

The Social Function of the Rights and Benefits of Land (Utility) on Landowners regarding the Development of General Interest

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This study aims to analyze the Social Functions of Land Ownership Rights that are beneficial to landowners and the development of public interest. The study was located in five districts across the province of South Sulawesi, where the government conducted land acquisition and the development of municipal facilities. The area is in Makassar City, Barru Regency, Wajo Regency, Tana Toraja Regency, and Bantaeng Regency. The study used questionnaire techniques to collect data from 258 people, who were selected purposively. This study also implemented a literature review. The research is related to the area of juridical sociology. The results of the study showed that the social function of property rights on the community was beneficial because the price of land increased dramatically (up more than 100%). The level of welfare received by the community varied. The development had facilitated road transportation between regencies/cities. The existence of motion dams has overcome drought, reduce flood from the Tempe Lake, and the flow of the Walennae and Cenranae rivers.

Key words: *Social function, land right, development, public interest.*

Introduction

The development of public facilities requires land. The government usually buys people's land to fulfil this need. Article 6 of the Basic Agrarian Law (UUPA) says that all rights to land have a social function. The principle of the social purpose of land rights in Indonesia is

applied nationally. Applicable law has been valid throughout the ages. It is the underlying philosophy of land law in Indonesia since 8000 years ago.

Although this law is a public law, it could not be interpreted carelessly to violate the protection of private property rights, which are a fundamental human right. Article 28, point H, fourth paragraph, of the 1945 constitution states that every individual has the right to have personal property, which could not be taken arbitrarily by anyone. Since the law protects the private property, its designation and use must be under applicable procedures. The government diverts the ownership of the land of the community to social function only after observing how the rules apply and considering the philosophy between land and humans in Indonesia.

The government asks landowners to divert the property rights of the land voluntarily when they need land. They argue that all land rights have a social purpose in Indonesia. The government will pay compensation in return. In the context of the above description, it is necessary to reveal the social function of the land rights that are beneficial to the holders of the right and the development of public interest.

Literature Review

The Social Function concept

According to Mustafa, the social function of land rights means that land use must be suitable for the community. The use of land must be in concurrence with its right and ideal for the community. The owners of the land rights must pay attention to the types of rights and the condition of the land. The ignorance of the obligation will harm their ownership. It is not proper to use land solely as an investment object with its social function status. The area will attract speculators as an object of investment that, in the end, will create price bubbles. Any price increase will make it difficult for the government to build public facilities. The government must issue the right regulation to stop land speculation activity (Bernhard Limbong, 2012).

The social function of land rights is the existence of individual rights to the land. It is necessary to reduce the freedom of the individual by incorporating elements of togetherness in it that will make the land have a social function. The social function prioritizes public interest rather than individual interests. Regarding the concept of the social function of property rights, according to customary law by Holleman (Muhammad Rustan, 2014), it is stated that the communal nature of the Indonesian people is to balance individual interests with public interests.

Indonesian people highly value the collective life of society rather than individualism. Therefore, all judgments, acts of decision, and pressure in the law are dependent on the authorities and the community. Land ownership rights are not always evident in Indonesia. A person can have his name as the landowner on the land right but not have any control over the land, due to the shared ownership with other people. It can therefore be said that land rights also have a social function. The concept of the social function of land rights in national agrarian law is based on customary law that is part of the original idea that Indonesians are not only individuals, but also social beings and God's creatures. Indonesians strive to realize harmony between the interests of individuals with common interests, and the interests of the people. The inclusion of social functions in the national agrarian legislation is an affirmation of the nature of customary law in Indonesia.

Land Ownership and Liberal Thought

Land rights are a perfect example of material rights. The holders of the rights to land are given the freedom and are free to do anything based on material rights that they have. The holders of the rights over land can control everything on their own without the interference of other people, including the authorities.

