proceed even in the face of legal challenges or litigation.

Land acquisition for the construction of the Tondo-2 Huntap Area is based on the Penlok stipulated by the Governor through Governor Decree No. 369/516/DIS-BMPPR G.ST/2018 concerning Location Determination (Penlok) of Land for Permanent Residential Sites for Disaster Affected Communities in Central Sulawesi Province. The land to be used previously had the status of state land, which was obtained through the release or transfer of HGB from PT Sinar Putra Murni and PT Sinar Waluyo with a total area of 65.3 hectares. The HGB expired in 2019 and in accordance with Central Government policy the rights were not extended. Therefore, the land returned to state land and was allocated for the construction of Huntap. However, there are claims from the community who claim to have a certificate of ownership of the land, as well as claims from PT Sinar Putra Murni and PT Sinar Waluyo who want compensation, which could potentially lead to a lawsuit. The likelihood of the two corporations initiating a lawsuit is deemed exceedingly low, given that they no longer possess rights to the land. Furthermore, if the corporation persists in pursuing litigation

regarding land purchase, the building of Huntap may proceed in compliance with the stipulations of Law Number 2 of 2012 pertaining to Land purchase for Development for Public Interest.

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