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The Role of the Government and the National Land Agency in Ensuring Legal Certainty in Land Acquisition for Public Interest

(Case Study of Decision Number 43/Pdt.G/2024/PN.Smg)

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Abstract

Land acquisition for development for the public interest is an important instrument in supporting national development, but in practice it often raises legal disputes, especially regarding land ownership status, compensation, and legal certainty for affected parties. This study aims to analyze the legal considerations of judges in deciding land acquisition disputes in the public interest and examine the role of local governments and the National Land Agency in ensuring legal certainty, with a study on Decision Number 43/Pdt.G/2024/PN.Smg related to the construction of the

Semarang-Demak Toll Road. The research method used is normative-empirical legal research with a descriptive-analytical approach. The normative approach is carried out through analysis of laws and regulations and court decisions, while the empirical approach is conducted through interviews and review of relevant documents. The results show that disputes are not solely caused by overlapping land ownership, but also by weak land administration and non-optimal recording of transfer of rights, causing uncertainty regarding parties entitled to compensation. The judge's consideration in this case focused more on formal aspects and legal position of the parties, so the lawsuit was declared unacceptable. This research contributes to strengthening understanding of the importance of orderly land administration and inter-agency coordination in land acquisition. The conclusion emphasizes that the role of local governments and the National Land Agency determines the realization of legal certainty. Therefore, strengthening land administration management after land acquisition is necessary to prevent similar disputes in the future.

Keywords

Land Procurement, Public Interest, Legal Certainty, Judge's Consideration, Land Disputes.

A. Introduction

From birth to death, human beings cannot be separated from the need for a place to live. Soil is a basic human need. Cosmmologically, the land is seen as the place of human life, the origin of human existence, and the ultimate purpose of life. Therefore, land has not only physical value but also economic, social, cultural, and political dimensions.¹ Land plays an important role in people's lives, including supporting activities in the industrial, housing, and road construction sectors. Land can also be seen as immovable property with economic value and is often used as an investment or savings for the future. Land functions as a place of residence

¹ Bernhard Limbong, *Pengadaan Tanah Untuk Pembangunan* (Margaretha Pustaka, 2011).

for most people and also serves as a primary source of livelihood for communities whose lives depend on agricultural and plantation activities. In addition, land ultimately becomes the final resting place for humans after death.²

With the aim of realizing a fair and prosperous society as stipulated in Pancasila and the constitution of the Republic of Indonesia in 1945, Indonesia needs to carry out development. Land is a fundamental asset in Indonesia, which serves as the main capital for development, aiming to create a just and prosperous society. Its management and utilization must be based on principles that exist and develop in Indonesian society.³ Development is basically a process of continuous change towards better conditions, which is based on certain norms. The government develops comprehensive policies and plans related to the provision, determination, and utilization of agricultural resources to support development, with the main goal of achieving maximum prosperity for the people. Through this policy and plan, the government hopes that land can be used wisely and effectively, providing maximum benefits for the country and its people. To meet this need, the government procured land.

Land and development are two interrelated and inseparable elements. Land plays a dual role in human life, functioning both as a social asset and as an economic asset. As a social asset, land serves to strengthen social cohesion and support the continuity of community life and livelihoods. Meanwhile, as an economic asset, land becomes an important factor in development activities, which eventually leads to its transformation into a valuable commodity that can be traded and even used as an object of speculation.⁴ As a social asset and capital asset, land is an inseparable unit

² Abdurrahman, *Masalah Hak-Hak Atas Tanah Dan Pembebasan Tanah Di Indonesia* (Bandung: PT. Citra Aditya Bakti, 1991).

³ Anas Maulana and Henni Hutagalung, "Reformasi Pengelolaan Tanah Dalam Sistem Hukum Agraria Di Indonesia : Tantangan Dan Solusi Untuk Mewujudkan Keadilan Sosial Dan Keberlanjutan" 3, no. 1 (2025): 245–56.

⁴ Achmad Rubaie, *Hukum Pengadaan Tanah: Untuk Kepentingan Umum* (Malang: Bayu Media Publishing, 2007).

because it is inhabited by humans and contains various natural resources.

