

Legal Position of Selling - Buying Confiscated Land in the Framework of Implementing the Public Housing Program

Cikal Arifia¹⁾ & Wardani Rizkianti²⁾

¹⁾Faculty of Law, Universitas Pembangunan Nasional "Veteran" Jakarta, Indonesia,
E-mail: 2110611316@mahasiswa.upnvj.ac.id

²⁾Faculty of Law, Universitas Pembangunan Nasional "Veteran" Jakarta, Indonesia,
E-mail: wardanirizkianti@upnvj.ac.id

Abstract. *Utilization of confiscated land as a source of land for public housing development programs is a strategic solution in dealing with land limitations in urban and semi-urban areas. However, the legal status of confiscated land originating from the results of confiscation for criminal acts presents its own challenges in the process of buying and selling and land conversion. The urgency of this study is to analyze the legal position of confiscated land in the sale and purchase agreement and the mechanism of land conversion in the context of civil law and collaboration between ministries in the realization of the national housing program. The study utilizes a normative legal method with a statutory approach and case studies, examining the provisions of Law No. 5 of 1960, Law No. 2 of 2012, and their implementing regulations. The study findings show that the transfer of rights to confiscated land is only valid through an auction mechanism based on a court decision that has permanent legal force and is evidenced by auction minutes as an authentic deed. In addition, cooperation between agencies such as DJKN, ATR/BPN, and the Ministry of PUPR must be based on a valid agreement and carried out with the principles of legal certainty, accountability, and justice. The use of confiscated land for public housing needs to be equipped with clear administrative and regulatory mechanisms to prevent disputes and protect the rights of affected communities.*

Keywords: *Auctions; Confiscated; Land; Transfer.*

1. Introduction

God Almighty has provided the necessities of life for all humans, including land, to ensure human survival. Land ownership in Indonesia is stipulated in the Basic Agrarian Law No. 5 which was passed in 1960. Property rights are the most basic

and powerful rights in Indonesia, because this right is related to land ownership. For the simple reason that land is essential for human survival, certain people cannot survive without it (Dyara Radhite Oryza Fea, 2018). Rapid progress in various fields of human endeavor has made land a very valuable commodity that is difficult to manage (Adrian Sutedi, 2018). The ever-growing population and the freedom to own property are two important factors. This is very important, equal to the growth of population and the need for fertile land to meet various human needs. More and more people need land for housing, farming, and plantations, among other basic needs. Land is becoming increasingly scarce, making it impossible to meet the ever-increasing needs of the community for housing, farming, and plantations. The available land is not sufficient to meet the ever-increasing needs. The existence of the community depends on development initiatives and basic infrastructure in this scenario.

Local governments, especially city governments, are in great need of land for development and regional development. However, the amount of available land does not increase over time, so that the availability of land is increasingly insufficient to meet the increasing needs, both for housing, agriculture, plantations, and other interests. The government has an important role in meeting these needs by ensuring that the development and progress of society are in accordance with applicable provisions. Land and investment in the agrarian sector are inseparable elements in the lives of the community, where land not only functions as a place to live or land for farming, but also as a very valuable economic asset (Mardani. M, 2017). For example, land has evolved into a commodity with dual economic significance—as a traded product and a medium of speculation with potential impact on financial markets. As such, the right to own and manage property should be considered strategically important for societal well-being and sustainable development, and for maintaining as much happiness and well-being as possible (Achmad Rubaie, 2007).

Land is a valuable resource for economic and social development in Indonesia as stipulated by civil law. Owners are guaranteed the strongest and greatest rights to manage and exploit their property efficiently through land ownership, as recognized by Law No. 5/1960 on Basic Agrarian Principles (Law Number 5 of 1960 concerning Basic Agrarian Principles). In the context of transactions, especially land sales and purchases, civil law stipulates that such transactions must meet certain requirements, including the validity of documents and the approval of all parties involved, to prevent future disputes and protect the rights of land owners (Article 1457 of the Civil Code (KUHPerdata)). However, in practice, problems often arise regarding the validity of transactions, especially when the land being traded has an unclear legal status or is confiscated land (National Land Agency) Land acquisition for development must be carried out by following clear and fair

procedures, and involving the community in the decision-making process so as not to cause social conflict (Suharso. A, 2015).

