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The Land Procurement For Public Interest of Makassar-Parepare Railway Station and Warehouse in Barru Regency

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Abstract

This study aims to identify the factors that cause land acquisition not in accordance with community expectations. The research method uses sociological juridical (non-doctrinal) plans, and the data sources are primary and secondary data, purposive sampling technique determination, and chi-square data analysis. The study results show that the factors that influence land acquisition for the development of public interest are religious compliance, legal compliance, community income, and politics (rulers), while cultural factors have less influence.

Keyword: Politics, Land Procurement, Public Interest, Community

Introduction

In Law no. 5 of 1960 concerning Basic Agrarian Principles, commonly called the Basic Agrarian Law (UUPA), based on Article 1 paragraph (2) that: The earth, water, and space, including the natural resources contained therein, as gifts from God Almighty, are the earth, water, and space of the Indonesian people and our national wealth (Murwahid, 2016). Based on the right to control, the Basic Agrarian Law (UUPA) has determined the existence of various kinds of land rights that can be granted and owned by a person, either individually or jointly, as well as a legal entity. A research result states that the procurement of land ownership rights for the public interest is very beneficial to the community (Muhammad Rustan, 2019); among others, land prices are increasing drastically, exceeding 100%, and the level of welfare obtained by the community varies, while in China to explore legal reforms to increase the protection of land rights against land acquisition for development of public interest with below-average compensation by the state. In addition to providing sensitive national evidence, finding a positive impact is equivalent to a 30 percent increase in land value (Zhu & Prosterman, 2007); therefore, land values in Indonesia increase faster than land values in China.

Land procurement for the public interest is stipulated in ¹⁶Article 1 paragraph 2 of Law Number 2 of 2012 that Land Procurement is an activity to provide land by providing appropriate and fair compensation to the entitled party. According to Bernhard Limbong, the procurement process for the implementation of land acquisition requires the participation of the community or the people to provide their land for development in the public interest (Bernhard, 2015). Therefore, the land is needed for the benefit of individuals or groups and the benefit of the community, government, and state. If the land is needed for the public interest, the government must intervene to handle it by providing appropriate and fair compensation for the owner. However, land acquisition with a sense of injustice that they feel that makes them

refuse compensation as in some data, especially Phase V Stations and Warehouses, the number of fields paid for is 230 people consisting of Tanete Rilau District, Barru District, Balusu District, District Soppeng Riaja, Mallusetasi District. The number of fields that have been paid for in stages I, II, IV, and V are 2,583 people for the Railroad line, the number of fields that have been paid for in stage V for Stations and Warehouses, the number of fields that have not been paid for is ten people who refuse the compensation value (Bernhard, 2015).

Commission V of the DPR RI will question the issue of the amount of compensation determined by the appraisal team. The reason is that many people feel that the land price is not appropriate, so they feel disadvantaged by the price and will immediately discuss this with related parties so that the construction of the 145 (one hundred and forty-five thousand) kilometer railroad project does not hurt the affected people (Komisi V DPR, 2019). With the above case, a more in-depth research is needed on the land acquisition because it has not been running according to the community's expectations, so there is a tendency that land for the public interest with compensation from the government has not materialized everything as expected by the community. Therefore, to reveal the above, it is necessary to conduct a more thorough and thorough research.

Literature Review

1) Property Rights to Land According to Liberal Teachings.

In liberal teachings pioneered by Adam Smith (1723-1790), he stated that the state's role should be limited to the maintenance of order, the welfare of people's lives, legal protection, and defense and security functions from outside. Community activities are allowed to move on their own, according to their laws and logic, namely the market mechanism. Therefore, individual freedom is natural; the primary purpose of human life is property so that it can be owned and is a parameter of the meaning of humanity itself. His view of land ownership rights (landlords) may use his land for production purposes in collaboration with land cultivators in the relationship between land owners and workers with mutually agreed wages, thus giving birth to the feudal class (Ridwan, 2011). Aminuddin Salle stated that the eigendom right, according to liberal teachings, is the highest right; it is said to be the highest because the eigendom right is based on the assumption that every individual as a person is free to own and do whatever he wants (Rahman et al., 2020). The peak of individual freedom is reflected in its embodiment in eigendom rights, which are then known as human rights. Therefore, the source of land rights in liberal teachings is essentially human rights (HAM). These human rights are the source of all individual land rights, so in liberal teachings, the right to land ownership is an inherent right of every individual who has property rights to land, therefore the release of property rights to land is forcible, which is contrary to the law is a violation of human rights (HAM).

