

Legal Aspects of Land Appraisal by a Team of Assessors in the Procurement of Land in Maros

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Abstract: The purpose of this study is to know and analyze the implementation of land assessment by the land assessment team, and to identify and analyze the factors that influence the implementation of land assessment by the land assessment team. Research method in this research is research of empirical law that is research to execution of rule of law pertaining to appraisal to land in execution of land registration.

Keyword: Land Aspect, Land Appraisal

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I. INTRODUCTION

Land is one of the most important natural resources for the survival of mankind, the human relationship with the land is not just a place to live, but more than that the land provides resources for the survival of mankind. For the Indonesian people the land is a gift of God Almighty and is a national treasure, and the relationship between the Indonesian nation with the land is immortal, therefore must be managed carefully in the present and for the future. Land issues are a matter of the most basic rights of the people. Land in addition to having economic value also function socially, therefore the private interest on the land is sacrificed for the public interest. This is done with the disposal of land rights by obtaining compensation that is not in the form of money alone but also in the form of land or other facilities. Philosophically the land was not originally given to individuals.

So it is not true that one who sells the land is selling his property, which is true he only sells the services of maintaining and maintaining the land for as long as it is mastered. This is true when examined more deeply that the land in addition to having economic value, also has a social value that means the right to land is not absolute. However, the state must guarantee and respect the rights granted to the land to its citizens guaranteed by law.

According to Article 16 of Law Number 5 Year 1960 on Basic Regulation of Agrarian Principles or commonly referred to the Basic Agrarian Law abbreviated (UUPA) regulated on land rights that can be given to citizens in the form of the most important Property Rights, Use Rights Efforts, Building Use Rights, Right to Use, Right to Land, Right to Open Land, Right to Collect Forest Products and other rights not included in the rights mentioned above to be stipulated by law and rights which are temporary as mentioned in Article 53 of UUPA.

This means that the economic value of land rights will be different from the rights attached to the land, so the compensation provided for the land also determines how much to receive by the existence of such a distinct right, however the state has the authority to carry out the development as regulated in legislation either by revocation of rights or by land acquisition.

The problem of land acquisition is a very complicated matter in handling it, because in it concerning the livelihood of the people, when viewed from the government's need for land for development purposes, it is understandable that the available state land is very limited, therefore the only way that can be pursued is to free land owned by the community, whether it has been controlled with rights under customary law or other rights under the BAL.

The value of compensation is very important for the holder of the land rights because the land is a resource that in addition to having economic value as well as social, political, even for the people of Indonesia the land also has links with religious values. For most communities, land is where they live and their livelihoods, so that their land acquisition by others must take into consideration the economic and social impact it brings. A farmer whose livelihood depends on the land will lose his livelihood if his land will be taken over and that has the potential to greatly reduce the welfare of the farmer and his family.

Besides, normatively, the Constitution provides assurance of protection to the holder of the land right to the land owned as stipulated in Article 28 H paragraph (4) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution) that every person has the right to own the right of private property and such property shall not be arbitrarily taken over by any person. The provision is reinforced by Article 28 J Paragraph (2) of the 1945 Constitution that in exercising the right and freedom of each person shall be subject to the restrictions stipulated by law with the sole intention to guarantee the recognition and respect for the rights and freedoms of others and to fulfill fair demands in accordance with moral judgment, religious values, security, and legal order in a democratic society.

Development that is intended for public interest today requires the fulfillment of the need for rapid land procurement. The policy issued by the government in the form of Presidential Regulation No. 65/2006 concerning the procurement of land constitutes the annulment of Presidential Regulation No. 36/2005 on Land Procurement for the Implementation of Development in the Public Interest to become one of the legal umbrella for the government in facilitating the provision of land for the development.

Article 6 of Presidential Decree Number 65 Year 2006 states that Land Acquisition for Public Interest carried out by the Government or Regional Government is used for the construction of public roads and toll roads, railway lines (above ground, in the basement or in the basement) , drinking water / clean water units, drainage and sanitation; reservoirs, irrigation dams and other irrigation structures; ports, airports, railway stations and terminals; public safety facilities, such as flood prevention embankments, lava floods, and other disasters; garbage dump; nature reserves and cultural heritage; and transmission, and distribution without electricity.

