

# A Juridical Analysis of the Criminal Prosecution of Public Appraisers in Land Procurement for Public Interest Purposes: A Case Study of Court Decision Number 27/Pid.Sus-TPK/2023/PN.Smr

Tri Setiyo Wicaksono<sup>1</sup>, Dyah Permata Budi Asri<sup>2</sup>, Helvis<sup>3</sup>, I Made Kanthika<sup>4</sup>  
<sup>1,2,3,4</sup>Universitas Esa Unggul Indonesia, Jakarta, Indonesia  
Email: [tigaglobalsentosa@student.esaunggul.ac.id](mailto:tigaglobalsentosa@student.esaunggul.ac.id)

## Abstract

Legal disputes in land acquisition for public interest purposes frequently place public appraisers at risk of criminalization. This vulnerability is driven by two recurring factors: administrative shortcomings within valuation practice and the tendency of disputing parties to direct criminal allegations toward appraisers when they perceive disadvantage in the compensation process. Despite holding a central role in determining valuation opinions, appraisers often operate without a dedicated statutory framework that clearly delineates administrative liability, professional discipline, and criminal responsibility. This study analyzes a land acquisition case from its initial stages through the final adjudication to identify how appraisers become implicated in corruption-related proceedings and to map practical legal risk-mitigation measures. The research examines the applicable land acquisition and anti-corruption legal regimes using a normative juridical (descriptive-normative) method with a statute approach, along with relevant professional standards, to assess the proper construction of *actus reus* and *mens rea* in relation to valuation work. The study argues that where alleged misconduct reflects procedural or administrative noncompliance, accountability should prioritize professional and administrative mechanisms, while criminal punishment should be reserved for situations involving demonstrable intent. The findings support stronger legal safeguards for appraisers, including clearer statutory guidance, reinforced professional oversight, and improved documentation and process controls within valuation assignments.

**Keywords:** *Public Appraiser, Professional Negligence, Land Acquisition for Public Interest.*



## A. INTRODUCTION

Land acquisition is one of the most essential activities in sustaining infrastructure development. The achievement of sustainable national development cannot be separated from the role of professional valuation services. Valuation (or appraisal) generally refers to the process of calculating or estimating the value of an object of land acquisition at a particular time, in accordance with valuation standards and applicable laws and regulations (Asmorowati, 2023; Lisdiyono, 2017; Nizwar et al., 2024). There has been no adequate legal framework to provide protection for appraisers in order to ensure that they may perform their duties smoothly. The appraisal profession is regulated under the Minister of Finance Regulation (Peraturan Menteri Keuangan/PMK), yet such regulation still leaves inconsistencies in the definition and governance of appraisers (Kay, 2016; Omaleng & Wahid, 2022; Tehupeior, 2017).

The implementation of land acquisition for public interest development has significantly contributed to infrastructure advancement in support of the national economy. Numerous toll roads have been constructed to connect cities, thereby facilitating the distribution of goods and services (Heryanti et al., 2023; Rusdiana, 2023; Zein et al., 2023). Many dams and reservoirs have also been built, helping to reduce flood disasters and mitigate the effects of drought in disaster-prone regions. The development of power plants, transmission networks, and electricity distribution systems has continued to expand, enabling the supply of electricity to residents, industries, and urban areas.

In Indonesia, appraisers are required to perform their work based on a standard known as the Indonesian Valuation Standards (Bahasa: Standar Penilaian Indonesia/SPI). The implementation of this standard is grounded in provisions contained in the Minister of Finance regulations that serve as the legal basis for valuation practices. The Indonesian Valuation Standards (SPI) function as a fundamental guideline for the professional execution of valuation duties. These standards are crucial for appraisers in producing outputs in the form of analyses, opinions, and, in certain situations, recommendations, which are presented through valuation reports. Such reports are intended to prevent misinterpretation by service users, law enforcement authorities, and the general public (Gunawan et al., 2023; Permadi et al., 2025; Salomon, 2023).

