

Legal Consequences of Sale and Purchase Using Guardianship Declaration Made by Not an Authorized Official

Mohamad Bayu Firdaus¹⁾ & Taufan Fajar Riyanto²⁾

¹⁾ Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: mbayufirdaus@gmail.com

²⁾ Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: taufanfajarriyanto@unissula.ac.id

Abstract. *Land sale and purchase transactions involving minors must meet certain legal requirements, including the use of a valid guardianship letter. However, in practice, it is still found that the use of a Guardianship Certificate made by someone other than an authorized official does not meet the provisions of the law, thus causing legal consequences for the validity of the deed of sale and purchase. The purpose of this study is to analyze the considerations of the panel of judges in Decision Number 100/Pdt.G/2021/PN.Skt which cancels the sale and purchase of land rights using a guardianship certificate made not by an authorized official, and to analyze the legal consequences of the sale and purchase deed using a guardianship certificate made not by an authorized official. This study uses a normative legal research type which is carried out by examining library materials or secondary data. The data analysis method used in this study is qualitative with the Statute Approach method and the Case Approach. The results of this study are that the Sale and Purchase Deed Number is considered legally invalid because at that time one of the selling parties had not reached the age recognized by law to enter into an agreement. The Panel of Judges canceled the sale and purchase transaction using a guardianship certificate made not by an authorized official which was considered legally invalid because it did not fulfill the correct legal procedures related to the guardianship of minors, resulting in the sale and purchase deed and land ownership certificate products being legally invalid.*

Keywords: *Certificate of guardianship; Deed of sale and purchase; Legal consequences.*

1. Introduction

Land plays an important role in the lives and livelihoods of society, including as infrastructure in the fields of industry, housing, and roads. Land is a place of settlement for most of humanity, in addition to being a source of livelihood for humans to earn a living through farming and plantations, which ultimately land is also used as the final resting place for someone who dies.¹Based on Article 33 paragraph (3) of the 1945 Constitution, which states that the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.²

then the government enacted Law Number 5 of 1960 concerning Basic Agrarian Principles or better known as UUPA. In Article 4 of this UUPA, it is determined on the basis of the state's right to control as referred to in Article 2, there are various rights to the surface of the earth, called land, which can be given to and owned by people, either alone or together with other people and legal entities. The rights to land referred to in paragraph 1 of this article provide the authority to use the land in question, as well as the earth and water bodies and the space above them, only needed for interests directly related to the use of the land within the limits according to this Law and other higher legal regulations. Therefore, in general, land is a place of settlement, every development is expected to improve the quality of life or welfare of the community, but besides that, the existing development also sometimes produces positive and negative impacts at each stage. Development activities will have an impact on the community, namely having an impact on increasing or decreasing the economic sources of the sustainability of the surrounding community.

The community's need for land is in line with the pace of development in all fields carried out by the Government in Indonesia.³So that supervision in the development of land owned by others must be considered. As regulated in Article 1 paragraph 2 of the Decree of the President of the Republic of Indonesia Number 55 of 1993, it is explained what is meant by land release, namely releasing the legal relationship between the holder of land rights and the land he controls by providing compensation on the basis of losses. With this understanding explained in Article 1 paragraph 2, it indicates that there are rights to land and also rights to the owner or the person who controls it, then if there is a person or legal entity who wants there must be compensation or replacement for the land in accordance with the land he controls or has

¹Abdurrahman, 1983, Problems of Land Rights and Land Acquisition in Indonesia, 2nd edition, Alumni, Bandung, p. 1

²1945 Constitution. Article 33.

³Moh Taufiq Zulfikar Sarson, Nirwan Junus, Counseling on the Implementation of a Complete Systematic Land Registration Program to Improve Land Certificate Ownership Data, *Abdidas Journal* Vol 3 No 5 Pg 849.

released.⁴With the rights held by the government for the benefit of the community which will be used for the public, then there should be no problems arising later in land acquisition.

Therefore, what often happens does not correspond to the reality in the field, where the impact of land acquisition for settlements on compensation for land and buildings cannot protect the interests of community business activities which are the main source of the economy.

