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# The Role of the Central Java Provincial Public Housing and Settlement Area Office in the Preparation Stage of Land Acquisition for the Construction of the Bawen-Yogyakarta Toll Road in Semarang Regency

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## Abstract

This study examines the role of the Central Java Provincial Public Housing and Settlement Area Office (Disperakim) in the preparation stage for land acquisition for the construction of the Bawen–Yogyakarta Toll Road in Semarang Regency, as well as its legal impact on the rights of affected communities. Using an empirical juridical approach with a descriptive qualitative method that compares *das sein* and *das sollen* through interviews, document studies, and field observations. The results of the study show that the Disperakim is positioned as the secretary of the Preparation Team based on Law No. 2 of 2012 and Government Regulation No. 19 of 2021 jo. PP No. 39 of 2023, with strategic functions including notification of development plans, initial data collection, facilitation of public consultations, as well as preparation of location determination and location concept documents to the Governor. In the

field, the Disperakim faced the challenge of the gap in public understanding and differences in land ownership status, but no formal objections or legal disputes were found. The public's right to information, participation, and procedurally appropriate compensation has been fulfilled. This study concludes that the role of the Disperakim is integrative-coordinating as the main facilitator who ensures procedural order and legality of the land acquisition process, not through an exclusive task that stands alone.

## Keywords

The Role of Government Agencies, Disperakim, Preparation Stage, Land Acquisition.

## A. Introduction

The development of facilities and infrastructure is an important foundation in encouraging economic growth while improving people's welfare. One of the forms of development that is being carried out in Indonesia is the Toll Road project, which is aimed at strengthening connectivity and smoothing relations between regions.<sup>1</sup> Development for the benefit of the community in the context of the National Strategic Project (PSN) requires a large amount of land because the projects being worked on are large projects in the form of infrastructure such as roads, buildings, reservoirs, airports, and so on in accordance with the functions of the infrastructure, which act as a driving tool in the development of an area.<sup>2</sup> In this case, the Bawen–Yogyakarta Toll Road project is a vital component in efforts to strengthen the road network in Java while accelerating regional development.

The land needed to support national-scale development cannot be acquired without going through established legal procedures. The state needs a juridical framework that is able

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<sup>1</sup> Henry Edward Moniaga et al., "Pengaturan Konsultasi Publik dalam Pengadaan Tanah untuk Kepentingan Umum (Analisis terhadap Peraturan Pemerintah Nomor 19 Tahun 2021)," *Lex Privatum* 13, no. 5 (2024): 45–47.

<sup>2</sup> Yasim, Sulastri, Andi Dewi Pratiwi, Dewi Nuraliah, and Dwi Rianisa Mausili. 2025. "Land Acquisition for Public Interest Development: Legal and Regulatory Perspectives in Indonesia". *Journal of Scientific Research, Education, and Technology (JSRET)* 4 (1):434-45. <https://doi.org/10.58526/jsret.v4i1.711>.

to accommodate development interests while protecting the rights of landowners, both individuals and legal entities. This framework is then manifested in the mechanism of land acquisition for the public interest, which *inherently* contains interrelated legal, social, and economic dimensions.<sup>3</sup> Land acquisition for the public interest in Indonesia is regulated through Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest and its derivative regulations, which classify the stages of land acquisition into four fundamental phases, namely, planning, preparation, implementation, and delivery of results.<sup>4</sup> The preparation stage is crucial because it includes the notification of the development plan, initial data collection, public consultation, and location determination that serves as the basis for legitimacy for the next stages.

The implementation of infrastructure development, including land acquisition for the construction of the Bawen-Yogyakarta Toll Road, the implementation of state authority as mandated in Article 2 of Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles as an elaboration of Article 33 of the Constitution of the Republic of Indonesia of 1945.<sup>5</sup> The state is required to exercise its authority in regulating and controlling land while still paying attention to the balance between development interests and the protection of the rights of the land rights holders. In the context of the preparation stage for land acquisition, this condition is reflected in the emergence of social dynamics. This shows that the implementation of state authority in the land sector still requires strengthening a more participatory approach so that the maximum goal of people's prosperity as required by the UUPA can be realized substantively.

The preparation stage is often the determinant of the level of success and acceptance of the affected community in the land acquisition process. The lack of community

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<sup>3</sup> Anjhany, Lintar, and Asmarani Ramli. n.d. "Pengadaan Tanah Yang Mengenai Tanah Instansi: Studi Kasus Pembangunan Jalan Tol Bawen-Jogja Terhadap Lahan Pertanian SMK Negeri 1 Bawen," 909–36.

<sup>4</sup> Pasal 13 Undang-Undang No. 2 tahun 2012 tentang Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum.

<sup>5</sup> Pasal 33 Undang-Undang Dasar 1945.

communication and participation in the early stages of land acquisition has the potential to worsen people's perceptions of injustice and resistance to development projects, thereby hindering the smooth running of the next stage.<sup>6</sup> The success of the implementation of the preparatory stage does not only depend on the rule of law, but also on how the institutional role of local governments is carried out in practice.

The Central Java Provincial Public Housing and Settlement Area Office (Disperakim Jateng) plays an important role in land acquisition for the construction of toll roads, in accordance with article 8 paragraph (1) of Law Number. 2 of 2012 concerning Land Acquisition for Development for the Public Interest, which reads: "The Government and Local Governments ensure the availability of land for the Public Interest and its funding."

The Bawen-Yogyakarta Toll Road is one of the specific projects where the Disperakim can prove its ability to prepare for the procurement of land covering an area of ±3,428,926 m<sup>2</sup> and toll roads that have a length of 75.12 km with a total investment cost of around Rp 14.26 trillion and construction costs of Rp 10.65 trillion. With the completion of this project, the travel time from Semarang to Yogyakarta is expected to be reduced to around 1.5 hours.<sup>7</sup>

The presence of toll road infrastructure such as the Bawen-Yogyakarta section has an impact that is not just a transportation function. Strategically, this project is designed to open up more equitable inter-regional connectivity, as well as be a catalyst for the influx of private investment and increased community participation in the regional development process. Furthermore, the economic impact is expected to be able to narrow the development gap that has been occurring between one region and another, as well as provide concrete solutions to the problem of traffic density

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<sup>6</sup> Anjhany, Lintar, and Asmarani Ramli. n.d. "Pengadaan Tanah Yang Mengenai Tanah Instansi: Studi Kasus Pembangunan Jalan Tol Bawen-Jogja Terhadap Lahan Pertanian SMK Negeri 1 Bawen," 909–36.

<sup>7</sup> Pemerintah Provinsi Jawa Tengah, "Jalan Tol Bawen-Yogyakarta Seksi 1 dan 6 Bakal Beroperasi pada 2026," *Jatengprov.go.id*, July 26, 2025, Diakses 2025/10/20, Dari <https://jatengprov.go.id/publik/jalan-tol-bawen-yogyakarta-seksi-1-dan-6-bakal-beroperasi-pada-2026/>

that often hinders mobility in the Central Java and Special Region of Yogyakarta.<sup>8</sup> From a technical perspective, there are five toll intersections planned to be built along the Bawen-Yogyakarta section, covering the Ambarawa, Temanggung, Magelang, Borobudur, and Banyurejo areas. This toll road section is also part of the Joglosemar connectivity system which connects Yogyakarta, Solo, and Semarang in one integrated network. The completion schedule for two sections that are priority for work, namely section 1 Sleman-Banyurejo and section 6 Bawen-Ambarawa is scheduled to start operating in 2026.<sup>9</sup>

The preparation stage for land acquisition for the construction of the Toll Road cannot be separated from obstacles, not only from the administrative side, but also from the substance aspect, especially during the implementation of public consultations with the affected communities. The public consultation is designed to ensure transparency of information, stakeholder participation, and legitimacy in the process of determining development sites and land acquisition. The mechanism is regulated in detail in Government Regulation (PP) Number 39 of 2023 an amendment to Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest, which requires local governments to explain development plans, accommodate community aspirations, and record objections and agreements from the parties involved.<sup>10</sup>

Several previous studies were compared to support

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<sup>8</sup> Tim Persiapan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum di Jawa Tengah, "Pengumuman Nomor: 590/0009895 tentang Pengadaan Tanah Bagi Pembangunan Jalan Tol Yogyakarta - Bawen di Provinsi Jawa Tengah," (Semarang: Sekretariat Daerah Provinsi Jawa Tengah, 15 Juli 2021).