2) Collective Ownership of Land According to Socialist Teachings.

In the socialist view, property rights to land are communal; property rights are collective. The emergence of socialist teachings is a reaction (counter) to individualist teachings, which attach great importance to the personal interests of everything. Individualist society gave birth to classes, namely the working class and the feudal class. The class that exploits the weakest (workers) the most is the feudal class; so that there is no extortion, the property rights to land must be abolished. Fredrich Engels and Karl Marx (1818-1883) declared the abolition of property rights. The absence of ownership of the means of production, such as property rights to land, creates an interest in changing the social conditions of society and creates social bonds for individuals who do not own them.

The idea for the abolition of private property rights with the argument that human alienation of its existence is in a system of private property rights where the workers (proletaries) are in feudal (bourgeois) power. To end this so as not to cause conflict, individual property rights should be abolished so as not to cause conflict in society; therefore, individual property rights are better served as communal property rights, namely state property rights. These feudal lords (berjouis) caused social inequality among the workers (proletariat). Fredrich Engels and Karl Marx (1818-1883) declared the abolition of property rights (Piotr Sztompka, 2020). The absence of ownership of the means of production, such as property rights to land, creates an interest in changing the social conditions of society and creates social bonds for individuals who do not own them.

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3. Ownership of Land according to the Basic Agrarian Law.

Humans have a relationship with the land, so they have the right to own it. Land ownership rights regulated in Article 20 paragraph (1) of the LoGA are hereditary, and the most vital and most entire rights people can have on land by keeping in mind the provisions in Article 6. Hereditary means that ownership rights to land can continue as long as the owner is still alive, and if the owner has died, then the heirs can continue ownership rights as long as they meet the requirements for property rights. Most vigorous means that property rights to land are more substantial than other land rights, do not have a specific time limit are easy to defend against interference from other parties, and are not easily erased.

Fulfilled means that land ownership rights authorize the owner the most widely compared to other land rights, can be the parent of other land rights, and are not the parent of other land rights. Individuals can own ownership rights to land by Indonesian citizens and Indonesian legal entities appointed by the government. Land ownership rights can be used as collateral in banks or other non-banks, such as for agricultural mortgages, according to customary law; however, land ownership rights may not be used as absolute property rights as in European countries, land ownership rights have social functions as follows: regulated in Article 6 of the Basic Agrarian Law (UUPA). Therefore, any ownership rights to land, if necessary for the public interest, must be released by providing appropriate and fair compensation. Aminuddin Salleh stated that land ownership rights could be owned by individual Indonesian citizens and legal entities appointed by the government (Aminuddin Salleh dkk, 2011). In using land ownership rights, the social function of land must be considered; namely, land use must not cause harm to others, land use must be adjusted to the circumstances and nature of the rights, and there must be a balance between personal interests and public interests. Land must be adequately maintained so that it will increase fertility and prevent its damage.

4) Definition of Land Procurement.

The entire earth, water, and space, including the natural resources contained therein within the territory of the Republic of Indonesia as a gift from God Almighty, are the earth, water, and space of the Indonesian nation and constitute national wealth (Article 1 paragraph (1) of UUPA). The national wealth must be utilized for the benefit of the people, nation, and state. Article 1, paragraph (1) of the Presidential Decree No. 55 of 1993 stipulates that land acquisition is any activity to obtain land by compensating those entitled to the land. Article 1, paragraph (3) of Presidential Regulation Number 36 of 2005 stipulates that land acquisition is any activity to obtain land by compensating those who release or surrender land, buildings, plants, and objects related to land or by revocation of land rights.

