

Legal Protection of Community Property Rights to Land Destroyed Due To Abrasion in Pangkalpinang City

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Abstract. Coastal abrasion is a natural disaster that has a serious impact on land in coastal areas. In Pangkalpinang City, abrasion has caused the loss of part of the land area, directly impacting community ownership rights to land. This condition raises legal issues regarding the status of land destroyed by abrasion and the forms of legal protection that can be provided to land rights holders. This study aims to analyze the legal status of land destroyed by abrasion in Pangkalpinang City and analyze the forms of legal protection that can be provided to communities who lose their land rights due to abrasion. This study uses an empirical legal research method with an empirical juridical approach. Data were obtained through literature studies, field observations, and interviews with relevant parties. The results of the study indicate that land that has undergone changes in shape due to natural events, cannot be identified anymore, and cannot be utilized properly can be designated as destroyed land based on Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 17 of 2021. Determination of destroyed land results in the elimination of land rights in accordance with the provisions of the Basic Agrarian Law. Nevertheless, the government remains obligated to provide legal protection through preventive measures such as abrasion mitigation, coastal area planning, land registration, and providing legal certainty for affected communities. This study recommends strengthening regulations and policies to protect communities who lose land due to abrasion.

Keywords: Abrasion; Destruction; Legal; Property; Protection.

1. Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, hereinafter referred to as the 1945 Constitution, states that "The State of Indonesia is a state of law," which means that the administration of government and statehood is based on law. Likewise, the relationship between the state, society, and land is based on legal regulations. Land, as a gift from Almighty God, is a gift that cannot be wasted, because land has a very important meaning for

human life. Land is the wealth of every country, including Indonesia, which must be utilized for the welfare and prosperity of its citizens. Land, besides being a source of livelihood, is a source of human life. Land is a place that humans depend on for shelter and a source of livelihood for humans.¹

In legal terms, land can be defined as the surface of the earth. Land has a very high economic value, making it everyone's responsibility to preserve and maintain its existence as an object of economic value. Land is not only beneficial for development, but it also often causes various problems for humans, so its use must be properly controlled to avoid problems in society.²

Indonesia is one of the largest archipelagic countries in the world. According to the Geospatial Information Agency (BIG), in 2022, it officially registered, standardized, and coordinated 17,024 islands. As an archipelagic nation, it is not surprising that approximately two-thirds of this unitary republic's territory is water, covering an area of approximately 6,400,000 km². Furthermore, Indonesia also has a coastline of approximately 108,000 km.

Pangkalpinang City, the capital of the Bangka Belitung Islands Province, has a fairly extensive coastal area and is directly exposed to marine activity. The development of abrasion in several coastal areas has resulted in a reduction in land area and the loss of previously community-owned land parcels.

This problem is further complicated by the fact that Pangkalpinang is not an ordinary mainland city, but rather the economic center of Bangka Belitung Islands, with 40 percent of its villages located right on the coast, where land is not only a personal asset but also the foundation of daily life. Erosion here is exacerbated by tidal flooding, which in 2021 inundated more than 2,000 homes across the province, including Pangkalpinang, causing billions of rupiah in losses to port infrastructure, the lifeblood of the tin and marine product trade. Many landowners who have registered their land rights under Article 19 of the Basic Agrarian Law (UUPA) have lost everything without clear compensation, as the process of determining lost land remains slow and bureaucratic, despite Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) Number 17 of 2021 regulating procedures for identification and final decisions.

On the ground, stories like those of Bang Banjir in Tanah Merah, who witnessed the collapse of an ancient cliff since the 2000s due to the denudation of mangroves by mining sedimentation, serve as living proof of how the weaknesses of national agrarian regulations impact desperate local realities. Without decisive intervention, not only will land be lost, but also the people's

¹Muchsin, Imam Koeswahyono, 2010, *Indonesian Agrarian Law: A Historical Perspective*, Refikaa Aditama, Bandung, pp. 39-40.

²Ibid. p. 16.

trust in the state, which, as promised, controls the land for the welfare of the people, as stipulated in Article 33 of the 1945 Constitution.³

Government efforts, particularly those from the local government, are expected to be a much-awaited relief for residents affected by abrasion, particularly in Pangkalpinang City. Historically, abrasion has been caused by local communities converting agricultural land into fish ponds, causing the soil to become wet and lowering. Every year, those who still want to live in the area attempt to fill in the soil.

