

**ANALISIS YURIDIS-KONSTITUSIONAL ATAS KEWENANGAN
PEMERINTAH DALAM KEBIJAKAN PEMBEBASAN TANAH UNTUK
KEPENTINGAN UMUM (STUDI ANALISIS PADA KANTOR
PERTANAHAN KOTA MEDAN TENTANG PEMBEBASAN LAHAN DI
SUNGAI BEDERA, KOTA MEDAN)**

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ABSTRAK

Pembebasan tanah untuk kepentingan umum merupakan kewenangan negara yang harus dilaksanakan dengan menghormati hak konstitusional warga negara.

Penelitian ini menganalisis pengaturan hukum pembebasan tanah dan kesesuaiannya dengan prinsip konstitusional, mengkaji kewenangan pemerintah dalam pelaksanaan pembebasan tanah di Sungai Bedera, serta mengevaluasi implementasinya berdasarkan prinsip keadilan dan perlindungan hak konstitusional masyarakat.

Metode penelitian yang digunakan adalah yuridis normatif dan yuridis empiris dengan pendekatan peraturan perundang-undangan, konseptual, dan kasus. Data diperoleh dari bahan hukum primer, sekunder, dan tersier, serta wawancara dengan pejabat Badan Pertanahan Kota Medan, Pemerintah Kota Medan, BWSS Sumatera II, dan masyarakat terdampak.

Hasil penelitian menunjukkan pengaturan hukum pembebasan tanah telah sesuai dengan prinsip konstitusional berdasarkan UUD NRI 1945, UUPA, dan UU Nomor 2 Tahun 2012. Kewenangan pembebasan tanah di Sungai Bedera terbagi kepada Badan Pertanahan Kota Medan sebagai pelaksana teknis, Pemerintah Kota Medan dalam perencanaan dan penganggaran, serta BWSS Sumatera II dalam pelaksanaan fisik. Implementasi telah mengikuti prosedur hukum dan memperhatikan prinsip keadilan, meskipun terdapat perbedaan persepsi mengenai nilai ganti kerugian. Pelaksanaan pembebasan tanah telah sesuai dengan prinsip yuridis-konstitusional dan melindungi hak konstitusional masyarakat, namun perlu perbaikan transparansi dan komunikasi untuk mewujudkan keadilan substantif.

Kata Kunci: Pembebasan Tanah, Kepentingan Umum, Badan Pertanahan, Ganti Kerugian, Keadilan

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**Pembimbing I

***Pembimbing II

JURIDICAL-CONSTITUTIONAL ANALYSIS OF GOVERNMENT AUTHORITY IN LAND ACQUISITION POLICY FOR PUBLIC INTEREST (AN ANALYTICAL STUDY AT THE LAND OFFICE OF MEDAN CITY REGARDING LAND ACQUISITION IN SUNGAI BEDERA, MEDAN CITY)

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ABSTRACT

Land acquisition for public interest constitutes state authority that must be exercised with respect for the constitutional rights of citizens.

This research analyzes the legal regulation of land acquisition and its conformity with constitutional principles, examines government authority in the implementation of land acquisition in Sungai Bedera, and evaluates its implementation based on principles of justice and protection of community constitutional rights.

The research method employed is normative juridical and empirical juridical with statutory, conceptual, and case approaches. Data were obtained from primary, secondary, and tertiary legal materials, as well as interviews with officials from the Land Agency of Medan City, Medan City Government, BWSS Sumatra II, and affected communities.

The research findings indicate that legal regulations on land acquisition conform to constitutional principles based on the 1945 Constitution of the Republic of Indonesia, the Basic Agrarian Law (UUPA), and Law Number 2 of 2012. Authority over land acquisition in Sungai Bedera is divided among the Land Agency of Medan City as technical implementer, Medan City Government in planning and budgeting, and BWSS Sumatra II in physical implementation. Implementation has followed legal procedures and considered principles of justice, although differences in perception regarding compensation values persist. The execution of land acquisition has complied with juridical-constitutional principles and protected community constitutional rights, though improvements in transparency and communication are needed to achieve substantive justice.

Keywords: Land Acquisition, Public Interest, Land Agency Compensation, Justice

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