<sup>9</sup> Pemerintah Provinsi Jawa Tengah, "Jalan Tol Bawen-Yogyakarta Seksi 1 dan 6 Bakal Beroperasi Tahun 2026," Humas Pemerintah Provinsi Jawa Tengah, July 25, 2025, Diakses 20 September 2025, Dari [https://humas.jatengprov.go.id/detail\\_berita\\_gubernur?id=10045](https://humas.jatengprov.go.id/detail_berita_gubernur?id=10045)

<sup>10</sup> Henry Edward Moniaga et al., "Pengaturan Konsultasi Publik dalam Pengadaan Tanah untuk Kepentingan Umum (Analisis terhadap Peraturan Pemerintah Nomor 19 Tahun 2021)," *Lex Privatum* 13, no. 5 (2024): 45–47.

research on the role of one of the provincial governments, namely Disperakim in the preparation stage for land acquisition with the object of building the Bawen-Yogyakarta toll road and *locus* in Semarang Regency. Previous research includes: Susila Esdarwati (2024) thesis entitled "Legal Protection for Landowners in the Implementation of Land Acquisition of the Yogya-Bawen Toll Road Reviewed from the Aspect of Human Rights", which focuses her study on the implementation stage of land acquisition, especially the mechanism of compensation and protection of landowners' rights from a human rights perspective.<sup>11</sup> Although it has the same object of study in the form of land acquisition for the construction of the Bawen-Yogyakarta Toll Road, the study has not specifically examined the role of the provincial regional apparatus at the crucial stage, namely the land acquisition preparation stage, especially in the aspects of notification of development plans, initial data collection, public consultation, and location determination.

Then research from Ainun Dwi Rahayu and Reza Nur Amrin (2022) entitled "The role of *stakeholders* in land acquisition for the Bener Dam in Wonosobo Regency" identified the *stakeholders* involved in the land acquisition process as the main focus of this research. In addition, it analyzes the roles, interests, and impact of each *stakeholder* on the success of the land acquisition process. This study uses a qualitative descriptive approach to find that the ability of stakeholders to collaborate and cooperate effectively is essential for successful land acquisition. *Stakeholders* include roles such as policy makers, planners, coordinators, facilitators, implementers, and mediators.<sup>12</sup> While the research is relevant for illustrating the complexity of the institutional role in land procurement, it has not specifically addressed the role of a particular regional apparatus at the

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<sup>11</sup> Esdarwati, Susila, Magister Ilmu Hukum, Fakultas Hukum, Universitas Darul, Ulum Islamic, and Centre Sudirman. 2024. "Dalam Pelaksanaan Pengadaan Tanah Jalan Tol Yogya-Bawen Ditinjau Dari Jalan Tol Yogya-Bawen Ditinjau Dari Aspek Hak Asasi Manusia".

<sup>12</sup> Rahayu, Ainun Dwi, and Reza Nur Amrin. 2022. "Peran Stakeholder Dalam Pengadaan Tanah Untuk Pembangunan Bendungan Bener di Kabupaten Wonosobo" 5 (September): 165–81.

land procurement preparation stage, particularly in the context of public consultation and its legal consequences for the rights of affected communities.

In practice, the implementation of public consultation at the stage of preparing for land acquisition is still often constrained, such as lack of optimal communication, information that is not conveyed comprehensively, or lack of public understanding of the essence of land acquisition for the public interest. This condition shows the distance between normative arrangements and reality on the ground, which has the potential to trigger objections, rejections, or concerns about the land acquisition process.<sup>13</sup> As happened during the public consultation process of the Bawen-Yogyakarta toll road in Semarang regency which was constrained because the community did not fully understand the essence of land acquisition. This condition has an impact on the lack of a complete understanding between the government and the community when asked for a land deal.

The role of the Central Java Provincial Public Housing and Settlement Area Office (Disperakim) together with other related agencies, such as the Land Office, BPN Regional Office, district government, and village government is very strategic in the preparation stage for land acquisition. This cross-agency coordination is not just an administrative mechanism, but determines whether the land acquisition process can run according to a legal corridor that protects people's rights or has the potential to trigger conflicts.

National Strategic Projects (PSN), including the construction of toll road infrastructure, are often a source of agrarian conflicts. Data from the Agrarian Reform Consortium recorded 295 land conflicts in 2024, which is a 21 percent increase compared to 2023, with PSN as one of the main triggers.<sup>14</sup> Even the National Human Rights Commission

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<sup>13</sup> Senia Dwi Astuti, and Diyan Isnaeni. 2025. "Public Consultation Regulations on Land Acquisition for Toll Roads for Public Interests in the Perspective of Law Number 2 of 2012". *Journal of Law, Politic and Humanities* 5 (2):1249-56. <https://doi.org/10.38035/jlph.v5i2.1137>.

<sup>14</sup> Dialeksis. 2025. "Konflik Rakyat dengan Negara dalam Balutan PSN," Diakses 20 September 2025, <https://dialeksis.com/indepth/konflik-rakyat-dengan-negara-dalam-balutan-psn/>

noted that in the 2020-2023 period, there were 114 complaints related to PSN, of which 95 cases were indicated as violations of the right to welfare.<sup>15</sup> This fact confirms that although PSN is normatively intended for the public interest, its implementation in the field is still vulnerable to violations of people's rights if the preparation stage, especially notification, data collection, and public consultation is not carried out carefully and participaly.

The smooth progress of development in Semarang Regency, which is projected to operate in 2026, displays an interesting contrast when compared to the dynamics in other regions in the same project. In Magelang Regency, the land acquisition process faces significant obstacles from the community such as land that is still in dispute so that compensation money must be entrusted to the court, thus hindering the progress of toll road construction.<sup>16</sup> This shows that the land acquisition process for national strategic projects remains vulnerable to conflict. This raises the question of whether the role of an agency is also a determining factor in land procurement, especially at the preparation stage, which is a crucial stage that determines the next stage.

Therefore, this study seeks to analyze in depth whether the role of an agency at the preparation stage, especially the Disperakim which is directly involved in a series of processes, is in accordance with the applicable laws and regulations, so as to ensure the protection of the rights of the affected communities and prevent the emergence of legal disputes in the future. The land acquisition process and the social legitimacy of development will be greatly influenced by the

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<sup>15</sup> Mimin Dwi Hartono, et al. "Dampak Proyek Strategis Nasional Terhadap Hak Asasi Manusia.", *Komnas Hak Asasi Manusia* (2024): 3.

<sup>16</sup> Rofik Syarif Ghirinda Putra. 2024. "Sengketa Pembebasan Lahan Exit Tol Jogja-Bawen di Kota Magelang Banding Kalah PT. Sinar Waluyo Ajukan Kasasi". Diakses Pada 2 Maret 2025. <https://radarmagelang.jawapos.com/magelang/685466533/sengketa-pembebasan-lahan-exit-tol-jogja-bawen-di-kota-magelang-banding-kalah-pt-sinar-waluyo-ajukan-kasasi#:~:text=%E2%80%9CUsai%20adanya%20usaha%20mediasi%20yang,wajar%20sebesar%20Rp%2035%20miliar.>

success of the role.<sup>17</sup>

This condition raises the question, how is the implementation of the role of the Central Java Provincial Public Housing and Settlement Area Office in the preparation stage for land acquisition for the construction of the Bawen-Yogyakarta toll road in Semarang district? Then what is the impact on the rights of the affected communities in the land acquisition process?

This study focuses on the role of the Central Java Provincial Disperakim in the Land Acquisition Preparation Stage with the research object of the Bawen-Yogyakarta Toll Road in Semarang Regency and also seeks to answer these questions through an empirical juridical approach with a descriptive qualitative research method that compares *the sein* and *sollen* watersheds. Data was collected through interviews, documents, and observations of related parties, then analyzed descriptively to determine the suitability between legal theory and practice in the field.

## **B. Implementation of the Role of the Central Java Disperakim in the Preparation Stage for Land Acquisition**

### **1. *The Role of Disperakim in the National Legal Framework***

The normative role of the Disperakim is related to the legal position of the institution in the context of implementing land acquisition, especially at the preparation stage, including notification, initial data collection, and public consultation. This role does not stand alone, but rather depends on the national legal framework that governs the procurement of land in the public interest.<sup>18</sup> Law number 2 of 2012 is the main normative foundation in the context of land acquisition in

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<sup>17</sup> Sam, Ali., and Tamaulina Sembiring. 2024. "Legal Protection for Land Rights Holders in Land Acquisition for Development in the Public Interest" 2 (3): 446–64.