The problem that often occurs at this time is if there is no agreement with the land owners, while the development must be carried out immediately, the revocation of land rights can be carried out on the basis of public interest. Therefore, the concept of public interest must be one perception so that it is easier to reach a mutual agreement.

Based on UUPA Article 2, this Agrarian Law was formed with the main objectives, namely:

1. Laying the foundations for the preparation of national agrarian law which is a tool to bring prosperity, happiness and justice to the State and the people, especially the farming people in the framework of a just and prosperous society,
2. Laying the foundations for establishing unity and simplicity in national land law;
3. Laying the foundations to provide legal certainty regarding land rights for all people.⁵

In Article 1 number 3 of Presidential Regulation Number 36 of 2005 concerning Land Acquisition for the Implementation of Development for the Public Interest, it is stated that land acquisition is any activity to obtain land by providing compensation to those who release or hand over land, buildings, plants, and objects related to land or by revoking land rights.⁶Land Acquisition is any activity to obtain land by providing compensation to those entitled to the land.

In Indonesia, infrastructure development activities such as toll roads, dams, embankments, oil refineries, and various developments including private buildings such as industrial areas, mining, and so on are often carried out. Where the development can have a detrimental impact in the form of a decrease in the income of people who have displaced business activities, a shift in livelihoods at the business location, so that the level of welfare decreases if the elements of

⁴Rahayu Subekti & Yustisia, Compensation Policy in Land Acquisition for Development in the Public Interest, Journal of Law 2016

⁵Arba, Indonesian Agrarian Law, Third Edition, sinar Grafika, Jakarta, 2017, p. 57

⁶Presidential Regulation Number 36 of 2005 concerning Land Acquisition for the Implementation of Development for Public Interest. Article 1 number 3.

land acquisition do not match the compensation which is the livelihood of the community.

Every land acquisition must go through a legal process, the purpose of which is to:

- a. Control and supervision of development implementation and land use;
- b. Directing development in accordance with the principles of city development plans, namely the Regional Spatial Planning Plan (RTRW);
- c. Requires land users, especially developers, to provide public facilities and social facilities.⁷

In terms of land acquisition activities, there is compensation given to the community in the form of land and buildings that are released. The losses given according to Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest Article 33. As explained in the Law, it is known that there is no compensation that covers community business activities. Such as the case in Sumur Geneng Village, Jenu District, which received land acquisition for the National Strategic Program (PSN) for the construction of an oil refinery. After one year, a polemic arose which caused the community to lose their livelihoods. This land acquisition problem caused various problems, including land evictions carried out by the government without considering the long-term impacts that would occur to the community in order to provide welfare based on the law.

One of the problems of land acquisition for land and building compensation does not cover community business activities, namely the construction of the Kendari-Toronipa road in Southeast Sulawesi which has been carried out since 2020 in two stages. The first stage of construction began in July 2020 with a project value of IDR 150 billion with a road construction length of 3.6 km and continued with the second stage with a budget of IDR 756 billion with a road length of 11 km. with a total overall stage I and stage II of 14 km, and a width of 27 m. This toll road also includes a road length of 13.4 m, with 3 bridges of 9,000 m, and 6 box culvers. The construction of this road project took place from July 29, 2020 to November 30, 2022. The construction of this road passes through two sub-districts, namely Kendari District and Soropia District. Based on field data, it is known that the sub-districts/villages affected by the construction of the road for Kendari District consist of Kendari Caddi Village, Kessilampe Village, Mata Village, and Purirano Village, while in Soropia District, it consists of Sorue Jaya Village, Tapulaga Village, Bajoe Indah Village, Telaga Biri Village, Leppe Village, Mekar Village, and Toronipa Village.

⁷Sugianto & Leliya, Land Acquisition for Public Interest (An Analysis in Legal Perspective & Impact on Community Economic Behavior), Deepublish, Yogyakarta, 2017, p. 53

One of the impacts that arises is the release of land owned by residents, where the land or land is evicted or reduced due to the construction of the main road, which causes a number of problems for residents living around the road. One of the impacts of the construction of the road is for entrepreneurs whose businesses are located in areas affected by land evictions

Looking at the background above, the researcher is interested in conducting research and writing a thesis entitled, "Problems with the Impact of Residential Land Acquisition on Land and Building Compensation Does Not Cover Community Business Activities".