With the increasing need for land for infrastructure and housing development, it is important to regulate ownership rights over confiscated land, which is not only related to the public interest in achieving sustainable development goals (Ministry of Public Works and Public Housing) Confiscated land is now an increasingly pressing issue in land management in Indonesia, especially with the many cases of confiscation carried out by the government for public interest. Confiscated land refers to land taken over by the government based on certain regulations, usually for the purposes of infrastructure development, housing, or other projects considered to be in the public interest. In accordance with Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, the government has the authority to confiscate land by providing appropriate compensation to the affected landowners. Understanding the legal status of confiscated land is crucial, especially in the context of sales and purchase agreements and changes in land function. Confiscated land cannot be treated the same as land that has a clear legal status, considering that its status is still in dispute or has not been fully resolved, it can cause legal problems in the future. In many situations, sales and purchase transactions involving confiscated land have the potential to give rise to legal disputes, where the parties involved may not be aware that the land is not fully legal to be traded (Online Law).

The conversion of confiscated land is a complex issue, due to its impacts on the community and the environment. When confiscated land is converted for other uses, such as housing or commercial, there is often a conflict between public interests and individual rights. Thus, it is important to understand the regulations governing ownership rights over confiscated land so that land management can be carried out in a fair and sustainable manner, and to minimize the potential for future disputes. Land conversion in Indonesia is increasingly a concern, especially due to urbanization and increasing infrastructure needs. Agricultural land that was previously a source of food is now widely converted into residential, commercial, and industrial land. This process is often carried out without considering the long-term impacts on the community and the environment, thus causing social and ecological problems (Supriyadi. A, 2019).

Land conversion arrangements must be carried out wisely to ensure sustainable development. The conversion of confiscated land also faces legal challenges (Hukum online, 2021) When confiscated land is converted, questions arise regarding the legal status of the land, which can pose risks to the parties involved. This legal uncertainty has the potential to cause conflict between the government, landowners, and developers, and hinder development. In addition, violations of

individual and community rights related to confiscated land can trigger protests from the community (Prasetyo. A, 2019). Thus, it is important to develop clearer regulations and effective dispute resolution mechanisms so that the conversion of confiscated land can be carried out fairly and transparently (Ministry of Agrarian Affairs and Spatial Planning, 2011).

In Indonesia, this regulation is based on several important laws, namely Law No. 5 of 1960 concerning Basic Agrarian Principles and Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest. The UUPA provides a legal basis for the management and utilization of land, including that confiscated by the state. Land confiscated by the state still has a certain legal status, which limits the ability to be freely transferred. According to agrarian law, land that has been confiscated by the state does not immediately become the property of the state without going through a legal mechanism. Therefore, to transfer rights to confiscated land to become the property of another party, especially in the context of housing development, must go through the procedures regulated in existing regulations (Sa'adiyyah. AM, 2023).

The regulation of ownership rights or use rights over confiscated land is very important in the context of public interest, especially in providing decent housing for the community. Rapid population growth and increasing urbanization, the need for affordable and quality housing is increasingly urgent (Rahman. F, 2021). Confiscated land allocated for housing programs can be a solution to overcome the housing crisis in various regions, especially in large cities experiencing demographic pressures and land limitations, the management of confiscated land for public interest must be carried out carefully so as not to cause social conflict. The process of land confiscation that is not transparent or unfair can cause dissatisfaction among the community who lose their land, even if the land is used for good purposes.

Therefore, involving the community in the decision-making process is essential to regulate the rights to stolen property in a fair and transparent manner. This will not only help with housing affordability, but will also strengthen the relationship between the community and the government. Law No. 2/2012 on Land Acquisition for Development in the Public Interest regulates the ownership rights to confiscated land in Indonesia. The government must provide compensation to affected landowners in a fair and reasonable manner and implement accountable and transparent land purchase procedures to comply with this law.

2. Research Methods

This study utilizes a normative legal approach, which looks at established laws and standards to inform its conclusions. There are two methods used in this normative

study. The first method looks separately at applicable laws or regulations; the second method examines the procedures for seizure and the rights of landowners; and the third method examines provisions relating to the ownership status and transactions of seized land using civil law principles. The second method is based on case studies and can help you find out which producers are ideal for housing developments using seized land. This study relies on secondary data collected from various sources, including primary legal documents such as Law No. 2 of 2012 concerning Land Acquisition (Law of the Republic of Indonesia No. 2 of 2012) for Development in the Public Interest and scientific papers, study findings, and theories of experts relating to the various issues being discussed.