Through the policy, through the mechanism of revocation of land rights, the government has the authority to take public property which is coincidentally necessary for development for the public interest.

In 2012, with the approval of the People's Representative Council together with the Government, Law No. 2 of 2012 on Land Procurement for Development for Public Interest is followed up by the issuance of Presidential Regulation No. 71/2012 on the Implementation of Land Procurement for Development in the Public Interest. In Article 27 paragraph (1) Presidential Regulation No. 71 of 2012 Implementation of Land Procurement carried out several stages, namely:

1. Inventory and identification of tenure, ownership, use and utilization of land;
2. Appraisal of compensation;
3. Deliberation agreement on compensation;
4. Provision of indemnification; and
5. Release of agency land.

The process of land acquisition will never be separated from the problem of compensation, therefore it is necessary to conduct prior research on all information and data submitted in the appraisal of the provision of compensation. If an agreement has been reached on the form and size of the compensation, a compensation payment will be made and then proceed with the disposal or transfer of title to the land concerned.

Appraisal or appraisal is one service sector that can play an important role in determining the economic value of assets and potential wealth. The assessment process is the stages performed by the assessor before arriving at a value conclusion based on data obtained from authentic and reliable sources supplemented by an appraisal opinion.

The existence of an Appraisal Agency (Land Appraiser) as the party in charge of appraising the land to be used for public purposes is very important to determine the value of the compensation to be received by the holder of the land rights. Moreover, the assessment will be used as a basis for deliberation to determine the value of compensation. Therefore professional and credible Appraisers are absolutely necessary if they want to make land procurement really put forward the principles of humanity, democracy and justice that reflect the balance of rights between the holder of the land right and the institution that needs the land.

In Presidential Decree No. 55/1993 on Land Procurement for Development in the Public Interest (Keppres No. 55/1993) the task of appraising the price of land and other objects is still the duty and authority of the Land Acquisition Committee as stated in Article 8 of Keppres no. 55 of 1993. The authority of the land acquisition committee to carry out land procurement while assessing the price of land to be exempted to carry out development for the public interest in implementation often can not be objective. The pricing of land carried out by the Land Procurement Committee tends to side with those in need of land and ignores the interests of the owner or holder of the land rights.

The Basic Agrarian Law itself through Article 16 provides the legal basis for the extraction of land of this right by determining: for the public interest, including the interests of the nation and the state and the common interest of the people, the rights to land may be repealed, by giving proper compensation in a manner regulated by law.

In Presidential Regulation no. 36 of 2005 in conjunction with Presidential Decree No. 65/2006 on Land Procurement for the Implementation of Development for the Public Interest, concerning the Institute or the Land

Assessment Team is regulated separately outside the duties and authorities of the Land Procurement Committee, although the Land Procurement Committee must coordinate with the Land Price Appraisal Agency / Team as one of the land procurement mechanisms conducted by the land acquisition committee.

The General Provisions of Article 1 Paragraph (12) of Presidential Decree Number 36 Year 2005 stipulates that the Land Price Assessment Institute / Team is a professional or independent body or team to determine the value / price of land to be used as a basis to reach agreement on the amount / amount of compensation. This provision is clarified in the Regulation of the Head of the National Land Agency Number 3 of 2007 concerning the Implementation of Presidential Regulation Number 36 Year 2005 on Land Procurement for the Implementation of Development for the Public Interest as amended by Presidential Regulation No. 65/2006 on Amendment to Presidential Regulation No. 36/2005 About Land Procurement for the Implementation of Development for Public Interest (Perka BPN No. 3 Year 2007), by separating the understanding of Land Price Appraisal Institute and Land Appraisal Team.

The Land Price Appraisal Agency is a professional and independent institution with expertise and capability in the field of land valuation. While the Land Price Appraisal Team is a team formed with the Decision of Regent / Mayor or Governor to assess the price of land, if in the district / city concerned or surrounding areas there is no Appraisal Agency of Land Prices. However, in the Perpres, the task and authority of the appraisal agency or the appraisal team for land prices has not been clearly regulated. Article 15 paragraph (2) only states that in order to determine the basis of indemnification, the Land Price Appraisal Institute / Team is determined by the regent / mayor or governor.

Thus this institution is passive because the determination of the base of compensation is still returned to the government. The Perpres also does not mention clearly who has the authority to calculate the amount of compensation for the procurement of land for public purposes.