As stated in Satjipto Rahardjo's theory of legal protection, the purpose of law in society is to integrate and coordinate community interests. This coordination can be achieved through protection. Therefore, legal protection is necessary against the loss of land rights belonging to residents affected by abrasion.⁴

Based on this description, this research raises two problem formulations:

- 1) What is the legal status of land destroyed by abrasion in Pangkalpinang City?
- 2) What Form of Legal Protection is Provided for Land Destroyed by Abrasion in Pangkalpinang City?

2. Research Methods

This research uses an empirical legal research method with an empirical juridical approach. This approach is used to examine how the law is applied in practice and how legal protection is provided to communities who lose land due to abrasion. The approach method used in this research is: Cultural Approach, Structural Approach, The research data consists of: Primary data, obtained through interviews with village officials, affected communities, and related parties. Secondary Data, obtained through Legislation, Books, Scientific Journals, and other Legal Documents. Data collection techniques were carried out through interviews, observations, and documentation studies. This research uses a descriptive analysis method with the aim of describing objectively and critically in order to provide improvements, responses and offers as well as solutions to research problems.

3. Results and Discussion

3.1. Legal Status of Land Destroyed Due To Abrasion in Pangkal Pinang City

Legal protection itself means protection of dignity and honor, as well as recognition of human rights to create legal order so that humans can enjoy their

³National Marine Reference Data, 2025, Central Jakarta, <https://sidako.kkp.go.id/> Accessed July 12, 2026.

⁴John Selindeho, 1994, Humans, Land, Rights and Law, Sinar Grafika, Jakarta, p. 12

dignity.

Therefore, the state has an obligation to protect its citizens. Land itself is something important that must be protected by all Indonesians, including the loss of ownership rights to land affected by abrasion. As explained above, the legal status of land affected by abrasion is lost because the land itself is destroyed. However, this does not negate the fact that the government must be responsible for the welfare of the people. It is obliged to provide guarantees for land affected by abrasion, so legal certainty will be lost if not addressed.⁵

Regarding legal guarantees for the land, this is explained in Article 33 paragraph 3 of the 1945 Constitution, that the land, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.

The impact of the abrasion disaster that caused land damage in Penyak Village is related to the physical data of the land, the size of which has become unclear. This land resulted in changes in the physical data of the land, the size of which has become unclear, thus having a very detrimental impact on land rights holders, institutions related to the land sector, and other parties or individuals who have been involved in land sales transactions or people who are currently implementing lease agreements for the land.⁶

Therefore, it is very necessary for the active landowners whose land is prone to abrasion, for the holders of land rights to immediately re-register their land. In relation to these matters, the obligations that must be imposed on the holders of land rights affected by coastal abrasion are in accordance with the provisions of Article 23 paragraph 1 of Law Number 5 of 1960 concerning the Basic Agrarian Law which reads: Ownership rights, as well as any transfer, cancellation and encumbrance with other rights must be registered according to the provisions referred to in Article 19 of the UUPA.⁷

Due to the occurrence of coastal abrasion, which has caused the destruction of land boundaries, it has become unclear, thus potentially leading to the loss of land controlled by land rights holders in Penyak Village. Therefore, land affected by abrasion must be re-registered by the land rights holders to ensure legal certainty for the land owners, and to receive legal protection from the government through laws and regulations due to changes in the physical data of the land.

⁵Satjipto Rahardjo, 1993, Implementation of Justice in a Changing Society, Journal of Legal Issues, Vol. 9, No. 2, Page 309.

⁶Interview with Mr. Iksan, Village Head, Penyak Village, Tuesday, March 14, 2026, 10:00 WIB.

⁷Kansil CST, 1980, Introduction to Indonesian Law and Legal System, Balai Pustaka, Jakarta, p. 102.

Therefore, the condition of the land can be clarified by the local land registration office through the stages of measurement and mapping, making a basic registration map, determining the boundaries of land plots, measuring and mapping land plots and making a land registration map, making a measurement letter up to the stage of issuing a certificate.

Based on research obtained from the Land Office, the concept of "land loss" refers to a condition in which a plot of land has lost its physical existence due to a natural event, making it no longer identifiable, usable, or utilized as intended. This phenomenon generally occurs due to abrasion, rising sea levels, or other natural disasters such as landslides that result in the complete loss of a plot of land.⁸

In the process of determining destroyed land, there are administrative steps that must be followed in stages. These procedures are outlined in Minister of ATR/BPN Regulation No. 17 of 2021 and implemented by the BPN, starting with:

a) Initial Inventory and Identification.

Information sources can come from the community/rights holders, BPN monitoring results, information from local governments, and the impact of natural disasters. At this stage, physical and legal data are examined, matched with registration maps, and land identification is investigated.

b) Field Research.

