

## **Community Compensation in the Perspective of Maslahah: A Review of Regent Regulation No. 62 of 2013 on the Construction of the Jambi-Rengat Toll Road in Batanghari Regency**

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**Abstract:** This study examined and analyzed community compensation from the perspective of *maslahah* (public benefit) by reviewing Regent Regulation No. 62 of 2013 regarding the construction of the Jambi-Rengat toll road in Batanghari Regency, Jambi Province. The selection of this regulation serves as the basis for determining the fundamental value of community compensation for land acquisition, which constitutes the primary object of this dissertation. This study employs a qualitative research design, adopting a sociological approach that integrates positive legal and religious perspectives. The methodology is based on field observations and a literature review, providing a comprehensive analysis of the legal provisions in force and their impact on society. This approach is developed and applied to analyze justice and fairness in the implementation of laws within the community. The findings indicate that Regent Regulation No. 62 of 2013 is no longer suitable for determining the base price of community compensation for land acquisition, particularly in the construction of the Jambi-Rengat toll road in Batanghari Regency. The issue lies in the discrepancy between the regulated compensation values and the actual market prices, which have significantly evolved over time. Although the local government has introduced a revised regulation, Regent Regulation No. 52 of 2021, the delay in its issuance rendered it ineffective, as compensation agreements between the community and toll road developers had already been settled. As the policy-making authority, the government must ensure that its regulations align with principles of justice and public welfare, rather than merely focusing on administrative convenience and national economic benefits. Consideration should be given to protecting the rights and well-being of affected communities.

**Keywords:** Batang Hari Regent Regulation No. 62 of 2013, Compensation, Jambi-Rengat Toll Road Segment

### **A. Introduction**

In principle, a government development project aimed at serving the interests of the state or the public generally utilizes state-owned land. However, due to land scarcity or the strategic potential of certain areas, new policies have emerged that permit the

use of privately owned land for such projects. As a result, it has become increasingly difficult for the government to implement development policies without encroaching upon land owned by citizens. This issue must be viewed as an evolving and complex challenge. Fundamentally, these developments are driven by the impact of technological advancement.

This reflects a *sunnatullah* (divine law) that human life whether in terms of culture, civilization, or scientific knowledge is continuously and rapidly evolving. Until around the year 1700 CE, human civilization was still in the agrarian age. Life at that time relied heavily on muscle power, both human and animal, and human mobility was very slow, while the flow of information was limited to within small communities. From 1700 to 1970 CE, human civilization entered the industrial era. This period was marked by the widespread development of machinery, which gradually replaced physical labor. However, the bulk of Islamic jurisprudence (*fiqh*) produced by the classical jurists during the formative period of the *madhhab* schools was formulated during the agrarian era. As a result, many contemporary issues that have arisen in modern society are not adequately addressed by the traditional *fiqh* rulings. When examining how scholars have employed the concept of *al-maslahah* (public interest) in legal reasoning, it becomes evident that *al-maslahah* has been widely applied to formulate rulings for new and emerging issues. One example is the legal obligation for marriage registration in Indonesia, a ruling derived from the principle of *maslahah* (Umar, 2017).

Another issue lies in national development, which is carried out as a mandate of the Preamble to the 1945 Constitution and serves as one of the means to fulfill the needs of the broader society in order to achieve prosperity for all Indonesian citizens. The responsibility for realizing this mandate rests squarely on the shoulders of the government. With the continuous acceleration of development and the fixed availability of land, conflicts are likely to arise due to the clash between public interests and individual ownership rights. Urban expansion efforts, such as the construction of roads in suburban areas or spatial development based on urban planning policies, invariably require land acquisition to support these initiatives.

Thus, nearly all development efforts require land as a fundamental resource. The construction of toll roads aims to enhance the mobility of goods and people. Logistics and shipping costs become significantly lower due to more efficient travel, thereby accelerating economic circulation, encouraging investment, and fostering the development of industrial zones, which in turn increases regional revenue. The construction of toll roads in Sumatra is carried out based on Presidential Regulation of the Republic of Indonesia No. 100 of 2014 on the Acceleration of Toll Road Development in Sumatra, issued during the administration of President Susilo Bambang Yudhoyono.