From the perspective of liberalism, all property rights to land owned by a person are absolute rights for a person, based on individual freedom as the implementation of the concept of human rights (HAM). The idea of total freedom leads to the loss of the meaningful orientation of life, which is related to the status of humanity as individuals who are also parts of society. John Locke (Ridwan, 2011) states that the ownership rights to the land emerged long before the existence of a state. They are free from the rules of the country.

Thus, the concept of property rights in a liberal society is to place individuals to have complete freedom over the ownership of their land rights. The notion that land personally belongs to its owners is valid. Therefore, the absolute ownership rights to land lead to an assumption that any violations of land rights conflict with human rights.

The Land Ownership rights under the Basic Agrarian Law

Freehold title to land, which is regulated in Article 20 paragraph (1) of the LoGA, is the right to own the land for generations. This type of land ownership is the strongest form of land rights people can have, according to the provisions in Article 6 (Boedi Harsono, 2008).

The term "for generations" means that land rights can continue as long as the owner is still alive. If the owner has passed away, then his or her rights can be extended by his or her heirs as long as they fulfil the requirements. "Strongest" means that freehold is stronger when

compared to other types of land rights. It does not have a specific time limit, free from the interference of others, and irremovable. Freehold title gives the owner the most authority when compared to other land rights, they can be a parent of other land rights, and land use is broader compared with other land rights.

The provisions of Article 21 and Article 49 paragraph (1) of the LoGA state that, in principle, only Indonesian citizens can have ownership rights to land. This applies both individually and together with other people. Also, specific legal entities established and appointed by the government that engaged in social and religious affairs can have ownership rights to land, as long as the land is used directly for the social and spiritual activities (Rachmadi Usman, 2011).

Therefore, foreigners and foreign legal entities are prohibited from having rights ownership of land in Indonesia. It shows that only Indonesian people and legal entities have the opportunity to have ownership rights to land in Indonesia.

Development for Public Interest

Public Interest Development refers to an understanding whose contents cannot be determined precisely, so the condition is not clear (J.J.H. Buggink, 1999). The formulation of public interests is always changing and depends on the benefit of the country, which makes the regulation.

The public or general interests are regulated in Article 10 of Law 2 of 2012 that include a). Defense and security, b) Public roads, tunnel toll roads, railway lines, railway stations, and railway operating facilities. c) Reservoirs, dams, irrigation, drinking water channels, sewerage, sanitation, and other irrigation structures, d) Ports, airports, and terminals, e) Infrastructure of oil, gas, and geothermal energy, f) Generators, transmissions, network substations, and distribution of electric power, g) Telecommunication and government informatics networks, h) Waste disposal and handling, i) Government/regional government property, j) Public safety facilities, k) Government/Regional Government public burial sites, l) Facilities social, public facilities, and public green open space, m) nature reserves and cultural reserves, n) Government/Regional/Village Offices, o) Arrangement of urban slumps and/or the consolidation of land and housing for low-income communities with rental status, p) Educational infrastructure or government/regional schools, r) Public markets and public parking lots.

The above categories are included in the public interest according to the laws and regulations in Indonesia, that changes over time, depending on the land policies of the country. For example, when the Presidential Regulation No. 65 of 2006 came into effect, seven parts

entered the Public Interest category. Law No. 2/2012 has seventeen sections in the Public Interest category. It proves that the formulation of the Public Interest Development always changes that make it hard to explain a precise definition. The category of public interest can therefore increase or decrease in numbers in a country.

Methodology

This research was empirical legal research (socio-juridical), carried out in several cities in South Sulawesi Province, which were Makassar, Barru Regency, Wajo Regency, Tana Toraja Regency, and Bantaeng Regency. The research population for landowners who were affected by the Development Project for Public Interest was 5244 people. In selecting the sample, it was through purposive sampling, The number of respondents was 258 for the questionnaires to the community, and interviews with one official of the National Land Agency Office of South Sulawesi Province, five officials of the Regency/City Land Agency Office and five Heads of District Defense Subdivisions/City, and five community leaders of the Regency/City. Data analysis was conducted by using frequency tabulation techniques.