The article above shows that land acquisition is obtained by considering the compensation pursued in two ways: deliberation and consensus or maybe relocation of rights. The deliberation was carried out by bargaining between the government and the community by providing appropriate compensation without violating land rights. However, if this method of deliberation and consensus cannot be carried out, it is taken in another way, namely through the revocation of rights. The basis for revocation of rights considering the provisions in Article 18 of the UUPA stipulates that in 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 by providing appropriate compensation and according to the method regulated by law.

Article 1 of Presidential Regulation Number 65 of 2006 stipulates that land acquisition is every activity to obtain land by compensating those who release or surrender land, buildings, plants, or objects related to land. Furthermore, after the enactment of Law No. 2 of 2012, the concept of land acquisition for the public interest changed. Article 1 paragraph (2) emphasizes that Land Procurement is an activity to provide land by providing appropriate and fair compensation to the entitled party. According to Aminuddin Salelle et al., land acquisition was born because of the limitations of land to humans, so that to obtain it needs to be done by providing compensation to those who are entitled to the land or to those who release or surrender land in principle only known in the acquisition of land controlled by a person or by a legal entity with something suitable.

Development for the public interest is a factor that affects the increase in land prices, both those subject to development for the public interest and the location of land close to development projects for the public interest. Because the law of supply and demand states that if the supply of goods and services is fixed and the demand is high, the prices of goods and services will rise, and vice versa if the supply of goods and services is ample and the demand remains constant, the prices will fall. Therefore, with development, public interests such as the construction of railroads will affect the price of land, both those affected by development projects and those around development projects for the public interest. Land procurement for public interest by the government or local government is carried out by relinquishing or surrendering land rights based on the principle of respect for land rights. The release or surrender of land rights is an activity to release the legal relationship between the holder of land rights and the land they control by providing compensation based on deliberation.

5) Regulation of the Scope of Public Interest

Article 1 paragraph (6) of Law Number 2 of 2012 stipulates that the public interest is the interest of the nation, state, and society which must be realized by the government and used as much as possible for the prosperity of the people. Furthermore, Article 1 paragraph (2) of Government Regulation of the Republic of Indonesia Number 19 of 2021 confirms that land acquisition is an activity of providing land by providing appropriate and fair compensation.

Articles in Government Regulation No.19 of 2021 still refer to Article 1 paragraph (10) of Law No. 2 of 2012.

All land rights are not justified to meet individual needs alone but need to function for the needs of living together, considering the balance between individual interests and public interests (Rustan et al., 2014). The public interest has been known since ancient times when the polis (city-state) had taken its democratic form in Greece; the polis was not for the benefit of the elders (res Patricia) but was intended for the public interest (res publica) (Theo Huijbers, 2015). However, the definition of public interest is difficult to formulate because it is related to the interests of the people and the economic interests of the community, which are mutually contradictory, so it can lead to a vague definition. If a definition is made, it can cause a conflict of interest it which overlaps each other; as a result, it can cause a conflict of interest. In Law no. 2 of 2012, the scope of public interest is Article 10 Land for Public Interest as referred to in Article 4 paragraph (1) is used for the development of:

- a. National defense and security;
- b. Public roads, toll roads, tunnels, railway lines, railway stations, and railway operating facilities;
- c. Reservoirs, dams, weirs, irrigation, drinking water canals, sewers and sanitation, and other irrigation structures;
- d. Ports, airports, and terminals;
- e. Oil, gas, and geothermal infrastructure;
- f. Power generation, transmission, substation, network, and distribution;
- g. Government telecommunications and information networks;
- h. Place for waste disposal and processing;
- i. Government/Regional Government hospitals;
- j. Public safety facilities;
- k. Public burial places of the Government/Regional Government;
- l. Social facilities, public facilities, and public green open spaces;
- m. Natural and cultural reserves;
- n. Government office/regional/village government;
- o. Arrangement of urban slum settlements and land consolidation, as well as housing for low-income communities with rental status;
- p. Government/Local Government education or school infrastructure;
- q. Sports infrastructure of the Government/Regional Government; and
- r. Public market and public parking lot.

