

ABSTRAK

Pencabutan Hak di Indonesia dan Eminent Domain di India dalam upaya pengadaan tanah untuk kepentingan umum adalah suatu proses yang seringkali menyebabkan konflik. Tahapan pengadaan tanah dan ganti kerugian pada masing-masing negara merupakan sesuatu yang menarik untuk dibahas. Menurut hukum di Indonesia pengadaan tanah diatur dalam Peraturan Pemerintah Nomor 19 Tahun 2021 dan melalui tahapan kegiatan perencanaan, persiapan, pelaksanaan, dan penyerahan hasil pengadaan tanah. Pelaksanaan ganti kerugian di Indonesia dimulai dengan Penilai Pertanahan menghitung nilai kerugian Objek Pengadaan Tanah, meliputi: tanah; Ruang Atas Tanah dan Ruang Bawah Tanah; bangunan; tanaman; benda yang berkaitan dengan tanah; dan kerugian lain yang dapat dinilai. Kemudian ganti kerugian diberikan kepada Pihak yang Berhak. Menurut hukum di India, pengadaan tanah untuk kepentingan umum diatur dalam *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* dan melalui tahapan pemberitahuan awal, survei tanah, pengajuan keberatan, skema rehabilitasi & pemukiman kembali, deklarasi pengadaan tanah, pemberitahuan pelaksanaan pengadaan tanah, dan penyerahan ganti rugi. Pelaksanaan ganti kerugian di India dilakukan oleh *Collector* dan jumlah ganti rugi yang ditentukan *Collector* harus memenuhi *solatium* yang setara dengan seratus persen dari jumlah kompensasi serta sejumlah uang yang dihitung 12% per tahun pada nilai pasar tahun tersebut. Setelah semua perhitungan selesai *Collector* akan memberikan laporan pada ketua pelaksana proyek dan pemberian ganti rugi akan diberikan pada para Land Owners.

Kata kunci: Pengadaan Tanah, Kepentingan Umum, Studi Komparatif, Indonesia Dan India

ABSTRACT

The revocation of rights in Indonesia and the Eminent Domain in India in the effort to acquire land for the public interest is a process that often leads to conflict. The stages of land acquisition and compensation in each country are interesting to discuss. According to Indonesian law, land acquisition is regulated in Government Regulation Number 19 of 2021 and goes through the stages of planning, preparing, implementing, and submitting the results of land acquisition. The implementation of compensation in Indonesia begins with the Land Appraiser calculating the value of the loss of the Land Procurement Object, including: land; Above Grounds and Dungeons; building; plant; objects related to land; and other assessed losses. Then compensation is given to the Entitled Party. According to Indian law, land acquisition for public interest is regulated in The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and goes through the stages of notification of advance, land survey, filing of objections, rehabilitation & resettlement schemes, declaration of land acquisition, notification of the implementation of land acquisition, and submission of compensation. The implementation of compensation in India is carried out by the Collector and the amount of compensation determined by the Collector must meet the solatium which is equivalent to one hundred percent of the total compensation and an amount calculated at 12% per annum at the market value of that year. After all calculations are complete, the Collector will report to the project chief executive and compensation will be given to the Land Owners.

Keywords: *Land Acquisition, Public Interest, Comparative Studies, Indonesia And India.*