Given the urgency of land appraisal agencies in Land Procurement for Development for Public Interest, the legislators through Law no. 2 of 2012 on Land Procurement for Development for the Public Interest, providing special arrangements concerning land appraisal agencies.

One example of land procurement conducted by the government is Land Procurement in Maros Regency, Maros Regency area is 1,619,11 Km² or 161,911 Ha with 103 villages / kelurahan. Geographically, Maros regency consists of 10% (10 villages) are beaches, 5% (5 villages) are valleys, 27% (28 villages) are slopes / hills, and 58% (60 villages) are plains. Based on the topography of 70 villages (68%) are terrain areas and 33 villages (32%) are hilly areas).

Maros Regency is located in the southern part of South Sulawesi Province, with positions between 400 45 '50 South Latitude and 1090.20' - 1090.12 'East Longitude. Regency of Pangkep in the north, Makassar City and Gowa regency in the east, Regency of Bone in the east and Makassar Strait in the west. Based on these positions, Maros Regency is located in a strategic location, in terms of communication and economic potential.

Geographically Maros regency borders the provincial capital (Makassar City) and the trade center, making Maros regency grow rapidly in various fields of development activities. Thus Maros District requires a lot of Land Procurement process.

The importance of valuation for the government in the framework of valuation of assets, especially at the National Land Agency is the Assessment for the determination of land compensation claimed as abandoned land according to PP. 36 of 1998.

II. FORMULATION OF THE PROBLEM

Based on the background that has been described above, then

the issues that will be the authors discussed are as follows:

1. How is the land assessment conducted by the land assessment team?
2. What factors influence the assessment of land by the land assessment team?

III. THEORETICAL FRAMEWORK

1. Theory of the State's Right to Control the Land

The right to control land by the state in Indonesia is regulated in Article 33 Paragraph (3) of the 1945 Constitution which is expressly stated: "The earth and water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". Article 2 of BAL which is the rule of implementation of Article 33 paragraph 3 of the 1945 Constitution explains the definition of the right to control natural resources by the State as follows:

- a. On the basis of the provisions of Article 33 paragraph 3 of the 1945 Constitution and things as meant in Article 1, the earth's water and space including natural resources contained therein at the highest level controlled by the State, as an organization of power of all people.
- b. The right of control of that State in Clause 1 of this Article authorizes:
 - 1) Arrange and administer the designation, use, inventory and maintenance of the earth, water and space.

- 2) Determine and regulate the legal relationships between people and the earth, water, and space.
- 3) Determining and regulating legal relationships between persons and legal acts concerning earth, water, and space.

The authority derived from the right of control of that State in paragraph 2 of Article 33, is used to achieve the greatest prosperity of the people in the sense of national prosperity, freedom in society and an independent, sovereign just and prosperous Indonesian state.

The right of control of that State in respect of its exercise may be authorized to the regions, private and customary law societies, as necessary and not contrary to the national interest, in accordance with the provisions of the applicable Regulations. According to Mohammad Hatta as quoted by Febrian: "Controlled by the state does not mean the state itself becomes ruler, businessman or" ondernemer ". It is more appropriate to say that the power of the state lies in the making of rules for the smoothness of economic roads, a rule which prohibits the "exploitation" of the weak by the capitalists.

Furthermore, the Constitutional Court in the consideration of its decision in the case of Judicial Review application against Law Number 20 Year 2003 regarding the power of electricity gives interpretation on the meaning of the sentence "controlled by the State" as follows:

"Understanding" controlled by the state "in Article 33 of the 1945 Constitution contains a higher or wider understanding than ownership in the conception of civil law. The conception of control by the state is a public legal conception related to the principle of the people's sovereignty embraced in the 1945 Constitution, both in the political (political democracy) and economic (economic democracy). In the sovereignty of the people, it is the people who are recognized as the source, the owner and the holder to the highest authority in the life of the country, in accordance with the doctrine "from the people, by the people and for the people". In the sense of the supreme authority mentioned, it also includes a sense of public ownership by the people collectively. The people collectively constituted by the 1945 Constitution mandate the state to establish policies (beleid) and bestuursdaad, regelendaad, management (beheersdaad) and supervision (toezichthoudensdaad) for the greatest possible prosperity of the people. The state's bestuursdaad functions are carried out by the government with the authority to issue and revoke licensing facilities, licenses (licenties), and concessions. The regulatory function of the state (regelendaad) is done through the legislation authority by the Parliament together with the Government, and the regulation by the Government (executive). The management function (beheersdaad) is done through share-holding mechanism and / or through direct involvement in the management of State-Owned Enterprises or State-Owned Legal Entities as institutional instruments through which the state c.q. The government makes use of its control over the resources to be used for the greatest prosperity of the people. Similarly, the state's oversight function (toezichthoudensdaad) is carried out by the state c.q. The Government in order to supervise and control so that the exercise of state control over the important production branch and / or that affect the livelihood of the people referred to is really done for the greatest prosperity of all the people.