The many types of the scope of public interest above, then for the railway line is one of the infrastructures needed for the development of public interests and is very useful in connecting one area to another as a means of transportation by the community in general so that the relationship between one province and district can be smooth.

6) Definition of Compensation and Form of Land Compensation.

Article 1, paragraph (10) of Law Number 2 of 2012 stipulates that compensation is proper and fair to the appropriate party in the land acquisition process. The article above stipulates that compensation is compensation for physical and non-physical losses due to land acquisition to those who own land, buildings, plants, and other objects related to land that can provide sustainable survival. Better than the level of socio-economic life before being exposed to land acquisition. Compensation must be given for physical losses and non-physical losses and those who own land, buildings, plants, and other objects related to land. Article 1, paragraph (2) of Government Regulation of the Republic of Indonesia Number 19 of 2021

9 confirms that land acquisition is an activity of providing land by providing appropriate and fair compensation.

The definition of *compensation* contained in the article is a measure for the Government in determining the amount of compensation, which must be able to provide a better or decent survival from the level of socioeconomic life before being affected by land acquisition. Therefore, people whose land is taken for development in the public interest must not become poorer or will become poor in the future because of the value of compensation that is not appropriate; that is why compensation should be able to create welfare for the holder of land rights that are freed for the public interest. This means that providing compensation for property rights to land does not cause the owner of the land rights to cause physical and psychological losses. Article 1, paragraph (10) of Law Number 2 of 2012 stipulates that the form of compensation is proper and fair to the entitled party in the land acquisition process. Article 36 of Law Number 2 of 2012 stipulates that compensation can be given in the form of:

- a. Money
- b. Substitute Land
- c. Resettlement
- d. Shareholding; or
- e. Both parties agreed to other formalities.

In the practice of land acquisition, the compensation offered and given to land rights holders is generally only in the form of money. In principle, the commonly used compensation form is money because it is a practical tool that causes a minor difference in resolving a dispute. However, compensation in the form of money for land acquisition is not a good form of compensation if it is not at a proper and fair value and is determined not to be through a process of deliberation with land rights holders.

Research Methods

This research is a non-doctrinal (socio-juridical) research—location. The research was conducted in Barru Regency. The population of this research is all the people of Barru Regency whose land ownership rights are affected by the Land Procurement of the Station and Warehouse of the Makassar-Parepare Railway, Barru Regency Land Agency Office. The sampling technique is purposive sampling (sampling is purposeful). Data collection techniques are interviews, questionnaires, and documentation. The data analysis technique is chi-square.

Result and Discussion

1) The Effect of Religious Compliance

The religious observance of a community is very decisive for the success of the Procurement of Development Land for the Public Interest of Railway Stations and Warehouses, the community that is the object of the respondent is 100% Muslim. Obedience in the form of religion is essential for every Muslim, which is his belief in understanding his religion. Therefore, of their belief in the religion they follow, they sincerely accept the compensation. The results of the chi-square test show that the values obtained by $X^2_{count} = 35,4107$, and X^2_{tables} for a significance level of 5% = 26.296 and 1% = 32, at degrees of freedom (df) 16. So the chi-square value obtained from the data processing results is greater than the theoretical chi-square value with a significance level of 5%. The analysis of these results shows the level of religious compliance, especially the sincerity of the respondents to receive compensation from the government. The influence in terms of religious compliance in the form of sincerity

in accepting compensation from the government is a matter of realizing religious orders. In Islam, sincerity to give something for the sake of public interest, such as the interests of the state, nation, religion, and society is of value for charity for the giver, and depending on the level of sincerity that a Muslim has personally, that is where the level of charity is.

