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REFORMULATING COMPENSATION PAYMENT NORMS IN LAND ACQUISITION FOR PUBLIC INTEREST

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Abstrak

Penelitian ini mengkaji implikasi hukum dari Pasal 78 Peraturan Pemerintah Nomor 39 Tahun 2023, khususnya terkait ketidakjelasan batas waktu pembayaran ganti rugi dalam pengadaan tanah untuk kepentingan umum. Ketentuan tersebut memungkinkan penundaan tanpa batas waktu yang jelas, sehingga menimbulkan ketidakpastian hukum dan mengancam hak konstitusional pemilik tanah. Tujuan penelitian ini adalah untuk menganalisis dampak normatif dari kekaburan tersebut serta merumuskan formulasi pengaturan yang lebih pasti secara hukum dan adil secara prosedural. Dengan menggunakan pendekatan yuridis normatif, penelitian ini mengacu pada teori keadilan Aristoteles, konsep kepastian hukum Gustav Radbruch, dan prinsip penafsiran peraturan perundang-undangan. Temuan menunjukkan bahwa frasa "hal tertentu" dalam ayat (6) dan (7) membuka celah interpretasi, memungkinkan penyalahgunaan diskresi, serta berpotensi memicu ketidakpercayaan publik dan konflik sosial. Oleh karena itu, studi ini merekomendasikan revisi pengaturan dengan menetapkan batas maksimal penundaan, pemberian sanksi atas keterlambatan, dan penguatan prinsip transparansi. Kebaruan penelitian ini terletak pada fokus terhadap norma waktu sebagai elemen penting dalam perlindungan hukum, yang selama ini kurang mendapat perhatian dalam literatur pengadaan tanah. Temuan ini menjadi semakin relevan di tengah maraknya sengketa ganti rugi yang terus berulang dan merugikan pemilik tanah di berbagai wilayah Indonesia.

Keywords: *Pengadaan Tanah, Ganti Rugi, Kepastian Hukum, Keadilan, Peraturan Pemerintah*

Abstract

This study examines the legal implications of Article 78 of Government Regulation No. 39 of 2023, particularly the ambiguity surrounding the time limit for compensation payments in land acquisition for public interest. The provision allows for postponement without a clear temporal boundary, leading to legal uncertainty and undermining the constitutional rights of landowners. The objective of this research is to analyze the normative consequences of such ambiguity and propose a more legally certain and procedurally fair regulatory formulation. Using a normative legal approach, the study applies Aristotle's

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theory of justice, Gustav Radbruch's concept of legal certainty, and principles of statutory interpretation. The findings indicate that the undefined phrase "certain conditions" in paragraphs (6) and (7) creates interpretive gaps, enables discretionary abuse, and risks triggering public distrust and social conflict. Therefore, the study recommends revising the regulation to establish a clear maximum postponement period, impose delay penalties, and reinforce transparency standards. The novelty of this research lies in its focus on temporal norms as a crucial component of legal protection, an area largely overlooked in existing land acquisition literature. These insights are particularly urgent amid recurring compensation disputes that continue to affect landowners across Indonesia.

Keywords: Land Acquisition, Compensation, Legal Certainty, Justice, Government Regulation

INTRODUCTION

The demand for land in Indonesia continues to increase in line with rapid population growth and massive infrastructure development. Land is not only individually valuable as a place to live and an economic resource, but is also needed by the state for the construction of public facilities such as roads, bridges, and national strategic areas (Agustin & Hariyani, 2023, p. 19). In a philosophical and juridical perspective, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms that the earth, water, and natural resources contained therein are controlled by the state and used to the greatest extent for the prosperity of the people (Indonesia, Central Government, 2023). This right of control from the state includes the authority to determine the designation, control, use, and legal relations over land, which is normatively regulated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration (I Ketut Oka Setiawan, 2019, p. 18). In the context of national development, the government has the legitimacy to acquire land for the public interest, but in practice conflicts often arise due to lack of clarity in implementation, especially regarding the provision of fair and timely compensation (Sayuti, 2021; Syaidi, 2024).