2. Theory of Legal Protection

The concept of legal protection theory is closely related to government, because the government as its central point. The government as a central point so as to form two (2) forms of legal protection, namely:

- a. Preventive Legal Protection.
- b. Repressive Law Protection.

Preventive legal protection aims to prevent the occurrence of disputes or problems. While the protection of repressive law aims to resolve the dispute. As well as legal protection in the general courts and administrative courts enter into the protection of repressive law. The concept of legal protection is closely linked to the function of the law itself. Mochtar Kusumaatmadja describes the legal functions as follows: "Law is a tool for maintaining order in society. Given the function of the nature of the law, it is basically conservative means, the law is nurturing and maintaining that has been achieved. Such a function is needed in every society, including the developing community, because here too there are the results that must be maintained, protected and secured. However, the awakening society, which in our definition means a fast-changing society, the law does not have enough of such functions. It must also be able to help the process of changing society. An old-fashioned view of the law that emphasizes the function of maintaining order in a static sense, and emphasizing the conservative nature of the law, assumes that the law can not play a significant role in the process of renewal.

Theory of the Effectiveness of Law Enforcement in Society

According Soerjono Soekanto there are five things that influence in law enforcement:

- a. The legal factor itself.
- b. Law enforcement factors.
- c. Factor of facility or facility.
- d. Community factors.
- e. Cultural factors.

Meanwhile Lawrence M. Friedman with legal system theory mentioned three aspects of law enforcement: (1) Content of Law, (2) Structure of Law and (3) Culture of Law. In measuring the effectiveness of a rule, these three aspects need to be comprehensively analyzed.

This legal research includes the type of Normative-Empirical legal research, a legal research focusing its study on the "implementation or implementation" of normative legal provisions (in abstracto) on specific legal events (in concreto) and the results.

IV. DISCUSSION

1. Land Procurement Under Law No. 2 of 2012

Land procurement pursuant to Law Number 2 Year 2012 aims to provide land for the implementation of development in order to improve the welfare and prosperity of the nation, state and society while maintaining the legal interests of the Eligible Person. The Authorized Party is obliged to relinquish its land upon the execution of Land Acquisition for the Public Interest after the granting of a Compensation or based on a court decision which has obtained permanent legal force. M

Mudakir Iskandar Syah states that Land Procurement is a must to support the realization of public facilities and if it turns out the government itself has no land for it, then the only way with the procurement of land from land that is owned or owned by the community either individually or institutionally According to Maria Sumardjono, in the procurement of land, there are two parties' interests, namely government agencies that need land and communities whose land is needed for development activities. Since land as a basic human need is a manifestation of economic, social and cultural rights, the procurement of land must be done through a process that ensures the absence of a "coercion of will" from one party to another. In addition, given that the community must give up its land for a development activity, it must be ensured that its social economic welfare will not be worse than its original state, at least equivalent to the situation before the land is used by another party, therefore the procurement of the land must done according to the following principles:

- a. Principle of Agreement, namely that all land acquisition activities are conducted based on agreement between the parties who need the land and holders of land rights.
- b. The principle of Utilization, land acquisition is expected to have a positive impact on those who need land, affected communities and the wider community.
- c. Principle of Justice, to affected communities is provided compensation that can restore its social economic condition, at least equivalent to its original state, taking into account losses to physical and nonphysical factors.
- d. Principle of Certainty, the procurement of land is done according to the order of the way regulated by the laws and regulations, so that the parties know their rights and obligations.
- e. The principle of Openness, in the process of land acquisition, affected communities are entitled to information about the project and its impacts, compensation policies, construction schedules, resettlement plans and replacement locations (if any), and the right of the community to file their objections.
- f. Principle of Participation / Participation, the participation of all stakeholders in every stage of land acquisition (planning, implementation, evaluation) is needed to generate ownership and minimize the community's rejection of the activity.
- g. Principle of Equality, this principle is intended to obtain the position of the party requiring the land and the affected parties parallel in the land acquisition process. Minimize the impact and sustainability of socio-economic welfare. The negative impacts of land acquisition are minimized as much as possible, along with efforts to improve the lives of affected people so that their social economic activities are not regressing (Maria Sumardjono,2001:89)