Land acquisition refers to the process by which the government acquires land by providing fair and adequate compensation to rightful landowners or land users. However, numerous legal issues have emerged as a consequence of rapid development. Many of these legal phenomena are closely related to disputes arising in the land acquisition process. These problems often occur either due to professional errors committed by appraisers themselves or due to criminalization by certain parties who feel disadvantaged (Ansenberg, 2025; Li et al., 2024; Pieraccini, 2024; Sarabdeen & Ishak, 2024). In this process, appraisers tend to be the most vulnerable party, as they are not sufficiently protected by law, despite having a central role and significant authority in determining compensation.

Malpractice is defined as the failure to act correctly or legally when performing one's job, often resulting in injury or loss (Cambridge Dictionary). Professional malpractice refers to an unlawful act committed when a professional breaches their duty to a client. A professional's duty toward a client is generally defined as the obligation to comply with commonly accepted professional standards (Cornell Law School). Malpractice may involve actions carried out intentionally or unintentionally due to negligence, causing harm or loss to others, and constituting a violation of standard operating procedures (SOP), professional codes of ethics, and statutory regulations (Asare et al., 2025; Ghimire & Singh, 2024; Lai & Zhang, 2023; Yuhui, 2023).

Land acquisition for development in the public interest is regulated under Law Number 2 of 2012, which has been amended by Law Number 11 of 2020 on Job Creation, particularly in the section concerning land acquisition for public purposes. The determination of compensation is conducted by public appraisers as independent

and professional valuers who hold licenses from the land agency (land appraisers) or who are appointed by the institution requiring the land in accordance with prevailing regulations. The assessment of compensation is based on principles of humanity, justice, utility, legal certainty, transparency, agreement, participation, welfare, sustainability, and harmony. Appraisers are assigned and required to ensure that the compensation granted to rights holders is fair and adequate.

Valuation for compensation purposes includes both physical and non-physical losses covering all forms of measurable damages. These components are often interpreted by law enforcement authorities as efforts to unlawfully enrich others or as acts of corruption causing losses to state finances, appraisers may be confronted with corruption cases and prosecutions (Anwary, 2022; Madjid & Noedajasakti, 2023). Many appraisers have been criminalized and even imprisoned because the responsibility for determining compensation values is assigned to the appraisal profession. However, in carrying out their duties, appraisers are not provided with sufficient legal safeguards.

Minister of Finance Regulation PMK 101/PMK.01/2014 as amended by PMK 56/PMK.01/2017 only regulates valuation practices, licensing, and the use of appraisal services. There is still no law of equal standing (*lex specialis*) that specifically governs the appraisal profession. As a result, appraisers lack legal certainty in carrying out their professional practice, particularly when confronted with legal disputes. This explains why many appraisers are vulnerable to criminalization.

One example is the corruption case involving land acquisition for public interest purposes in Balikpapan City, which serves as the focus of this topic. The case implicated civil servants (Aparatur Sipil Negara/ASN) and members of the Balikpapan City Council. In this case, there was an arrangement or manipulation regarding the distribution of compensation funds between government officials and local residents. From the valuation issued by the appraiser, the amount that should have been given to landowners was unlawfully deducted. For instance, from a valuation of ten units, only three units were distributed to residents, whereas the full amount should have been paid, this case subsequently developed further and resulted in the involvement of public appraisers as victims of the process (Laksana et al., 2023; Laputigar et al., 2024; Wardhani et al., 2022; Yuwono & Sudirman, 2023).

Only in Indonesia can an appraiser be considered criminally liable for providing an opinion. An opinion should not be criminalized, because the output of an appraisal service is fundamentally an opinion, particularly regarding value. In any profession and in any jurisdiction, as long as a professional performs their duties in accordance with established professional procedures and standards, that profession should not be subjected to criminal sanctions (Muslim et al., 2024; Nwogu, 2023; Santoso et al., 2023; Simbolon et al., 2022). To determine and prove whether an appraiser and their valuation results comply with professional standards, only the professional association that establishes such standards should have the authority to assess compliance, rather than other parties.

In Chapter V (Other Provisions), it is necessary to include an additional article, namely Article X, which stipulates that only the professional appraisal association has the authority to examine appraisers. If negligence is found, administrative sanctions should be imposed. Only if there is an element of intentional misconduct should criminal sanctions be applied.