Several previous studies have reviewed the problems in land acquisition for the public interest, such as Dyah Ayu Manggar Kencana's research in the study of the construction of the Semarang-Demak toll road, which found injustice due to the unclear payment of compensation. Thus, the gap analysis lies in the aspect of the vagueness of the time norms governing compensation in Article 78 paragraph (5) and paragraph (6) of

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Government Regulation Number 39 of 2023, which has not received in-depth attention in positive legal studies. Therefore, this study offers novelty in the form of a focus on analyzing the time norm in providing compensation as a crucial element in creating legal certainty and procedural justice (Kencana, 2023, p. 167). Then, the study by Rizki Natalina Silalahi also highlighted the issue of compensation in a national strategic project, namely the construction of Kualatanjung Multipurpose Terminal Port in Batubara Regency. Her research found a number of obstacles in the compensation process, including the absence of residents during land measurement, the existence of disputed objects, and rejection of the amount of compensation value. The solutions used in practice were deliberation, mediation, and consignment. However, this research emphasizes technical and sociological aspects rather than the construction of time norms in land acquisition regulations (Silalahi, 2022, p. 105).

From these various studies, it can be identified that there is a gap in legal studies that focus on analyzing the time norm in Article 78 paragraphs (5) and (6) of Government Regulation No. 39 of 2023. Most studies still focus on aspects of the size of the compensation value or procedural constraints, not on time certainty as part of legal protection. Therefore, the novelty of this research is a normative study of the vagueness of the time norm in the provision of compensation, which has implications for procedural justice and public trust in the rule of law. This research offers a new perspective in assessing and reformulating the construction of time norms to be more certain, proportional and participatory (Obrien Kaawoan et al., 2024; Zaki Mahfuz Ridha et al., 2024).

The urgency of this research lies in the fact that delays in payment of compensation in land acquisition have triggered various social conflicts in the community. This not only causes economic losses for affected residents, but also has the potential to disrupt public order and the stability of national strategic projects. Cases in South Lampung, Bekasi and Jambi that led to citizen protests show that uncertainty over the timing of compensation payments is not merely an administrative issue, but involves public trust in the state (Syahreddy, 2025). This delay is a form of *ius constitutum* failure in providing fair and efficient legal protection. Therefore, an in-depth analysis is needed to build a *ius constituendum* that is responsive to citizens' rights and the interests of national development (Rahmad, 2022, p. 60).

The legal issues examined in this research include two main questions: first, What are the legal implications of the regulation of the period of payment of compensation for land acquisition for the public



interest as stipulated in Article 78 of Government Regulation of the Republic of Indonesia Number 39 of 2023? and second, How is the formulation of legal arrangements with certainty regarding the period of payment of compensation for land acquisition for the public interest? Both legal issues depart from the discrepancy between norms and practices and aim to critically dissect the content of multi-interpretive legislative norms.

This research examines the normative ambiguity in Article 78 paragraphs (5) and (6) of Government Regulation No. 39 of 2023 concerning the period of compensation payment in land acquisition for public interest. The absence of a clear time limit for compensation postponement introduces serious concerns about legal certainty and opens the door to potential discretionary abuse. Such uncertainty not only undermines administrative effectiveness but also erodes the principles of justice, public trust, and the integrity of the legal system. When legal norms fail to provide definitive guidance and instead allow multiple interpretations, conflicts become not merely possible but inevitable. In land acquisition processes that directly affect citizens' constitutional rights, the law must uphold clarity, predictability, and fairness as fundamental attributes of a just regulatory framework (Aqmadea Eshafia et al., 2024; Lutfiah et al., 2024).

The primary aim of this study is to provide a juridical analysis of the implications arising from the current formulation of the compensation payment period and to propose a restructured legal framework that ensures timely, fair, and accountable compensation for landowners affected by state-led acquisition processes. This analysis is grounded in the theories of justice (Aristotle), legal certainty (Radbruch), and statutory interpretation, offering both conceptual insight and regulatory direction.

