

ABSTRAK

Pengadaan tanah untuk perluasan proyek pembangunan Solo Technopark menimbulkan sengketa antara warga Paguyuban Jebres Demangan dengan Kantor Pertanahan Kota Surakarta terkait akses informasi pertanahan. Warga yang telah menghuni lahan sejak 1999 mengajukan permohonan salinan peta tanah, namun ditolak dengan alasan pembatasan administratif, yang kemudian memicu penyelesaian sengketa di Komisi Informasi dan PTUN dengan putusan yang berbeda. Penelitian ini bertujuan menganalisis kesesuaian pelaksanaan pengadaan tanah berdasarkan asas-asas UU No. 2 Tahun 2012 serta perlindungan hak masyarakat ditinjau dari asas keterbukaan. Metode yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan pendekatan kasus, melalui telaah terhadap peraturan perundang-undangan serta Putusan Komisi Informasi Provinsi Jawa Tengah dan Putusan PTUN Semarang. Hasil penelitian menunjukkan bahwa pelaksanaan pengadaan tanah tidak sepenuhnya sesuai dengan asas-asas pengadaan tanah. Asas kemanfaatan dan keterbukaan formal terpenuhi, tetapi asas keadilan, kesepakatan, kesejahteraan, dan keselarasan belum terwujud. Sengketa informasi juga memperlihatkan konflik penafsiran antar aturan hukum Komisi Informasi mengabulkan permohonan warga berdasarkan UU No. 14 Tahun 2008, sedangkan PTUN membatalkannya berdasarkan Peraturan Kepala BPN Nomor 6 Tahun 2013. Penelitian ini menyimpulkan bahwa keterbukaan telah dijalankan secara formal tetapi belum substantif, karena warga tidak memperoleh akses informasi yang cukup untuk memverifikasi dasar penertiban lahan. Konflik penafsiran antar aturan hukum melemahkan perlindungan hak masyarakat, sehingga asas keadilan belum terpenuhi secara memadai.

Kata kunci: Pengadaan Tanah, Asas Keterbukaan, Hak Masyarakat, Sengketa Informasi Publik.

ABSTRACT

Land acquisition for the expansion of the Solo Technopark development project has sparked a dispute between residents of the Jebres Demangan Association and the Surakarta City Land Office regarding access to land information. Residents who have occupied the land since 1999 submitted a request for a copy of the land map, but this was rejected due to administrative restrictions, which then triggered dispute resolution at the Information Commission and the State Administrative Court with different decisions. This study aims to analyze the suitability of the implementation of land acquisition based on the principles of Law No. 2 of 2012 and the protection of community rights in terms of the principle of transparency. The method used is a normative juridical approach with a statutory and case approach, through a review of laws and regulations as well as the Decision of the Central Java Provincial Information Commission and the Semarang State Administrative Court Decision. The results of the study indicate that the implementation of land acquisition is not fully in accordance with the principles of land acquisition. The principles of benefit and formal transparency are fulfilled, but the principles of justice, agreement, welfare, and harmony have not been realized. The information dispute also shows a conflict of interpretation between legal rules the Information Commission granted the residents' request based on Law No. 14 of 2008, while the State Administrative Court (PTUN) annulled it based on the Head of the National Land Agency Regulation No. 6 of 2013. This study concluded that transparency has been implemented formally but not substantively, as residents do not have sufficient access to information to verify the basis for land acquisition. Interpretive conflicts between legal rules weaken the protection of community rights, so the principle of justice has not been adequately fulfilled.

Keywords: Land Acquisition, Transparency Principle, Community Rights, Public Information Dispute.