Corruption is an act committed by a person who, by means of or as a result of an unlawful act, enriches themselves, another person, or an entity, which directly or indirectly causes losses to state or regional finances, or harms the finances of institutions receiving assistance from state or regional funds, or other legal entities that utilize capital or facilities derived from society. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 on the Eradication of Corruption Crimes explains that individuals involved in corruption cases are not only the principal perpetrators, but also those who participate in or assist in the commission of corruption. It states that corruption includes acts committed unlawfully to enrich oneself or others, carried out through abuse of authority, position, or office.

Law enforcement authorities often regard appraisers as business actors rather than as part of the government apparatus in implementing land acquisition for public purposes. The role of appraisers as providers of valuation opinions becomes a target of individuals involved in corruption networks. Such networks may involve government officials as well as landowners who engage in unlawful collusion, ultimately dragging appraisers into corruption cases.

In Indonesia, the appraisal profession has not yet been regulated under a specific law. The function of appraisers is to enhance public trust. The main characteristic that ensures the survival of the appraisal profession is the recognition by society that appraisers possess specialized expertise accompanied by integrity, honesty, and objectivity in performing their duties. This is consistent with the preamble of the Indonesian Appraisers' Code of Ethics, prepared by MAPPI (Masyarakat Profesi Penilai Indonesia).

## **B. METHOD**

The research method employed in this study is normative juridical, also referred to as normative descriptive research. This study aims to examine the synchronization of statutory regulations. The legal approach applied in this research is the statute approach. The statutory framework analyzed in this study includes Law Number 2 of 2012 on Land Acquisition for Development in the Public Interest, as amended by Law Number 6 of 2022 on Job Creation (Ciptakerja) concerning land acquisition for public interest purposes. This is further synchronized with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 on the Eradication of Corruption Crimes. According to Lili Rasjidi, *"the original legal research method is normative legal research."* Normative legal research is intended to discover and formulate legal arguments through an analysis of the main issues under study. This research utilizes tertiary legal materials, namely supplementary materials that provide guidance or additional explanations for primary and secondary legal

materials. These consist of legal dictionaries, newspapers, and encyclopedias relevant to the object of the research.

## C. RESULT AND DISCUSSION

### 1. Reconstruction of the Elements of the Criminal Act (*Actus Reus*) and the Mental State (*Mens Rea*)

A criminal offence analysis is inseparable from examining two core elements: the external conduct (*actus reus*) and the offender's mental state (*mens rea*). In corruption cases, these elements should not be assessed in isolation. They must be evaluated within the factual setting of the appraiser's position as a victim. A sound legal construction therefore requires the court to consider not only the appraiser-defendant's actions and alleged administrative deficiencies, but also the roles of the individuals involved in the chain of events that produced the corruption offence.

Law enforcement authorities and the panel of judges tended to treat the defendant solely as a perpetrator of corruption. The trial record, by contrast, shows that before the conduct that ultimately caused state losses occurred, there had been a sequence of criminal acts involving government officials and members of the local council. The appraiser was drawn into an established corruption network. The chronology indicates that land brokers and council members arranged the acquisition location and coordinated the distribution of illicit proceeds, with planning dating back to 2010. Under such circumstances, any appraiser assigned to the project would likely have been placed at risk of becoming a victim.

From the perspective of *actus reus*, the appraiser functions as an independent professional institution tasked with providing a valuation opinion on land to be acquired. The appraiser is not a public official who determines the amount the government must pay; rather, the valuation serves as a basis for deliberation between the government and the community. Whether the valuation is adopted is within the authority of the relevant government official or the head of the implementing team. In the planning documents, the price agreed by residents was IDR 25,000 per m<sup>2</sup>, while the valuation used in the deliberation—without negotiation—was IDR 64,000 per m<sup>2</sup>.

The trial also framed the alleged state loss as arising from the price difference between the residents' agreement and the appraiser's valuation, even though the responsible administrative authorities should have relied on the agreed value or pursued negotiation first. The evidentiary record does not establish that the valuation was erroneous or inconsistent with market conditions. Moreover, the compensation amount determined by the appraiser would not have caused state losses if it had been fully paid to the rightful recipients. The loss emerged because certain actors deducted the portion that should have been received by landowners, and that deduction was then treated as the state loss (Irawati & da Silva, 2025).