LITERATURE REVIEW

In examining the complexity of norms on the timing of payment of compensation in land acquisition for the public interest, especially as stipulated in Government Regulation No. 39 of 2023, a deep theoretical understanding is required to dissect the legal dimensions involved. This research uses three main theories, namely Justice Theory, Legal Certainty Theory, and Legislation Theory, as analytical tools to build solid scientific arguments, as well as a framework in assessing the adequacy and acceptability of the legal norms under study. The three theories are mutually reinforcing and directly relevant to the problem of time norm vagueness that creates potential injustice and uncertainty for landowners affected by development projects (Vianney Bagus Raditya et al., 2024).

Justice Theory

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The Theory of Justice as proposed by Aristotle emphasizes that justice is to give to everyone what is rightfully his, both in the form of distributive and corrective justice (Maurya, 2022, p. 242). In the context of land acquisition, distributive justice appears in the state's efforts to distribute the benefits of development to all citizens proportionally, while corrective justice is reflected in the compensation mechanism as an effort to repair the losses experienced by landowners (Berliani et al., 2024, p. 254). When the norm on the payment period is not strictly and precisely implemented, such as in Article 78 paragraph (6), which opens room for exceptions without clear limits, there is a discrepancy between the principle of justice and its implementation in practice. This theory provides an argumentative basis that delays in compensation payments are a form of state failure to fulfill the economic rights of citizens fairly, especially for vulnerable groups such as the poor, farmers, or inherited landowners affected by development.

Legal Certainty Theory

According to Gustav Radbruch, legal certainty is a fundamental principle in a state of law characterized by clarity, measurability, and consistency of norms (Ramadhan et al., 2025, p. 131). The provision in Article 78 paragraph (5) of PP No. 39/2023 has set a maximum payment deadline of 17 days after validation, but the provision in paragraph (6) opens the possibility of time extension without a specific definition of the phrase "certain things" (Indonesia, Central Government, 2023). This vagueness creates normative and procedural uncertainty, which results in doubt, potential arbitrary delays, and loss of public trust in the legal system. In the context of this research, legal certainty theory is used to assess the validity of the prevailing normative structure and its implications for the constitutional rights of landowners, particularly the right to legal protection and certainty of timely compensation. This lack of clarity has also contributed to the rise of agrarian conflicts and the emergence of social protests in various regions.

Theory of Legislation

To analyze the construction of norms in Article 78 of Government Regulation No. 39 of 2023, especially regarding the period of granting compensation for land in procurement for the public interest. This theory departs from the understanding that legislation is a form of written law formed by authorized officials and is binding on the public (Berry, 2021, p. 89). According to Bagir Manan, legislation is a legal instrument that contains normative behavior patterns and aims to create order and legal protection in society (Dananjaya et al., 2024, p. 36).

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In this context, if the provision in paragraph (6) of Article 78 opens up unlimited room for interpretation without strict normative elaboration, then the norm loses its substantial legitimacy. In addition, within the framework of *rechtsstaat*, according to F.J. Stahl, every legal regulation must guarantee the protection of citizens' human rights and avoid potential abuse of power (Ismoyo et al., 2025, p. 5). Uncertainty in the timing of compensation payments caused by the wording of multi-interpretative norms clearly contradicts this principle. In the case of this research, the absence of consultative space or public explanation regarding the exclusion of the payment time shows that the norm has not fulfilled the principles of openness and social relevance as normative requirements.

These three theories, when examined simultaneously, provide a strong conceptual basis for evaluating the effectiveness, fairness and certainty of the regulation of the period of payment of compensation in land acquisition for the public interest. Thus, the theories become important tools to explain the discrepancy between the written law (*das sollen*) and the practice (*das sein*), as well as to build normative arguments to encourage norm reformulation to better reflect the principles of a just and pro-people rule of law.