In a hadith, the Prophet SAW said: This means that if the son of Adam dies, his deeds will be cut off except for three cases of charity, the knowledge that is taken advantage of, and praying for his two parents who have died (HR Muslim). The late K. H Badaruddin Amin once stated that for people who give up their land rights for the development of the public interest, every step of their feet that passes, both humans and animals, on land rights are handed over for other purposes, even though they get compensation or are handed over to them. Voluntarily then Allah SWT will judge it as a charity. This means that any existing land rights cannot be justified and that the land will be used (or not used) solely for personal and group interests, let alone cause harm to the state, nation, and society. The use of proprietary land must be adjusted to the circumstances or nature of the property.

2) Effect of Legal Compliance

Legal compliance of a society if the legal principles in society are not violated, such as in the principles of land law, namely the principle of cooperation, the principle of horizontal separation, the principle of nationalism, the principle of social function, the principle of being controlled by the state, and so on. Nevertheless, in the end, legal compliance is adopted in society if two choices can arise, namely, obeying the law or not obeying the law that the state has made. The results of the chi-square test show that the values obtained by $X^2_{count} = 36,4507$, and X^2 tables for a significance level of $5\% = 26.296$ and $1\% = 32$, at degrees of freedom (df) 16. So the chi-square value obtained from the data processing results is greater than the theoretical chi-square value with a significance level of 5%. The analysis of these results shows that the level of legal compliance, especially the compliance of respondents, affects the implementation of Land Procurement Development for Public Interest Railway Stations and Warehouses generally agree; those non disagree and disagree.

When it comes to this, the historical school of Frederich Von Savigny states that:

- a) Laws are not made but grow and develop together with the community. The law arises not because of the command of the ruler (instructive) or because of habit, but because the habit of justice, which lies in the soul of the nation (volkgeist), is the source of the law that applies in society.
- b) The law is found not made because the law comes from the instincts of a nation about what is considered correct (right). Legalization will eliminate the meaning and vitality of customary law if the process of legal growth towards what is considered correct is not based.
- c) The law comes from the role of the people (widespread feeling), a power that works secretly. Law is not something created arbitrarily and planned by lawmakers. Huum results from an internal, autonomous, and secretive process in society.
- d) The law is the product of a genius nation; as language is slowly formed and becomes a characteristic of a nation, it develops and grows and dies with the erasure of the personality of a nation.
- e) The law is present as an expression of the soul of a nation (volkgeist) about what it considers proper and just. The soul of a nation is different for each nation. The soul of the nation is different over time.

- f) The law cannot be generalized and not static; it can only be applied to the nation where it is made, and the law is the subject of every progress and development as other things reflected in a nation's life (Lili Rasyidi, 2010).

Frederich Von Savigni's view is that the law is what is contained in society, namely what rules grow and develop in society which is the soul of the community, that is, the law or the nation (*volksgeist*) when the community agrees to it then that is the best lawyer according to their size, and this can be proven in when the government requires land in the form of land acquisition for the public interest. The rules that grow and develop in society are very obeyed and upheld. After reviewing the rules governing Land Procurement for the public interest, it is sourced from the Basic Agrarian Law, namely Law Number 5 of 1960 concerning Basic Agrarian Regulations. Article 5 of the UUPA stipulates that the agrarian law applicable to earth, water, and space is customary law as long as it does not conflict with national and state interests. This means that the law used in agrarian law, especially land acquisition for the public interest, is based on the principle of customary law, which is adopted in such a way that it is the principle of land law in Indonesia.

Therefore, the law used for the Procurement of Development Land for the Public Interest of Railway Stations and Warehouses is based on Law Number 2 of 2012, whose primary source is Law Number 5 of 1960 (UUPA), which is based on customary law or the basis for the enactment of national agrarian law based on customary law that has been sanctioned which has been passed down from generation to generation in Indonesia. Because its application is based on customary law, the influence of community legal compliance on Land Acquisition will be identified, inventoried, and realized on as many as 230 parcels of land by the Barru Regency Defense Agency Office.

