

## Legal Protection for Land Rights Owners Destroyed in the Semarang Demak Toll Road Land Acquisition

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**Abstract.** *The National Strategic Project (PSN) is a government initiative to increase economic growth and equitable development, with the aim of improving welfare and development in the regions. One of the PSN land acquisition processes that is currently in the spotlight is the Semarang-Demak Toll Road Project. In land acquisition on the Semarang Demak Toll Road, there are lands that are indicated to be destroyed. The purpose of this study is to determine and understand and analyze legal protection for land owners whose lands are destroyed due to the Semarang Demak Toll Road Land Acquisition, the mechanism for providing spiritual funds and to identify obstacles and solutions in the Semarang Demak Toll Road Land Acquisition. This research approach falls within the empirical legal research category. The data types and sources include primary and secondary legal materials. The data collection method is a literature study. The analysis method is empirical qualitative analysis. The results of the study show that legal protection for land owners whose land was destroyed due to the Semarang Demak Toll Road Land Acquisitionnamely: treatment as an object of land acquisition, the right to fair and adequate compensation. certainty of the legal status of the land. The stages of the mechanism for providing spiritual funds are team formation and validation, preparation and announcement of the list, filing objections, calculation of the amount of assistance. provision of funds, data storage. Land acquisition for the Semarang-Demak Toll Road National Strategic Project (PSN) faces a number of complex obstacles, especially because most of the project's route is in coastal areas that are vulnerable to rob (sea flooding) and abrasion. The solutions implemented involve formal legal approaches, social negotiations, and special compensation mechanisms.*

**Keywords:** *Destroyed; Legal; Protection.*

## **1. Introduction**

The National Strategic Project (PSN) is a government initiative to boost economic growth and equitable development, with the goal of improving regional prosperity and development. To ensure smooth and legal certainty in the implementation of the PSN, the government established a list of PSNs through Coordinating Minister for Economic Affairs Regulation No. 7 of 2021. Furthermore, based on a 2022 report from the Committee for the Acceleration of Priority Infrastructure Provision (KPPIP), the biggest challenge in PSN development is land acquisition.<sup>1</sup>

One of the most recent public-private development projects under scrutiny is the Semarang-Demak Toll Road Project. The main obstacle to this project is the inundation of community land due to seawater erosion and other natural factors. Consequently, the land has visibly disappeared, rendering it unusable for its original purpose due to physical changes.<sup>2</sup>

Based on land acquisition regulations in Indonesia, in essence, land acquisition objects include land, buildings, plants, or other things that can be valued. However, if referring to the provisions of the national basic agrarian law, the elimination of land rights in the form of ownership rights is caused by land destruction. According to the provisions of Article 27 of the UUPA, it is determined that land destruction means the land is lost. This does not guarantee the rights of communities whose land is lost due to disasters, one of which is abrasion or erosion of land due to natural disasters such as tidal floods, earthquakes, landslides, tsunamis, or other natural disasters.<sup>3</sup>

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 17 of 2021 concerning Procedures for Determining Destroyed Land in Article 2 explains that destroyed land is when the management rights and/or rights to the land are lost, including changes from their original form due to natural events, cannot be identified anymore, and cannot be used, utilized, and utilized as intended. The procedures for determining destroyed land are explained in Article 3, namely with the following stages of activities: location determination; formation of a Destroyed Land Research Team; outreach; identification, inventory, and assessment; announcement; implementation of reconstruction or reclamation if the landowner states that they will carry out reconstruction and/or reclamation; and/or issuance of a decision to determine

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<sup>1</sup>Report of the Committee for the Acceleration of Priority Infrastructure Provision (Kppip) Semester 1, 2022

<sup>2</sup>Alfin Dwiqi Reza. 2022. "Legal Protection of Land Ownership Rights Due to Abrasion on the Semarang–Demak Toll Road in Sayung District". Thesis, Faculty of Law, Universitas Islam Indonesia, Page 5.

<sup>3</sup>Bernhard Limbong, Land Acquisition for Development, (Margaretha Pustaka, Jakarta, 2015) Page 123.

destroyed land. The categories stipulated in the regulation serve as the basis for determining destroyed land.<sup>4</sup>.