Broadly speaking, there are 2 (two) types of land procurement, first public procurement of land for public interest, while the second procurement of land for private interests covering commercial and non-commercial or non-commercial interests. Public procurement of land for public purposes is carried out by way of disposal or transfer of land rights. Beyond that, the procurement of land is carried out by means of sale, purchase, exchange, or other agreed way.(Mudakir Iskandar,2010:2). Freedom of voluntary or non-coercive release of land rights may grant power to the state to subsequently regulate and grant its land rights in the public interest.

Normatively, land acquisition relates to activities for obtaining land by providing compensation to the discharged or surrendered land, buildings, plants, and objects related to the land. In relation to land procurement always involves two sides that must be placed in a balanced way, namely public interest / public interest and government interest.

Based on the definition of land acquisition, it is known that the release or delivery of land rights is done if the land to be acquired or required is land rights and there is willingness of the holder of the land right to submit it, but the legal status of the party requiring the land is not authorized as the subject of the right of the land to be acquired, for example (Sitorus, 2007: 7)

a. Agencies that need land are government agencies while the land to be acquired is land of property rights or land use rights for buildings, whereas government agencies are only authorized as subjects of use rights or the rights of the *pengelolaan*.

b. The institution in need is a private legal entity of a limited liability company whilst the land it acquires is land of property.

Here is the framework of development in the public interest held by the government (Limbong, 2011: 46): As an organization of power, the state must have a great authority to make it easier in its regulatory functions. In Indonesia, this is regulated in Article 33 paragraph 3 of the 1945 Constitution. The problem that may arise is the extent to which the authority can be used so as not to deviate from the circumstances that should be.

According to Pluto, as quoted by Arif Budiman in the book *Theory of State of Power and Ideology*, the interests of the state always outweighs personal interests, so that whatever becomes private property including state property. The state must have power over its citizens that power is necessary to educate its citizens with moral values. Where every individual has a strong tendency to act on his own behalf but the state must prevent it.

2. Overview of Land Rating

The land as a gift of God Almighty is a natural resource that is indispensable to fulfill human needs. Utilization of good soil will ensure the continuity of a stable ecosystem, restrict air pollution, and can create political, economic, social, cultural, defense, and national security structures.

The need for land is indicated by the demand (demand) which in turn will be filled with supply (supply). Looking at this aspect of demand and supply, then at some point there will be an equilibrium price. However, in reality the perfect market never existed, given the mechanism always "disturbed" by human activity itself, so that the market price happens often does not reflect the real economic value.

Ray M. Northam (1975) put forward two notions of the value of land, namely: The value of land is the market value (market value) ie the sale price of land that occurs at a certain time, and the value of the land is the value of assessment (assessed value) which is estimated by an assessor. Market value is the basic data for assessed value.

To conduct a land assessment, note some assessment principles. Joseph K. Eckert (1990) put forward four principles of land valuation, namely supply and demand, highest and the best use, productivity, and change and anticipation and anticipation). The power of supply and demand interacts with each other on the value of the land reflected by the selling price. In the short run, supply becomes very rigid (inelastic), because the land area can not be added quickly and drastically (Guritno, 1994). Meanwhile, the need for land as a residence or place of business as well as investment goods increasingly approach the durable consumption (durable consumption goods).

In the meantime, land valuation should be based on best and maximum land use (the highest and the best use) to make its use more economical. The use of a plot of land should be able to provide the greatest profit expectations, both material and non material gains. Actually, the land itself has value, but its development can contribute newly to the increasing value of the land. As one factor of production, land can provide surplus productivity, in addition to that provided by other production factors such as labor, capital and management. This is because the land is the rest of the benefits that have been enjoyed.