Subsequently, an amendment was issued during the presidency of Joko Widodo through Presidential Regulation of the Republic of Indonesia No. 117 of 2015, concerning amendments to the acceleration of toll road development in Sumatra. For the construction of toll roads in the Jambi Province, this is stipulated in Article 2, Paragraph 1, specifically: Point (i): the Betung (Sp. Sekayu) – Tempino – Jambi toll road segment, and Point (j): the Jambi – Rengat toll road segment. The government's target was to ensure that by 2024, the Trans-Sumatra Toll Road would be fully connected from Lampung to Aceh. In particular, the construction in Jambi was scheduled for completion by 2022 and expected to be operational. However, throughout the course of the project under President Joko Widodo's leadership, several new presidential regulations were issued concerning the development of the Trans-Sumatra Toll Road. These included: Presidential Regulation No. 3 of 2016, Presidential Regulation No. 56 of 2018, Presidential Regulation No. 131 of 2022, and Presidential Regulation No. 42 of 2024. The repeated appearance of the Jambi–Rengat segment in each of these regulations suggests that this section of the toll road either has not been constructed or remains unfinished, necessitating its continued inclusion in successive policy update.

The Trans-Sumatra Toll Road, designated as a National Strategic Project (*Proyek Strategis Nasional/PSN*), stretches from Lampung to Aceh with a total length of 2,765 kilometers. Within Jambi Province, the toll road extends approximately 232 kilometers, comprising two segments located in the province. One of these is the Tempino–Jambi toll road segment, which is a continuation of the Betung segment in South Sumatra Province. The Tempino–Jambi segment spans 34 kilometers in length and covers a land area of 307.28 hectares. This segment passes through two sub-districts (*kecamatan*) in Muaro Jambi Regency: In Mestong Sub-district, it crosses Sungai Landai Village and Muaro Sebapo Village.. In Jambi Luar Kota Sub-district, it traverses Pematang Gajah Village, Sungai Bertam Village, and Pijoan Subdistrict (Kelurahan Pijoan).

The Jambi–Rengat toll road segment, which will eventually connect with the Rengat toll road in Riau Province (Pekanbaru), spans approximately 198 kilometers. The location designation (*penetapan lokasi*) for these two Trans-Sumatra toll segments within Jambi Province has been submitted to the Ministry of Public Works and Housing (PUPR), which will follow up with land acquisition procedures. The land acquisition process will be handled by the Regional Office of the National Land Agency (BPN) of Jambi Province. The initial target was to complete land acquisition by 2021, allowing for physical construction to commence thereafter. In essence, any challenges related to land acquisition must be resolved as swiftly as possible. A smooth land acquisition process will ensure that toll road construction can proceed efficiently. Although the government has strategies in place to manage these challenges, one key approach involves the valuation of assets by a Public Appraisal Office (KJPP – Kantor Jasa Penilai Publik).

In practice, the Public Appraisal Office (KJPP) assesses land prices on a plot-by-plot basis. For instance, land adjacent to main roads is classified as Zone 1, which commands the highest price, while land located further away falls into Zone 2, and so on. This zoning mechanism results in varying compensation values between one property and another, depending on the assessed value of the assets located on the land. Consequently, this benefits the affected community, as the compensation includes not only the land itself but also buildings and crops situated on it. According to Datuk Asnawi, the village head of Selat Village, for the land compensation in RT 12 and RT 13, Pemayung District, Batang Hari Regency, a total of 68 households (KK) have been affected by the Sumatra toll road construction. The compensation value for land in this area is approximately Rp 20,000 per square meter.

The cumulative compensation per plot was Rp 2,000,000, with each plot measuring 10 meters in width and 10 meters in length (100 square meters). This value contrasts with the market price of land in strategic locations within the village, which ranges from Rp 15,000,000 to Rp 20,000,000 for the same dimensions. Regarding land contents, compensation for rubber trees was valued at Rp 100,000 per tree, while oil palm trees received compensation ranging from Rp 200,000 to Rp 600,000 per tree (Asanawi, 2021). According to Amrizal, a resident of RT 12 in Selat Village whose land was listed for acquisition, he owned 35 plots of rice fields, each measuring 10 meters by 10 meters, with a total compensation value of Rp 42,000,000. Additionally, he owned 5 plots of dry land planted with rubber trees, with the same dimensions per plot, and received a total compensation of Rp 14,000,000 (Amrizal, 2021).

Furthermore, Asnawi explained that land containing wild plants or high-value timber species such as *bulian*, *meranti*, *tembesu*, and others was also eligible for compensation. However, horticultural crops (short-term plants such as vegetables, rice, and secondary crops) were not compensated. Land plots containing wells were compensated, and houses were also compensated based on their original physical structure. For example, a resident who owned a small wooden hut received Rp 20,000,000 as compensation. According to Mr. Sukarino, the head of RT 13 in Selat Village, Pemayung District, Batanghari Regency, several of his residents were among those affected by the land acquisition for the construction of the Sumatra toll road segment.