RESEARCH METHODS

This research is a legal research with a normative juridical approach, which examines legal norms as the main basis for examining the vagueness in the regulation of the period of granting compensation for land acquisition as regulated in Article 78 paragraphs (5) and (6) of Government Regulation Number 39 of 2023 (Indonesia, Central Government, 2023). Normative legal research aims to examine the rules, principles, and structure of norms in the national legal system, to assess the suitability and consistency between the prevailing positive norms and the principles of justice and legal certainty. In line with Soerjono Soekanto's opinion, the normative approach is used to answer legal questions through a literature review of official documents such as legislation, doctrine, and relevant legal theories. Thus, this research does not seek data in the field, but relies on the study of legal materials as the main source of proof and argumentation (Soerjono Soekanto, 2014, p. 62).

This research uses two approaches, namely the statute approach (Marzuki, 2017, p. 93) and conceptual approach (Efendi & Rijadi, 2022, p. 188). The statutory approach is carried out by systematically reviewing regulations related to land acquisition for the public interest. This approach aims to assess the consistency and hierarchy of regulations, as well as



highlighting potential norm conflicts due to the multi-interpretive formulations contained in Government Regulation No. 39 of 2023. The conceptual approach is used to examine the norm through the lens of the theory of legislation. With this approach, the research is able to harmonize normative analysis with the concepts of procedural justice, norm clarity, and legal protection.

The legal materials used in this research consist of primary and secondary legal materials. Primary legal materials include legislation (Marzuki, 2017, p. 181), such as the 1945 Constitution, Law No. 5 of 1960, Law No. 2 of 2012, Government Regulation No. 39 of 2023, and Supreme Court Regulation No. 2 of 2021. Meanwhile, secondary legal materials consist of books, scientific articles, legal journals, and experts' opinions relevant to the topics of land acquisition, compensation, and legal certainty (Rizkia & Fardiansyah, 2023, p. 20). The collection of materials is done through literature study and systematic review of legal documents. The technique of analyzing legal materials is carried out by normative-qualitative analysis method which aims to assess and interpret legal norms based on interpretation rules. In this research, two main interpretation techniques are used, namely grammatical interpretation, to examine the meaning of words in the article, and systematic interpretation, to see the relationship between articles both in one regulation and between different regulations (Suyanto, 2023, p. 118). This technique was chosen because it is in accordance with the objectives of the research which is to unravel the ambiguity of norms and provide a clearer and more certain legal construction.

RESULTS AND DISCUSSION

Legal Implication of the Timing of Payment of Compensation for Land Acquisition for Public Interest in Article 78 of Government Regulation of the Republic of Indonesia Number 39 of 2023

The provisions in Article 78 paragraphs (5) and (6) of Government Regulation No. 39 of 2023 stipulate that payment of compensation for land acquisition for the public interest must be made no later than 17 days after the submission of validation results. However, in certain cases, payment can be made later than 17 days. The absence of a clear explanation of this "certain case" creates legal uncertainty for affected landowners. This uncertainty can open up opportunities for unreasonable delays in payment, to the detriment of citizens' constitutional rights to legal certainty and justice. As stated by Widiyono and Khan, legal certainty is a fundamental principle in the rule of law characterized by clarity, measurability, and consistency of norms (Widiyono & Khan, 2023, p. 128).

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Delays in compensation payments not only impact legal aspects, but also have social and economic implications; delays in compensation payments can lead to community discontent, social protests, and even prolonged conflict. This suggests that uncertainty in compensation payments can disrupt social stability and hinder the development process (Angela Dewi, 2024, p. 35) .

From an international law perspective, delays in payment of compensation for land acquisition can also violate human rights principles. According to research by Tekka, unfair land acquisition processes and inadequate compensation can lead to violations of the right to property and a decent livelihood (Tekka, 2019, p. 517). Therefore, it is important for the government to ensure that provisions regarding the timeframe for payment of compensation are clearly formulated and consistently implemented to protect citizens' rights and prevent violations of the law.