The principle of change states that market value is influenced by economic dynamics, politics and demographic factors such as zoning, interest rate, transportation or local and regional economic conditions. While the principle of anticipation (anticipation), is based on income approach. The market value is ultimately interpreted as the current value of the projected future benefit (present value of future benefits).

3. Land Value and Price

According to Supriyanto (1999), in Presyilia (2002), the value of land is a measure based on the economic capacity of land in relation to its productivity and economic strategy. In reality, the value of land divided into two, namely the value of direct land and the value of indirect land.

The value of direct land is a measure of the value of the ability of the land to directly provide the value of productivity and economic ability, such as land or land that can directly produce, for example agricultural land. Indirect land value is a measure of the value of soil ability in terms of strategic location so as to provide value productivity and economic capability, such as land located in the center of trade, industry, offices and recreation. Based on this understanding it can be said that a land may be directly low value because of the low fertility rate, but based on the strategic location is very economical. So it can be concluded that the value is a monetary unity attached to a property that is influenced by the physical factor expressed in the price where this price reflects the value of the property (Presyilia, 2002).

According to Soemadi Herutomo, (2007: 19) that the value of land is a measure of the ability of land to

produce something that directly provides economic benefits.

Land price is an assessment of land measured by nominal price in units of money for a certain area through the market mechanism of land (Darmawan, 2005: 6). Value and Price of land have a functional relationship, where the price of land is determined by the value of the land or land price reflects the high value of the land.

According to Riza (2005), the price of a plot of land is determined by the type of activity placed on it and manifested in the form of land use. The price of land in real terms can be classified into government land price (Landover Price) and market land price (Market Land Price). According to Brian Berry (1984), in Luky (1997), the price of land is a reflection of the value of land means that the price is a reflection of the value of the land.

The general understanding of the value and price of the land is: Land value is the embodiment of the capability with respect to the utilization and use of the land. Land price is a reflection of the value of land and is used as an index for the value of the land

4. Factors Causing Changes in Values and Land Prices

According to Riza (2005), basically the value of a land can be created, preserved, altered or destroyed by the fourth game of the driving force of people's life, namely:

- 1) Standard of social life
- 2) Changes and adjustments of economic life
- 3) Government regulation
- 4) Influence - influence of nature and environment

Furthermore, according to Rahman (1992), in Riza (2005), because the value of a land is a function of demand and supply, the factors - factors that need to be considered which will affect the supply and demand of land are as follows:

- 1) Increase or decrease of population
- 2) Changes in population age composition
- 3) Changes in trends and tastes
- 4) Changes in the type of society
- 5) Technological change
- 6) The ability of buyers in the market
- 7) Changes in development techniques\
- 8) Accessibility to various facilities
- 9) Land allotment

5. Patterns and Structure of Values and Land Prices

According to Sinclair (Hadi Sabari Yunus 2002, in Ernawati 2005), the value of land is divided into two different types, namely the value of agricultural land associated with efforts in agriculture and speculative land values as a result of the degree of anticipation of increased urban physical expansion in the area concerned so that the determination of the value of the land is always associated with non-agricultural interests. Since the phenomenon of urban expansion is perceived as something that continues, albeit slowly but surely, farmers have an assessment that the value of land approaching the city has a higher speculative value.

According to Von Thunen, in Haris, the availability of infrastructure (including transportation facilities and infrastructure) in urban areas also has a positive relationship and the effect of interdependence with the value of the land. With the infrastructure, causing the value of the land becomes higher, on the contrary infrastructure projects are also undermined if the price of land that become the candidate location is too expensive.

6. Determinants of Values and Land Prices

According to Dale and Mc Laughlin (1988), the factors that affect the value of land are divided into 2 (two) namely internal factors and external factors. Internal factors include the topography of the soil, the nature of the soil, and the design and condition of the building. The factors caused by outside influences include the environment where the property is placed, the availability of transportation facilities and the establishment of new community centers such as the establishment of factories, shopping centers, terminals and others.

Hidayati and Harjanto (2003) argue that property values, like those of other goods, are determined by the physical properties that exist in the property itself and some external factors that influence it. Factors that influence the value of the land in outline can be divided into demand and supply factors. The demand and supply factors are closely related to the quantity of land and land requirements. Land inventories or land offerings tend to be fixed (not increased) whereas the number of demand or demand for land tends to increase steadily as the population continues to increase. Increasing population is a major factor causing increased

demand for land, but because the amount of supply on land tends to remain, thus causing land prices to increase.