The Public Appraisal Office (KJPP) was involved from the beginning, starting with field surveys of residents' land and continuing through the consultation process regarding the form of compensation for the land acquisition in the Jambi-Rengat toll road project. KJPP inquired about various aspects, including the market value of residents' land, the valuation of all types of existing vegetation, residential housing prices, and the legal status of land ownership. Additionally, the land value was affected by proximity to the provincial road: land located within 200 meters of the provincial road was priced higher, followed by lower prices for land 200–400 meters

away, and even lower for land beyond 400 meters. Ownership status also played a role in valuation; lands with certified ownership (title deeds) were valued differently compared to those without formal documentation, even if both were legally recognized as private property.

However, land certificates obtained through independent processing (self-funded) are valued higher than PRONA certificates (government-issued free certificates). Meanwhile, land with sporadic ownership status based only on a statement letter from the village government tends to have a lower market value. In terms of residential housing, the appraisal also took into account the last time the house was renovated. For instance, Mr. Sukisno's house, measuring 7 meters by 12 meters, had wooden walls but had undergone renovations on its floor, which was upgraded with cement. The house received a compensation value of Rp 170 million. On the other hand, Mr. Daeng Ambo Tang's house, built with pinang bark walls and roofed with six zinc sheets (equivalent to half a *kodi*), was appraised at only Rp 5 million (Sukarino, 2021).

Among the preliminary data on land area affected by the construction of the Sumatra toll road segment in Batanghari Regency, Jambi Province.

**Table 1. The Number of Residents' Land in Square Meters Affected by Land Acquisition for the Sumatra Toll Road Section**

No	Name	Land Area (M <sup>2</sup> )
1	2	3
1	Rukiayanti	97
2	Winakir	64
3	Asmawati	138
4	Mulyono	7.887
5	Suminten	4.489
6	Sukarno	73
7	Amrizal	503
8	Sukani	13.575
9	Suhaimi	1.784
10	sukani	5.273
11	Tahir	4.288

Selat Village Office Record (DataPrimer, 2021)

The data above shows the total land area, measured in square meters, owned by residents and affected by the land acquisition process for the Sumatra toll road segment located in Batang Hari Regency, particularly in Selat Village. For example, Mulyono owns a plot of land measuring 7,887 m<sup>2</sup>. Meanwhile, Mr. Sukani owns two separate plots that fall within the toll road development area, measuring 13,575 m<sup>2</sup> and 5,273 m<sup>2</sup>, respectively. This suggests the possibility of duplicate entries or overlapping records, as in Mr. Sukani's case, which could be due to non-contiguous land ownership or irregular property boundaries. According to Mr. Jaka, the Secretary of Selat Village, having their area included in the Sumatra toll road

development route is considered a source of pride and happiness for the community.

Achieving this development was not without significant effort. First, in collaboration with the local government, proposals were submitted to the provincial level to consider including Batang Hari Regency in the toll road route, based on its geographic proximity to the planned construction. Two villages were initially proposed Telat Village and Teluk Village but ultimately, only Selat Village was approved. Second, a major issue emerged when residents affected by the toll road construction objected to the compensation values, which they found inconsistent compared to those offered in Java and Lampung. Their primary concern was that the land compensation was calculated based on the valuation determined by local government regulations, rather than on the minimum market value as perceived by the community.

In reality, the toll road project is a national-scale development initiated by the central government. However, Batang Hari Regent Regulation No. 62 of 2013 concerning compensation values for standing crops and buildings affected by development or other activities within Batang Hari Regency, sets compensation rates that are considered too low and have not yet been revised to reflect current land market values (Jaka, 2021). For example, PT Hutama Karya, during the land acquisition process for the Palembang-Indralaya and Pekanbaru-Kandis-Dumai toll road segments, offered compensation appraisals (fair value assessments) of no more than Rp 50,000 per square meter for the affected land.

For the Palembang-Indralaya segment, the government, through the land acquisition team, provided compensation of Rp 44,000 per square meter. The land acquisition process for this segment was conducted under the new land acquisition law, namely Law No. 2 of 2012 on Land Procurement for Public Interest. Meanwhile, in Lampung, residents owning 147 land parcels in Lematang Village, South Lampung, agreed to compensation amounts ranging from a minimum of Rp 200,000 per square meter to a maximum of Rp 350,000 per square meter for land acquisition under the Trans-Sumatra Toll Road (JTTS) project. In contrast, the Pekanbaru-Kandis segment, which had only reached 12% progress in land acquisition, also reflected very low land compensation rates.

In the Pekanbaru-Kandis segment, compensation was set at only Rp 9,000 per square meter, primarily because the affected lands belonged to corporate entities, making the rate significantly lower. In contrast, the Palembang-Indralaya segment involved residential properties owned by individual citizens. Land acquisition for public interest projects is among the most common sources of conflict between the government and land rights holders. Referring to Article 6 of Law No. 5 of 1960, it is stated that *all land rights carry a social function*. However, the social function attached

to land ownership does not imply that landowners must always be willing to relinquish their rights unconditionally when faced with broader public interests.