Land designated as destroyed due to tidal flooding cannot be compensated in the form of compensation as stipulated in the Land Acquisition Law. Compensation is provided in the form of spiritual assistance. The calculation of appropriate compensation is based on the land's market value, taking into account the estimated costs of reconstruction or reclamation. To satisfy the community's sense of justice, non-physical losses, such as emotional losses due to the loss of opportunities for reconstruction or reclamation, are also taken into account.<sup>5</sup>. To that end, regulations are being enacted that provide legal certainty for PSDK management through Presidential Decree 52 of 2022. Presidential Decree 27 of 2023 serves as the foundation for PSDK policy innovation.

The resolution of the Land Acquisition problem for the Semarang-Demak Toll Road Construction is through the PSDK mechanism. It is known that the implementation of PSDK This project, specifically for destroyed land, is the first PSDK implementation in Central Java Province. This represents an achievement for the Central Java Provincial Government. The PSDK implementation will run from 2023 to 2024, with the following details:<sup>6</sup>:

**Table Number of PSDK in 2023-2024**

Stages	Number of Fields
Stage 1	167
Stage 2	103
Stage 3	14
Stage 4	1
Consignment	19
Not paid	1

The information in the table above represents the success of the PSDK handling team, namely the Central Java Provincial Disperakim (Regional Land Agency). During its implementation, Disperakim has resolved 305 plots of land suspected of being destroyed by providing compassionate funds. Of these, 208 were through the compassionate funds mechanism, 19 through consignment, and 1 plot was not paid for because it is state land.

From the description, it encourages and attracts the author's curiosity to conduct research with the title "Legal Protection for Land Rights Owners on Land Destroyed in the Semarang Demak Toll Road Land Acquisition.

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<sup>4</sup> Abdillah, MR (2024). Legal Certainty of Land Destroyed by the Demak-Semarang Toll Road Construction (Doctoral Dissertation, Sultan Agung Islamic University, Semarang), Page 5.

<sup>5</sup> Pranoto, E. (2024). Legal Protection of Extinct Land Ownership Rights. *Supremacy: Journal of Law*, 6(2), Pages 188-199.

<sup>6</sup> Public Housing and Settlement Agency of Central Java Province, Land Sector 2024

## 2. Research Methods

This research approach falls under empirical legal research. Empirical research is a research method that examines law in real-world situations, specifically how law operates in society.<sup>7</sup> Research methods Empirical approaches emphasize facts and data that can be observed or measured concretely. This approach seeks to avoid speculation or thinking ungrounded in observable reality. This study will explain how the legal certainty of lost land affected by the construction of the Demak-Semarang toll road will be established. The data collection technique used by the author in writing this research proposal is the normative legal research method or library research. The analysis used is empirical qualitative analysis, meaning that norms are based on facts in the field and are linked to applicable laws and regulations as positive law, while qualitative analysis is the analysis of legal materials derived from secondary legal materials. Qualitative analysis of the legal materials obtained and selected, namely through analysis of legal materials collected and selected systematically, finally obtained the conclusions of this paper.

## 3. Results and Discussion

### 3.1. Legal Protection for Landowners Whose Land Was Destroyed Due to Land Acquisition for the Semarang Demak Toll Road.

Legal protection for landowners whose land is destroyed (permanently changed in function, for example, to become a fishpond or submerged in water) due to land acquisition for national strategic projects such as the Semarang-Demak Toll Road is based on the principles of justice and legal certainty. Although the land may be physically "destroyed" of its original function, in the context of land acquisition, its legal status remains recognized as a legitimate object and is subject to full compensation.

The following is legal protection for land owners in this case:

#### 1. Treatment as an Object of Land Acquisition

Land impacted by the Semarang-Demak toll road project, even if ultimately transformed into fishponds or submerged in water, remains subject to land acquisition for the public interest. Therefore, the entire process and rights of landowners are governed by Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest and its derivative regulations (PP No. 19 of 2021).

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<sup>7</sup>Irwansyah, Legal Research, (Mitra Buana Media, Yogyakarta, 2021), Page 174.