According to Kurdinanto, (Cholis 1995, in Luky 1997) the value of land is formed by factors that have a strong relationship, influence and attraction to it are classified into two factors, namely:

1) Tangible factors, measurable factors are factors that form the price of land that can be processed scientifically using academic logic. These factors appear to be planned and the physical form is in the field, such as accessibility (distance and transportation) and infrastructure network (urban infrastructure and facilities such as roads, electricity, offices and housing).

2) The intangible factors, the immeasurable factors are the factors that form the price of the land that appears suddenly (by itself) and can not be controlled in the field. By Wilcox (1983), in Luky (1997), this immeasurable factor is divided into three, namely:

a) Customary factors and institutional factors.

b) Aesthetic factors, pleasures and pleasures (esthetic amenity factors) such as neighbor type and pleasure.

c) Speculation motives, such as anticipating changes in land use, consideration of monetary changes.

In addition, by realizing that the price of land spreading following a spatial pattern, then the spatial arrangement makes a significant contribution in shaping the price of land. Spatial arrangement as reflected in the pattern of land use will contribute considerably in the formation of land value. If observed further then it can be seen that the pattern of land prices tend to follow spatial patterns of land use. That fact is still relevant to the theory put forward by Von Thunen that makes the model of land rent and distance. The closer the distance from the city center, the higher the land rent. Vice versa, the farther the distance from downtown, the lower the land rent.

Spatial patterns of land use have also been proposed by Walter Christaller (1933), a German geographer in Central Place Theory (Central Place Theory). This theory suggests that the central place is the location of activities that serve human needs (Nursid Sumaatmadja, 1981).

Theories relating to land prices either directly or indirectly are always based on "space". The location theory proposed by the Von Thunen model as well as the Christaller model, both based on the substance of "space". So because the price or value of the soil is a symptom of space, then the factors that influence it will also be more related to the symptoms of space.

There are also 4 factors that influence the value of land, namely:

1. Economic factors. Economic factors relate to global / international, national, regional and local economic conditions. The demand variables affecting the value of the land include the amount of labor, the wage rate, the level of income and purchasing power, the availability of finance, interest rates and transaction costs.

2. Social factors, Social factors form a pattern of land use in a region. Population density, education level, crime rate and pride have (prestigious areas) are social factors that affect the value of the land.

3. Political factors and government policy. Government policy in law and politics affects the value of land. Some examples of policies that may affect the cost and allocation of land use will in turn increase the price of land, among others: land ownership policy, spatial planning by determining mintakat or zoning, tax laws, licensing rules (SIPPT, IMB and others) or the determination of public service places (schools, markets, hospitals, etc.).

4. Physical and environmental factors.

There are two concepts that must be understood in the physical and environmental factors, namely the site and situation (situation). The notion of a site is all of the nature or internal character of a particular plot or region, including the size, shape, topography and all physical conditions of the land parcel. While the situation (situation) is related to the external properties. The situation of a place is closely related to the relation of the place with the places around it in a similar geographical space. Included in the sense of the situation are accessibility (distance to the shopping center (CBD), distance to school, distance to the hospital, etc.), the availability of facilities and infrastructure (urban utilities) such as transportation networks, telephone lines, electricity, drinking water and etc.

V. CONCLUSION

1. The Basic Agrarian Law itself through Article 16 provides the legal basis for the adoption of this land of rights by determining: for the public interest, including the interests of the nation and the state and the common interest of the people, the rights to land may be withdrawn, compensating which is appropriate in the manner prescribed by law.

2. The process of land acquisition will never be separated from the compensation problem, therefore it is necessary to conduct prior research on all information and data submitted in the appraisal of the provision of compensation. The existence of an Appraisal Agency (Land Appraiser) as the party in charge of appraising the land to be used for public purposes is very important to determine the value of the compensation to be received by the holder of the land rights.

3. In the assessment of property there are three methods of assessment approach. The three methods are the market comparison approach, cost approach and income approach method (Hidayati and Harjanto, 2003). The Approach Method is an appraisal method based on the level of profit that a property may present in the future and in the future, then capitalization to convert that income stream into property values.

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