3. Results and Discussion

3.1. The Position of Confiscated Land in a Sale and Purchase Agreement from a Civil Law Perspective

One type of property that can be seized by the state through the courts is confiscated land. Anything that can be regulated by property rights is considered property according to the Civil Code, book two on property, especially in article 499 (KUH). From a legal perspective, the term “confiscated property” describes assets that are seized by the courts. Confiscated property obtained by the state as a result of a legally binding court order is known as state confiscated property (Attorney General's Office of the Republic of Indonesia, 2020). These items are intended to compensate state losses or protect public interests after being confiscated as a consequence of a criminal act (Kurniawan. Budi, 2021).

Confiscated land is a private asset that is confiscated by the state, due to a violation of the law committed by the person.the owner. The land can be confiscated for various reasons, such as as a result of a criminal act committed by the landowner or in order to settle outstanding debts.No can be resolved by the partiesdebtor. In civil law in Indonesia, confiscated land has a different legal status from confiscated land. This is a major concern if the land is to be sold or converted into something else (Buana. E, A., & Raharjo. PS, (2021). A legally binding agreement between a seller and a buyer to sell or purchase land is regulated by the Civil Code. If the seller has transferable ownership rights to the property, then a land sale and purchase agreement can be made. However, this becomes more complicated when it comes to confiscated land. Land that has been taken by the state due to certain legal processes may have limited ownership and have different characteristics. Goods that have obtained permanent legal force will be confiscated by the state and then: a. destroyed; b. sold through auction for the benefit of the state; c. handed over to the authorized agency for use; and d.

deposited with RUPBASAN to be used as evidence in further legal processes (Republic of Indonesia Minister of Justice Regulation No. M.05.UM.01.06 of 1983).

According to Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA), land confiscated by the state, whether for tax purposes, debt settlement, or other legal matters, cannot automatically be transferred through sale and purchase. Article 27 of the UUPA emphasizes that land rights owned by a person, whether in the form of ownership rights, lease rights, or use rights, can only be transferred to another person if there is a valid agreement and correct procedures. Therefore, an official decision regulating the transfer of property rights is required to carry out a valid sale and purchase transaction for confiscated land, even though the party who owns the land rights no longer owns it (Sulaiman. KF, 2021).

In practice, the sale and purchase agreement for confiscated land often involves a more complicated process, which requires a decision from a court or authorized institution. This process is called the execution of fiduciary guarantees or auction execution, where the confiscated land will be sold through an auction mechanism or other legal execution. In civil law, confiscated land is no longer the private property of the owner, but belongs to the state, so it cannot be transferred in the same way as ordinary buying and selling. Because the confiscated land is no longer private property, then according to civil law (especially the principle in Article 1457 of the Civil Code regarding buying and selling), the legal subject who owns the land no longer has the authority to carry out legal acts such as buying and selling. The state as the legal owner based on a court decision must use a special transfer mechanism in accordance with statutory regulations. Thus, buying and selling of confiscated land can only be carried out with a valid court decision and through the procedures stipulated by law (Butar, IEHB, Lay, BP, Christine, VE, Amloki. MKA, Taek, V., Mawar, ER, Loyrede, PG, & Oki, AN (2023). However, the sale and purchase agreement for the confiscated land done without going through a legal procedure can be considered null and void. Article 1320 of the Civil Code explains that in order for a sale and purchase agreement to be valid, the conditions for a valid agreement must be met, namely that there must be an agreement between the parties, wherever to act legally, and the object agreed upon must be a legal object and not contradictory by law. Confiscated land that has not gone through a court decision or auction execution, then the object agreed upon in the sale and purchase agreement is invalid and can be canceled by the interested party.

The process of personal assets becoming confiscated goods that can be purchased by the public through auction as a public auction service office, KPKNL and the Attorney General's Office work together to conduct auction sales. The Head of the District Attorney's Office Development Sub-Division reports to the Auction Seller Officer, while the Head of the Attorney General's Office PPA acts as a central

figure. At the auction application stage, the Attorney General's Office must submit to the KPKNL the files required for all types of auctions to conduct auction sales (Aritonang, YE, Ester, J., Manullang, H., Prosecutor's Office, P., Conduct, U., Results, P., Goods, E., Act, B., Corruption, P., Study, (, Prosecutor's Office, D., & Binjai, N. 2022)). The auction process generally goes through the following stages: (Wirawan et al., 2023)

1. Implementation of the Auction Preparation Stage
2. Implementation of the Auction Stage
3. Implementation of the Payment Stage
4. Implementation of the Submission of Goods Ownership Documents Stage
5. Implementation of the Auction Minutes Preparation Stage by the Auction Official
6. Implementation of Deposit and Report Stage