Infrastructure projects such as toll roads, which also include the construction of sea walls to overcome tidal flooding, are considered development in the public interest.<sup>8</sup> Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Vito Arya Prabowo, that:

"This underpins the government's authority to conduct forced land acquisition if necessary. Land acquisition for public purposes involves strict procedures, from planning and location determination to land acquisition implementation (including compensation assessment), to the handover of proceeds. Landowners are entitled to fair and adequate compensation for the land, buildings, plants, and other objects on it."<sup>9</sup>

The fact that the land ultimately became a fishpond or was submerged in water does not change the legal status of its acquisition, as this status refers to the project's original purpose (toll road/embankment), which was determined to be in the public interest in accordance with legal procedures. Therefore, the ongoing process has followed applicable legal mechanisms to ensure development can proceed while respecting the rights of landowners through the provision of compensation in accordance with existing regulations.

## 2. The Right to Fair and Appropriate Compensation

The primary legal protection is the landowner's absolute right to receive just and fair compensation. This means:<sup>10</sup>

a. Full Compensation: Landowners are entitled to full compensation for the value of their land, buildings, plants, and other objects on it, as well as non-physical losses (moving costs, loss of livelihood, etc.). Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Vito Arya Prabowo, that:

"Compensation covers the value of the land, aboveground and underground space, buildings, plants, and other objects related to the land. Non-physical components are also assessed, including the cost of job loss, moving costs, emotional losses, and transaction costs such as permits and taxes."<sup>11</sup>

The aim of providing fair and appropriate compensation is to enable the entitled party to obtain a better life or at least the same as the conditions before land acquisition.

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<sup>8</sup> Wahyono, J. (2025). Implementation of the Public Interest Principle in Land Acquisition for the Semarang-Demak Toll Road (Doctoral Dissertation, Sultan Agung Islamic University, Semarang).

<sup>9</sup> Interview with Mr. Vito Arya Prabowo, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.15

<sup>10</sup> Lestari, N., Dungga, WA, & Imran, SY (2023). Legal Protection Against Compensation for Land Rights Holders in Land Acquisition for Public Interest. *Journal of Comprehensive Science (Jcs)*, 2(6).

<sup>11</sup> Interview with Mr. Vito Arya Prabowo, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.17

1) **Assessment by Independent Appraiser:** The compensation value is determined by an independent public appraiser based on applicable valuation standards. This value is the fair market value at the time of the location determination announcement. Law No. 2 of 2012 mandates that compensation assessments be conducted by licensed and independent public appraisers. Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Vito Arya Prabowo,

"This appraiser works in accordance with the Indonesian Valuation Standards (SPI) and is appointed by the authorized agency (National Land Agency/Ministry of ATR). Compensation assessment is based on the property's fair value, calculated using a market approach or other relevant method in accordance with the SPI. This value includes all physical and non-physical components previously described ("compensation for profit")."<sup>12</sup>

The fair value used is the value at the time of the announcement of the development location, not at the time of payment or at the current time. This is important to ensure that the value assigned is objective and unaffected by market speculation resulting from the development project (values that increase or decrease due to the project are excluded from the assessment). Therefore, the role of an independent public appraiser is key to ensuring objectivity and fairness in determining the amount of compensation for affected landowners.

2) **Form of Compensation:** Landowners have the right to choose the form of compensation. The landowner's right to choose the form of compensation is clearly regulated in Indonesian laws and regulations. The process of determining the form of compensation is part of the deliberation stage between the entitled party (landowner) and the agency requiring the land (government or designated business entity). The goal is to reach an agreement (consensus). Based on Law No. 2 of 2012 and Government Regulation No. 19 of 2021, the form of compensation can be:

- a. **Money:** This is the most common form. The value is based on the results of an independent public appraiser's assessment ("reimbursement").
- b. **Replacement Land:** Landowners can request compensation in the form of other land of equivalent value and location, if available and agreed upon.
- c. **Resettlement:** This option is usually given if the entire community in a location must be relocated due to a large-scale project (for example, the construction of a dam or a new industrial area).

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<sup>12</sup>Interview with Mr. Vito Arya Prabowo, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.20

d. Other Approved Forms: This includes share ownership or other forms agreed upon by both parties in deliberation.