Public interest includes the interests of the nation and the state, as well as the collective interests of the people, taking into account social, political, and psychological aspects. In general, there are two types of land acquisition recognized in Indonesia: 1) Land acquisition by the government for public interest, and 2) Land acquisition for private interest, which includes commercial and non-commercial (non-social) purposes. According to Article 1, Point 1 of Presidential Decree No. 55 of 1993 (*Concerning Land Acquisition for the Implementation of Development in the Public Interest*), land acquisition is defined as *any activity aimed at obtaining land by providing compensation to those who have legal rights to the land*.

In conclusion, land acquisition in such cases is carried out solely through the provision of compensation, with no alternative forms of settlement. This principle serves as a guarantee for citizens' land rights. The revocation of land rights is permitted, but it must be subject to strict conditions most importantly, that fair and adequate compensation is provided. It must be recognized that land, in human life, holds not only economic and welfare value, as commonly assumed, but also bears social, political, cultural, and psychological dimensions. Therefore, resolving land-related issues requires an integrated approach that incorporates a legal approach, a prosperity approach, a security approach, and a humanity approach.

The policy of the Prophet Muhammad (peace be upon him) and the Caliphs allowed Muslims to privately own land. The state guaranteed their ownership rights, provided that they fulfilled their obligations as Muslims. Such privately owned land was subject only to 'ushr, which is zakat on agricultural produce (if the land was used for farming). Another example is conquered lands (*ardh al-makhluqah*); as the Islamic state expanded, more territories came under its control—either through military conquest (*ghanimah*) or without warfare, as in the case of *fa'i*. The Islamic government continued to manage these conquered lands fairly and proportionally, based on the principle that all land ultimately belongs to Allah and His Messenger.

Lands obtained through conquest (*takluk*) were typically distributed among the following groups: 1) Soldiers who participated in the conquest of the area—however, if the territory was acquired without warfare, then no portion of the land was allocated to the military; 2) The original inhabitants of the conquered region; and 3) The poor and underprivileged, particularly those without means of livelihood. Islam, as a complete and comprehensive religion, consistently teaches that every matter must prioritize public benefit (*maslahah*) and avoid harm (*mafsadah*). In the context of land acquisition, Islamic teachings emphasize the need to uphold the welfare of both parties involved in the transaction. Moreover, Islam strictly prohibits any form of injustice or oppression between the parties.

The authorities in this case, the government are strictly prohibited from engaging in any form of intimidation, coercion, or pressure against landowners (the people). Ibn 'Umar (may Allah be pleased with him) narrated that the Prophet Muhammad (peace be upon him) said: “Be aware that each of you is a shepherd, and each of you is responsible for his flock. A ruler is a shepherd over his people and will be held accountable for them. A man is a shepherd over his family and is responsible for them. A woman is a shepherd over her husband’s household and children and is responsible for them. A servant is a shepherd over his master’s wealth and will be held accountable for it. Be aware, each of you is a shepherd and each of you is responsible for what is under his care” (Al Albani et al., 2007).

The accountability in question refers to how those in power or policy holders—in this case, the developers of the National Strategic Project (PSN) for the construction of the toll road in Jambi Province, specifically in Batanghari Regency—are expected to provide compensation that aligns with the rights and sense of justice of the local community, both in terms of state regulations and local cultural wisdom in determining fair and equitable outcomes. In Islamic legal discourse, there is a fundamental principle that guides problem-solving in cases where no explicit ruling (*dalil*) exists in the Qur’an or Hadith. This principle allows for a contextual and practical resolution to complex societal issues and is essential when formal texts do not directly address the matter at hand.

To address the various issues encountered in the field, the researcher proposes a logical framework of analysis grounded in the concept of *maslahah*. In Arabic, *maslahah* refers to "acts that lead to the well-being of humanity." Broadly, it encompasses anything that brings benefit to human beings, either by generating advantage or pleasure, or by preventing harm or damage. Therefore, any matter that contains benefit can be classified as *maslahah*. *Maslahah* thus consists of two dimensions: (1) the attraction or realization of public benefit, and (2) the prevention or avoidance of harm (*mafsadah*). The strength of *maslahah* as a legal and ethical principle lies in its connection to the objectives of Islamic law (*maqāṣid al-sharī’ah*), which—either directly or indirectly—seek to preserve five fundamental aspects of human life: religion (*dīn*), life (*nafs*), intellect (*‘aql*), lineage (*nasl*), and property (*māl*). As elaborated by al-Ghazālī, these five essentials form the basis of the human need hierarchy and must be preserved in any legal consideration. Consequently, any measure that ensures the protection of these five principles is considered *maslahah*. Conversely, anything that threatens or undermines them is classified as *mafsadah* (Syarif, 2001; Thahir, 2015).