<sup>18</sup> Isnaini Ummul Hanifah & Ibrahim Fikma Edrisy, "Kajian Hukum Pengadaan Tanah untuk Kepentingan Umum Berdasarkan Peraturan Perundang-Undangan", *Cerdika: Jurnal Ilmiah Indonesia* 5, no. 9 (2025), <https://doi.org/10.59141/cerdika.v5i9.2828>

Indonesia. It emphasizes that land acquisition is not solely about land mobility for development, but must also uphold high legal principles, namely legal certainty, openness, justice, and protection of land owners' rights.<sup>19</sup>

In the Law, at the beginning it has emphasized several important points that become the normative umbrella for the role of Disperakim, including:

1. Land acquisition is carried out based on a clear principle. Article 2 mentions the principles of certainty, openness, and community participation in the process. This is also a normative benchmark for the presence of Disperakim when acting in the early stages of land acquisition.
2. Land acquisition must combine the interests of national development and the interests of the affected communities. Article 9 of Law No. 2 of 2012 emphasizes that the implementation of land acquisition must pay attention to the balance between development needs and the rights of communities whose land rights are affected.

It is within this framework that the Disperakim is normatively positioned as one of the provincial government agencies that plays a role in the preparation stages for land acquisition. This law also requires that the preparatory stage of land acquisition including the notification of development plans to the community and public consultation must be carried out with openness and participation of residents in a dialogical manner.<sup>20</sup> This means that Disperakim normatively has the responsibility to provide adequate information to the community and encourage their participation.

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<sup>19</sup> Undang-Undang Republik Indonesia Nomor 2 Tahun 2012 tentang Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum, Lembaran Negara RI Nomor 22 Tahun 2012, diundangkan 14 Januari 2012.

<sup>20</sup> Muhammad Irfan Aditya, Maryano, & Ahmad Yani, Kepastian Hukum dalam Pengadaan Tanah untuk Proyek Strategis Nasional tentang Ganti Kerugian, *Sentri: Jurnal Riset Ilmiah* 2, no. 9 (2025), <https://doi.org/10.55681/sentri.v2i9.1525>

Thus, normatively, the role of the Disperakim is not just to carry out bureaucratic routines, but it is attached to the legal principle of national land acquisition which emphasizes the balance between development and citizens' rights, as well as information disclosure and community participation from the beginning.

Government Regulation (PP) Number 19 of 2021 jo. Government Regulation Number 39 of 2023, regulates the procedures for land acquisition for the public interest, starting from the planning, preparation, implementation, and submission stages of results. In addition, it is also adjusted to the regional regulations or Governor's Decree applicable in Central Java Province, namely the Governor's Decree Number 590/14 of 2022 concerning the Determination of the Location of the Construction of the Yogyakarta-Bawen Toll Road in Semarang Regency, so that every step taken has a legal basis that is valid and consistent with local government policies.

The technical aspect of the role of the Disperakim includes several important stages in the preparation of land acquisition, including;

- a. Notification of development plans to the community either directly or indirectly. Contains information about:
  - 1.) the purpose and objectives of the development plan;
  - 2.) the location of the land and the required land area;
  - 3.) the stages of the land acquisition plan;
  - 4.) estimated time frame for the implementation of land acquisition;
  - 5.) estimated period of development implementation; and
  - 6.) other information.

The results of the socialization were outlined in the minutes of the event.<sup>21</sup>

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<sup>21</sup> Pasal 39 ayat (3) Peraturan Pemerintah No. 19 Tahun

- b. Initial data collection of the location of the development plan by collecting initial data on the right parties and land acquisition objects. It is carried out no later than 30 (thirty) working days from the notification of the development plan and the results of the data collection are used as data for the implementation of public consultation.<sup>22</sup>
- c. Public consultation is a deliberation process between interested parties to reach an understanding and agreement on land acquisition. This process involves the right parties, goods managers, and affected communities. Public consultation can be carried out in stages, at most 60 days from the signing of the provisional register of rights parties and the object of land acquisition at the location of the development plan.

The Central Java Provincial Disperakim carries out operational technical functions at the stage of preparing for land acquisition. This function is intended to support the smooth running of legal and administrative processes before land acquisition is further implemented. One of the initial roles carried out by the Disperakim is to deliver development plan notifications to people whose land has the potential to be affected by infrastructure development. This notice is the initial stage of communication between the government and the public. Through this socialization, the community is introduced to the land use plan for the public interest, including development goals and their position as affected parties. With the information from the beginning, it is hoped that the public will have a more complete understanding so that it can minimize confusion

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2021 Tentang Penyelenggaraan Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum.

<sup>22</sup> Pasal 55 ayat (1) Peraturan Pemerintah No. 19 Tahun 2021 Tentang Penyelenggaraan Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum.

and resistance in the field.<sup>23</sup>

After the socialization stage, the next technical function is the initial data collection of the subject and land objects to be used. This stage plays an important role because it is the basis for the entire subsequent land acquisition process. Accurate data will be helpful in identifying the subject and status of land rights, while reducing potential administrative problems in the future.

The public consultation is designed as a participatory forum to accommodate the views, desires, and dissatisfaction of the community before the location is determined. However, in practice, public consultations often do not fully function as an equal space for dialogue between the government and the public. The purpose of procedural justice as required by the laws and regulations has not been fully achieved. Public participation still tends to be limited, and in some cases, the results of consultations that have been carried out are not always optimally utilized in the decision-making process.<sup>24</sup>

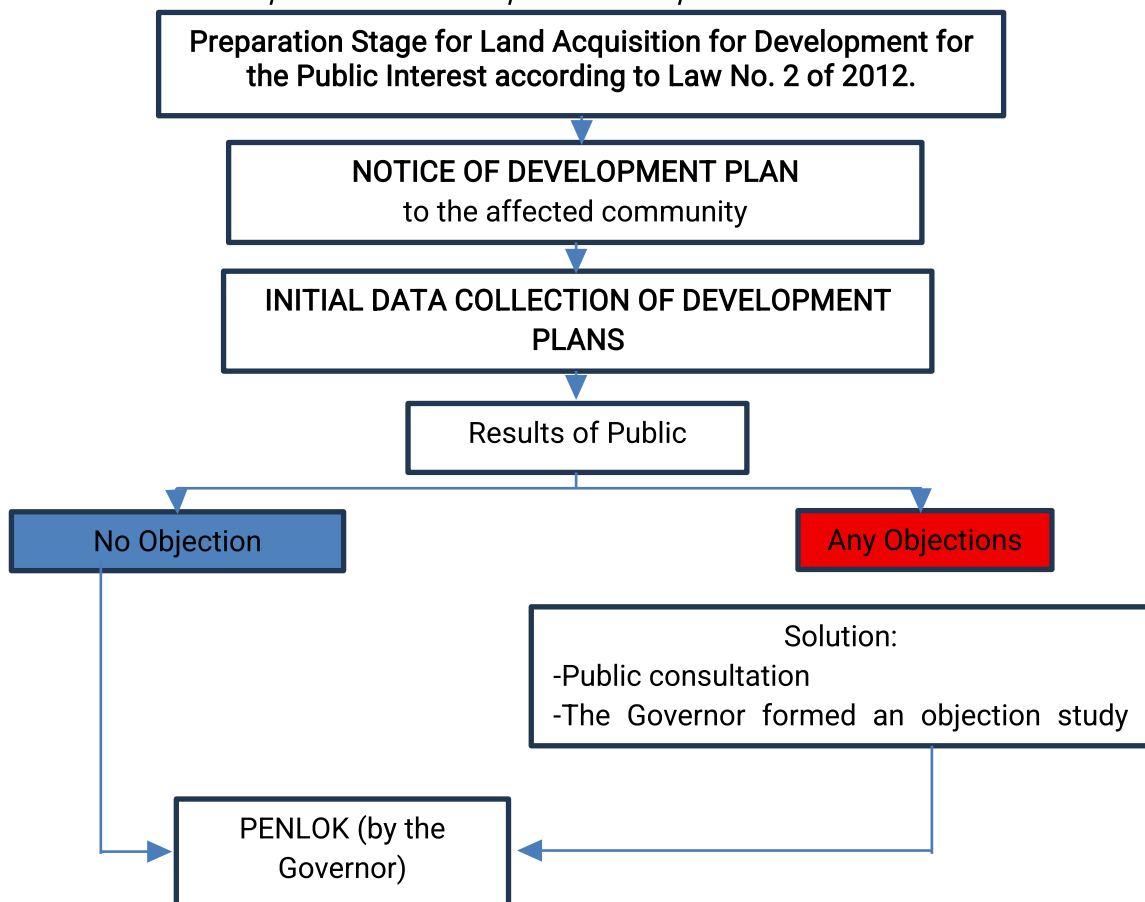
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<sup>23</sup> Widianingsih Trenggana, dan Silvy Verbritha, 2024. "Peran Pemerintah dalam Pengadaan Tanah untuk Pembangunan Infrastruktur Publik: Studi Mekanisme dan Kebijakan, *jurnal.pps.uniga.ac.id*.