Corruption also requires *mens rea*, the events described could not have occurred without awareness and intent. When officials and council members deliberately arranged and coordinated the process, it is reasonable to infer an intention to harm state finances. In this context, the appraiser-defendant's *mens rea* is

not shown in the form of intent (*dolus*), nor even awareness of a substantial risk that state losses would occur. Conceptually, the appraiser neither carried out the *actus reus* that produced the corruption nor possessed the *mens rea* that contributed to it.

Reconstructing *actus reus* and *mens rea* in this case should be done with a clear orientation: assessing the appraiser as a victim rather than automatically positioning the appraiser as the principal offender. This approach is not intended to absolve the appraiser of all responsibility, but to present a complete and balanced legal picture. With such a construction, the appraiser's exposure to corruption liability can be reduced, preventing over-criminalization and aligning with a minimalist penal approach. Where the issue concerns administrative shortcomings, alternative responses, such as administrative or state administrative sanctions are more proportionate than criminal punishment.

## **2. The Judge's Failure to Examine State Losses Attributable to the Appraiser**

One of the most fundamental weaknesses in the judgment lies in the court's failure to examine whether the alleged state loss was actually caused by the defendant's conduct. In this case, the loss did not stem from the valuation figure produced by the appraiser. It arose from the discrepancy between the amount ultimately received by residents and the payment arrangement shaped by the difference between the residents' prior agreement and the valuation used by the government during deliberations.

During the trial, an expert witness argued that the defendant's alleged wrongdoing fell within the domain of state administrative law, not criminal law. The expert further explained the contested position of public appraisers in relation to the concept of a state administrative official (Bahasa: *Pejabat Tata Usaha Negara*). In the expert's view, a state administrative official is, by definition, part of the government; therefore, the category does not extend to persons outside government institutions. Authority under statutory law is attached to the relevant public office, and state administrative decisions—being individual, final, and concrete—are attributable to the competent state administrative official. The appraiser, in contrast, provides a valuation opinion that functions as professional input; it does not constitute an administrative decision in itself. The expert maintained that a party who merely provides considerations for the issuance of an administrative decision cannot automatically be held legally accountable as though they were the decision-maker.

The expert also referred to Article 32(2) of Law No. 2 of 2012 in relation to the defendant (DH) as a public appraiser. The defendant's appointment is evidenced by a decree (Bahasa: *surat keputusan/SK*) issued by the Ministry of Finance. Whether such a decree is treated as part of "laws and regulations" depends on administrative-law doctrine. Under the framework of legislation (including the 2011 statute on the formation of laws and regulations), certain instruments outside the formal hierarchy may still be recognized as regulatory in character. Yet the expert emphasized that the SK in question is primarily an administrative decision granting authorization—an individual permit—rather than a general regulation, within the logic of administrative

law, the institution competent to evaluate compliance and impose sanctions is the Ministry of Finance as the issuing authority.

In the expert's assessment, if a public appraiser is alleged to have committed a professional breach, the party entitled to make the initial determination is the Ministry of Finance, acting within its legally conferred powers. Sanctions and accusations must be grounded in lawful authority; arbitrary attribution of liability is incompatible with the principle of the rule of law. The expert further noted that the Ministry of Finance's regulatory framework provides for administrative consequences, while the professional code of ethics is oriented toward administrative disciplinary measures rather than criminal punishment. The wording of Article 32(2)—which uses "and/or"—was also highlighted: this formulation allows for alternative routes. Once one route is applied, the requirement of Article 32(2) may be considered fulfilled, without implying that criminal proceedings must automatically follow.

These issues become more acute when placed against the structure of Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest. Article 32(1) provides that an appraiser appointed under Article 31(1) must be responsible for the valuation carried out. Article 32(2) states that a breach of that obligation is subject to administrative sanctions and/or criminal sanctions in accordance with statutory provisions. In practice, the absence of a dedicated statute governing the appraisal profession—particularly with respect to the boundary between administrative error and criminal wrongdoing—has encouraged law enforcement authorities to frame alleged professional deficiencies directly as criminal matters.

In this context, the appraisal profession, through MAPPI as the national professional association coordinating appraisers in Indonesia, has a strategic role in urging the government to enact a specific law governing the profession. Such legislation is necessary to remove uncertainty in determining the appropriate legal response to negligence or malpractice in valuation practice. Ideally, alleged professional misconduct should first be examined through a professional disciplinary mechanism. Only where mens rea indicative of criminal intent is established should the matter be escalated to the criminal courts.