If no agreement is reached during the deliberation regarding the form or amount of compensation, there is a settlement mechanism through consignment (depositing compensation money in court) or a lawsuit to the State Administrative Court (PTUN), which guarantees that the process will continue according to law.<sup>13</sup>

### 3. Certainty of Land Legal Status

In the context of land acquisition, "land destroyed" due to physical changes resulting from a project is different from "land destroyed" due to a natural disaster. In the case of a toll road project:

a. Legal land rights are not simply lost. They are relinquished voluntarily or through a legitimate legal process with compensation. In the context of land acquisition for public interest in Indonesia, land rights are not lost or revoked unilaterally by the state without clear procedures. This process is strictly regulated to ensure legality and fairness. According to an interview with Vito Arya Prabowo, a member of the PDSK team from the Central Java Provincial Disperakim (Central Java Immigration Agency), the following information is available:

"The process of acquiring land for public interest is legally called Release of Rights. This is a mechanism by which the land rights holder (owner) surrenders their land to the state or the agency requiring it, in exchange for fair and adequate compensation. Voluntary or through a valid legal process, ideally, this process is voluntary and based on a deliberation agreement after the compensation value is agreed upon. However, if the deliberation fails to reach a consensus (including a refusal to relinquish rights), the state does not immediately seize the land illegally. The process will continue through a legitimate legal channel, namely consignment, where the agency requiring the land will deposit compensation money with the District Court. Once the money is deposited, the Land Acquisition Committee can request the court to declare that the land rights have been released and the old land certificate is declared invalid. This court decision serves as the legal basis for the state to take control of the land and continue with the project development. Therefore, land ownership rights only transfer after the legal process is completed, either through the signing of a deed of voluntary release of rights or through a consignment determination by the court."<sup>14</sup>

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<sup>13</sup> Suryanto, FW (2024). Consignment of Compensation Money in Land Acquisition for the Tebing Tinggi–Kuala Tanjung Toll Road Section (Case Study at the Ministry of Public Works and Housing in Tebing Tinggi City) (Doctoral Dissertation, Faculty of Law, Islamic University of North Sumatra).

<sup>14</sup>Interview with Mr. Vito Arya Prabowo, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.15



b. The government, through the National Land Agency (BPN), will register the land as a state asset after compensation payments and the rights release process are complete. The BPN, through the local Land Office, plays a central role in land administration. After compensation payments are made (either directly to the landowner or through consignment in court), a rights release deed is issued. The BPN then records the change in legal status and ownership of the land. The land status will be changed in the land register and the old land certificate will be canceled. The land will then be registered as an asset of the agency requiring the land (for example, the Ministry of Public Works and Public Housing or the relevant toll road business entity). This land will be recorded as State Property (BMN) or a company asset used for the public interest, in accordance with its designation (in this case, toll roads and sea walls) and has a legal basis. Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Dimas Kreshna Wibawarto, that: "The legal basis for the new ownership is the valid land acquisition documents, such as: Deed of Release of Rights, Minutes of Deliberation, Proof of payment of compensation and Letter of Consignment Determination from the court (if there is a dispute)."<sup>15</sup>

Once the entire land acquisition process is complete, legal rights transfer occurs. The mechanism is as follows:<sup>16</sup>

- a. Administrative Settlement: After payment of compensation is made (either directly to the landowner or through consignment in court), the Commitment Making Officer (PPK) or related agency will receive a Deed of Release of Rights or a court decision.
- b. The role of BPN: The National Land Agency (BPN) of the Republic of Indonesia (which is now under the Ministry of Agrarian Affairs and Spatial Planning/ATR) is the institution authorized for land administration.
- c. Land Status RegistrationThe National Land Agency (BPN) will register the land and record its status. The land title certificate in the name of the previous owner will be deleted or revoked, and a new certificate will be issued in the name of the Government of the Republic of Indonesia (in this case, managed by the relevant technical ministry, such as the Ministry of Public Works and Public Housing for toll roads).
- d. Becoming a State Asset: The land is then officially recorded in the list of State Property (BMN) or state assets and is used for predetermined development

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<sup>15</sup>Interview with Mr. Dhimas Kresna Wibawarto, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.25

<sup>16</sup> Novianti, Dinda. Analysis of Land Acquisition Compensation Through a Fair Consignment Mechanism. Diss. Uns (Sebelas Maret University), 2025.



purposes (in this case, the Semarang-Demak Toll Road project) and has legal certainty.<sup>17</sup>

Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Dimas Kreshna Wibawarto, that:

"This process ensures legal certainty regarding the status of the land and its use for the public interest, in accordance with applicable laws and regulations."<sup>18</sup>

#### 4. Protection of the Deliberative Process

Landowners are protected by their right to reject the amount or form of compensation through a transparent deliberation process. If deliberation fails to reach a consensus, legal protection is available through the courts:

a. Lawsuit to the District Court Landowners have the right to file an objection to the compensation amount with the local District Court. The following are the provisions in accordance with Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest:<sup>19</sup>

1) Objection Mechanism for Compensation Value If the landowner does not agree with the amount of compensation determined by the independent public appraiser in the deliberation, they have the right to file an objection.