Result and Discussion

The Increase of Land Value with the Development of Public Interests

The development for the public interest increased the value of the land around it. The increase was affected by the effect of the project to the public itself. Usually, by the time the construction project is completed, the land price soared. Property rights on land that had social functions were used for the benefit of land right owners over the development. Therefore, the land rights that were released for social functions experienced changes in the prices, which can be seen in the table below:

Table 1: The increasing of land price due to development for public interest

No	Description	Total	Percentage
1	Prices rise dramatically	180	69,77
2	The price remains constant	78	30,23
	Total	258	100

Data source: data processed in 2014.

The table above shows that after the socialization of the development, the land prices increased dramatically. From the 180 respondents, 69.77% argued that land prices increased from the general standard, 30.23% or 78 respondents stated that land prices did not rise, and 0% said there was a decrease in the price of land.

The data shows that, in general, the price of land in the area of GOR Sudiang highway in Makassar increased from Rp. 500,000 (five hundred thousand rupiahs) per square meter to an average of Rp. 1,000,000 (one million rupiah). In other areas of Bantaeng City, the land price rose from Rp. 75,000 (seventy-five thousand rupiahs) per square meter to Rp. 200,000 (two hundred thousand rupiahs) on average. In the Barru area, there was an increase of Rp. 300,000 (three hundred thousand rupiahs) per square meter to an average of Rp. 500,000 (five hundred thousand rupiahs). Outside the city of Barru, the price of land increased from an average of Rp 50,000 (fifty thousand rupiahs) to an average of Rp. 200,000 (two hundred thousand rupiahs) per square meter. In the Wajo District, around the location of the Tempe Dam, the price increased from only Rp. 15,000 (fifteen thousand rupiahs) increased to Rp. 50,000 - (fifty thousand rupiahs) per square meter. In Tana Toraja Regency at the location of Makkende International Airport, the land price increased from the price of Rp. 10,000, - (ten thousand rupiah), per square meter to an average of Rp. 40,000 (forty thousand rupiahs).

The increase in land prices due to the development of several provincial highway roads that was much wider than the original streets in Barru Regency, Bantaeng Regency, and GOR Sudiang Makassar was reasonably high. Similarly, in the location of the Tempe Dam in Wajo Regency and the location of Makkende International Airport in Tana Toraja Regency, all experienced price increases of above the average of 100%.

The development of public facilities was a factor that influences the increase in land prices for those whose land was located close to the projects. The law of demand and supply states that if the supply of fixed goods and services is low and the demand is high, the price of products and services will rise and vice versa. This law of demand and supply, when correlated with limited property rights, works perfectly. The price of land never decreases in price, and they move up continuously following the announcement of a new project. The price increases are even higher than the inflation rate of other goods and services due to the provision that there has never been a new addition of land, while the population always grows.

However, after the construction project stops, the land price around the project moved up slower following the general inflation rate. When the government rebuilt GOR Sudiang in 2007, the access road was expanded to twice the original size, which caused a dramatic increase of land price from Rp.500,000 (five hundred thousand rupiahs) per sq meter to Rp. 1,000,000 (one million rupiah). It becomes evident that a formula could be drawn here. Every time the government announces a development project for the public interest, then automatically the price of land increases due to the arrival of land speculators from outside the community to buy land around the project to seek profits.

The size of land has never increased (static), while the development for the public interest has continued to grow following population growth. The value of land prices rose faster, an

average of above 100% than the price of goods and services in the area of the development project. It was a logical matter and very beneficial to the landowners and the surrounding community. Besides providing economic benefits, unfortunately, it could provide financial losses and psychological effects on landowners.