<sup>24</sup> Rimun Wibowo. "Evaluating the Justice Framework in Land Acquisition: Legal and Policy Review of Government Regulation" No. 39/2023 in Indonesia, *Khazanah Hukum* (2025).

<sup>24</sup> Rimun Wibowo. "Evaluating the Justice Framework in Land Acquisition: Legal and Policy Review of Government Regulation" No. 39/2023 in Indonesia, *Khazanah Hukum* (2025).

*Chart 1 Flow of the preparation stage for land acquisition for development in the public interest*



*Source: Law Number 2 of 2012 concerning Land Acquisition for Development for Public Interest.*

Therefore, even though Disperakim is normatively given a clear and strategic position, its implementation in the field still faces various challenges, both structural and practical. This condition shows that the existence of the rule of law alone is not enough to ensure the proper land acquisition process. Therefore, it is necessary to strengthen the technical functions of the Disperakim, especially in improving the quality of socialization, validating initial data collection, and optimizing the implementation of public

consultations.<sup>25</sup>

The Central Java Provincial Disperakim has an important role in preparing land acquisition for the public interest, especially through the land acquisition facilitation team formed to strengthen coordination between agencies and disseminate land information to interested parties. This team not only takes care of the administration, but is also tasked with ensuring the completeness of planning documents, land ownership data, and land technical support before the location is determined, so that the process is transparent and in accordance with the law. This effort can be seen from various facilitation activities such as land acquisition coordination meetings with the Land Office and other agencies, which are aimed at equalizing perceptions of land technicalities and reducing the possibility of obstacles in the field.

More broadly, the role of facilitation like this supports the practice of land acquisition for the public interest that requires cooperation between the provincial government and land institutions. The goal is to protect people's rights to land while ensuring that land acquisition policies run effectively. It is important to understand that operationally, the implementation of the land acquisition preparation stage has never been sectoral. The Disperakim does not have a mandate to act alone outside the collective mechanism of the Preparatory Team. Based on field findings, the land sector within the Disperakim together with the heads of the agencies went directly to the field and were involved in every series of activities, but the involvement was always attached and recognized as part of the work of the Preparation Team, not on behalf of the institution independently. This shows that there

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<sup>25</sup> Kasim, Warsito. 2021. "Pengadaan Tanah Untuk Kepentingan Umum Dalam Perspektif Undang-Undang Nomor 2 Tahun 2012 Tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum." *At-Tanwir Law Review* 1 (2): 155. <https://doi.org/10.31314/atlarev.v1i2.2354>.

is no special task that is exclusive to the Disperakim, but there is a strategic function inherent in his position as team secretary.

This position is normatively not just administrative, but strategic. The formation of the preparation team is a mandate born from Law Number 2 of 2012 and its implementing regulations, which place the preparation stage as the foundation for the legal or not next process. This means that when the Disperakim carries out the secretarial function of managing the administration, preparing documents or preparing the determination of the location, and ensuring that the stages run according to the procedure, this role has a direct consequence on whether or not the decision to determine the location is issued or not. At this point, it can be seen that the role of the Disperakim is not only complementary, but also determinant of the sustainability of the process.

This strategic function is a driving and unifying function. In practice, although the Land Office (Kantah) has juridical technical expertise regarding land, and the Village Government has an emotional closeness to the residents, it is the Disperakim that acts as a coordination node that ensures that all these elements can work in one rhythm. This role may not appear to be a specific task in a formal structure, but it is factually determinant of the smooth running of the process. Disperakim becomes a bridge of communication, ensures that information from the Governor is conveyed to the village, and at the same time ensures that any technical obstacles in the field are immediately communicated to all team members to find a joint solution.

To ensure legal certainty and openness, regulations require cooperation between agencies. In Semarang Regency, coordination was carried out with the Regency Government, the Land Office (Kantah), the BPN Regional Office (Kanwil), and the village government, as well as the Commitment Making Officer (PPK) and the legal bureau. Socialization, initial

data collection, and public consultation do not run individually, but are interconnected through forums and cross-agency meetings. Nonetheless, the effectiveness of coordination still depends on the quality of communication and the consistency of administrative documentation, two things that in many cases land procurement are often vulnerable if not carefully monitored.

The division of tasks within the team has also been clearly defined. Disperakim acts as the secretary of the preparation team, the Regional Office as a member of the preparation team, while Kantah plays a dominant role in the implementation stage of land acquisition. The village government has an equally important position because they are the ones who better understand the social conditions of the community and the real status of land in their area. This structure reflects the principle of proportional division of authority. However, effectiveness in the field is not necessarily the same as the division of written tasks. This is where the role of the team secretariat is important, in this case the Disperakim to ensure that each agency carries out its functions according to the legal corridor that has been determined.

Failure to perform functions at the preparation stage can have serious implications. If the administrative procedures are not met, then the legitimacy of the decision on which the development is based, including the determination of the location, can be questioned. The preparatory stage is not just a formality, it is a tool to protect people's rights and maintain the legitimacy of public policy.<sup>26</sup> Therefore, the position of the Disperakim as the secretary of the preparation team should be understood as a mandate to maintain procedural order. One of the small criticisms that can be raised is the need to increase

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<sup>26</sup> Ahmad Redi, "Legalitas dan Validitas Keputusan Administratif dalam Pengadaan Tanah," *Jurnal RechtsVinding* 12, no. 1 (2024): 67–82.

technical capacity and data collection systems so that normative functions can function as a guarantor of legality in every stage of land acquisition, not just at the structural level.

In other words, the role of the Disperakim cannot be measured by the existence of independent tasks, but by the extent to which the Disperakim is able to carry out its coordinating and facilitative functions within the Preparation Team. The success of Disperakim as secretary is reflected in their ability to:

1. Synergize various authorities from different agencies (Regency Government, Kantah, Regional Office, Village Government) so that they do not run separately or even clash with each other.
2. Ensuring the continuity of information, so that what is conveyed by Kantah regarding legal aspects, by the Village Government regarding social conditions, and by agencies that need land regarding technical needs, can be summarized in a complete narrative and understood by the community.
3. Maintain the rhythm of teamwork, so that the stages of notification, data collection, and public consultation can run according to the set schedule.

This approach shows that in modern government bureaucracy, the role of an institution does not always have to appear as a single actor. However, the role of the main facilitator behind the scenes is often more decisive for the success of a complex public policy such as land procurement.

## ***2. Implementation of the Role of Disperakim in the Field (Semarang Regency Case Study)***

Ideal legal norms with field practice are often not in line with laws and regulations. Normatively, the Central Java Provincial Disperakim has a clear function and role in the preparation stages of land acquisition. However, the picture on the ground shows a much more complex



*Source: Decree of the Governor of Central Java Number 590/14, concerning the Determination of the Location of the Yogyakarta-Bawen Toll Road in Semarang Regency, 2022*

The map shows the location of the Bawen–Yogyakarta Toll Road section that crosses the Semarang Regency area, with colored lines marking the route of the toll road plan and the administrative boundaries of the area. On the right side of the map, you can see details of the affected villages and sub-districts, such as Gemawang, Bedono, Jambu, Kebondalem, Kuwarasan, Gondoriyo, Pasekan, Kupang, and Bawen, thus showing the geographical distribution of land acquisition objects in several sub-districts. Meanwhile, the left side displays a broader picture of the route to close to the provincial border, thus providing context for the strategic position of the toll road in the inter-regional connectivity network. Overall, the map explains that the project is not only technically linear, but also directly intersects with many residential units and community land, which explains why the land acquisition process and inter-agency coordination are crucial aspects in the development preparation stage.