As an analytical tool to explore and examine the issues mentioned above, a deeper academic review is necessary, particularly considering that compensation for land acquisition is currently underway in Jambi Province for a public infrastructure project—the construction of a segment of the Trans-Sumatra Toll Road. This development is rooted in national interest and aims to meet public needs by

providing more efficient and accessible transportation. The analytical framework of this research is based on the concept of *maslahah* as articulated by Imam al-Ghazali, whose full name is Abu Hamid Muhammad ibn Muhammad al-Ghazali al-Tufi al-Shafi'i. He was born in 450 AH / 1058 CE in a small town in Khurasan (present-day Iran), just three years after the Seljuk dynasty came to power in Baghdad (Thahir, 2015).

According to al-Ghazali, the *maslahah* that serves as a basis for legal consideration must reflect the divine objective that is, *maslahah* from the perspective of God, not merely what is perceived as beneficial from a human point of view. This concept of *maslahah* is not intended for the benefit of God Himself, but rather for the well-being and goodness of humankind, both in this world and in the hereafter (Thahir, 2015). Al-Ghazali further classifies *maslahah* into three categories: 1) Maslahah Mu'tabarah – recognized public interest that is in harmony with the will of God. An example is the prohibition of consuming intoxicating substances, which is extended (through *qiyas*) to anything that causes intoxication, such as alcohol (*khamr*); 2) Maslahah Mardudah (or Bāṭilah) rejected or invalid *maslahah*, which contradicts the will of Allah.

For example, al-Ghazali rejected the act of a king choosing to fast for two consecutive months—as a substitute for freeing a slave as expiation (*kaffarah*) for engaging in sexual relations during the daytime in the month of Ramadan. In this case, the only acceptable option is freeing a slave, and alternative forms are not permitted under his interpretation of divine law. The third category is Maslahah Mursalah, which refers to unregulated public interest. According to al-Ghazali, this type of *maslahah* is permissible as long as it pertains to matters that are urgent (*ḍarūrah* / necessities) and relates to primary or essential needs (*ḥājīyyāt* / *ḍarūriyyāt*), particularly when it benefits the public at large. An example he gives is the permissibility of attacking non-Muslim enemies even if they are using Muslim civilians as human shields, despite the tragic possibility of Muslim casualties among those being used as shields (Thahir, 2015).

From the perspective of *maslahah* in terms of its legal validity according to the Shar'i authority (i.e., Allah and His Messenger), al-Ghazali classifies *maslahah* into three categories: 1) Maslahah Mu'aṭṭhirah benefits that are explicitly affirmed and directly stated in the sacred texts (the Qur'an and Hadith); 2) Maslahah Mulghāh or Gharībah invalid or rejected benefits, whose existence is clearly contradicted by scriptural evidence; and 3) Maslahah Mursalah benefits that are not explicitly mentioned in the texts, but whose spirit and objectives align with those affirmed by the sacred texts. Meanwhile, secondary (*ḥājīyyah*) and tertiary (*taḥsīniyyah*) interests cannot be used as independent legal bases, unless they are supported by evidence that is already established in the texts.

Thus, the operational logic of *maslahah* in al-Ghazali's framework follows the principle of *qiyās* (analogical reasoning). Without support from *shar'i* evidence, *maslahah* would be no different from *istihsān* (subjective preference). According to al-Ghazali, urgent or primary interests (*maslahah ḍarūriyyah*) may serve as a legal foundation, provided that the following conditions are met: 1) It must not contradict explicit (*qaṭ'ī*) textual evidence, because *qaṭ'ī* texts are considered stronger than *maslahah mursalah*; 2) The *maslahah* must be universal (*kullīyyāt*), not merely partial or particular (*juz'iyyāt*); and 3) It must be strongly believed and reasonably assumed to represent a real and concrete benefit, not a speculative or utopian notion (Thahir, 2015).

To facilitate the identification of the core problems, a schematic mapping is necessary, highlighting the following issues: 1) The increasing intensity of development and the limited availability of state-owned land, which makes it increasingly difficult to secure land for various national needs; 2) The sharp and uncontrolled rise in land prices, which complicates the government's efforts to provide infrastructure and public facilities; 3) The growing scarcity of state land for public development, which necessitates land acquisition and revocation of ownership rights by the government; 4) Inequity in the distribution of development and lack of balance in regional spatial development; 5) Lack of cooperation from certain local governments in the land acquisition process for development projects; and 6) The difficulty in implementing land acquisition and determining fair compensation, which continues to hinder the execution of land acquisition for development purposes.