If declared the winner of the auction, then whose name will be listed in the auction minutes deed, because Article 41 paragraph 1 of Government Regulation Number 24 of 1997 concerning Land Registration states that: "Transfer of rights through transfer of rights by auction can only be registered if proven by an extract of the auction minutes made by the auction official." Thus Article 1338 of the Civil Code states that an agreement must be executed in good faith, and the auction minutes are a form of agreement that is legally valid for the parties involved. The Auction Minutes Deed is a report containing the name of the buyer or auction winner. The agreement cannot be withdrawn unless both parties agree to it. This Minutes Deed serves as a valid document of proof of ownership of the auctioned property, in accordance with Article 1868 of the Civil Code concerning Authentic Deeds and Article 165 HIR/285 RBG concerning Proven Evidence.

The auction minutes of the state auction official also function as an authentic deed based on Article 1868 of the Civil Code, which provides full evidentiary authority in cases of transfer of rights through auction. The need to provide an excerpt from the auction minutes to register the transfer of land rights through auction is described in Article 41 paragraph (1) of Government Regulation No. 24/1997 concerning Land Registration. As long as it meets all the requirements stipulated by law, the validity of transactions involving the auction of confiscated goods has been determined in the realm of civil law. Thus, collaboration between ministries in utilizing confiscated land for the construction of public housing is not only an administrative strategy, but also a concrete manifestation of the principles of legal

certainty, the principle of justice, and the principle of benefit as reflected in the Indonesian civil law system.

As the population increases, it is certainly in line with the need for decent housing, but having a decent house is quite difficult because many people are still at a low income level. In the national strategy program that is a priority of President Prabowo Subianto, especially the target of building three million housing units, the use of confiscated state land through official auctions is a strategic alternative to address land limitations, especially in urban and semi-urban areas. These lands, if managed transparently and accountably by the DJKN and ATR/BPN, can be allocated to support housing development for low-income communities (MBR), while optimizing state assets that have so far been unproductive. Although normatively the auction mechanism for confiscated land has been regulated and provides legal certainty to buyers as stated in Article 1338 of the Civil Code and reaffirmed in Supreme Court Decision Number 3305 K/Pdt/2016, its implementation still faces challenges such as minimal coordination between agencies, the absence of specific regulations regarding the use of confiscated land for public housing, and the potential for ownership conflicts if a comprehensive verification of the legal status is not carried out. All government agencies must help each other in accelerating national strategic programs because acceleration is a top priority.

Confiscated land, in principle, is no longer private property, but has become a state asset after being determined through a court decision that has permanent legal force. The transfer of the legal status of this land from private assets to state confiscated goods not only changes the ownership status, but also changes the management method and utilization mechanism, including being used as an object of sale and purchase. From a civil law perspective, land sale and purchase can only occur if the object is clear, legally owned by the seller, and legally agreed upon by the parties (Articles 1320 and 1457 of the Civil Code). Therefore, confiscated land can only be traded through a state auction mechanism that is administratively regulated by state institutions such as the Prosecutor's Office and KPKNL, and accompanied by auction minutes as an authentic deed to prove the transfer of rights (in accordance with Article 41 PP 24/1997 and Article 1868 of the Civil Code).

In practice, the main challenge lies in coordination between institutions, such as the Attorney General's Office, DJKN, ATR/BPN, and the Ministry of PUPR, which each have their own roles in organizing auctions, recording rights, and allocating land for housing programs.

3.2. Utilization Lahan Sitaan U for Phousing and Collaboration a Later Ministry.

The use of state-confiscated land as an alternative resource in supporting the public housing development program is not only a strategic effort from a public policy perspective, but must also be carefully analyzed within the framework of civil law that regulates the transfer of rights and forms of legal relations between state institutions and third parties. In this context, it is important to emphasize that the entire series of utilization processes starting from determining the legal status of confiscated assets, conducting auctions by authorized officials, to transferring rights to the development implementer must be carried out by upholding the contractual principles that underlie the national civil law system.

As stated in Article 1338 of the Civil Code, all legally formed agreements apply as laws for the parties that make them. Therefore, cross-ministerial cooperation involving the Ministry of Finance (through the DJKN as the auction organizer), the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (as the party that determines and records the transfer of land rights), and the Ministry of Public Works and Public Housing (as the technical implementer of development), must be formulated in an agreement or memorandum of understanding that is legally valid. The principle of consensualism is the basis that the agreement reached between the parties, as long as it does not violate the law, propriety, and public order, has binding force and creates reciprocal legal obligations that must be carried out in good faith.