Advance notice made before public consultation has been shown to help reduce potential resistance. Residents who previously did not understand the legal framework of land acquisition began to get an overview of the stages, the right to compensation, and the objection mechanism. This process was then strengthened in a public consultation forum involving other agencies, including the Land Office. Even when the location determination has been published and there are still residents who have expressed objections, the Land Office can provide further explanations about the available legal mechanisms. This kind of coordinating pattern shows that functionally there is continuity between stages, although the quality of public understanding remains a challenge that needs to be anticipated from the beginning.

Community participation in public consultation is also quite good, such as one of them in Jambu sub-district, precisely in Kebondalem Village. The presence of

residents in the consultation forum shows that there is an open dialogue space. Residents were not only present administratively, but actively conveyed questions and concerns. Field findings show that most of the questions revolve around the amount of compensation, clarity of residential relocation, and livelihood sustainability if agricultural land is affected by development. This condition can be understood as a logical consequence of the uneven understanding of the public understanding of the land acquisition mechanism for the public interest. On the one hand, this reflects the existence of information gaps. On the other hand, the public consultation forum actually functions as a legal education space that clarifies the rights and obligations of the parties.

There are administrative and technical obstacles such as especially related to the status of land objects, there are still objects that do not have the status of Property Rights Certificate (SHM), such as houses and plants on certain land. This situation has the potential to cause complexity in the process of identifying and inventorying rights. Normatively, all subjects and objects of land acquisition must be clearly recorded so as not to cause disputes in the future. If there are fields that have not been certified or are still based on non-formal rights, extra caution is needed in verification so that administrative errors do not occur that have an impact on the legitimacy of the process.

Table 1 Comparison of Normative Obligations and Practical Realization.

The Role of Disperakim	Normative Obligations	Practical Realization
Interagency coordination	Disperakim as part of the Preparation Team is obliged to coordinate with relevant agencies (Regency Government, Kantah, Regional	Coordination has been carried out through cross-agency meetings/meetings with agencies that need land. The division of duties is clear, namely:

	<p>Office, Village Government) in accordance with Law No. 2/2012 and PP 19/2021. The division of tasks should be clear and documented.</p>	<p>Disperakim as the secretary of the preparation team, the Regional Office as a member of the team, Kantah is dominant at the implementation stage, and the Village Government helps communicate with the community. Although there is a miscommunication in the process, it can be resolved. (interview with Mr. Gaffar Moh Nadsir, S.E., M.M as the coordinator of the land acquisition facilitation group, Disperakim. 2026)</p>
<p>Notice of Development Plan</p>	<p>The government is obliged to deliver an open and clear notification of the development plan to the affected communities either directly or indirectly.</p>	<p>The notification of the development plan was carried out in mid-2021, the purpose and objectives of the development were conveyed in the announcement letter number 590/0009895 concerning the Procurement of Anah for the Construction of the Yogyakarta-Bawen Toll Road in Central Java Province.</p>
<p>Initial Data</p>	<p>Identification and</p>	<p>Houses and plants</p>

Collection	inventory must be accurate to guarantee legal certainty and prevent disputes.	were found that have not yet SHM status, for example in Kebondalem Village a total of 161 settlements with an area of 485,056 m <sup>2</sup> , there are ±90 houses with the status of Property Rights Certificates (SHM) and ±71 fields that are still in the status of Tax Payable Notification Letters (SPPT).
Public Consultation	Public consultation must be carried out as a participatory forum to absorb the aspirations and objections of the community affected by the construction of the Bawen-Yogyakarta Toll Road	Public consultation starting in early 2022, there were constraints on team resources (personnel, time, and capacity) with the wide spread of areas that must be reached by public consultation, which ultimately triggered an information gap between affected communities, so that questions arose about the amount of compensation and concerns about loss of land/livelihood but no formal objections were found. KP was carried out, one of which was in Kebondalem village,

		<p>Jambu District (±447 affected areas). The Disperakim is directly involved in the implementation and community participation is quite good as well as involving Commitment Making Officials (PPK) related to compensation. In the preparation stage for land acquisition, the legal bureau will be involved in it to ensure transparency, regulatory synchronization, and policy accountability, including providing advocacy to the community.</p>
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*Source: Researcher Analysis, 2026.*

The implementation of the role of the Central Java Provincial Disperakim in the preparation stage for land acquisition in Semarang Regency has generally been carried out according to the applicable normative framework, especially through its function as the secretary of the Land Acquisition Preparation Team which coordinates the district government, the Land Office, the BPN Regional Office, and the village government through cross-agency meetings and forums. However, the inequality that arises in the public consultation process does not solely stem from the government's lack of intention, but also from the mismatch between the coverage of the area that must be reached and the capacity of the preparatory team available in the field. The

area affected by the construction of the Bawen–Yogyakarta Toll Road in Semarang Regency covers 14 villages in 3 different sub-districts, so the implementation of public consultations simultaneously and evenly at all location points is a structural challenge that cannot be ignored.

This condition has the potential to cause information gaps between residents, where community groups that have not had direct access to consultation forums risk gaining an unequal understanding of the right to compensation, the objection mechanism, and the overall stages of land acquisition. Although in the end these gaps can be overcome through a gradual approach involving the village government as a communication intermediary, this fact emphasizes the need to strengthen the institutional capacity of the preparatory team, both in terms of human resources and the distribution of tasks across agencies so that public consultation truly functions as an instrument of substantive participation, not just the fulfillment of administrative procedures.

Initial data collection has also been carried out, but it was found that house and plant objects that have not yet had the status of Certificate of Ownership as well as land with special characteristics that require administrative prudence. Public consultations, including in Kebondalem Village with around 447 affected areas, are the largest number in Semarang Regency, showing quite good community participation and the direct involvement of the Disperakim. The comparison between *das sollen* and *das sein* shows that the procedural stages have been met, but the quality of public understanding and the order of land administration remain the determining factors so that the process really has legal validity and does not cause problems in the future. The challenge lies in how the Disperakim and related agencies are able to narrow the distance between norms and practices, so that the principles of legal certainty and the protection of people's rights are truly realized substantively, not just procedurally.

### **C. Impact on the Rights of the Affected Community**

## in the Land Acquisition Process

### 1. *Protection of Land Rights According to UUPA and Law No. 2 of 2012*

The acquisition of land for the construction of the Bawen-Yogyakarta Toll Road cannot be separated from the constitutional principle that places land and natural resources as instruments for the greatest prosperity of the people as affirmed in Article 33 paragraph (3) of the 1945 Constitution.<sup>28</sup> This principle was then elaborated in the Basic Agrarian Law (UUPA) which emphasizes that state control over land is not a form of absolute ownership, but the public authority to regulate, manage, and ensure that its use is in harmony with the public interest without neglecting individual rights.<sup>29</sup> In this context, infrastructure development as part of the National Strategic Project (PSN) is a manifestation of the public interest that has strong juridical legitimacy, but must still be carried out by paying attention to the balance between the social function of land and the protection of community rights.

Law no. 5 of 1960 comes with the main purpose of creating a clear and definite legal basis in regulating agrarian problems in Indonesia.<sup>30</sup> The protection of land rights in the context of land procurement for the public interest is actually inseparable from the classic debate about how the state should position itself when dealing with the individual rights of its people. The state has a constitutional obligation to provide infrastructure and public facilities that support the welfare of the people, but on the other hand, the state is also bound by a commitment to respect and protect property rights as one of the basic human rights.<sup>31</sup> Although the UUPA,

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<sup>28</sup> Indonesia. 2002. Undang-Undang Dasar Negara Republik Indonesia 1954. Jakarta: Sekretariat Negara.

<sup>29</sup> H.M. Arba. Hukum Pengadaan Tanah untuk Kepentingan Umum (Jakarta: *Sinar Grafika*, 2023), 43–44.

<sup>30</sup> *Ibid.*, hl. 12-13.

<sup>31</sup> Septiani Monasari dan Ibrahim Fikma Edrisy, "Perlindungan Hukum Bagi Masyarakat Adat Atas Hak Atas Tanah Dalam Perspektif Hukum Nasional" *Jurnal Pendidikan, Sosial dan Humaniora* 4 No. 2

which has provided a philosophical foundation and basic principles of the protection of land rights, does not regulate in detail how the mechanism for land acquisition in the public interest should be implemented. Article 18 of the UUPA briefly states that "this article provides guarantees to the people regarding their rights to land. Revocation of rights is possible, but it is subject to conditions, for example, it must be accompanied by the provision of appropriate compensation".