To facilitate better access to information and data in line with the previously mapped problems—and to ensure that the research remains focused and does not deviate from its original objectives—it is necessary to establish the following scope and limitations: 1) The procedures involved in land acquisition and the determination of compensation for each development program; 2) The challenges encountered and the efforts made by the land acquisition committee to overcome these challenges during the implementation of land acquisition for development; and 3) The impact of compensation from the perspective of *maslahah* on communities affected by land acquisition for development. Based on the above issues, it is essential to conduct a study on: "Community Compensation in the Perspective of *Maslahah*: A Review of Regent Regulation No. 62 of 2013 on the Construction of the Jambi-Rengat Toll Road in Batanghari Regency."

## **B. Methods**

This study employs a sociological-legal approach using a qualitative research design. Qualitative research is particularly useful for discovering meaning, investigating processes, and gaining deep insight and understanding of individuals, groups, or specific situations (Lodico et al., 2010). Furthermore, this research is descriptive in

nature, aiming to systematically and accurately describe a factual situation within a specific population or setting. The subjects of this study include all relevant stakeholders involved in the process, such as: 1) National and regional government authorities; 2) Sub-district and village officials; 3) The Regional Office of the National Land Agency (BPN); 4) State-owned enterprises (SOEs) awarded the construction project for the Sumatra toll road; 5) Public Appraisal Offices (KJPP), and 6) Local landowners affected by the land acquisition process. In this study, several data collection techniques were employed, including literature review/document analysis, interviews, questionnaires, and observations (Creswell, 2018; Ishaq, 2017; Kristiawan & Asvio, 2018; Moleong, 2019). According to Miles & Huberman (1994) qualitative data analysis is carried out interactively and continuously until the data reaches a point of saturation. The stages of data analysis include: 1) Data reduction (simplifying and selecting relevant data), 2) Data display (organizing and presenting the data), and 3) Conclusion drawing/verification. To test the trustworthiness of the data, triangulation techniques were applied, which involve examining the validity and reliability of the data through cross-verification (Arikunto, 2016; Sugiyono, 2016).

**Table 1. Instrument Development**

No	Theme	Indicator
1	Compensation	It must be in accordance with applicable regulations, both in terms of state law, religious law, social law, and socio-economic and humanitarian values.
2	Release of Community Asset Rights	There must be a thorough check of the location and assets to be released. Must pay attention to the shape and type of land location against the selling value of the land to be compensated.
3	Batanghari Regency Toll Road Section	Development of National Strategic Projects (PSN) of the central and regional governments. People's welfare. Increasing regional income. Facilitating access to community mobilization. Progress in transportation access. Carrying out the mandate of the village for all Indonesian people.
4	Benefits	Islamic Law Ijtihad Benefit of the People

### **C. Results and Discussion**

The process of community compensation for the construction of the Jambi-Rengat toll road section in Batang Hari Regency in Jambi Province. Compensation is a replacement of money or goods to a person for losses experienced and used for the benefit of the public. Based on Article 1 number 10 of Law Number 2 of 2012 concerning land acquisition for development in the public interest, it states that compensation is a fair and just replacement for parties who have rights in the land acquisition process (Supit, 2021). The theory of compensation is used to analyze and describe problems in answering various real problems that occur in the field. Compensation is a "real loss" or "fietelijke nadeel" caused by an act of default or

failure to fulfill obligations in an agreement (Harahap, 1982). In examining the meaning of compensation, there are several components that must be considered, namely compensation in the form of land, buildings, plants, and others, replacing physical and non-physical losses. Compensation is the provision of compensation for losses suffered by the holder of land rights due to the transfer of said rights. Compensation for land acquisition becomes an obstacle to the development process, the value of compensation is one of the important perspectives for land owners. The issue of compensation concerns the standards in every land security action, whether through the process of land acquisition, revocation of rights, land acquisition, or land acquisition with various other actions. Land acquisition for development can only be carried out if the holder of land rights gives approval regarding the basis and form of compensation provided.

Regulation of the Regent of Batang Hari Number 62 of 2013 concerning the basic price of compensation for plant and building losses due to development activities or other activities in Batanghari Regency which was stipulated on December 4, 2013 by the Acting Regent Mr. Sinwan and the regional secretary of Batanghari Regency Mr. Ali Redo as a first step considering that in the context of implementing development activities and other activities, whether carried out by the government or by other parties that cause losses to growing plants and buildings, it is necessary to provide compensation.