2. Research Methods

The author uses the method of legal research, which is empirical legal research (sociological). That is, research that uses empirical facts taken from human behavior, both verbal behavior obtained through interviews and real behavior carried out through direct observation.⁸and normative juridical as a writing approach. The normative juridical method is a method of writing or analyzing law that focuses on the interpretation and application of existing legal norms. This method uses a theoretical and deductive approach to understand and analyze the law.⁹In the normative legal method, the author or legal analyst will collect legal sources, such as laws, regulations, court decisions, and other legal documents. The author will then analyze and interpret the contents of these legal sources.

3. Results and Discussion

3.1. Problems of the Impact of Residential Land Acquisition on Land and Building Compensation Does Not Cover Community Business Activities

The construction of the Kendari-Toronipa road in Southeast Sulawesi which was carried out since 2020 in two stages. The first stage of construction began in July 2020 with a project value of IDR 150 billion with a road construction length of 3.6 km and continued with the second stage with a budget of IDR 756 billion with a road length of 11 km. with a total overall stage I and stage II of 14 km, and a width of 27 m. This toll road also includes a road length of 13.4 m, with 3 bridges of 9,000 m, and 6 box culvers. The construction of this road project took place from July 29, 2020 to November 30, 2022. The construction of this road passes through two sub-districts, namely Kendari District and Soropia District. Based on field data, it is known that the sub-districts/villages affected by the construction of the road for Kendari District consist of Kel. Kendari Caddi, Kel. Kessilampe. Mata Village, and Purirano Village, while in Soropia District it consists of Sorue Jaya Village, Tapulaga Village, Bajoe Indah Village, Telaga Biri Village. Leppe Village. Mekar Village, and Toronipa Village.

⁸Mukti Fajar ND and Yulianto Achmad, 2007, *Dualism of Normative & Empirical Legal Research*, Yogyakarta, Pustaka Pelajar, p. 280.

⁹Muhaimin, 2020, *Legal Research Methods*, (Mataram University Press Team, 2020), p. 45.

The construction of the Kendari Toronipa road has a significant socio-economic impact on the community and surrounding areas. This project has great potential to improve the quality of life and economic growth in the area. However, the construction of this road also brings positive and negative impacts. For information, the construction of the Kendari-Toronipa Toll Road began in 2019. For one year, the Southeast Sulawesi Provincial Government (Pemprov) carried out land acquisition. The construction continued with the first phase of construction starting in July 2020 with a project value of IDR 150 billion. Meanwhile, the second phase recorded a project value of IDR 756 billion. Head of the Southeast Sulawesi Provincial Water Resources and Highways Agency Pahri Yamsul explained that the toll road is 14.3 km long and 27 m wide. This toll road includes a 13.4 meter long road, three 9,000 m long bridges, and 6 box culverts. "The road facilities also include a 2.8 meter wide traffic lane, bicycle lanes, sidewalks, and channels," said Pahri. This article has been published on Kompas.com with the title "Inaugurating the Kendari-Toronipa Toll Road, Governor Ali Mazi: This is the Only Free Toll Road in Indonesia".

1. Positive impact

The positive impacts arising from the construction of the Kendari-Toronipa Beach main road on the lives of the people in Purirano Village are:

a) Accelerating travel time between Kendari City and Toronipa Beach. Road infrastructure development is one of the important efforts in encouraging economic growth and improving community welfare. One significant example is the construction of a main road connecting Kendari City with Toronipa Beach. The construction of this road is not only aimed at improving accessibility, but also has a positive social and economic impact on the lives of the surrounding community. In Purirano Village, Kendari District, Kendari City, this development has accelerated travel time between the two locations, thus facilitating community mobility and increasing access to various economic and social opportunities. This process reflects how proper infrastructure development can provide broad and sustainable benefits to the community.