The existence of the economic benefits obtained as a result of the development for the public interest benefited the landowners, both as the holders of land rights and to the surrounding community. The causes of a dramatic increase in land value were not due to the rise in prices of other goods and services (inflation), but the drastic increase in land prices in the community was caused by land ownership rights that have social functions. Therefore, people who were affected by development projects in the public interest would contribute more to the value of the divided land so that they provided more benefits for the landowners themselves and the community around the development project for the public interest.

Nevertheless, it would be the opposite for landowners who lost their land for development projects at the Tempe Dam location and Makkende International Airport. Some people sold land for the project so that they had no future value over their land. As a result, the orientation for development in the public interest would be more for capital accumulation, resulting in the marginalization of community rights to land. Even landowners focused more on the economic value of the land and no longer thought of their land as a factor of production. The land was functioned more as investment and speculation objects, resulting in a shift in the value of the social function of the land.

Community Income after Development in the Public Interest

The development for the public interest triggered a rise in personal's income, but it caused a decline in community income. The results of public recognition of the development projects in the public interest are below.

Table 2: Level income after development

No	Description	Total	Percentage
1	ence increasing	16	6,20
2	n constant	175	67,83
3	ence a slight decrease	62	24,03
4	cally decreased	5	1,93
	Total	258	100

Data source: data processed in 2014.

The table above shows that there were 16 (6.20%) respondents who said there was an increase in the level of income of the community after receiving land payment from the

government. 175 (67.83%) respondents said that the level of income was as usual (unchanged) after receiving land payments, while about 62 (24.03%) respondents argued that their income decreased slightly. Finally, there were five (1.93%) respondents who stated that their income drastically reduced after the payment.

There was a public opinion that generally, the income level of the community would not experience an increase (fixed income) after the development in the public interest. It indicated that the landowners who were affected by development projects would not receive any increase in their income. It happened in Bantaeng Regency, Barru Regency, and Tana Toraja Regency. Likewise, the community believed that there was a slight decline in income, each of which was present in all locations of this study.

Some people argue that the level of income dropped dramatically after the development due to the decline in the inability to make money as farmers. They sold their land that used to be a place to make an everyday living for the development. It was the case in Tempe Dam project. There was very few, which were only 6.20% of the respondents thought that their income increased after the development of public interest. It occurred in the area of GOR Sudiang highway in Makassar because their land originally was residential. After they received payment compensation from the government of hundreds of millions of rupiahs, they converted their houses into stores or shophouses that increased the economic value of homes and land.

Therefore, the value of land depended on the location of the land itself. The closer to public facilities and strategic economic activities (close to the city), the better. It allowed many economic opportunities to develop the business. The government could successfully build this public facility if the community had the willingness to release their land for the sake of realizing social functions. So the social purpose of property rights on land is an opportunity to guarantee the community to develop business ventures in it if the public facilities are in the city.

People in some regions stated that the development did not bring an effect on the increase in the level of income of the community because they experience a decline in income. The opinions were logical because in general, their income remained as usual, and some even encountered a decrease in income. Besides, it gave a psychological influence to landowners, especially for landowners whose land used for the development. They had to leave their location as farmers.

Accordingly, land that was used for the development of public interests should not be seen only from an economic perspective. The government should pay attention to the social

function of land and the principle of social welfare, humanity, justice, and benefit to not disturb the stability of society.

Indemnity Results Ownership Is Used As Needed

Concerning the use of compensation from land payments that were received from the local government or the Land Procurement Committee (P2T), it was for various use. Landowners used it for educational purposes, repurchasing land, repairing houses, and as working capital. Therefore, people who received land compensation from the government use it as needed. For more details, see the table below.

Table 3: Utilization of Payments for Land Rights Ownership Adjusted by Priority Scale Needs

No	Description	Total	Percentage
1	Education cost for generation	30	11,63
2	Buy a new land	15	5,81
3	Repairing House/fence	184	71,32
4	Saved/ investment	29	11,24
	Total	258	100

Data source: data processed in 2014.

