

HALAMAN PENGESAHAN
STATUS HAK ATAS TANAH YANG TERGENANG BANJIR ROB
PADA PEMBANGUNAN JALAN TOL SEMARANG - DEMAK
TERINTEGRASI TANGGUL LAUT DI KABUPATEN DEMAK,
PROVINSI JAWA TENGAH

Disusun oleh:

REINHAT JULIAN AFERO SINAGA
NIT. 17263039 / MANAJEMEN PERTANAHAN

Telah Dipertahankan di Hadapan Tim Penguji
Pada Tanggal 09 Agustus 2021 dan Dinyatakan Telah Memenuhi Syarat

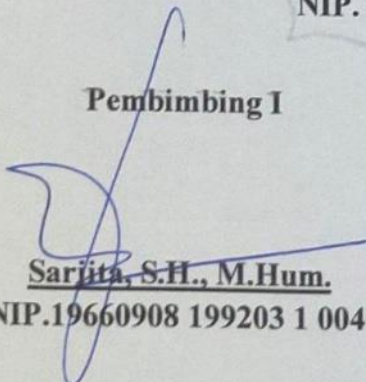
SUSUNAN TIM PENGUJI

KETUA : Drs. SUKAYADI, M.H.
NIP. 19531031 197703 1 001

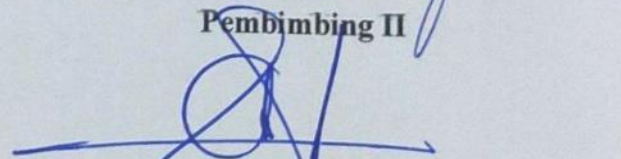
SEKRETARIS : Dr. ROFIQ LAKSAMANA, S.H., M.Eng.Sc.
NIP. 19610217 199103 1 004

ANGGOTA : SARJITA, S.H., M.Hum.
NIP. 19660908 199203 1 004

Pembimbing I


Sarijita, S.H., M.Hum.
NIP.19660908 199203 1 004

Pembimbing II


Yohanes Supama, S.H., M.Hum.
NIP.19630503 199103 1 012

Yogyakarta, ~~24~~²⁴ Agustus 2021

SEKOLAH TINGGI PERTANAHAN NASIONAL
KETUA,



Dr. Ir. SENTHOT SUDIRMAN, M.S.
NIP. 19640815 199303 1 004

ABSTRACT

The Rob flood that occurred in Sriwulan Village, Bedono Village, and Purwosari Village, Sayung District, Demak Regency made most of the land owned by the community unable to be used and utilized properly. The government's efforts to overcome the Rob flood are shown by the presence of the construction of an integrated sea wall toll road through the land acquisition process. The fact is that the implementation of land acquisition that has been planned since 2016 has been stagnant because it is waiting for a policy on the status of land rights that are inundated by the Rob flood and affected by land acquisition whose location has been determined. This study aims to determine the status of land rights inundated by the Rob flood at the location of land acquisition that has been determined and to know the legal protection provided to land rights holders, as well as to provide recommendations in policy making for the process of solving problems in land acquisition activities.

The method used is normative juridical and empirical juridical research. Data collection techniques in normative juridical research are carried out through document studies by reviewing several laws and regulations, while data collection techniques in empirical juridical research are carried out through observations and interviews. Data analysis was carried out by means of interpretation and understanding, as well as legal interpretation and providing legal arguments using deductive logic.

The results showed that the freehold title with flooded and unused land were located in 2 villages, namely: (1) Sriwulan Village with 33 fields; (2) Bedono Village with 2 fields. There are 36 freehold titles in Purwosari Village with flooded land conditions and most of them are used effectively by the rights holders for fishpond business. There are land tenure boundaries in the field in the form of mangrove trees and warings, so that based on Government Regulation Number 24 of 1997 the freehold title has strong legal certainty. Implementers of land acquisition can provide compensation for land and fishpond businesses to rights holders. Flooded lands whose physical properties cannot be identified and are not utilized, in accordance with the provisions of Article 1 point (2) Government Regulation in Lieu of Law Number 2 of 2007 and Article 66 paragraph (1) of Government Regulation Number 18 of 2021 are declared as destroyed land. The freehold title that is designated as land destroyed has its rights nullified on the basis of Article 27 letter (b) of the Basic Agrarian Law and Article 32 paragraph (1) of Government Regulation No. 24 of 1997. Implementers of land acquisition should not provide compensation for destroyed land in order to avoid from civil and criminal lawsuits for indications of harming state finances. In addition, the executor of land acquisition needs to form a research team for destroyed land to study subjects, objects and cultivators who carry out fishpond business on the land of the right holder so as to avoid all forms of speculators.

Keywords: *Rob Flood, Land Acquisition, Land Destroyed, Compensation*