In essence, development is an effort aimed at improving people's welfare. The implementation of development includes several aspects including economic, social, political and security aspects with the aim of achieving equitable development for all levels of society. One form of this effort is through infrastructure development carried out by the government (Ilmiah et al., 2021).

It can also be seen that with faster access, business people in Purirano Village and its surroundings can more easily transport their merchandise to Kendari City and vice versa. This not only increases the efficiency of goods distribution, but also opens up new opportunities for local entrepreneurs to expand their markets, in addition, the tourism sector also feels this positive impact, where Toronipa Beach becomes more accessible to local and out-of-town tourists. This

ease of access can increase the number of visitors, which in turn encourages the growth of small businesses such as lodging, restaurants, and street vendors that provide various tourist needs. Another positive impact is the increase in property values around the main road. With better access, land and property in Purirano Village become more attractive to investors and developers. Overall, the construction of this road not only increases economic efficiency but also enriches the social life of the local community.

b) Reducing transportation density between Kendari city and Toronipa Beach.

The development of transportation infrastructure is one of the important aspects in the development of a region. One of the projects that attracts attention is the construction of the Kendari-Toronipa Beach Main Road in Southeast Sulawesi. This project not only aims to improve accessibility, but also has a significant socio-economic impact on the local community, especially in Purirano Village, Kendari District, Kendari City. One of the positive impacts expected from the construction of this road is the reduction of transportation density between Kendari City and Toronipa Beach. This will certainly bring major changes to people's daily lives, from efficiency of travel time to the potential for increased economic activity along the road corridor. One of the most prominent positive impacts is the reduction in traffic density between Kendari City and Toronipa Beach.

Before the construction of this road, people often experienced traffic jams and long travel times, especially on weekends or holiday seasons. However, after this main road was operational, there was a decrease in vehicle volume on alternative routes that were previously congested. Informants reported that their travel time was reduced by 30-40%, which had a positive impact on the efficiency of daily activities. In addition, the reduction in traffic density also had an effect on reducing the level of air pollution and noise in areas that were previously congestion points. Before the construction of the Kendari-Pantai Toronipa main road, the air conditions around the residential areas were very unfavorable due to pollution produced by vehicles passing by every day, but with this construction, the air conditions around the residential areas have gradually improved.

2. Negative Impacts

The construction of the Kendari-Toronipa Beach Main Road has four negative impacts on the community in Purirano Village, namely:

a. Reduction in productive marine land Infrastructure development is an important aspect in efforts to increase economic growth and public welfare. One of the infrastructure projects that has received attention is the construction of the Kendari-Toronipa Beach Main Road in Kendari City, Southeast Sulawesi. This project is expected to increase accessibility and encourage economic

development in the region. However, as with every development project, there are positive and negative impacts that need to be considered. One of the negative impacts that has received attention is the reduction in productive marine land, especially in Purirano Village, Kendari District.

This phenomenon raises questions about the balance between the benefits of development and potential losses for local communities, especially those who depend on the marine sector for their livelihoods. The reduction in productive marine land can have a significant impact on the livelihoods of fishermen and business actors in the fisheries sector. Therefore, it is important to conduct an in-depth study of the socio-economic impacts of the Kendari-Pantai Toronipa Main Road development on the lives of the people in Purirano Village.

By understanding these impacts comprehensively, it is hoped that the right solution can be found to minimize losses and optimize the benefits of development for all levels of society. The construction of the Kendari-Toronipa Beach main road has a negative impact on the community in Purirano Village. The construction of the Kendari-Toronipa Beach Main Road has a double impact on the Purirano Village community. On the one hand, this project increases accessibility and new economic potential. However, on the other hand, there has been a significant decline in the traditional fisheries sector, which has a direct impact on the income of local fishermen. The main challenge faced is balancing infrastructure development with efforts to preserve traditional livelihoods, as well as helping communities adapt to the economic changes that occur.