Cases of land acquisition disputes that occur and drag on, such as public dissatisfaction with the amount of compensation, to agrarian conflicts that lead to violence, show that existing regulations have not provided adequate legal certainty and protection, this condition is what prompted the birth of Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest, which emphasizes that land acquisition must be carried out by upholding the principles of humanity, justice, openness, and legal certainty.<sup>32</sup> This law not only provides a legal basis for the state to acquire land for the public interest, but also provides a guarantee of protection for the entitled through notification mechanisms, public consultation, and the provision of appropriate and fair compensation. Thus, even though the construction of toll roads, including PSN, must be continued as a policy, its implementation must not override the public's right to adequate information, participation, and legal protection.

Article 8 of Law Number 2 of 2012 emphasizes that land acquisition for the public interest is carried out by providing proper and fair compensation to the entitled parties. In addition, Article 16 letters a and b stipulate that at the preparation stage, a notification of the development plan must be carried out as well as the initial data collection of the location of the development

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(2025): 3533-3543.

<sup>32</sup> Ahmad Redi, "Legalitas dan Perlindungan Hak dalam Pengadaan Tanah untuk Kepentingan Umum," *Jurnal RechtsVinding* 12, no. 1 (2024): 67–75.

plan. In this study, it was found that the Disperakim had carried out an initial notification in mid-2021. This stage is a form of fulfilling the public's right to information, although at first questions still arise regarding the amount of compensation and the socio-economic impact that may arise.

The right to community participation is also accommodated through the implementation of public consultation as stipulated in Article 19 of Law No. 2 of 2012, which requires public consultation to obtain an agreement on the location of the development. The findings of the study show that community participation in public consultation is quite good, including in Kebondalem Village with around 447 affected areas. Disperakim is directly involved in the forum and coordinates with the village government so that the community gets space to express opinions and objections. This shows that procedurally the principle of participatory has been sought.

From the aspect of compensation, Law No. 2 of 2012 through Article 36 stipulates that the form of compensation can be in the form of money, replacement land, resettlement, share ownership, or other agreed forms. The community has the right to receive proper and fair compensation according to the results of the assessment. In practice, although the preparation stage has not yet reached the payment of compensation, public socialization/consultation has provided understanding to the public about the choice of the form of compensation. If there are still objections after the location is determined, the Land Office can provide further explanations about the available legal mechanisms, including consignment in court. This shows that there is a guarantee of access to legal mechanisms as part of the protection of rights.

The community's obligations are also affirmed in the legal framework of land acquisition, namely complying with the provisions of laws and regulations, following the stages that have been set, and relinquishing land rights after reaching a compensation agreement. In the context of toll road construction as a PSN, Disperakim

coordinates with the local government's legal bureau to ensure that the process continues to run according to the provisions and does not cause procedural violations. This shows an effort to maintain a balance between the public interest that must be exercised and the individual rights that must be respected.

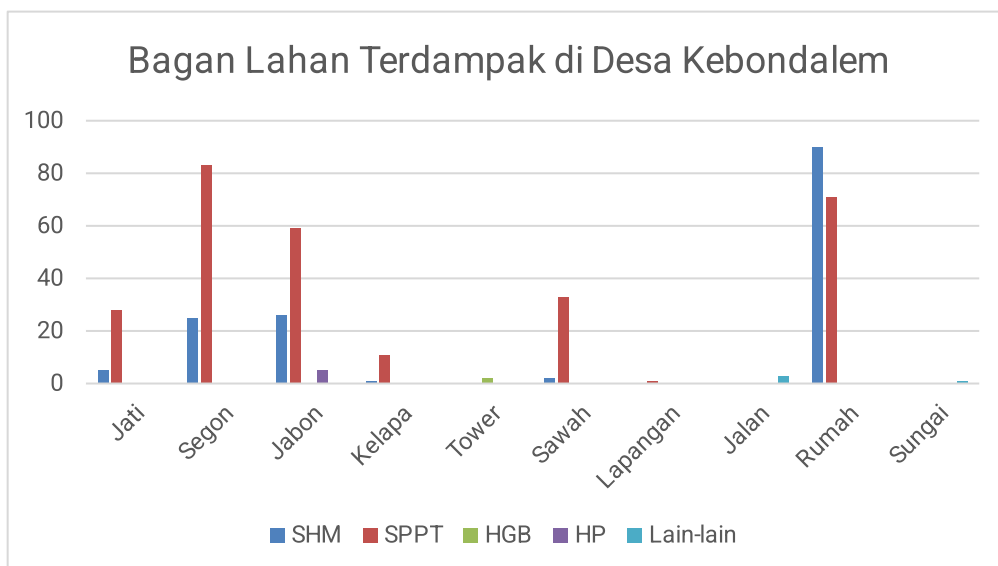
In the construction of the Bawen-Yogyakarta toll road, the data covers three sub-districts, namely Bawen, Ambarawa, and Jambu, with a total of 14 villages or sub-districts whose land will be freed for toll road construction purposes. Each village has two components of replacement value, namely the physical value which includes the price of land and buildings, and the non-physical value which includes additional compensation such as moving costs and non-material losses, and both are added up to the total fair replacement value. The largest land acquisition was found in Kebondalem Village in Jambu District with a total replacement of more than Rp350 billion, while Pasekan Village in Ambarawa District was the lowest with a value of around Rp5.4 billion, which may reflect the difference in land area, building density, and property value in each region.<sup>33</sup>

## ***2. Real Impact on Affected Communities in Semarang Regency***

The real impact felt by the people affected by the construction of the Bawen-Yogyakarta Toll Road in Semarang Regency is not only related to formal juridical aspects, but also touches on social and economic dimensions. In the early stages of socialization, various questions arose regarding the amount of compensation, relocation, and sustainability of livelihoods, especially for residents who depend on agricultural land for their livelihoods. This shows that land for the community is not just a legal object that can be transferred, but has economic and social value that is inherent in daily life.

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<sup>33</sup> Direktorat Jenderal Bina Marga Kementerian Pekerjaan Umum dan Perumahan Rakyat(PUPR). 2021. "Dokumen Perencanaan Pengadaan Tanah Pembangunan Jalan Tol Yogyakarta-Bawen". Jawa Tengah: Kemen. PUPR.

*Chart 3 Affected Land in Kebondalem Village*

*Source: Yogyakarta-Bawen Toll Road Land Acquisition Planning Document*

There are  $\pm 90$  houses with the status of Certificate of Property Rights (SHM) and  $\pm 71$  fields that are still in the status of Tax Payable Notification Letter (SPPT), the number is spread across several affected villages including; Jenganti, Jandon, Krajan, Banyunganti, and Seroto Villages. These differences in status have implications for the administrative and psychological processes of society. SHM owners relatively have clearer legal certainty in the assessment and compensation process, while SPPT holders need further clarification regarding the legality of control and proof of rights. This condition has the potential to cause concern, although normatively laws and regulations still open the space for recognition as long as it can be legally proven.

Land acquisition for the public interest in Indonesia has always left a fundamental question of how the state balances development needs with the protection of the rights of the people whose land is taken over. In this context, the role of the Central Java Provincial Public Housing and Settlement Area Office (Disperakim) is very crucial, not only as a technical implementer, but also as a

frontline who deals directly with the affected communities. Especially in Semarang Regency, the dynamics of land acquisition show its own complexity considering that this region is experiencing a fairly massive acceleration of infrastructure development in recent years.<sup>34</sup>

Community participation in public consultation is quite good, including in Kebondalem Village which has around 447 affected land plots. The consultation forum became a dialogue space to explain the land acquisition mechanism as well as answer residents' concerns regarding the value of compensation and the sustainability of their lives. Coordination between the Disperakim and the village government plays a significant role in building community trust, especially because the village government understands the social conditions and land characteristics of its citizens.

From the economic aspect, the most pronounced impact is changes in livelihood sources, especially for affected rice or garden owners. Kebondalem is one of the villages that will be crossed by the Toll Road, based on data from land acquisition planning documents, there are ±33 rice fields with an area of 39,646m<sup>2</sup> and 249 gardens with an area of 361,980m<sup>2</sup> belonging to affected residents.<sup>35</sup> Although the compensation mechanism has been regulated in Law Number 2 of 2012 with the principle of fairness and fairness, in practice economic adaptation remains a challenge. Compensation in the form of money does not necessarily directly guarantee economic stability if it is not followed by a clear plan for the use of funds or alternative livelihoods.