The above table shows that the payment of land received by the community from the Land Procurement Committee (P2T) was for various purposes. 30 (11.63%) respondents used it for educational costs for generations, 15 (5.81%) respondents bought new land, 184 (71.32%) respondents improve their houses/ fences, and 29 (11.24%) respondents saved/invested the money.

The above data shows that the compensation from the development of the public interest for community-owned land was mostly used to renovate houses/fences. This was because the payments received was not enough to be used for the cost of repairing the house. This phenomenon occurred a lot in Barru Regency and Bantaeng Regency. According to H. Zainuddin, the compensation for the price of the building was only used to adequately pay the salaries of only the builders, because the cost was only Rp. 10,000,000 (ten million rupiahs) for one storehouse building. However, for the purchase of shophouse's building material, they must add the money.

It showed that the land ownership rights that were handed over to the development for public interest did not always provide a high contribution to the holders of ownership rights to the land. On the other hand, fortunately, in Makassar, some of the people who received

compensation for property rights were able to use the money to repair their houses, build new homes, and some even built shophouses.

The community considered the payment of land compensation received from the Land Procurement Committee (P2T) as investment money. Those who argued that the cash received from the Land Procurement Committee (P2T) was used for education costs was very little, but higher than those who used it to repurchase the land.

The existence of land compensation received by landowners had not provided a sense of distributive justice and corrective justice to the community. As for distributive justice, it could be seen that payment was still not equal for land in the city and land that was rural. For example, the compensation value in Barru Regency was Rp. 15,000 (fifteen thousand rupiahs) per sq meter for land outside the city, it was paid as much as Rp. 100,000 - (one hundred thousand rupiah) in the city. The NJOP value in Barru Regency was around Rp. 5,000 (five thousand rupiahs) per sq meter for land outside the city, and Rp. 25,000 (twenty-five thousand rupiahs) for land in the city. The real price of land outside the city was around Rp. 50,000 (fifty thousand rupiahs) to Rp. 200,000 (two hundred thousand rupiahs) per meter, while in the city around Rp. 300,000 (three hundred thousand rupiahs) up to Rp.500,000 (five hundred thousand rupiahs).

In Bantaeng Regency, the NJOP of land outside Bantaeng city was Rp.36,000 (thirty- six thousand rupiahs) per sq meter, for the city land, the average was Rp.64,000 (sixty-four thousand rupiahs). The real value for land close to the city was around Rp.150,000 (one hundred fifty thousand rupiahs) up to Rp. 200,000 (two hundred thousand rupiahs) per sq meter, while outside the city land, the real value was around Rp.50,000 (fifty thousand rupiahs) to Rp.100,000 (one hundred thousand rupiahs). According to the Treasurer of the Bantaeng District P2T based on the Bantaeng Regent Decree No.100 / 550 / XII / 2009 concerning the stipulation of compensation standards of Rp.35,000 - (thirty-five thousand rupiahs) per sq meter 11.

In Makassar, for the GOR Sudiang highway, NJOP was around Rp. 200,000 (two hundred fifty rubles rupiah), the real value of the land was around Rp. 500,000 (five hundred thousand rupiahs) per sq meter to Rp. 1,000,000., (One million rupiah). According to the Head of the Sub-Department of Makassar City that based on Decree No. 688 / Kep./591.05/2007, the value of compensation was Rp.300,000 (three hundred thousand rupiahs) per sq meter.

In Gerak Dam of Tempe, NJOP in the dam area of Wiringpalennae Sub-district, was priced Rp.5,000 (five thousand rupiahs) per sq meter, in the area of Maddukelleng Urban Village was Rp.10,000 (ten thousand rupiahs) per sq meter. The real value of land in the community was between IDR 25,000 (twenty-five thousand rupiahs) and IDR 50,000 (fifty thousand rupiahs) per sq meter. According to the Chairperson of the Land Procurement Committee

(P2T), the value of compensation paid to the community was as much as Rp. 25,000 (twenty-five thousand rupiahs) per sq meter. This payment was above the NJOP13.