3) Income Level Effect

The level of community income is very decisive in providing motivation or encouragement to the community in terms of Procurement of Development Land for the Public Interest of Railway Stations and Warehouses because the level of income is a benchmark for determining the flexibility of the community to receive compensation for property rights on land from the government. This can be seen in the average monthly income of the community for holders of land rights, whose clarification can be seen at five levels. First level Rp. 3,000,000,- Rp. 4.000.000,-, second level Rp.5.000.000,- Rp. 6.000.000,- third level Rp.7.000.000,-, Rp.8.000.000,- fourth level Rp.9.000.000,- Rp. 10,000,000,- and the fifth level is Rp.11,000,000,- and above. For more details, the community's income level (respondents) is on average per month, which is affected by the Procurement of Development Land for Public Interest.

The chi-square test results show that the value obtained is $X^2_{count} = 27.3005$ and X^2 table for a significance level of 5% = 26.296 and 1% = 32, at degrees of freedom (df) 16. So the chi-square value obtained from the data processing results is greater than the theoretical chi-square value with a significance level of 5%. The analysis of these results shows that the influence of the community's income level is decisive in the Procurement of Development Land for Public Interest. Therefore, income which is generally Rp. 3,000,000, - to Rp. 6,000,000 - with the respondent's answer being strongly agreed/agree is dominant, which means that with this level of income (income), more receive compensation.

This shows what is regulated in Article 3 of Law Number 2 of 2012 that:

Procurement of land for the public interest aims to provide land for the implementation of development to improve the welfare and prosperity of the nation, state, and society while still guaranteeing the legal interests of the entitled parties.

They are observing the article that implementing the Procurement of Development Land for the Public Interest of Railway Stations and Warehouses can improve the welfare of the community in general. Therefore, the provision of compensation is above the general market standard, which means terms of corrective justice, namely justice to carry out the law according to general standards to recover the consequences of an action taken by people about each other. The corrective justice has been realized in providing compensation for land acquisition. If analyzed, it is not a general standard that is born but gives birth to above the general average standard because the average recipient is low and middle income (Rp. 3,000,000, - up to Rp. .6.000.000,-) which enjoys much compensation from the government so that it can be drawn a formula that what the government does is that the provision of appropriate and fair compensation is above the expectations of the community for compensation, based on Article 1 paragraph (10) of Law Number 2 of 2012 concerning Land Procurement for Public Interest stipulates that "Compensation is a proper and fair compensation to the entitled party in the land acquisition process."

Therefore, the rules governing proper and fair compensation for the Procurement of Development Land for the Public Interest of the Barru Regency Railway Station and Warehouse cannot be said to be compensation as stated in the legislation but is a "compensation of profit" obtained by the community from an economic point of view. However, the government still pays attention to the consideration of the explanation of Article 2 letter (h) of Law Number 2 of 2012, which stipulates that the welfare principle is that land acquisition for development can provide added value for the survival of the Entitled Party and the wider community.

Therefore, the article explains how the government looks broadly at the people (the entitled parties) to enjoy welfare at the price of compensation given to the community, as well as for people who are not affected by land compensation can enjoy it with the average price of the general market rising drastically, above 100% also around the location of the Railway Station and Warehouse. What happens in the two groups of people, the only group being affected by the acquisition of their land rights and the second group not being affected by the land acquisition but will be close to the Procurement of Development Land for the Public Interest of the Railway Station and Warehouse, then the two groups will enjoy prosperity,

4) Influence of Community Leaders

In social life, of course, various elements of the figures in it, there are political figures (rulers), religious leaders, traditional leaders, cultural leaders, youth leaders, and so on, all of which must have an active war to encourage or motivate the community to carry out national development, more specifically to encourage the community to carry out development in the public interest. The chi-square test results show that the value obtained is $X^2_{count} = 91.77$ and X^2 table for a significance level of 5% = 26.296 and 1% = 32, at degrees of freedom (df) 16. So the chi-square value obtained from the data processing results is greater than the theoretical chi-square value with a significance level of 5%.