Procedurally, the land acquisition stage has been

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<sup>34</sup> Pemerintah Kota Semarang, "Percepatan Infrastruktur Strategis RPJMD Semarang 2025–2029," *PPID Pemerintah Kota Semarang*, diakses 16 Februari 2026, <https://ppid.semarangkota.go.id/percepatan-infrastruktur-strategis-rpjmd-semarang-2025-2029/>

<sup>35</sup> Direktorat Jenderal Bina Marga Kementerian Pekerjaan Umum dan Perumahan Rakyat (PUPR). 2021. "Dokumen Perencanaan Pengadaan Tanah Pembangunan Jalan Tol Yogyakarta-Bawen". Jawa Tengah: Kemen. PUPR.

running according to the provisions, with relatively effective cross-agency coordination and fairly good community participation. However, the difference in land ownership status (SHM and SPPT) and the accompanying socio-economic changes show that the impact of land acquisition does not stop at the administrative aspect alone. This is where it is important to ensure that the principle of public benefit is truly realized in the real welfare of the affected communities, not just in the success of the physical development of infrastructure.

The Disperakim together with the Land Office continue to provide space for clarification and verification of land subjects and objects, because administrative inequality has the potential to affect the perception of justice among the community. SHM owners tend to feel calmer because their legal status is clear, while SPPT holders can experience concerns about the certainty of receiving full compensation. If not managed with transparent communication and adequate mentoring, this situation has the potential to develop into a dispute or objection after location is established. Therefore, the effectiveness of the protection of rights in land acquisition is measured not only by the fulfillment of formal procedures, but also by the ability of the state to ensure that every citizen, regardless of his administrative completeness, receives fair and proportionate treatment.

Based on the results of the research precisely at the Disperakim, no form of formal objection or collective resistance from the community was found during a series of stages of land acquisition. The dynamics that arise are more in the form of substantive concerns and questions, especially related to the amount of compensation, certainty of relocation, and sustainability of livelihoods. There were even some residents who initially stated that their land was unwilling to be used for toll road construction. However, after obtaining a more detailed explanation through socialization and public consultation, as well as a persuasive approach from the village government and the preparatory team, the residents were finally able to accept and approve the process.

This fact shows that the main problem on the ground is not the rejection of development as a public interest, but the need for clear information and the guarantee of procedural justice. When communication is carried out openly and gradually, starting from initial notification, data collection, to public consultation, the level of public acceptance increases significantly. This also emphasizes that the success of land acquisition does not only depend on regulations, but also on the quality of communication and social approaches carried out by the Disperakim with the village government and related agencies. Thus, the absence of formal resistance can be understood as an indicator that the participatory mechanism is running relatively effectively, although there is still room for improvement in the aspect of administrative assistance, especially for landowners with non-SHM status.

*Table 1 Timeline of the Preparation Process vs Community Participation*

No	Preparation Stage	Community Participation
1.	Formation of a Preparation Team (Disperakim as secretary) and cross-agency coordination with agencies that need land (PUPR).	The community has not been directly involved, but the village government has begun to receive initial information, and the installation of land marker tape has been carried out since 2019.
2.	Mid-2021 Notification of development plans to the community	The community began to obtain official information about the development plan and the affected areas submitted by the village head's office based on notification letter number 590/0009895 on Land Acquisition for the Construction of the Yogyakarta-Bawen Toll Road, by the land acquisition

		<p>preparation team. At the stage, many people were surprised and raised questions from the community, especially regarding the amount of compensation and the sustainability of housing and livelihoods.</p>
3.	<p>Initial data collection of subjects and soil objects</p>	<p>Residents provide land ownership data, show documents, and clarify the status of the land. (Interview with Mrs. Wahyu Rahma as the head of Jenganti hamlet as well as the affected family). "Residents are often asked to collect the same files by the land acquisition team, especially the difficulties in making inheritance certificates which take a long time"</p>
4.	<p>Implementation of public consultation</p>	<p>Public consultations were held several times and spread to several villages in Semarang Regency, one of which was Kebondalem village where the consultation ran effectively, the community participated in a series of activities. At this stage, the community was given an explanation that answered the community's concerns about the amount of compensation and the sustainability of housing and livelihoods. However, no formal</p>

		objections have been found.
5.	Preparation of consultation results and preparation team recommendations	No formal objections or lawsuits were found, the community accepted the ongoing process.
6.	Issuance of Location Determination by the governor and entering the construction implementation stage	Community participation shifts to the implementation stage (receipt of compensation and release of rights)

*Source: Researcher Analysis, 2026.*

The timeline of the preparation process and community participation in the land acquisition of the Bawen–Yogyakarta Toll Road in Semarang Regency shows that community involvement does not occur suddenly at the public consultation stage, but develops gradually along with the administrative stages carried out by the preparation team. From the formation of a team and cross-agency coordination, to the notification of the development plan implemented in mid-2021 and the initial data collection of land objects and subjects, each administrative stage has consequences for increasing the intensity of interaction between the government and affected communities. Thus, community participation can be understood as a structured and integrated process in the entire series of preparation stages

Community participation was seen to be active during the series of land acquisition preparation processes. However, there were complaints by residents regarding the continuous collection of files, these files included (Identity Card (KTP), Family Card (KK), marriage book, land certificate, SPPT, proof of tax payment). Overall, there were no formal objections or lawsuits, showing that the dialogue mechanism was relatively effective and able to maintain the legitimacy of the process. This emphasizes that the success of the preparatory stage is not only determined by the completeness of administrative procedures, but also by the quality of communication and the government's ability to bridge development interests with the protection of the rights of affected communities. This was conveyed by Mr. Gaffar Moh Nadsir, S.E., M.M as the

Coordinator of the Disperakim Land Acquisition Facilitation Working Group during a direct interview on February 12, 2026 at the Disperakim Office.

The dynamics that occur in Kebondalem Village show that community participation develops as a dialogical process that forms social legitimacy for development policies. This can be seen from the perspective of *Participatory Governance Theory*. This theory states that community involvement from the planning stage, the availability of adequate information, and the opportunity to express disagreement openly will make public policy more acceptable.<sup>36</sup>

### 3. Legal Implications for the Validity and Legality of the Land Acquisition Process

The regulation of land acquisition after the enactment of Government Regulation Number 39 of 2023 shows that there are efforts by the state to clarify procedures and strengthen legal certainty in the implementation of land acquisition for development in the public interest. This regulation is not only a refinement of Law No. 2 of 2012, but also gives more emphasis on the preparation stages, especially related to the formation of a preparation team, the implementation of development plan notifications, initial data collection, and public consultation.<sup>37</sup>

The provision is intended so that every decision taken at the early stage of land acquisition has a valid administrative basis and can be legally accounted for. The conformity between the procedures carried out with the provisions of Government Regulation No. 19 of 2021 and Government Regulation 39 of 2023 is an important factor in assessing the validity of the land acquisition process. When the preparation stage is carried out according to

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<sup>36</sup> Siti Nur Azizah, "Partisipasi Masyarakat dalam Proyek Strategis Nasional: Tantangan dan Praktik," *Jurnal Administrasi Publik* 14, no. 1 (2024): 33–48.

<sup>37</sup> Republic of Indonesia, Government Regulation Number 39 of 2023 concerning Amendments to Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development in the Public Interest (Jakarta: LN 2023, 102), <https://peraturan.bpk.go.id/Details/256424/pp-no-39-tahun-2023>.

procedures, the determination of the location and the next stage acquires strong legal legitimacy, for example during public consultation which is only a formality or inaccurate initial data collection, then the process has the potential to contain procedural defects. This does not necessarily immediately cancel the land acquisition process, but it can open up the space for administrative objections and legal disputes from the affected communities.<sup>38</sup>

The validity of the land acquisition process is largely determined by the fulfillment of procedural stages as stipulated in laws and regulations. If public consultation is not carried out legally and optimally, it has the potential to cause procedural defects that can be tested through the state administrative justice mechanism. In judicial practice, the Supreme Court has emphasized the importance of compliance with land acquisition procedures as a condition for the validity of government actions, including in cases related to the determination of locations that are tested because the aspect of public participation is questioned. This means that if public consultation is ignored or only a formality, the risk of judicial review or lawsuits at the PTUN can lead to the cancellation of state administrative decisions, including the determination of location.