The construction of Kendari Toronipa Road in Purirano Village, Kendari District, Kendari City shows that there are significant changes in the local economic structure. One of the main findings is the reduction in productive marine land which has a direct impact on the fisheries sector and the livelihoods of local fishermen. Field observations and interviews with the community revealed that road construction has resulted in the loss of some traditional fishing areas. This has led to a decrease in catches and income for small fishermen. Several informants reported a decrease in income of up to 30% compared to before the road was built.

b. Evictions and relocations occur.

Infrastructure development is one of the important aspects in the development of a region. One of the significant infrastructure projects in Kendari City is the construction of the Kendari-Pantai Toronipa main road. This project is expected to improve connectivity and encourage economic growth in the region. However, as with many large-scale development projects, the construction of this main road also has complex socio-economic impacts on the local community, especially in Purirano Village, Kendari District.

One example of a land acquisition case that was affected by the land acquisition for the Kendari-Toronipa road is Kasilampe Beach, the following is a picture before and after the Kendari-Toronipa main road.

Figure 2. Kasilampe Beach before and after the Kendari-Toronipa main road



Source: documentation

Based on the picture above, namely the Kasilampe beach was affected by the construction of the Kendari main road which resulted in the beach being closed because only 10% of the actual area was left, there were several irregularities in determining the value. Moreover, the decision-making process did not consider the decision of the deliberation. He considered the price determination to be done subjectively.

La Ode Wahyuddin Ado SH, 2020 "The price has changed up to four times. Even though it is not permitted by the rules. In determining the amount of release, the land price is too low, not objective and not professional. Therefore, the community objects to the different unit prices of land and buildings, even though the land owned by the applicants is close together," he said accompanied by his fellow attorney, Fheyus Ockjum SH when visiting the Kendari Pos editorial office, Wednesday (16/6)

The landowners who objected, he continued, were 8 people. Two residents of Mata Village and 6 residents of Kasilampe Village. Not only rejecting the price offered, they asked the authorized institution to supervise the compensation process for the Kendari-Toronipa road land. Because it is very likely that this compensation process is indicated by Corruption, Collusion and Nepotism which causes state losses.

La Ode Wahyuddin Ado SH, 2016 "We expect law enforcement agencies to supervise this compensation process. In the near future, we will make an official

report to the Southeast Sulawesi High Prosecutor's Office and the Indonesian Corruption Eradication Commission regarding indications of irregularities in the process of implementing compensation for land for communities affected by the Kendari - Toronipa Road project," he said on behalf of the Non-Litigation Advocacy Team for Compensation for Land Acquisition of the Mata and Kassilampe Communities.

Figure 3. Pandawa Restaurant



Source +: Documentation

The picture above shows the right is the old Kendari-Toronipa access road and the left is the new Kendari-Toronipa main road. The owner of the Pandawa restaurant located in Kampung Buntung also felt the same thing from the impact of the Toronipa-Kendari road construction. The location which was previously strategic was on the side of the main road before the construction of the Toronipa-Kendari road, after the construction of the Kendari Toronipa road, its position was no longer on the main road, so he suffered losses and closed, Tina Melinda, 2024 "I have never been visited by representatives from the Kendari city government, or parties related to the construction of the Kendari-Toronipa road in terms of compensation for business activities until now."

The owner of the strategically located land, which used to be a tourist attraction, namely Pandawa Beach, also complained that the compensation for his land was not as expected because it did not pay attention to compensation for land and buildings, which did not include community business activities.

Eko, 2024 "I did not receive compensation for my business activities, the compensation was also not in accordance with the initial agreement, payments were made in installments".

The owner of a Surabaya restaurant located in Furirano also felt the same thing, the restaurant which used to be the only restaurant, its land was affected by the construction of the Kendari-Toronipa road and was relocated to another non-strategic location so that it suffered losses and closed.

Problems of Land Acquisition for Residential Land and Building Compensation Does Not Cover Community Business Activities in residential locations and business activities affected by the Kendari-Toronipa road have caused many problems, including compensation that is not in accordance with the initial agreement or has changed from the relevant government to the affected community, then there is no compensation for community business activities, this shows the community's ignorance and the absence of socialization regarding compensation for land that does not cover business activities.