Based on this analysis, the alleged fault attributed to the defendant DH is better characterized as an administrative lapse. If a functional professional adjudication system were in place, the appropriate response would be administrative sanctions—such as suspension or revocation of the license—to ensure accountability and deterrence. Treating such conduct as a grave and exceptional criminal offence, such as corruption, is disproportionate when the core issue concerns administrative compliance.

Beyond the individual case, the proceedings have generated substantial pressure across the appraisal community. Many appraisers have become reluctant to accept land acquisition assignments and, in some instances, seek to avoid such work altogether. This trend risks undermining future land acquisition processes by turning them into a source of acute professional fear, with broader consequences for infrastructure development.

### 3. Minimalist Criminal Theory: Negligence Doesn't Necessarily Mean Criminal Responsibility

In modern criminal law, particularly within the context of criminal justice proceedings, the existence of a criminal act (**actus reus**) does not automatically give rise to criminal liability. Criminal liability requires the fulfillment of the element of fault (**mens rea**) in a complete form, exercised freely, and capable of being held morally and legally accountable. The minimalist criminal law theory proposed by Husak was motivated by the phenomenon of increasing criminalization in the statutory laws of the United States federal system, most of which concerns *offenses of risk prevention*, thereby resulting in excessive criminalization. To prevent this, criminal law must be positioned as a measure of last resort.

A state's decision to criminalize an act must take into account both internal and external constraints. The former includes the inherently wrongful nature of the conduct and the seriousness of the harm or damage caused by the offence, the offender's culpability, and the proportionality of punishment. The latter concerns the substantive legitimacy of the state's authority to impose criminal sanctions. Husak's framework is relevant for adoption in Indonesia's criminalization policy, particularly in relation to the principle of blameworthiness, the determination of the severity of penal threats based on the seriousness of the offence and the offender's culpability, and the principle that criminalization should not be pursued when other measures are equally effective or even more effective in achieving the intended objectives.

The minimalist penal theory should be applicable to this case. Since the defendant lacks clear **mens rea** and **actus reus**, criminal punishment should not be the primary option. Instead, administrative sanctions—such as suspension or revocation of the professional license—would be more appropriate. Criminal punishment in this context appears excessive, given its tangible consequences. It not only aims to produce a deterrent effect but also undermines public trust in the appraisal profession. The profession's credibility is damaged, and appraisers are positioned as the weakest party. Meanwhile, members of the community involved in the corruption network may walk free merely by returning the state losses under the justification of restorative justice. In contrast, appraisers are not afforded such alternatives, and the excessive criminalization reflected in this case becomes evident. This reinforces the need for the appraisal profession to establish specific statutory regulations to safeguard the interests of its members.

In the chronology of this case, Law No. 2 of 2012, Article 32 paragraph (2), states that: "*Violations of the Appraiser's obligations as referred to in paragraph (1) shall be subject to administrative and/or criminal sanctions in accordance with the provisions of the prevailing laws and regulations.*" In the author's view, the judge failed to properly understand that the appraiser's alleged misconduct constituted an administrative error. Instead, the court imposed criminal sanctions, even though the essential elements of a criminal offence could not be proven during the trial.

#### **4. Elements of Negligence as a Means to Mitigate Appraisers' Risk in Land Acquisition Work for Public Interest Purposes**

Within the framework of legal accountability arising from this corruption incident, the appointment of the Defendant as the appraiser to determine the land value for the public cemetery (TPU) was, in fact, inconsistent with Presidential Regulation of the Republic of Indonesia Number 71 of 2012 on the Implementation of Land Acquisition for the Public Interest. Under this regulation, the party authorized to appoint appraisal services or a public appraiser is the Chair of the Land Acquisition Implementing Team. Based on the facts established at trial, the appointment of the appraiser was instead carried out by a land broker (the defendant RS) and the Head of the Municipal Department of Parks, Sanitation, and Cemeteries of Balikpapan. In principle, the appointment should have been made by the Chair of the Land Acquisition Implementing Committee, namely the Head of the Regional Office/Land Office of the National Land Agency (BPN). Accordingly, the appointment of an appraiser should have been known to, and examined in advance by, the Chair of the Land Acquisition Committee—an aspect that led the panel to view the appointment as an unlawful act. In this context, public appraisers are expected to possess adequate knowledge and understanding of the regulatory framework governing land acquisition for public interest purposes.