In Tana Toraja district, where the Makkende International Airport was planned to be built, the real value of land was around Rp.50,000 (fifty thousand rupiahs) per sq meter. Based on the Decree of the Regent of Tana Toraja No.017 / VII / 2011, the compensation for dry land was Rp. 25,000 - (twenty-five thousand rupiahs) per sq meter and for wetland was Rp.40,250 (forty thousand two hundred fifty rupiahs). Nevertheless, the compensation was only paid Rp.22,000 (twenty-two thousand rupiahs) per sq meter because it was subject to a 3 percent tax and a 1 percent release tax.

The aforementioned legal facts showed that, in general, compensation payments were equal between the location of land in the city and outside the city and no differentiation between certified and non-certified land. This was in contrary to Article 28 paragraph (2) of the Head Regulation National Land Agency No.3 of 2007 b and Article 15 paragraph (1) letter a Perpres No. 65 of 2006 on NJOP or real value real land. Also, it was contrary to Article 17 paragraph (1) Decree of the Agrarian State Minister / Head of BPN No. 1 of 1994 that stated that the land of certified ownership was valued at 100% and the land for which the title was not certified was 90%.

Therefore, the proceeds of compensation received by the community had not given a sense of distributive justice because the payment was the same between land that was far in the city, and the one that was close to the city. However, there was a difference in the cost of certified land with uncertified land.

Improving Community Welfare

When viewed from the perspective of the level of welfare of landowners, some argue that it increased, was less increased, and did not increase after the development. The level of well-being in question was the fulfillment of clothing, shelter, and food. If fulfilled, it meant that prosperity was achieved. Therefore, solving welfare problems was relative for each individual depending on the opinions of each individual.

Tabel 4: The condition of community welfare

No	Description	Total	Percentage
1	Greatly increased	6	2,33
2	Increase	30	11,63
3	Less increase	60	23,26
4	Not increase (remain constant)	162	62,79
	Total	258	100

Data source: data processed in 2014.

The above table shows that after the development of public interest, 6 (2.33%) respondents argued that the level of welfare of the community significantly increased. 30 (11.63%) respondents believed that the level of welfare was increased. 60 (23.26%) respondents said that the level of well-being decreased after the development. 162 (62.79%) respondents stated that 162 respondents did not experience any increase or decrease.

The above data showed that the development of the public facilities, in general, did not provide an increase in the level of community welfare. It meant that after the development, it did not provide an opportunity for them to improve their welfare. There were also some examples showed that people had greatly enhanced their welfare, as happened in the GOR Sudiang City highway project. This was mainly because the compensation value was higher than that in other districts.

Accordingly, the government should now think that in valuing the payments of land, the amount of compensation should not be seen only in terms of the real value of the land. The psychological influence on the landowners, like those at the Tempe Dam location and Makkende International Airport should also be considered. The payment of land prices was based on Article 13 letter b of Presidential Regulation No. 65 of 2006, namely replacement land. With substitute land in another place (exchanged) in the form of land for agriculture or plantations, of course, the continuation of life was brighter because the main work was not lost as a farmer. It did not even provide a psychological burden for the owner of the land itself.

Thus, the existence of compensation for land owned by the community due to development in the public interest did not bring a sure guarantee that the welfare of the population would improve after the development. Therefore, land that was used for the development should accurately provide socio-economic conditions that were at least equal to the conditions before the development. If the level of welfare increased more than that before the development, it would provide benefits for the landowners themselves.