1. Normative Analysis of Article 78 of Government Regulation No. 39 of 2023 Concerning the Period of Granting Compensation in the Implementation of Land Acquisition for Development in the Public Interest

Article 78 of Government Regulation No. 39 of 2023 stipulates that the provision of compensation in the form of money is carried out no later than 17 days from the submission of validation results by the land acquisition implementer (Bastanta & Sitabuana, 2024, p. 8464). However, paragraphs (6) and (7) of the article open the possibility of extending the payment time in "certain cases" such as insufficient budget, absence of the entitled party, or other security, economic, political, social, cultural, and/or technical issues. This provision creates normative ambiguity because it does not provide a clear time limit for the extension. According to Dagan, vagueness in legal norms can reduce the effectiveness of the law and create uncertainty for affected communities (Dagan, 2000, p. 156).

Uncertainty in the timeframe for compensation can have a negative impact on the lives of people affected by land acquisition. The study by Nguyen et al. shows that delays in compensation payments can lead to a decrease in household income and changes in people's employment structure, especially for those who depend on agriculture. This shows that uncertainty in compensation payments not only impacts on legal aspects, but also on social and economic aspects of the community (Nguyen et al., 2019, p. 91). In this context, it is important to ensure that provisions on the timeframe for compensation are clearly formulated and consistently implemented to protect the rights of affected communities. Experience from various countries shows that fair and timely compensation is key to



reducing conflict and increasing community trust in the land acquisition process (Anggara, 2024, p. 99). Therefore, revisions to the provisions of Article 78 paragraphs (6) and (7) should be considered to provide legal certainty and better protection for communities.

2. Legal Implications of the Payment of Compensation Period for Legal Certainty

The timeframe for payment of compensation in Article 78 of Government Regulation No. 39 of 2023 raises questions regarding legal certainty for entitled parties. Although paragraph (5) sets a time limit of 17 days, paragraphs (6) and (7) provide broad exceptions without a clear time limit. According to Gustav Radbruch's theory of legal certainty, laws must fulfill both formal and substantial aspects, including clarity and ease of change (Kurniawan, 2024, p. 44). Provisions that provide excessive flexibility can weaken legal certainty and open up opportunities for abuse of authority. As expressed by Radbruch, laws that do not pursue justice or consciously ignore the principle of equality cannot be considered valid laws (Haris, 2024, p. 130).

The implications of this uncertainty not only impact on the legal aspects, but also on the social and economic aspects of the community (Anggara et al., 2022, p. 356). The study by Nguyen et al. shows that delays in compensation payments can lead to a decrease in household income and changes in people's employment structure, especially for those who depend on agriculture. This suggests that uncertainty in compensation payments can disrupt social stability and hinder the development process (Radbruch, 2006, p. 13). In addition, provisions that do not provide effective oversight and accountability mechanisms can reduce the level of public trust in the land acquisition process and the legal system in general. The vagueness of the formulation of Article 78 paragraph (7), especially the phrase "security, economic, political, social, cultural, and/or other technical issues", opens a wide space for possible abuse of authority. Therefore, it is important for the government to ensure that the provisions regarding the period of payment of compensation are clearly formulated and consistently implemented to protect the rights of affected communities and prevent violations of the law.

Setting the Time Period for Payment of Compensation in the Perspective of Justice Theory

The theory of justice proposed by Aristotle distinguishes between distributive justice and corrective justice. Distributive justice is concerned with the proportional distribution of benefits and burdens in society, while corrective justice focuses on restoring imbalances resulting from harmful actions (Maurya, 2021, p. 254). In the context of land acquisition for public



interest, distributive justice is reflected in the state's efforts to distribute the benefits of development equitably, while corrective justice is realized through compensation mechanisms to affected landowners (Herlindah & Darmawan, 2022, p. 25). However, when the time period for payment of compensation is not strictly and precisely implemented, such as in Article 78 paragraph (6) of Government Regulation No. 39 of 2023 which opens room for exceptions without clear limits, there is a discrepancy between the principle of justice and its implementation in practice.