Public consultation has been carried out optimally, and no formal objections have been found leading to legal disputes. In fact, if there are people who are not willing to give up their land at first, the preparation team, including Disperakim as secretary, provides a space for further dialogue to answer these objections. This mechanism is in line with the principle of *due process of law* in administrative law, which is to ensure fair, proper, and non-arbitrary legal procedures in every government action, which emphasizes the importance of giving citizens the opportunity to be heard before a final decision is taken

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<sup>38</sup> Damianus Krismantoro, "Evaluating the Justice Framework in Land Acquisition: Legal and Policy Review of Government Regulation No. 39/2023 in Indonesia," *Khazanah Hukum* 7, no. 3 (2025).

(*audi et alteram partem*).<sup>39</sup> The fact that the construction of the Bawen-Yogyakarta Toll Road in Semarang Regency has now entered the implementation stage and is planned to operate in March shows that administratively there are no significant legal obstacles in the preparation stage.

If it is proven that the public consultation does not meet the requirements for openness and participation as stipulated in Government Regulation Number 19 of 2021, the location determination can be canceled. The provision confirms that the notification of the development plan and public consultation are an essential part of the preparatory stage that cannot be skipped. If the procedure is flawed, then the decision born from it has the potential to be considered invalid (*onrechtmatig overheidsdaad*). Therefore, the coordination of the Disperakim with the legal bureau before and during the process is a *preventive* step to minimize the risk of disputes and ensure that each decision has a strong legal basis before being followed up by the Regional Secretary.

In terms of legal responsibility, if in the process of land acquisition there is a violation of the economic rights of the community, for example, the lack of proper and fair compensation, then the state through the implementing agencies can be held accountable administratively or civilly. In the perspective of human rights as stated in article 40 of Law No. 39 of 1999 concerning Human Rights and also explained in article 28 H (1) of the 1945 Constitution, the right to property and decent livelihood is part of the economic rights protected by the constitution.<sup>40</sup> Therefore, Disperakim as part of the preparation team has an administrative responsibility to ensure that all procedures run according to the provisions

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yu Wulandari, and Sidi Ahyar Wiraguna. 2025. "Problematika Penerapan Prinsip *Due Process of Law* Dalam Hukum Acara Pengujian Undang-Undang Di Mahkamah Konstitusi". *Politika Progresif : Jurnal Hukum, Politik Dan Humaniora* 2 (2):52-63. <https://doi.org/10.62383/progres.v2i2.1613>.

<sup>40</sup> Indonesia. 1999. Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. Lembaran Negara Republik Indonesia Nomor 3886. Jakarta: Sekretariat Negara..

and do not harm the affected communities.

Government Regulation Number 19 of 2021 as amended by Government Regulation Number 39 of 2023 emphasizes that the preparation stage for land acquisition must begin with the notification of the development plan to the community, initial data collection, and continue with public consultation to obtain an agreement on the development location.<sup>41</sup> Public consultation is not just an administrative formality, but a participatory instrument that is a prerequisite for the legality of the determination of the location. If this stage is not carried out according to the provisions, then the decision to determine the location has the potential to be considered a procedural defect and can be tested through the state administrative justice mechanism. From the perspective of administrative law, failure to comply with participatory procedures can be qualified as a violation of the principle of openness and the principle of legal certainty as stipulated in the Government Administration Law.<sup>42</sup>

Public consultation at the preparation stage for land acquisition for the Bawen–Yogyakarta Toll Road in Semarang Regency has been carried out optimally. No formal objections were found, which developed into legal disputes, and the public who had expressed unwillingness initially accepted it after being given a detailed explanation and a persuasive approach. In addition, Disperakim as the secretary of the preparation team actively coordinates with the legal bureau to prevent legal defects. The fact that the development has entered the implementation stage shows that administratively and legally, the preparatory stage has not experienced significant obstacles.

The comparison between norms and practices shows that there is a substantial conformity between legal

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<sup>41</sup> Peraturan Pemerintah Republik Indonesia Nomor 19 Tahun 2021 tentang Penyelenggaraan Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum, jo Peraturan Pemerintah Nomor 39 Tahun 2023.

<sup>42</sup> Undang-Undang Republik Indonesia Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan, Pasal 10 ayat (1) dan pasal 39-42.

provisions and implementation in the field. The mechanism for providing space for dialogue, clarification of objections, and cross-agency coordination shows that the principles of participation and prudence have been pursued in real terms. However, potential legal risks must still be anticipated, especially if in the future there is a lack of data or administrative procedures that are not fully written in the DPPT. Therefore, consistency between regulations and practices must be maintained, because the validity and legality of land acquisition are not only measured from the implementation of development, but from the fulfillment of all procedural stages in accordance with laws and regulations.

Decision Number 623/Pdt.G/2015/PN. Jkt.Sel as a juridical illustration to see how land acquisition disputes are assessed by the court when there is a postulate of procedural defects. The decision is basically a civil case related to disputes in the process of land acquisition for the public interest. The main problem stems from the plaintiff's claim that his rights to the land were harmed in a series of land acquisition processes. The lawsuit was filed because the plaintiff considered that there were errors or procedural inconsistencies in the implementation of land acquisition, especially regarding the recognition of rights, administrative processes, and/or the determination of parties entitled to receive compensation.

The decision is relevant for comparison in this study, because it issues aspects of land acquisition procedures, especially regarding the validity of the stages and the protection of the rights of parties who feel aggrieved. When associated with Government Regulation No. 19 of 2021 jo. Government Regulation No. 39 of 2023, land procurement procedures emphasize the principles of transparency, participation, and accountability at the preparation stage, including notification of development plans, initial data collection, and public consultation before the penlok is issued. In this case, the dispute arose due to allegations that the rights of certain parties were ignored or not processed according to the applicable mechanism.

The relevance of this research is that if the public consultation stage is not carried out legally and is only a formality, it will have the potential to cause civil and State Administration (TUN) lawsuits. In this case, the Central Java Disperakim has carried out optimal public consultation and coordinated with the legal bureau to prevent procedural defects, so that juridically these stages have met the framework specified in PP 19/21 jo. PP 39/2023.

The land acquisition process of the Bawen–Yogyakarta Toll Road in Semarang Regency must comply with the General Principles of Good Government (AAUPB) which is regulated in Law Number 30 of 2014 concerning Government Administration. These principles, which include the principles of legal certainty, openness, prudence, and non-abuse of power, have been transformed into ethical values.<sup>43</sup> In this stage of land acquisition, the principle of openness demands that the notification of the development plan and public consultation must provide sufficient information and equal access for all affected communities, the principle of due diligence demands that all decisions made from this stage, including initial data collection and recapitulation of objections must be based on complete and verified documents and facts before being submitted to the Regional Secretary.

The coordination carried out by the Disperakim with the legal bureau throughout the process is a clear reflection of the application of the principles of prudence and prudence, as well as affirming the agency's commitment to procedural standards that not only meet formal requirements, but can also be substantively accounted for if it is questioned before the court. Thus, the validity and legality of this land acquisition process is not solely judged from the absence of disputes, but from the extent to which any government action taken in the

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<sup>43</sup> ] <sup>43</sup> Mhd. Fakhurrahman Arif, "Asas-Asas Umum Pemerintahan yang Baik," *Siyasah: Jurnal Hukum Tata Negara* 6, no. II (2023): 55, <https://ejournal.an-nadwah.ac.id/index.php/Siyasah/article/view/583>.

preparatory stage has been truly based on the principles of good governance as the foundation of legitimate administration.<sup>44</sup>

## D. Conclusion

This study confirms that the role of the Central Java Provincial Disperakim in the preparation stage for land acquisition is integrative and coordinated, not exclusive. This means that, although administratively the Disperakim acts as the secretary of the Preparatory Team and is operationally always involved on behalf of the team, there is a strategic function implicitly attached to the position. These functions include: (1) the role as a driving force for coordination between agencies (Regency Government, Kantah, Regional Office, Village Government, and agencies that need land); (2) the role of guardian of the continuity and quality of information from the notification stage to public consultation; and (3) the role as the main facilitator who ensures that every communication and administrative obstacle in the field can be overcome collegially.

By carrying out these functions, the Disperakim has contributed significantly to the smooth preparation process, which is marked by the absence of formal objections that lead to legal disputes. The absence of a separate specific task actually strengthens the argument that in the implementation of land acquisition for the public interest, success is determined more by the effectiveness of the collective work of a team and how each institution carries out its coordinating role optimally

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