In addition, the cooperation agreement must meet the form determined by the relevant laws and regulations, both in terms of the substance of the contract, the object agreed upon, and the legal capacity of the parties authorized to sign it. Failure to ensure the formal and material legality of the cooperation document can have implications for the invalidity of the transfer of rights and potentially cause disputes in the future, especially in the case of the transfer of land rights originating from criminal confiscation objects. Thus, strengthening technical regulations and coordination between institutions needs to be directed at the formation of an integrated system that allows for comprehensive verification of the legal status of confiscated assets before they are used as auction objects and housing development.

In accordance with Article 2 of Law No. 2 of 2012, land acquisition for development must be carried out by involving the parties entitled to the land, either through a compensation process or by transferring ownership rights through a legal mechanism. In this case, the government or related agencies must ensure that the rights of the community or parties affected by the development project remain protected. If the confiscated land is used for housing development, the

government must resolve the status of the land rights in a legal manner, either through a process of transferring ownership rights as regulated in the UUPA. The conversion of confiscated land can also involve aspects of strict supervision, both from the government and other authorized parties, to ensure that the land used for public interest is not misused or utilized illegally. In this case, the government must ensure that the transfer of land functions is carried out in accordance with its designation and does not cause legal disputes in the future.

The legal status of confiscated land related to sales and purchase agreements and land conversions has significant legal implications. Land confiscated by the state has restrictions on the transfer of rights, both for personal purposes and for public interest. In a sales and purchase agreement, confiscated land can only be transferred without following a major procedure, then the agreement can be canceled and the injured party can claim compensation. In land conversion, confiscated land used for public interest must comply with existing legal provisions, both related to land acquisition for infrastructure or housing development. The use of confiscated land for housing programs requires a clear transfer of rights. This process must go through a legal mechanism so as not to cause disputes in the future. The legal position of confiscated land in sales and purchase agreements and land conversions is highly dependent on the fulfillment of existing legal procedures. Therefore, clear and firm regulations are needed regarding the use of confiscated land for certain purposes, such as housing development, so as not to cause legal problems that can harm various parties in the future.

Provisions that allow the use of confiscated land for development purposes, such as housing programs or other projects, in this case, the confiscated land can be transferred to the party who will develop the land for public interest, after going through a legal process. This trial can be carried out by the government or authorized parties through appropriate legal follow-up, either by way of grant, lease or other cooperation based on valid legal approval and decisions.

Land conversion is a change in the status of land use from its original purpose to a different purpose. In confiscation, land conversion also needs to pay attention to applicable legal provisions, considering that the land is an object that has been confiscated by the state and has an unusual legal status. As is known, the conversion of confiscated land can occur for various purposes, one of which is for public interest such as housing development (Hutabalian. M, 2022). The process of converting confiscated land for public interest is regulated in Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest. The law states that land that will be used for infrastructure development or public facilities must

meet clear procedures, starting from land acquisition, transfer of land rights, to settlement of compensation for parties who lose rights to the land.

If the confiscated land will be used for a housing program or other development project, then the conversion process must comply with the provisions contained in the regulations (Hendriyansah. Y., Zanariyah, S. Lutfi, M., & Male. M, 2022). However, in practice, the process of converting confiscated land often encounters obstacles, especially related to ownership and land rights. Land that has been confiscated cannot be immediately converted without going through a clear legal process. Although the government as the party that has the authority to manage confiscated land needs to ensure that the conversion of land for public interest, such as housing development, must still comply with applicable legal procedures so that no party is harmed.

Confiscated land may have legal issues related to previous owners, which may complicate the process of transferring ownership rights or the function of the land. For example, in many cases, confiscated land may have disputes related to its ownership status before being confiscated by the state, such as inheritance issues, lease rights, or claims from third parties. Therefore, before confiscated land is used for housing development or other public interest projects, the legal status of the land must be clarified and properly verified.

The regulation of ownership rights over confiscated land used for public interests, particularly in housing programs, is an important issue in law. agrarian and civil law in Indonesia. Confiscated land is land that is confiscated by the state due to violations of the law committed by the landowner, either related to criminal acts or unfulfilled financial obligations. In housing development, this confiscated land often becomes an object that will be used for public interest, especially if there is a great need for land to meet the housing needs of the community. The regulation of ownership rights over confiscated land in the housing program not only concerns the transfer of ownership rights, but also the protection of the rights of related parties, as well as the regulation of land use for social purposes. The process must be clear and follow strict regulations, so that there is no violation of rights, either from the affected landowner or the wider community who have an interest in the development project (Ikbal. AZ, 2021).