A team from the National Land Agency (BPN) visits the site to verify the physical loss of land, whether there are remaining areas that can be measured, whether the changes are permanent or temporary, and whether they can still be used. Typically, re-measurements, photo documentation, and inspection reports are required.

c) Announcement to the Public.

If the research results indicate that the land has been destroyed, the National Land Agency will announce a plan to determine that the land has been destroyed, announced at the village/sub-district office and the land office, and time will be given for interested parties to submit objections.

d) Determination of Destroyed Land.

If there are no objections or the objections are rejected, the head of the land office issues a decision to determine that the land has been destroyed, and the land rights are declared to have been cancelled.

⁸Interview with Mr. Iqram, National Land Agency, Pangkal Pinang, Tuesday, March 14, 2026, 10:00 a.m. WIB.

e) Deletion of Rights and Recording.

Land rights are removed from the land register, the certificate is declared invalid, and it is recorded in the land administration system.

The National Land Agency emphasized that there is basically no mechanism for providing compensation for land that is declared destroyed due to natural factors, including abrasion.

This is because the termination of land rights is not the result of government policy or action, but rather is purely triggered by natural conditions beyond human control. Therefore, the state is not legally obligated to compensate landowners in such situations.

Compensation may be required if the land is destroyed due to a government project, for example, land submerged due to dam construction or lost due to state reclamation. If this constitutes land acquisition for public purposes, then Law Number 2 of 2012 applies, providing fair and equitable compensation. Compensation may also be required if there is a fault or negligence on the part of a particular party. For example, if land is damaged or lost due to company activities or private projects, civil compensation can be sought.

For example, the Compassion Fund is essentially aid distributed by the government to communities affected by an event, whether a natural disaster or a specific policy, that causes social and economic losses. This assistance cannot be viewed as compensation in the context of land law, because it is not based on recognition of land rights or state legal obligations. Instead, the Compassion Fund is a humanitarian policy as a form of government concern for the conditions of affected communities. Therefore, its provision is more oriented towards social recovery and a sense of justice, without affecting or changing the legal status of land that has been lost or declared destroyed.⁹

The criteria for parties entitled to receive spiritual funds based on Presidential Regulation Number 52 of 2022 Article 4: Parties entitled to receive spiritual funds as referred to in paragraph (2) meet the following criteria:

- a. Land Rights Holders who do not have priority rights to carry out reconstruction or reclamation of their land because it will be used for development in the public interest.
- b. In the case where the subject is an individual, they must have an identity or population information that has been validated by the local sub-district or authorized agency;

⁹Pratami, Bunga Desyana, Rindiana Larasati, Sri Ratu Ratna Intan, and Iqbal Kamalludin. 2021. "Legal Status of Destroyed Land Based on ATR/BPN Regulation No. 17 of 2021." *Jurnal Officium Notarium* 1 (2): 218–29.

- c. In the case where the subject is a legal entity, it must have a deed of establishment of the legal entity which has been approved by the ministry which administers government affairs in the field of law and human rights; and
- d. Have proof of control, ownership, use and/or utilization of land plots, whether registered or not.

3.2. What Form of Legal Protection is Provided For Land Destroyed Due to Abrasion in Pangkalpinang City?

Legal protection is an effort provided by the state to guarantee legal certainty and protection of citizens' rights.

According to Satjipto Rahardjo's theory of legal protection, law serves to protect the interests of society by providing legal certainty and justice. In the context of land loss due to abrasion, legal protection is necessary because the community has lost one of its most important assets.

The legal protection provided can be divided into two forms:

1) Preventive Legal Protection

Preventive legal protection aims to prevent greater losses resulting from abrasion. Forms of preventive protection include:

- a. Land registration provides legal certainty regarding land ownership.
- b. Determination of coastal areas prone to abrasion.
- c. Socialization and education regarding the risks of abrasion to the community.
- d. Preparation of spatial planning policies based on disaster mitigation.

2) Repressive Legal Protection

Repressive protection is provided after a loss has occurred. However, in cases of land loss due to abrasion, repressive mechanisms are relatively limited because abrasion is a natural phenomenon that is not always caused by the fault of any particular party.¹⁰

The public can take legal action if it is proven that the government or certain parties have been negligent in preventing environmental damage that causes abrasion to worsen.

Efforts made by the government to prevent the loss of people's land due to abrasion, the Pangkal Pinang City Government in collaboration with the BNPB

¹⁰Soedjono Dirdiosiworo, 2008, Introduction to Legal Science, PT. Raja Grafindo Persada, Jakarta, p. 28.