Analysis of these results shows that the influence of community leaders on respondents in terms of influencing the implementation of Land Procurement Development for Public Interest Railway Stations and Warehouses, the dominant is political figures (rulers). Land

acquisition is regulated in Article 1 paragraph (13) of Law No. 2 of 2012, which confirms that "..... regional apparatuses as elements of regional government administration".

Article 5 paragraph (2) letters e and f of Law Number 18 of 2016 stipulates that Regency/City regional apparatuses consist of agencies and sub-districts. Law Number 18 of 2016, then the sub-districts are the sub-districts and villages, the lower ones are the RW, RT, the Head of the Environment, and the Head of the Hamlet.

This device is very much in the operational technicalities of the National Land Agency for Land Acquisition Development for Public Interest Railway Stations and Warehouses. Therefore, the powerful influence is that political figures (rulers) are very active in taking care of all administration, contacting the community, and making more direct contact with the community; the regional apparatus is a big war. Likewise, traditional leaders, religious leaders, and other figures take an approach to provide explanations and motivation to the community so that the community can move them to relinquish ownership rights to their land for the benefit of Land Procurement for Railway Stations and Warehouses as a sociological approach that is persuasive to the community. In addition, a juridical approach is carried out with the legal basis of Article 38 paragraph (1) of Law Number 2 of 2012, which stipulates that:

4 If there is no agreement regarding the form and amount of Compensation, the entitled party may file an objection to the local District Court within a maximum period of 14 (fourteen) working days after the deliberation on the determination of Compensation as referred to in Article 37 paragraph (1). Based on the article as a juridical approach, the legal basis for carrying out a consignment of 5 (five) people, through the Decision of the Barru District Court, and the results can be accepted by the community as many as 4 (four) people have all been resolved, and 1 (one) person has not been resolved due to Inheritance conflicts between family members.

5) Cultural Influence

Malinowski stated that culture is one element in meeting needs, fulfilling the defense conditions that have led humans to create different artificial conditions. *Culture* is a comprehensive lifestyle that is abstract, complex, and broad in society, giving birth to a system followed by the wider community. It even becomes a tradition by the community from generation to generation. The elements of our culture in Indonesia as a value that is preserved is prioritizing the public interest over the interests of individuals and groups. Article 10, letter b stipulates that "public roads, toll roads, tunnels, railway lines, railway stations, and railway operating facilities."

The chi-square test results show that the values obtained by X2count are 26.4115%, and X2 tables for a significance level of 5% = 26.296 and 1% = 32, at degrees of freedom (df) 16. So the chi-square value obtained from the data processing results is greater than the theoretical chi-square value with a significance level of 5%. The analysis of these results shows that the influence of culture on the Procurement of Development Land for the Public Interest of Railway Stations and Warehouses still exists. However, the effect is minimal when viewed from the chi-square test results. The lack of influence is due to the culture/tradition of land acquisition for development in the public interest. It is rare for the community to have it later if a public interest development project is affected by ownership rights to the land. The influence of culture on the development of public interests, especially land acquisition, does not always happen to everyone during his life in the life of society, nation, and state are only known in positive law in Indonesia, especially in land acquisition regulations, which recognize the compensation system.

Conclusion

Factors that influence the Procurement of Land for Development for Public Interest for Railway Stations and Warehouses are religious compliance, legal compliance, income level, and politics (rulers). While cultural factors have little effect, Land Procurement for Development in the Public Interest is not always there for every community life, only if the government programs a development project. For the success of Land Acquisition in the community that needs to be considered by the government to influence it is a sociological approach that needs to be prioritized over a juridical approach. A new juridical approach can be used if people refuse to accept Compensation, then a consignment is carried out in the District Court.

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