An appraiser's obligation to prevent malpractice or negligence in the valuation process includes ensuring access to reliable data necessary to perform the assignment, thereby establishing a strong normative basis for the valuation work. As a provider of consultancy services, an appraiser also bears an active and inherent legal duty to ensure protection and safeguards for the client. In this sense, the appraiser is positioned not merely as a service provider, but as a professional educator who is responsible for guiding the instructing party.

Significant irregularities also appear in the planning documents prepared by DKPP. There was, for example, a budget amendment reflected in the Budget Implementation Document (DPA SKPD) dated 4 January 2013 for Fiscal Year 2013, which allocated capital expenditure for cemetery land acquisition for the TPU in the amount of IDR 12,000,000,000.00, with a performance indicator and target of providing land for TPU development as "one package." This allocation was later revised in the Revised Budget Implementation Document (DPPA SKPD) dated 24 October 2013, increasing the TPU land acquisition budget to IDR 22,100,000,000.00, with a revised performance target of providing 340,000 m<sup>2</sup> of land at a unit price of IDR 65,000.00 per m<sup>2</sup>.

On 12 August 2013, the Mayor of Balikpapan issued a decree establishing the location for land acquisition/release for the TPU at Km. 15, covering approximately 479,000 m<sup>2</sup> in Karang Joang Subdistrict, North Balikpapan. Subsequently, on 14 August 2013, the Balikpapan City Land Office issued a Technical Land Consideration Report in support of the location determination, noting that the physical characteristics of the land were consistent with the proposed TPU plan and aligned with the city's spatial planning (RTRW). A critical lapse attributed to the appraiser is

that the valuation of the object was conducted before the formal issuance of the location determination (PENLOK). On 20 August 2013, the Chair of the Land Acquisition Committee submitted a request to the Head of the Balikpapan Land Office for land inventory and measurement for the planned TPU acquisition. On 12 November 2013, the Chair issued an announcement regarding the results of the research and inventory of land parcel maps and the nominative list. By contrast, the appraisal report was dated 12 October 2013.

This chronology indicates a regulatory misunderstanding: preliminary field checks may be conducted earlier, but the valuation report should be issued only after the location determination and after the inventory list has been formally validated by the land acquisition implementing committee. In organizational responsibility, one prerequisite for attributing liability is that the subordinate's act or omission occurs within the scope of duties attached to the position (*within the course of employment*). For this reason, negligence by appraisal personnel cannot be separated from the institutional obligation to supervise, protect, and prevent errors by employees as an integral part of professional responsibility. When such obligations are not fulfilled, the negligence should not be treated purely as an individual act, but as a functional failure that may be legally attributable to the office or leadership of the appraisal firm (KJPP).

Further, the Defendant—appointed as the appraiser—never conducted a field survey to collect market data, such as comparable land sale transactions near the location, nor did the Defendant verify the characteristics of the land to be acquired for purposes of applying the market approach, as required by the scope of work stipulated in the engagement contract (SPK). Instead, the Defendant relied on comparable data provided by TS, despite the absence of any formal assignment basis, and TS was not included in the SPK. This point underscores the importance of a clearly defined scope of engagement: the personnel assigned to fieldwork should meet contractual criteria and possess the requisite competence. Clear allocation of roles, authority, and responsibility ensures consistent operating standards and strengthens accountability.

One of the clearest forms of negligence concerns the competence of the field surveyor. The assistant appraiser/field surveyor assigned to the task lacked adequate competency and understanding of valuation processes, raising serious concerns about the reliability of the collected data. Field data forms the foundation for determining land value through comparison with similar properties. Under the Indonesian Valuation Standards (SPI), two categories of comparable data are generally accepted: (1) transaction data reflecting actual sales, and (2) offering data reflecting listed sale offers. Among these, transaction data is typically regarded as more reliable than offering data.

The trial record also highlights that one comparable dataset was considered problematic by the public prosecutor because it relied on an offering price for the very land intended to be acquired. Because an officially validated inventory list had not yet been issued, the valuation process proceeded in a manner that allowed the appraisal object itself to be used as a comparable. The landowner in the offering data was also

the owner of land to be acquired, creating a conflict of interest. This comparable data was therefore suspected of reflecting price manipulation and was deemed unreliable due to the inherent conflict of interest in a public-interest land acquisition context.