2) Submission Deadline The objection must be submitted to the Head of the local District Court no later than 14 (fourteen) working days after the deliberation to determine the compensation value is carried out.

3) Court ruling The District Court is required to decide on the objection no later than 30 (thirty) working days after receiving the objection. This court decision will serve as the legally binding basis for determining the amount of legal compensation.

4) Difference with PTUN It's important to note that lawsuits regarding compensation amounts are filed with the District Court. Meanwhile, lawsuits regarding location determination or land acquisition procedures are filed with the State Administrative Court (PTUN).

This right to sue ensures that the assessment and determination of compensation processes remain under judicial oversight, guaranteeing justice for landowners.

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<sup>17</sup> Akmal, DU, & Pratiwi, E. (2024). Legal Protection from Government Arbitrariness in the Transfer of Land Rights for Public Interest. *Wicarana*, 3(2), 83-96.

<sup>18</sup> Interview with Mr. Dhimas Kresna Wibawarto, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.30

<sup>19</sup> Kindangen, S. (2021). Application of the Principles of Justice and Legal Certainty to Compensation for Land Acquisition for Development in the Public Interest. *Lex Administratum*, 9(7).

## 5. Participation and Information

Landowners have the right to clear and transparent information regarding development plans, the land acquisition process, and their rights. Their participation in public consultations is guaranteed by law and legally protected. Based on an interview with the PDSK team from the Central Java Provincial Disperakim (Civil Service Office), Mr. Dimas Kreshna Wibawarto, the following information was obtained:

"In summary, landowners affected by the Semarang-Demak Toll Road project and whose land has undergone physical changes remain legally protected and entitled to full, fair and appropriate compensation, as well as access to legal recourse in the event of a dispute. Legal protection for landowners whose land has been destroyed due to land acquisition for the Semarang-Demak Toll Road Project is a complex issue, given the project's characteristics, which also function as a sea wall and are located in an area frequently affected by tidal flooding and erosion."<sup>20</sup>

Legal protection for landowners is regulated within the legal framework for land acquisition, with special adjustments for cases of "land loss".<sup>21</sup>

The following is an overview of these legal protections:

### 1. Basis for Legal Protection

Primary legal protection comes from Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, which guarantees landowners' rights to fair and adequate compensation. In the context of the Semarang-Demak Toll Road, the status of land suspected of being lost is handled through a special mechanism with the issuance of additional regulations, such as a Governor's Decree and a Presidential Regulation (Perpres) specifically to resolve this issue.

### **3.2. Mechanism for Providing Spiritual Funds to Residents Affected by the Semarang-Demak Toll Road Land Acquisition**

Stages of the mechanism for providing spiritual funds

- 1) Team formation and validationThe task force formed will validate those entitled to receive spiritual funds. This validation will also include identifying destroyed land that will be used for development.
- 2) Compilation and announcement of the listThe validation results are compiled into a list of eligible recipients. This list is then submitted to the head of the

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<sup>20</sup>Interview with Mr. Dhimas Kresna Wibawarto, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.35.

<sup>21</sup> Wahyono, J. (2025). Implementation of the Public Interest Principle in Land Acquisition for the Semarang-Demak Toll Road (Doctoral Dissertation, Sultan Agung Islamic University, Semarang).

integrated team and announced at the sub-district/village office or other equivalent location.

3) Filing an objection: Residents who disagree with the list have 5 days after the announcement to submit an objection to the head of the integrated team.

4) Calculation of the amount of aid: After the objection period ends, the integrated team will calculate the amount of spiritual funds that will be given to each entitled party.

5) Funding: Spiritual funds are provided in the form of rupiah through banking transactions to parties entitled to receive assistance.

6) Data storage: After assistance is provided, the integrated team will collect, group, process, and store data on handling social impacts on the community.

Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Dimas Kreshna Wibawarto, that:

"The compassionate fund is provided as a form of addressing the social impacts of land acquisition and is distinct from the primary compensation payment, which includes cash, replacement land, or other agreed-upon forms. This mechanism is regulated in Presidential Regulation Number 52 of 2022 concerning the Addressing of the Social Impacts of Land Destruction."<sup>22</sup>

The case of land destroyed by the Semarang-Demak Toll Road project differs from land destroyed by a natural disaster. Here, the destroyed condition (inundated by tidal flooding/abrasion) occurred before or was directly related to the land acquisition process for the strategic project. To overcome the legal impasse regarding the status of the destroyed land (which, under civil law, may be considered void), the government, through the Presidential Staff Office (KSP) and related parties, initiated the provision of spiritual funds or social assistance to landowners suspected of being destroyed. These funds are interpreted as a form of appropriate and suitable compensation, although technically not "compensation" in the sense of regular land acquisition. The government strives to ensure that the value of these spiritual funds is fair, through certain assessment approaches (for example, capitalization of income from fishponds/agriculture) to account for the economic losses suffered by the community.<sup>23</sup>

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<sup>22</sup>Interview with Mr. Dhimas Kresna Wibawarto, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.40.

<sup>23</sup> Wibawa, SPP, Prasetyo, PK, & Sudibyanung, S. (2023). Feasibility of Compensation Value for Destroyed Land as a Social Impact Management in Land Acquisition. *Widya Bhumi*, 3(2), 152-172.

Landowners are entitled to compensation, either through the compensation mechanism of Law No. 2/2012 (if the land is still clearly identified) or through the spiritual fund mechanism (if the land has been destroyed). Landowners have the right to participate in deliberations to determine the form and amount of compensation/assistance. Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Dimas Kreshna Wibawarto, that:

"Many pond owners, for example, reject the land destruction determination and demand adequate compensation. If landowners disagree with the form and/or amount of compensation, they can file an objection with the local District Court within 14 working days of the determination deliberation. There is a view that the government can grant priority rights to landowners to carry out reclamation or reconstruction to restore the land to its original condition, so that the land can be fully assessed."<sup>24</sup>

Overall, legal protection for landowners whose land is destroyed due to the Semarang-Demak Toll Road project involves a standard land acquisition legal framework equipped with a special mechanism (religious funds) to resolve the issue of the status of destroyed land fairly and equitably, while still opening up space for legal efforts through the courts.

Land acquisition for the Semarang-Demak Toll Road National Strategic Project (PSN) faces a number of complex obstacles, particularly as much of the project's route is located in coastal areas vulnerable to tidal flooding and abrasion. The solution implemented involves formal legal approaches, social negotiations, and special compensation mechanisms.<sup>25</sup>

#### Obstacles in Land Acquisition for the Semarang-Demak Toll Road

The main obstacles faced include:

##### 1) Status "Land Destroyed" or Flooded:

"This is the biggest obstacle. Much of the required land has been permanently submerged by tidal flooding for years or converted into fishponds. Under civil law, land rights can be lost if the land itself is destroyed. This creates legal uncertainty regarding the amount of legitimate compensation. Theoretically and based on several interpretations of civil law, land rights can be considered void or extinguished if the land object no longer physically exists or is "destroyed" (for example, due to total erosion or permanent sinking into the sea and becoming the base of public waters). For the Semarang-Demak Toll Road project, which also functions as a sea wall, the legal approach used attempts to bridge this dilemma.

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<sup>24</sup>Interview with Mr. Dhimas Kresna Wibawarto, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 13.45

<sup>25</sup> Abdillah, MR (2024). Legal Certainty of Land Destroyed by the Demak-Semarang Toll Road Construction (Doctoral Dissertation, Sultan Agung Islamic University, Semarang).

Even though the land has been submerged in tidal flooding or has become a fishpond for years, the government still chooses the approach that the land is an object of land acquisition for the public interest. This means that the process and rights of the owner are regulated by Law No. 2 of 2012.<sup>26</sup>

## 2. Issues of Assessment and Legal Uncertainty

This is where the legal obstacles and uncertainties mentioned lie:

- a. Judgment of Imperfect Objects: Public appraisers face the challenge of determining the fair market value of land that no longer exists or has been converted into a waterbed or fishpond. The market value for dry land is certainly different from that for land submerged in water.
- b. Differences in Value Interpretation: Uncertainty arises due to differences in interpretation between the land owner (who may demand the original dry land value) and the relevant agency (who may refer to the physical condition of the land at the time of the assessment).
- c. Legality of Rights: The National Land Agency must ensure that the legal ownership of the land is still legally registered, even though the physical form has changed.

Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Vito Arya Prabowo, that:

"The status of land affected by tidal flooding creates a legal gray area. Despite arguments that their rights have been lost, the government has chosen to continue providing compensation under Law No. 2 of 2012. The challenge lies in determining what is considered "fair and appropriate" compensation for objects whose physical condition has been destroyed or drastically changed, which often triggers disputes or objections from affected residents."<sup>27</sup>

Under Indonesian civil and agrarian law, land rights can be forfeited if the land is destroyed by a natural disaster or is permanently submerged in water and its boundaries are unclear. However, in the context of the Semarang-Demak project, the government finally issued specific regulations to address this legal gap. This issue was resolved through the issuance of new, adaptive regulations, specifically Minister of ATR/BPN Regulation No. 17 of 2021 concerning Procedures for Determining Destroyed Land. This regulation provides a legal umbrella to provide certainty: Even if it has been physically submerged in water or turned into a fishpond for years, land with legal proof of ownership (a certificate) does not

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<sup>26</sup>Interview with Mr. Vito Arya Prabowo, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 14.01

<sup>27</sup>Interview with Mr. Vito Arya Prabowo, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 14.05

automatically lose its rights under land acquisition law. Minister of ATR/BPN Regulation No. 17/2021 stipulates that owners of destroyed land will receive compensation in the form of "spiritual value." The amount of this compensation is set at 25 percent of the land's Taxable Object Sale Value (NJOP).

This 25% NJOP compensation scheme has in fact sparked rejection from some residents who feel that this value is unfair or not equivalent to market value (which is usually applied to non-destructive land). Based on an interview with the PDSK team from the Central Java Provincial Disperakim, Mr. Vito Arya Prabowo, that:

"Residents believe they still have legitimate property rights and should be fully respected. However, the government has established a legal basis for calculating compensation for lost land, allowing the land acquisition process to proceed despite the social and legal challenges on the ground."<sup>28</sup>

Despite independent appraisals, landowners, particularly pond owners, often reject compensation amounts deemed too low, especially if their land is categorized as "destroyed land." An interview with the PDSK team from the Central Java Provincial Disperakim (Central Java Empowerment Agency) revealed that:

"There are difficulties in verifying landowner data and legal ownership status, as much of the land has been converted or its status has been unclear for decades. Lack of public understanding or miscommunication regarding the project's purpose (which also functions as a sea wall) and compensation mechanisms has led to resistance from residents and certain community groups (fishermen, shrimp farmers). The bureaucracy and multi-layered administrative processes, from planning and measurement to payment, often take a long time and delay project implementation."<sup>29</sup>

**Solutions in Land Acquisition for the Semarang-Demak Toll Road** The government has implemented several solutions to overcome these obstacles:

1) **Spiritual Fund Mechanism** To address the "land lost" status, the government (through the Presidential Staff Office (KSP), the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), and related agencies) initiated the provision of spiritual funds or social assistance. These funds are provided as a form of fairness and justice, calculated based on the capitalization of pond income over a specific period, not the normal land value.

2) **Improved Communication and Intensive Deliberation:** Conduct more intensive, transparent outreach, and involve community leaders and the local

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<sup>28</sup>Interview with Mr. Vito Arya Prabowo, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 2:15 PM

<sup>29</sup>Interview with Mr. Vito Arya Prabowo, PDSK Team, Disperakim, Central Java Province, November 3, 2025, 14.25

government. Repeated meetings are held to explain the project's benefits (protection from tidal flooding) and listen to residents' aspirations.

3) Reassessment (If Necessary): If there are strong objections from residents, the government can ask an independent appraiser to review or reassess the compensation value, with a more comprehensive methodology.

4) Utilization of Legal Channels (Consignment) As a last resort, if negotiations fail and the landowner refuses compensation, the government can deposit the compensation money with the District Court (consignment). This allows the project to continue while awaiting the completion of the legal process.