(National Disaster Management Agency) of Pangkal Pinang City has carried out various preventive measures, including:

1) Replanting Mangrove Forests on the Coast

The purpose of planting mangrove forests is to act as natural wave breakers. These forests are an effective tool and means of breaking large ocean waves. These forests, with their strong roots, can be a key feature of mangrove forests.

2) Making Wave Breaker Media

which is made of concrete to divide and reduce the strength of the waves that hit the coastal land, namely concrete is one of the artificial means that has often been used to reduce the effects caused by strong sea waves.

3) Carrying out Coral Reef Conservation

In addition to planting mangroves, coral reef conservation is also important in coastal waters. Coral reefs effectively dampen ocean waves from within the water. The force of ocean waves can be reduced by being deflected by the coral reefs. Various efforts, both external and internal, are being undertaken to mitigate the impact of ocean waves, which can cause abrasion.

4) Carrying out Zoning Arrangements for Outskirts

The Pangkal Pinang City Government Regulation aims to mitigate the impact of abrasion. The legal aspects outlined in the regent's regulation demonstrate the local government's commitment to providing preventative legal protection to prevent abrasion in coastal areas. Once the legal instruments are complete, consistency in the implementation of the regulation is crucial for effective and efficient implementation.

The above preventive measures demonstrate the Regional Government's public responsibility to the community whose livelihoods could be disrupted by the abrasion disaster. In response to the loss of land rights in several areas of Pangkal Pinang City, as stipulated in Article 27 of the Basic Agrarian Law, these rights are automatically lost, and the Government will not provide any compensation.

In Pangkalpinang City, government assistance is more focused on protecting the community and recovering from the effects of abrasion, rather than replacing lost land. The local government, along with relevant agencies, can continue to provide various forms of assistance as a form of social responsibility and public service. Forms of Social Assistance to Affected Communities carried out by the Regional Government, According to Interview Results from Mrs. Rindu

Mayangsari as one of the communities affected by abrasion.¹¹

- a. Provision of basic food needs assistance such as oil, sugar and rice, and there is also
- b. Providing assistance for small-scale home repairs, such as building materials, sand and cement to communities affected by abrasion and
- c. There is also Health Assistance and Psychosocial Services when a Disaster Occurs.

Regarding state accountability, in this case, the state cannot be blamed unless it is proven to have allowed or failed to prevent abrasion. The state is already within its proper legal framework, as stipulated in the UUPA.

Conversely, the public can only file a lawsuit against the government through a class action lawsuit. A class action lawsuit represents a specific group of people facing a common problem. This group typically seeks compensation from the defendant.

In Indonesia, this type of lawsuit is based on Law No. 23 of 1997 concerning the Environment and PERMA No. 1 of 2002. If the government is proven to have allowed and not done anything in terms of preventing abrasion.

Based on the protection that has been listed and the results of the interview with Mr. Iksan, the government only has the authority to provide preventive legal protection in this problem.

4. Conclusion

Legal protection for land affected by erosion in Penyak village is through re-registration. The purpose of land registration by the National Land Agency itself, according to the provisions of the UUPA and PP No. 24 of 1997 concerning land registration itself, is to provide legal protection and provide legal certainty to land rights holders through certificates. Therefore, land registration is very important for obtaining legal status. Thus, certainty, guarantees and legal protection can be obtained by the people to provide information to interested parties, including the government, especially regarding land boundaries because through land registration, the area and boundaries of a plot of land can be known. It can be concluded that land destroyed by abrasion cannot be proven again by physical data because it has been lost. Regarding land affected by abrasion so that it no longer matches the physical data or legal data as strong evidence, its legal status is revoked. However, based on the right of control by the state in Article 2 of the UUPA, the state has the right to regulate the

¹¹Interview with Mrs. Rindu Mayangsari, Community, Penyak Village, Tuesday, March 14, 2026, 12.00 WIB.

allocation, use, supply and maintenance of land to prevent or reduce the impact of abrasion on its citizens. The government is obliged to provide guarantees for land affected by abrasion. The government's responsibility to citizens affected by abrasion can be carried out by relocation or replacement of residential land with certain conditions. The government, in accordance with Article 27 of the UUPA, will not replace or relocate the land because the people's rights to the land will be lost automatically. On the other hand, the government has implemented various preventive measures to prevent the adverse impacts of the abrasion process. These preventive measures can be seen as a form of government responsibility in maintaining natural conditions and the people's rights to their land. If the community feels these preventive measures are inadequate in preventing the abrasion disaster, they can file a class action lawsuit through the local District Court.

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