The government conducts socialization to the community as a form of initial stage before land acquisition. Through the Village Consultative Body (BPD), meetings are held at the village office to inform residents about the toll road construction plan, its impacts, and compensation mechanisms. In addition, the government conducts site visits to assess the affected areas and ensure public understanding of the project. Socialization also involves discussions between the government, the community, and related parties to reach an agreement on land acquisition. The amount of compensation or compensation is determined by the central government's assessment and distributed through the central bank. This is based on the area of land and type of plant. Documentation is very important, with some documents still being processed by the National Land Agency (BPN). Most residents are satisfied with the compensation, while some feel it does not meet their expectations, especially when the value of their land is considered higher (Wati, 2024).

The implementation of land acquisition for development as a fulfillment of the interests of the general public based on Law Number 2 of 2012 regulates land acquisition for development of public interest, presidential regulation with Number 19 issued in 2021 concerning the implementation of land acquisition for development for public interest. Regulation of the Regent of Batang Hari Number 62 of 2013 concerning the basic price of compensation for growing plants and buildings due to development activities or other activities in Batang Hari Regency. All of these regulations have several provisions of articles that state that the first is interpreted as

an activity to provide a plot of land by providing compensation in a proper and just manner. The second is interpreted as the process of compensation for losses with other substitutes in a proper and fair form for parties who have rights, managers or users of goods in the land acquisition process. And thirdly, what is meant by public interest is clearly the end of the interest of the nation, and the state, and all people who must and must be realized by the central government or regional government which is used as much as possible for the prosperity and welfare of the people. Likewise, based on the regional regulations of Batanghari district, it is stated that compensation should be an effort to provide compensation for losses incurred by the land owner where development activities will be carried out.

The form and use of land that can be allocated for public interest development has been regulated by the government for public road interests such as toll roads, construction of tunnel locations, then construction of railways and train stations, as well as for the provision of operational facilities for the train (Permanasari & Gunanegara, 2023). The land acquisition and acquisition process is carried out with stages of careful planning and preparation and submission of the results of implementation activities in the field. Then the planning section must be prepared by a related agency that requires land and synergizes with the ministry that organizes land affairs and related technical matters. Furthermore, the governor carries out what has become the preparation stage for land acquisition and acquisition. After the planning document files are received, a team is formed whose task is to carry out notification of plans for a development project to the community, the next stage is to carry out initial location data collection, and public consultation on the development plan.

According to Islamic law, *maslahah* must be in line with the objectives of the Qur'an and Hadith as a method of *Ijtihad*, although in practice it is found that human lust is the benchmark for goodness and justice (Arifuddin et al., 2023). It is clear that *maslahah* is meant to maintain the objectives of sharia and achieve benefits or avoid harm, while the term *maslahah* is the objective of Islamic law in creating goodness and rejecting damage. *Maslahah* according to al-Ghazali's view, such as *mu'tabarah maslahah*, namely *maslahah* that is in line with the will of Allah SWT, for example, the prohibition of drinking anything intoxicating such as alcohol (*al-khamr*) even though it is justified to maintain cold and relieve stress. Or having sex during the day in the fasting month and being punished by freeing slaves or feeding 60 poor people, or fasting for two consecutive months. In accordance with al-Ghazali's view, the *maslahah* that is used as a legal consideration is the objective (*maqosid*) or *maslahah* according to God's view, not merely *maslahah* in human perception. And it is clear that welfare is not for the benefit of God but for the benefit and goodness of humanity in this world and the hereafter.

Mustafa asy-Syalabi's view is like *maslahah* as *sabarah*, which is a benefit that is permanent and does not change, for example it is used for prayer, fasting, zakat, and

haji (Salma, 2016). And *maslahah al mutaqaayyah* is a benefit that changes according to changes in place, time and legal subjects, for example in terms of *muamalah* problems, customs, and related to food (Afdiansyah, 2024). *Maslahah al mursalah* is a benefit that there is no Islamic guidance to accept or reject it, but by common sense, the benefit is considered important in the life of Muslim society. As al-Ghazali provides provisions that *maslahah al mursalah* can be used on the condition that the *maslahah* is in line with Islamic actions, the *maslahah* does not conflict with Islamic texts, and the *maslahah* is related to legal provisions that protect the interests of human life (*dharuri*), both personal and for everyone. So that it is in accordance with the elements of wrongdoing that must be fought for and protected, such as religion, soul, reason, lineage and property.

In other words, the five elements are basic primary needs, be it maintaining religion, soul, mind, descendants, and protecting property. So if all of these things are maintained, then religion and the world will run in balance, providing happiness both in community life and in the family and individual environment. An example of *maslahah* actions during the time of the caliph Abu Bakar As Sidik when the initial event of collecting the Qur'an into one mushaf was suggested by Umar Ibn Khathab on the grounds of his concern that many memorizers of the Qur'an would die in battle. By applying the principle of *maslahah*, Islamic law can answer the challenges of the progress of the times, both through a review of various legal products produced by previous *mujtahid* scholars which were considered no longer in accordance with the development of the modern era or the establishment of new laws that do not yet have clear provisions based on the value of *maslahah*.