Delayed payment of compensation not only violates the principle of corrective justice, but also negatively impacts vulnerable groups in society, such as small farmers and heritage landowners. The study by Neyers JW. emphasizes that corrective justice aims to restore the balance between the injured party and the party that caused the harm, by ensuring that the harm experienced is compensated fairly. When the state fails to fulfill this obligation, especially towards groups in a weak bargaining position, there is a violation of fundamental principles of justice. This suggests that legal arrangements that do not provide certainty over the timing of compensation payments can exacerbate social and economic injustice (Neyers, 1998, p. 328). To realize justice as intended by Aristotle, legal arrangements regarding the period of payment of compensation must be clearly formulated and consistently implemented. This includes setting definite time limits, effective monitoring mechanisms, and sanctions for violations of these provisions. Thus, the state can ensure that the rights of communities affected by land acquisition are protected, and the principles of justice both distributive and corrective can be realized in practice.

Setting the Time Period for Payment of Compensation in the Perspective of Legal Certainty Theory

The regulation of the time period for payment of compensation in Article 78 of Government Regulation No. 39 of 2023 reflects a classic problem in modern law: the tension between administrative flexibility and demands for legal certainty. In the perspective of Gustav Radbruch's theory, an ideal law must fulfill four main elements, namely existence as positive law, based on empirical facts, have clarity of formulation, and not easily changed (Kurniawan, 2024, p. 44). Article 78 paragraph (5) actually explicitly regulates the time limit for payment of compensation to a maximum of 17 days, but the existence of paragraphs (6) and (7) which allow delays for very broad reasons makes the effectiveness of these provisions normatively weakened. As asserted by Jimly Asshiddiqie, legal certainty is not sufficiently measured by the existence of a written norm, but rather by the ability of the norm to guarantee certainty for legal subjects, in



this case, landowners affected by infrastructure development projects (Jimly Asshiddiqie, 2021, p. 133).

In terms of legal facts, Radbruch's theory requires the law to be structured based on real social reality. Facts on the ground show that the uncertainty of payment time has been one of the causes of conflict in many areas, such as in South Lampung, Bekasi, and Tempino Jambi, as noted in media reports and also reviewed in Dyah Ayu Manggar Kencana's research related to the Semarang Demak toll road (Kencana, 2023, p. 167). The exception clauses in paragraph (7), such as "technical problems" or "security issues", indicate the state's attempt to accommodate bureaucratic realities. However, recognition of the facts does not necessarily justify the uncertainty of the norm. The precise timing of payments is a critical element of success and fairness in the land acquisition process. When legal norms fail to guarantee this temporal aspect, the principle of "reality-based law" turns into a justification for procedural violations (Zuhdi et al., 2025, p. 48).

Furthermore, the provisions in paragraphs (6) and (7) contradict the third and fourth principles of Radbruch's theory, namely clarity of formulation and robustness of norms. The phrase "other technical issues" without specific explanation is highly susceptible to unilateral interpretation by land acquisition implementers, which in practice can lead to disregard for the 17-day time limit. The absence of sanctions or accountability mechanisms for delays also weakens the legal position of landowners. In Radbruch's perspective, a law that can be easily excluded in practice is not a law that fulfills the principle of certainty. Thus, to ensure a balance between smooth development and protection of citizens' rights, Article 78 needs to be revised so that the norms governing the payment period not only "exist", but also "work" in a certain, measurable and accountable manner in the field.

Setting the Time Period for Payment of Compensation Based on the Theory of Legislation

In the context of land acquisition for the public interest, setting the period of payment of compensation is a crucial aspect that must be clearly regulated in legislation. According to Bagir Manan, laws and regulations are written decisions issued by authorized officials, containing rules of behavior that are binding on the public, and aim to create order and legal protection in society. Therefore, Article 78 of Government Regulation No. 39 of 2023, which regulates the period of payment of compensation, should be formulated by taking into account the principles of the formation of good laws and regulations, such as clarity of formulation and legal certainty (Dananjaya et al., 2024, p. 36).