#### D. CONCLUSION

Minimalist penal theory should be applied to provide legal certainty and protection for appraisers involved in state-led land acquisition for public interest purposes. Administrative mistakes at certain stages of the process often open the door to criminal liability because there is still no specific and detailed law that clearly separates administrative error from criminal conduct. This gap allows overly broad criminal provisions to be applied and places appraisers in the position of primary offenders. The risk increases when negligence or professional misconduct, whether intentional or unintentional, causes harm and violates standard operating procedures, professional ethics, or statutory rules. Yet an appraiser's work product is essentially an opinion on value, and it should not be criminalized when the appraiser has acted in accordance with professional standards. Compliance should be assessed primarily by the professional association that sets those standards. Appraisers also need to document every stage of the valuation process carefully and maintain a clear chronology, since errors such as incorrect dates or unreliable data can trigger legal consequences. This study seeks to strengthen appraisers' ability to prevent negligence, avoid malpractice, and improve legal awareness, particularly in criminal law, in step with evolving legal developments in society by emphasizing risk mitigation and procedural safeguards.

#### REFERENCES

1. Ansenberg, U. (2025). Mediating urban realities: the role of real-estate appraisers in dismantling the Musha'a system. *City*, 29(1–2), 52–75.
2. Anwary, I. (2022). Evaluation of the effectiveness of public administration policies in the development of stringent legal framework: An analysis of the criminal justice system in Indonesia. *International Journal of Criminal Justice Sciences*, 17(2), 312–323.
3. Asare, S. O., Fobiri, G., & Bondinuba, F. K. (2025). Enhancing fairness, transparency and accountability during tendering under Ghana's procurement system: a systematic review. *Built Environment Project and Asset Management*, 15(1), 33–50.
4. Asmorowati, M. (2023). Compensation Assessment in Land Procurement for Public Interest in Providing Justice. *European Journal of Law and Political Science*, 2(3), 33–38.
5. Ghimire, M. K., & Singh, S. K. (2024). An overview of the Land Acquisition Act, Policy of Nepal. *E-INVESTA: Jurnal Rumpun Ilmu Ekonomi Dan Bisnis Islam*, 1(2), 16–35.

6. Gunawan, Ak. Y., Saraswati, R., & Silviana, A. (2023). Legal Protection Against Land Encroachment Of Public Facilities In Indonesia That Is Equitable. *Available at SSRN 4630343*.
7. Heryanti, S. S., Intan, N., & Tabiu, R. (2023). Human Rights Protection in Land Acquisition for Public Interest. *Scholars International Journal of Law, Crime and Justice*, 6(1), 10–17.
8. Irawati, A. C., & da Silva, E. B. (2025). Beyond Formality in Indonesian Pretrial Law: KUHAP Reform, Human Rights, and Islamic Law. *Al-Ahkam*, 35(2), 261–286.
9. Kay, K. (2016). Breaking the bundle of rights: Conservation easements and the legal geographies of individuating nature. *Environment and Planning A: Economy and Space*, 48(3), 504–522.
10. Lai, S., & Zhang, J. (2023). The Tension between Public Interest Litigations and Private Actions under China’s Anti-Monopoly Law. *Tsinghua China L. Rev.*, 16, 19.
11. Laksana, A. W., Mashdurohatun, A., Wahyuningsih, S. E., & Sudijanto, Y. P. (2023). Reconstruction of Law Enforcement Regulation Against Criminal Actions Performed by Children Based on the Value of Justice of Pancasila. *Russian Law Journal*, 11(5), 2489–2497.
12. Laputigar, R., Suhadi, S., & Rodyah, R. (2024). Integrating Due Process Into The Enforcement Framework of Criminal Law Politics. *Indonesian Journal of Criminal Law Studies*, 9(1), 139–162.
13. Li, L., Gao, H., Song, B., & Cui, C. (2024). How to Use Evidence Rules Reasonably to Resolve Land Disputes: Analysis of Typical Land Dispute Cases from China. *Land*, 13(8), 1187.
14. Lisdiyono, E. (2017). Land Procurement for Public Interest and Spatial Planning: Legal and Juridical Implications. *Lex Publica*, 4(2), 768–774.
15. Madjid, A., & Noedajasakti, S. (2023). The Submission of Judicial Review by the Public Prosecutor Following the Decision of the Constitutional Court No 20/PUU-XXI/2023 (Indonesia): an Examination of Legal Protection for the Rights of the Convicted. *Trajectoriâ Nauki= Path of Science*, 9(8), 1037–1046.
16. Muslim, S., Noerdajasakti, S., Setyowati, D., & Siboy, A. (2024). Appraisal Team: Responsibility and Principle of Fairness in Determining the Value of the Auction Object Limit. *Arena Hukum*, 17(3), 613–638.
17. Nizwar, M., Ismail, I., Purnama, E., & Yahya, A. (2024). Legal Study of Alternative Models of Land Procurement for Public Interest Development Viewed from Human Rights Perspective. *Revista De Gestão Social E Ambiental*, 18(7), 1–17.
18. Nwogu, M. I. O. (2023). A Legal Appraisal of the Protection of Consumer Rights and Intellectual Property regime in Nigeria. *Journal of Commercial and Property Law*, 10(2), 157–169.
19. Omaleng, E., & Wahid, E. (2022). Land Procurement for Public Utility Development in Mimika District, Papua Based on Law Number 2 of 2012 Regarding Land Procurement for Public Interest in The Autonomy Era. *Journal of Social Science (2720-9938)*, 3(2).