The implications of the theory of compensation, even though the researcher has not found any certainty in Islamic law regarding compensation, but judging from the process of compensation, there are pillars of contract, the researcher concludes temporarily that compensation falls into the category of *muamalah fiqh* on the grounds that there are pillars and conditions for buying and selling transactions, renting, and profit sharing which require mutual acceptance as a sense of justice. In accordance with the word of Allah SWT, QS An Nissa verse 29, it means O you who believe, do not devour each other's wealth by means of vanity except by means of commerce which is carried out with both of you. And QS Al-Maidah verse 8 means O you who believe, be people who always uphold the truth for the sake of Allah, be witnesses fairly and never let your hatred of a people encourage you to act unfairly, act fairly because justice is closer to piety and fear Allah. Verily, Allah knows what you do (Harun, 2013; Rangkuti, 2017).

It turns out that the meaning of the verse above is in line with the positive legal understanding of Presidential Regulation Number 19 of 2021 that compensation is a proper and fair replacement for the entitled party, manager and/or user of goods in the land acquisition process. And compensation can be given in the form of money, replacement land, resettlement, share ownership, and other forms agreed to by both

parties (Kasenda, 2017). So to support the progress and success of a development carried out by the state for the benefit of the people, by looking at the real conditions that the development carried out such as the national strategic toll road project involves community support in the form of taking or offending people's rights, the government must prioritize the interests of the people above the people and the needs of the people are the responsibility of the state.

The offer from this research is practically from the *maslahah* theory, there is how the government should be fair and wise in deciding all policies that it designs. Prioritize the rights and the humanitarian side even though in Islamic law compensation does not have any provisions of *sharia* that regulate it in detail, although it can be included in the category of *Fiqh Muamalah* because there are transactions and contracts but specifically it cannot be considered a sale and purchase, because the government does not use the word buy but compensation. Between positive law and Islamic law, there has not been found any similarity between buying and selling and compensation. Although compensation for land for toll roads uses a monetary value, so can buying and selling in general use a monetary value. So practically the value of the *maslahah* theory is that it becomes a solution to the contribution of thought, be it *maslahah* in *al-mutabarah*, *al-mmuglah*, or *al-mursalah* to strengthen data and analysis when the government or state takes action that intersects with the people's property.

Although the government or state already has a strong legal basis for every time making or designing the development of its nation. But not every heart of its people accepts it, sometimes rejects it on the basis of a discrepancy in the agreement, the reason for the sole property, or the replacement value is not comparable to the current conditions, so that goodness and justice need to be considered. In accordance with what Al-Ghazali expressed, the welfare must be fought for, be it a matter of religion, soul, mind, descendants, then property (Ghazanfar & Islahi, 1997; Langsa, 2023) Because it is possible that human welfare is often influenced by the developments and conditions that surround human life itself. In the end, *maslahah* is not only to maintain the goals of *sharia* and achieve benefits or avoid harm. Also *maslahah* to support the goals of *maslahah*, namely Islamic law in creating goodness and rejecting damage.

#### **D. Conclusions**

The presence of Regent Regulation Number 62 of 2013 is no longer appropriate to be used to determine the basic value of compensation for the community in the land acquisition process, especially for the Jambi-Rengat toll road section in Batang Hari Regency. The problem is that the price provisions in the regulation are far different from the reality of market prices that are developing in the midst of community life. Even though the district government has changed the provisions of the articles in the new Regent Regulation Number 52 of 2021, for the community, its publication is

considered to be too late after an agreement and determination of the land compensation value between the community and the toll road project developer. The government as a policy maker must be in line with the values of justice and community welfare, not just the value of convenience and state benefits alone, it is necessary to think about the fate of the community. Researchers recommend that: 1) The government is wiser and prioritizes justice and good values that benefit the people; 2) Regulators, both the DPR and the authorities when making binding decisions before being determined, need to be dissected or shown a lesson to the people for compliance with the people's conscience, because the habits of the upper class when making rules for their people are only approved with horse blinders without seeing the side and back impacts for their people; 3) Religious leaders, namely the ulama, to see the conditions of their people more and always align the interests of the state with the people as a people. And as ulama, they often provide thoughts and solutions for every government policy, aka go down the mountain with the government in deciding every case, so don't let the people or the people only see the busyness of the ulama when the session determines when 1 Syawal is; and 4) The last suggestion is for ulama with their superior knowledge, both obtained from Islamic boarding schools and from academics, to be able to draft Islamic legal products that are able to answer the problems of the people that have not been covered in the rules of state law wisely for the people, both by providing support and amending the rules of state law.

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