However, the provision in Article 78 paragraph (6) that opens up space for exceptions without clear limitations can lead to legal uncertainty. This is contrary to the principle of the rule of law (*rechtsstaat*) put forward by Friedrich Julius Stahl, which emphasizes that every legal regulation must guarantee the protection of citizens' human rights and avoid the potential for abuse of power (Anwar, 2021). The uncertainty of the time of payment of compensation caused by the wording of norms that have multiple interpretations is clearly contrary to this principle, and can harm the parties who are entitled to receive compensation. In addition, in the framework of the formation of good laws and regulations, the principles of openness and public participation must also be considered. The provisions in Article 78 paragraphs (6) and (7) do not provide a space for public consultation or explanation regarding exceptions to the payment time, so that the norms do not meet the principles of openness and social relevance as normative requirements (Indonesia, Central Government, 2023). Therefore, to realize effective and fair legislation, it is necessary to formulate norms that are clearer, participatory, and in accordance with the principles of the rule of law (Nurjaya, 2011, p. 169).

Formulation of Certain Legal Arrangements Regarding the Period of Payment of Compensation

The timeframe for payment of compensation in land acquisition for the public interest in Indonesia, as stipulated in Article 78 of Government Regulation No. 39 of 2023, poses challenges in terms of legal certainty. While paragraph (5) sets a 17-day time limit for payment, paragraphs (6) and (7) leave room for exceptions without a clear time limit, which may result in uncertainty for parties entitled to receive compensation (Indonesia, Central Government, 2023). In this context, the principles of legal certainty demand clarity and predictability in the implementation of legislation (Azharie, 2023, p. 83). The lack of clarity in the exclusion time limit can lead to diverse interpretations and potential abuse of authority by the land acquisition executor. This is contrary to the purpose of the law to provide protection and certainty to the community, especially for those affected by land acquisition.

To overcome this problem, revisions to the provisions of Article 78 paragraphs (6) and (7) are required by setting a clear maximum time limit for exceptions, as well as defining specifically the conditions that can be the basis for delaying payments. In addition, compensation mechanisms for late payments and transparency procedures in the postponement process need to be regulated to ensure accountability and protection of the rights of eligible parties. These measures are in line with the principles of legal



certainty and fairness in the implementation of land acquisition for public interest.

Legal arrangements that provide certainty regarding the period of payment of compensation in land acquisition for the public interest have significant positive impacts on various aspects of the process. First, clarity and firmness in regulations will increase public trust in the land acquisition process (Widiyono & Khan, 2023, p. 128). When people know exactly when they will receive compensation, they tend to be more cooperative and supportive of the development process. This is in line with the view of Maria S.W. Sumardjono who emphasizes that the certainty of the timing of compensation payments has a major influence on the success of the land acquisition process and the level of public trust (Sumardjono, 2008, p. 219).

Secondly, legal certainty in the period of compensation payment will accelerate the development process for the public interest. Payment uncertainty is often a source of conflict and resistance from the community, which in turn can hamper or delay development projects. With clear and firm arrangements, potential conflicts can be minimized, so that development projects can run on schedule. Satjipto Rahardjo emphasizes that law should function as an instrument that facilitates development, not as an obstacle (Rahardjo, 2011, p. 16).

Third, regulations that provide legal certainty in the period of payment of compensation will reduce the number of land disputes related to land acquisition. Many land disputes occur not because of the amount of compensation, but because of the uncertainty of when the compensation will be paid. Bernard Arief Sidharta emphasizes that legal certainty is an instrument of conflict prevention in society (Bernard Arief Sidharta, 2009, p. 85). With a clear regulation of the payment period, the potential for conflict between the government and the community can be minimized.

CONCLUSION

The absence of a specific time limit in Article 78 paragraphs (6) and (7) of Government Regulation No. 39 of 2023 has created legal uncertainty and enabled discretionary delays in compensation payments. This undermines Radbruch's principle of legal certainty, Aristotle's concept of distributive justice, and Bagir Manan's view on the need for normative clarity in legislation. This study reveals a clear regulatory gap: the lack of a binding maximum delay period, the absence of enforcement measures, and insufficient legal remedies for affected landowners. To ensure fair and accountable land acquisition, the regulation should be revised to include a strict temporal standard, impose administrative consequences for non-compliance, and establish a functioning grievance mechanism. These



reforms are necessary to uphold citizens' constitutional rights and strengthen trust in legal processes related to public-interest development.

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