20. Permadi, I., Dunga, W. A., & Arshad, A. (2025). Ensuring Indigenous People's Rights Protection Through Normative Law in Land Acquisition for Indonesia's New National Capital City, Nusantara. *Jambura Law Review*, 7(1), 30–54.
21. Pieraccini, M. (2024). The Public Interest in Environmental Decision-Making: A Pragmatist Turn. *Journal of Environmental Law*, 36(3), 363–383.
22. Rusdiana, E. (2023). The Objectiveness of The Alleged Victims as A Parameter for Law Enforcement in A Defamation Case. *Dialogia Iuridica*, 14(2), 70–86.
23. Salomon, M. E. (2023). Emancipating human rights: Capitalism and the common good. *Leiden Journal of International Law*, 36(4), 857–877.
24. Santoso, A. B., Mashdurohatun, A., & Wahyuningsih, S. E. (2023). Reconstruction of Regulatory Authorities of Certain Civil Servant Investigators in Investigation of Customs Criminal Acts Based on Pancasila Justice. *Russian Law Journal*, 11(5), 2498–2505.
25. Sarabdeen, J., & Ishak, M. M. M. (2024). Intellectual property law protection for energy-efficient innovation in Saudi Arabia. *Heliyon*, 10(9).
26. Simbolon, B. F. M. T., Syahrin, A., & Ablisar, M. (2022). Juridical Review of Comparative Prosecution Systems in Indonesia and the United States of Prosecutors Based on Restorative Justice. *Second International Conference on Public Policy, Social Computing and Development (ICOPOSDEV 2021)*, 85–91.
27. Tehupeory, A. (2017). Legal Protection To Individual Rights In Land Procurement For Public Interest. *Diponegoro Law Review*, 2(1), 101–113.
28. Wardhani, L. T. A. L., Noho, M. D. H., & Natalis, A. (2022). The adoption of various legal systems in Indonesia: an effort to initiate the prismatic Mixed Legal Systems. *Cogent Social Sciences*, 8(1), 2104710.
29. Yuhui, W. (2023). Appraisal of existing evidences of competition law and policy: Bilateral legislative developments of Sino-Pak. *Heliyon*, 9(8).
30. Yuwono, U., & Sudirman, S. (2023). Appraisal Analysis of Roy Suryo's Defamation Accusation to Eko Kuntadhi and Mazdjo Pray. *Prosiding Konferensi Linguistik Tahunan Atma Jaya (KOLITA)*, 21(21), 298–305.
31. Zein, S., Gunarto, G., & Ma'ruf, U. (2023). Agrarian Reform in the Implementation of Land Procurement for Development Based on Justice Value. *Scholars International Journal of Law, Crime and Justice*, 6(03), 183–188.