3.2. The Legal System for Land Acquisition for Residential Land and Building Compensation Does Not Cover Community Business Activities

Land acquisition is a way to obtain land for development in the public interest. Article 18 of the Basic Agrarian Law states that: "for the public interest, including the interests of the nation and state and the common interests of the people, land rights can be revoked, by providing appropriate compensation and in accordance with the methods regulated by law." This provision is the basis for the elaboration of land acquisition regulations in Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest. Article 1 number 2 of the law stipulates that: "Land acquisition is an activity of providing by providing appropriate and fair compensation to the entitled party. Furthermore, in the context of land acquisition for the Kendari-Toronipa road based on the concept of GR Terry (2010; 16) explains that "Management is a process consisting of planning actions, so the land acquisition process for the Kendari-Toronipa road must be based on the principle of land acquisition. This is intended so that land acquisition is based on the land acquisition mechanism that has been regulated in applicable regulations.

The construction of the Kendari-Toronipa road began in 2019-2023 so that the planning design and legal certainty applicable in terms of land acquisition and compensation use land acquisition in Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest.

These principles have been implemented by the land procurement party. Based on the study above, it can be concluded that in the process of implementing land acquisition for the Kendari-Toronipa road, the implementing party has carried out land acquisition in accordance with the principles of land acquisition, both the principle of deliberation, the principle of transfer of land rights and the principle of compensation. However, the problem of land acquisition occurs because the landowner community offers a land price that is not in accordance with the mechanism of the Kendari-Toronipa road land acquisition party.

Certainty is a matter (condition) that is certain, a provision or a stipulation. Law must essentially be certain and fair. Certain as a guideline for behavior and fair because the guideline for behavior must support an order that is considered reasonable. Only because it is fair and implemented with certainty can the law

carry out its function. Legal certainty is a question that can only be answered normatively, not sociologically.¹⁰ According to Kelsen, law is a system of norms. Norms are statements that emphasize the aspect of "should" or *das sollen*, by including several regulations about what should be done. Norms are products and deliberative human actions. Laws that contain general rules become guidelines for individuals to behave in society, both in their relationships with other individuals and in their relationships with society. These rules become limitations for society in burdening or taking action against individuals. The existence of these rules and the implementation of these rules create legal certainty.¹¹

3.2. Obstacles and Socialization Related to the Release of Residential Land Regarding Compensation for Land and Buildings Does Not Cover Community Business Activities

Construction of the Kendari-Toronipa main road. As a result of this construction, the Bajo community in Leppe Village experienced several socio-economic impacts, namely many people complained, especially fishermen who depended on fish income from the sea. There were changes experienced by the Bajo community in the sales process which was very different from before. Road construction is very important in the economic cycle process so that in improving the economy in each region it is necessary to make improvements to transportation access so that it can be reached in this case which is in the tourism road area. Development of road infrastructure on the socio-economic community in Leppe Village, Soropia District, Konawe Regency to find out the obstacles faced by the community with the process of road infrastructure development on the socio-economic in Leppe Village. from the results of the analysis of the impact of the road infrastructure development process on the socio-economic in Leppe Village, it still has little effect on the circulation of economic activities.

¹⁰Dominikus Rato, *Philosophy of Law Seeking: Understanding and Understanding Law*, Laksbang Pressindo, Yogyakarta, 2010, p. 59

¹¹Peter Mahmud Marzuki, *Introduction to Legal Science*, Kencana, Jakarta, 2008, p.158.

Figure 3. Bajo Village before and after the Kendari-Toronipa main road



Source; Documentation

Leppe village was affected by the construction of the Kendari-Toronipa main road, so they had to be relocated from their previous position. In line with the current government program, making Indonesia the world's maritime axis, namely by increasing the strengthening of maritime development accompanied by strengthening democratic demands and increasing the role of society (*stakeholders*), equality and justice as well as attention to marine potential and regional diversity, the process of developing coastal and marine areas should be structured within a framework of an integral, synergistic and harmonious approach, taking into account value systems and institutions.