Transfer of ownership rights over confiscated land, especially for public interest, such as housing development, requires transparency and clear procedures. In housing development, the transfer of land rights can be carried out through a legal mechanism, such as land acquisition obtaining permanent legal force. Mechanism This can also include the transfer of use rights or lease rights for certain purposes, which are more temporary and used by the authorities for

housing projects. However, in this case, the transfer of rights must be carried out by ensuring that all procedures administrative applicable have been met, both for social interests and to ensure that all parties involved receive equal rights protection. In addition to the transfer of ownership rights, an equally important aspect is the provision of fair compensation for the affected parties.

In housing programs involving confiscated land, compensation arrangements are a key element in ensuring that landowners affected by development projects receive compensation in accordance with Law No. 2 of 2012, parties who lose their land rights are entitled to compensation, which can be in the form of money, replacement land, or other forms that are considered equivalent to the value of the lost land. The process of determining the value of compensation must be carried out by a competent party, such as an assessment team consisting of credible land appraisers who have experience in their fields. A proper and fair assessment of the value of the land is very important so that the compensation received by the landowner is equivalent to the market value of the lost land, so that no party is harmed (Nurdin. M, 2022). However, fair compensation does not only concern material or financial aspects, but also relates to respect for the social rights and economic rights of land owners. Therefore, the land acquisition process for public interest in housing programs must be carried out by prioritizing the principles of social justice, transparency, and accountability. The government or legal entity responsible for development Housing must also ensure that the rights of affected parties remain well protected, so that social conflicts do not occur that are detrimental to all parties involved.

Wrong One major challenge in land ownership regulations for confiscated land for public interest is the uncertainty of the legal status of the land. Another challenge is related to the potential dissatisfaction of the community affected by land acquisition. Although there are provisions regarding compensation, often the party that loses the land feels that the compensation value given is inadequate or does not match the market value of the lost land. This problem can worsen social relations between the affected parties and the government, and slow down or even fail the housing project that is being carried out. Therefore, it is important for the government to continue to communicate with the affected community, provide clear information about the objectives of the development, and conduct public consultations to bridge the interests of various parties. In addition, administrative procedures in land acquisition must be carried out transparently.

Affected communities must have access to understand the stages of land acquisition, from determining land prices to compensation mechanisms. Affected parties must also be given the opportunity to file objections or claims if there are any discrepancies in the land acquisition procedures. This is very important to

maintain public trust in the land acquisition process and the housing development project as a whole. Given the importance of this regulation, the government and related parties must play an active role in ensuring that every step in land acquisition for the public interest, especially housing programs, is carried out by paying attention to the principles of justice, transparency, and respect for community rights. The government also needs to provide an effective dispute resolution mechanism that can be used by communities who feel disadvantaged in the land acquisition process. Thus, housing programs that use confiscated land can run fluent, providing benefits to the wider community, and not causing social inequality.

The regulation of ownership rights over confiscated land used for public interest, especially in housing programs, is an important part of the management of natural resources in Indonesia. A good process, in accordance with applicable legal provisions, will result in optimal land use, provide benefits to many parties, and ensure protection of individual and community rights. Fair and transparent management will create social and legal stability, and ensuring that housing development is carried out in accordance with the aim of improving community welfare.

4. Conclusion

The use of confiscated land in the implementation of public housing programs is a relevant alternative in responding to the increasing need for land, especially in strategic areas experiencing high demographic pressure. From a civil law perspective, confiscated land that has obtained permanent legal force can be transferred through an official auction mechanism, where valid auction minutes serve as authentic evidence of the transfer of rights. However, this process must be carried out carefully and in accordance with legal procedures, considering that the status of confiscated land is different from ordinary land. In its implementation, cross-ministerial collaboration is crucial, considering the complexity of confiscated land management which involves aspects of agrarian law, administrative law, and civil law. Cooperation between the DJKN, ATR/BPN, and the Ministry of PUPR must be based on a valid written agreement and pay attention to the principles of legal certainty and good faith. To support the effectiveness of the use of confiscated land in housing programs, there needs to be clear technical regulations, an integrated land status verification system, and a fair and transparent compensation mechanism for affected parties. With a legal-based approach and the principle of social justice, the use of confiscated land can be an effective, legitimate, and sustainable solution in supporting national strategic programs in the housing sector.

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