5) Cross-Sector Collaboration: Active involvement of various institutions, including the Ministry of PUPR, BPN, Regional Governments, and other related parties, to accelerate the administrative process and problem solving in the field.

#### Implemented Solutions

a. Application of Special Mechanisms for Destroyed Land The government adopted flexible solutions, including providing spiritual funds or equitable social assistance, instead of formal compensation for land legally deemed lost. This approach involved special assessments to measure the economic losses resulting from the loss of livelihoods.

b. Transparency and Intensive Deliberation: Coordination and consultation with local governments, the National Land Agency (BPN), and local communities are being intensively enhanced to ensure transparency at every stage of land acquisition. Deliberation is used as the primary forum for reaching agreement and minimizing conflict.

c. Dispute Resolution Through Legal Means (Consignment) For landowners who continue to refuse compensation, the government is utilizing a consignment mechanism (depositing compensation funds with the District Court). This allows the project to continue while providing legal guarantees for the landowner's right to seek justice in court.

d. Technical Innovation and Dual Benefits of the Project: This project is designed to be multifunctional, not only as a toll road but also as a tidal embankment. This serves as a long-term solution to the tidal flooding problem, a major community concern, thereby increasing social support for the project.

e. Local Economic Empowerment: Project developers engage local labor and local raw material suppliers (e.g. bamboo for mattresses) to provide direct economic benefits to affected communities, helping to mitigate economic losses due to land acquisition.



f. Optimization of Adaptive Planning and Regulation: Through evaluation, budget planning is made more realistic and regulations are adapted to handle unique land conditions (degraded/destroyed) so that the land acquisition process is more efficient and fair.

## **5. Conclusion**

Research related to "Legal Protection for Owners of Land Rights Destroyed in the Semarang Demak Toll Road Procurement" obtained the following conclusions: Legal protection for land owners whose land is destroyed due to the Semarang Demak Toll Road Land Acquisitionnamely: Treatment as an Object of Land Acquisition. Land affected by the Semarang-Demak Toll Road project, even if it ultimately turns into a fishpond or is submerged in water, is still treated as an object of land acquisition for the public interest. Therefore, the entire process and rights of land owners are regulated by Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest and its derivative regulations (PP No. 19 of 2021). The Right to Just and Fair Compensation. The primary legal protection is the landowner's absolute right to receive just and fair compensation. Certainty of Land Legal Status. In the context of land acquisition, "land destroyed" due to physical changes due to the project is different from "land destroyed" due to natural disasters. In the case of toll projects, land rights are not legally lost. These rights are relinquished voluntarily or through a legitimate legal process with compensation. The stages of the mechanism for providing spiritual funds are team formation and validation.: The task force that is formed will validate the parties entitled to receive the spiritual funds. This validation also includes identifying destroyed land that will be used for development. Preparation and announcement of the list: The results of the validation are made in a list containing the parties entitled to receive assistance. This list is then submitted to the head of the integrated team and announced at the sub-district/village office or other equivalent location. Filing objections: Residents who disagree with the list have 5 days after the announcement to file an objection to the head of the integrated team. Calculation of the amount of assistance: After the objection period ends, the integrated team will calculate the amount of spiritual funds that will be given to each entitled party. Disbursement of funds: Spiritual funds are given in the form of rupiah through bank transactions to the parties entitled to receive assistance. Data storage: After assistance is provided, the integrated team will collect, group, process, and store data on handling social impacts on the community. Land acquisition for the Semarang-Demak Toll Road National Strategic Project (PSN) faces a number of complex obstacles, particularly as much of the project's route is located in coastal areas vulnerable to tidal flooding and abrasion. The solution implemented involves formal legal approaches, social negotiations, and special compensation mechanisms. The following are suggestions and legal protection channels that can be taken: Providing outreach to the affected community thatIn cases of destroyed land, the victims do not necessarily receive "compensation"

(which is based on the market value of the asset) according to Law No. 2 of 2012, but instead receive "spiritual funds" or assistance for handling social impacts based on a special policy, namely Presidential Regulation (Perpres) No. 52 of 2022 which was later amended by Presidential Regulation No. 27 of 2023. Ensure ownership and identity data is properly validated by the Integrated Team. Involve legal aid institutions, civil society organizations, or the Presidential Staff Office (KSP), which are known to be monitoring this issue, to mediate and ensure the process is fair.

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