So through the Government in an effort to overcome the impacts that occur in the construction of the Kendari-Toronipa tourism main road on the Bajo community, it should take a role and responsibility, especially empowering the community. Government involvement in overcoming development is a demand and responsibility for the impact of losses experienced by the Bajo community, especially on social impacts.

4. Conclusion

Thus, it can be concluded that the Problem of Land Acquisition for Residential Land and Building Compensation Does Not Cover Community Business Activities in Residential Locations and Business Activities Affected by the Kendari-Toronipa Road as follows: 1. Problems include the absence of compensation for community business activities, this shows the community's ignorance and compensation that is not in accordance with the initial agreement or has changed from the government regarding compensation for land acquisition for the affected community. 2. The draft planning and legal certainty that applies in terms of land acquisition and compensation uses land acquisition in Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest and

its Updates to Government Regulation in Lieu of Law Number 39 of 2023. The government in this case is the province of Southeast Sulawesi in the construction of the Kendari-Toronipa road which is based on Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest and its Updates to Government Regulation in Lieu of Law Number 39 of 2023, however, in its implementation not all are applied 3. Socialization regarding compensation for land has been conveyed, but the community's understanding regarding land acquisition is still very lacking, so that many of them do not receive appropriate compensation.

5. References

Journals:

- Deslin, M. F. (2024, Agustus). Indonesia Notary. Retrieved from Tanggung Jawab Notaris Terhadap Formalitas Akta Yang Dibuat: <https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1433&context=notary>
- Drajat, M. I. (2024, Juni). Analisis KUHPerdara Pasal 345 Terhadap Permohonan Perwalian Atas Anak Dari Saudara Kandung. TERANG: Jurnal Kajian Ilmu Sosial, Politik, dan Hukum. Volume 1 No.2, <https://journal.appihi.or.id/index.php/Terang/article/download/201/232/977>.
- Jati, Z. A. (n.d.). Peralihan Hak Atas Tanah Yang Dimiliki Anak Oleh Orang Yang Bertindak Sebagai Wali. Retrieved from jurnal ilmu hukum: ALETHEA: <https://ejournal.uksw.edu/alethea/article/view/5626/2078>
- Maharani, A. T. (2021, April). Officium Notarium. Retrieved from Kekuatan Pembuktian Akta Notaris Terkait Ketidak Cakapan Penghadap Setelah Penandatanganan Akta: <https://journal.uui.ac.id/JON/article/download/18891/11647#:~:text=Syarat%20pertama%20dan%20kedua%20merupakan,terpenuhi%2C%20maka%20akta%20dapat%20dibatalkan>.
- Windajani, I. (2008). Mimbar Hukum-Fakultas Hukum Universitas Gajah Mada. Retrieved from Pelaksanaan Hak Dan Kewajiban Perdata Orang Yang Tidak Cakap Hukum Di Kabupaten Sleman : <https://doi.org/10.20303/jmh.v20i3.255>
- Yolanda, W. (2020, Juli). Akibat Hukum Peralihan Hak Atas Tanah Milik Anak Tanpa Persetujuan Penetapan Perwalian Dari Pengadilan (Studi Putusan Pengadilan Negeri Malang No 217/Pdt.G/Pn.Mlg). Retrieved from Jurnal Somasi Vol. 1 No. 1 : <https://jurnal.ceredindonesia.or.id/index.php/somasi/index>

Books:

- Adjie, H. (2013). Kebatalan dan Pembatalan Akta Notaris. Bandung: PT. Refika Aditama.

Arto, M. (2004). *Praktek Perkara Perdata Pada Pengadilan Agama (Vol. Cet V)*. Yogyakarta: Pustaka Belajar.

Kelsen, H. (1973). *General Theory Of Law and State*. Translated by Anders Wedberg. New York: Russel&Russel.

Subekti, R. (1995). *Aneka Perjanjian*. Bandung: Citra Aditya Bakti.

Suprpto. (2007). *Ilmu Perundangundangan Jilid I, Jenis, Fungsi dan Materi Muatan*. Yogyakarta: Kanisius.

Tahuna, P. N. (2018, April 11). PERJANJIAN BATAL DEMI HUKUM DAN DAPAT DIBATALKAN.