Streamlining the Flow of Transportation

Transportation is a series of activities to move or transport an item or human from one place to another by using one or more mode of transportation. Transportation modes that are built extensively are usually transportation by land, water, and air. All these transportation modes can meet human needs. One way to accelerate transportation development is by widening the roads and constructing airports, all of which require land. The land needed for the construction of public infrastructures is sometimes from individual properties. It is where

social function takes place. The social role of land ownership rights was required at the location of the development of the provincial highway in Bantaeng Regency, Barru Regency, the GOR Sudiang highway in Makassar, Tempe Dam in Wajo District, and Makkende International Airport in Tana Toraja Regency. It will make it easier for landowners and communities and transportation users in particular because it facilitated transportation access to the community.

Tabel 5: Streamlining transportation

No	Description	Total	Percentage
1	Very swift	50	19,38
2	Swift	177	68,60
3	Less swift	20	7,75
4	Not swift	11	4,26
	Total	258	100

Data source: data processed in 2014.

The above table shows that 50 (19.38%) respondents stated that the development of public transportation infrastructure greatly facilitates transportation, 177 (68.60%) respondents argue that the development facilitated transportation as expected, 20 (7.75%) respondents said the development was not good enough in facilitating transportation, and 11 (4.26%) respondents argue that the development did not have any effect on transportation.

The above data shows that, in general, the community appreciated the development of the roads in Barru Regency and Bantaeng Regency, which indicated that the government's goal to expedite highway transportation between provinces was a success. Therefore, the social function of land ownership rights for development in the public interest was beneficial in Barru Regency and Bantaeng Regency.

Whereas, in a project that had not been finished, in the area of the highway entrance of GOR Sudiang City of Makassar, the road was less smooth for transportation, only around 65% completed. The delay in the construction of the Sudiang GOR highway project was caused by the findings that the GOR lights at night blocked airplane flights at Hasanuddin Airport.

Lastly, the road to the location of the Tempe Dam was hardened, the community believes that transportation was still not smooth. Based on the results of the interview with the Head of the Land Sub-Department of Wajo District, Tempe Dam was made to accommodate the water flow of the rivers from the direction of the Walanae River and Cenranae River. It was expected that, during the dry season, there would be no drought in the Lake Tempe area of approximately 13,000 hectares. It also intended to reduce flooding during the rainy season. It also facilitated transportation through lake water that connects three districts, namely Wajo, Sidrap, and Soppeng, which was access to enable lake water transportation 15.

The construction of Makkende International Airport had not yet proceeded because there was still a dispute between the landowners of the Tongkonan and Tongkonan Saruang. Here, the community believed that there was no benefit in building the international airport of Makkende.

The development of public interest in the form of highway construction in Barru Regency, Bantaeng Regency, Makassar City and the construction of the Tempe Dam in Wajo District appreciated by the community. The community felt the benefits. It proved that development for the public interest gave a lot of benefits to the cities. It means that the release of land ownership rights had social functions. Therefore, Jeremy Bentham's view of utilitarianism is to realize the greatest happiness of the highest number of people. This can be achieved through the development of the public interest itself. The greatest happiness for the most people could be realized with the results of the construction of the public facility itself.

Conclusion

The development of the public interest that requires the involvement of the community in the form of the release of property or land rights could realize social functions. It was proven by the fact that the value of the land rose drastically above 100%. The level of community welfare obtained from the results of the development for the public interest varies. There were increases, no change, and decreases. The development of the public road facilitated highway transportation between regencies/cities. This overcame drought and reduced flooding in Lake Tempe and made the flow of the Walenna and Cenranae Rivers smoother and made the Wajo community happy. The implementation of the development for the public interest was carried out more smoothly with the support of the owner of the land rights to give up his rights.

Community support in the implementation of development for the public interest is vital to realize the social function of property rights on the land. Various factors in the process of implementing development for the public interest require synchronization to achieve the social function of property rights on the land. It requires regulatory support that pays attention to the interests of the people who are the owners of the land. The success of development from the social function of land rights is an embodiment of the values of Indonesian life that need to be preserved.



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