National development is a continuous effort to improve people's welfare and encourage progress in various areas of life. In its implementation, development cannot be separated from the need for land, one of the main elements that support the implementation of various development programs. The availability of land is very important in the implementation of development, although in practice it often causes various problems. In the context of development, land plays an important role in supporting success, particularly in the provision of facilities for public interest that require large amounts of land.⁵ Land issues often arise when governments plan development projects, mainly due to the limited availability of land and the increasing demand for land for development. This situation emphasizes that land is a limited resource, which requires planned and responsible management.⁶

Land acquisition is understood as the process of making land available for development in the public interest through the termination of the legal relationship between the land rights holder and the land, accompanied by the provision of appropriate compensation.⁷ However, after the enactment of law no. 2 of 2012 and presidential regulation of the republic of indonesia no. 71 of 2012, as amended by presidential regulation of the republic of indonesia no. 148 of 2015, this definition shifted to land provision activities. Development undertaken for the public interest serves as one of the primary bases for the government to justify land acquisition, given that land is required to support the implementation of development across various sectors. Land acquisition refers to the process by which a party obtains or exercises control

⁵ Muwahid, *Hukum Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum*. (Surabaya: Duta Media, 2020).

⁶ Mat Dadi et al., "Pelaksanaan Pengadaan Tanah Terhadap Kepentingan Umum Dalam Perlindungan Lahan Pertanian," *Jurnal Juridisch* 1, no. 1 (2023).

⁷ H.M. Arba, *Hukum Pengadaan Tanah Untuk Kepentingan Umum* (Jakarta: Sinar Grafika, 2019).

over land that is currently under the authority of another party. Based on its intended purpose, land acquisition can be classified into two categories. First, land acquisition for the public interest, where the party requiring the land is a government institution responsible for carrying out activities that serve the public interest. Such institutions include state institutions, ministries, non-ministerial government agencies, provincial governments, regency or municipal governments, and state-owned enterprises. Second, land acquisition for private purposes, where the party requiring the land is a private business entity, such as a limited liability company.

As the holder of governing authority, the state possesses the power to regulate the allocation, utilization, and management of land within its territory, as provided in article 2 of law number 5 of 1960 concerning basic agrarian principles.⁸ One manifestation of this authority is the implementation of land acquisition for development carried out in the public interest. Local governments, as elements of regional governance, including governors, regents, or mayors, together with local officials, play an important role in supporting land acquisition in their jurisdictions. Apart from the provisions contained in article 2 of the basic agrarian law, the government's authority to implement land acquisition for development in the public interest also originates from attributive powers granted through law number 2 of 2012 concerning land acquisition for development in the public interest and law number 20 of 1961 concerning the revocation of land rights.

The government plays a strategic role in coordinating various parties involved to ensure the achievement of development goals in the process of land acquisition for public interest development.⁹ Its implementation requires

⁸ H.M. Arba, *Hukum Agraria Indonesia*, ed. Tarmizi (Jakarta: Sinar Grafika, 2019).

⁹ Ainun Dwi Rahayu and Reza Nur Amrin, "Peran Stakeholder Dalam Pengadaan Tanah Untuk Pembangunan Bendungan Bener Di Kabupaten Wonosobo The Role of Stakeholders in Land Acquisition for the Construction of the Bener Dam in Wonosobo District" 5, no. September (2022): 165–81.

strong cooperation between the government and the community to ensure the implementation of an effective land acquisition process. The National Land Agency as a land agency, has a strategic role in ensuring legal certainty and orderly land administration in development for the public interest, because it interacts directly with land rights holders affected by land acquisition.¹⁰ To ensure the implementation of development in the public interest, the National Land Agency prioritizes the principles of humanity, democracy, and justice, while adhering to applicable laws and regulations to ensure that people's rights remain legally protected. However, in its implementation, land acquisition still causes disputes if it is not accompanied by clear legal certainty for stakeholders.

Land acquisition to meet development needs in Indonesia continues to increase, both for housing purposes and to support business activities.¹¹ Along with this increasing demand, the need for legal certainty in the land sector is also increasing.¹² Ensuring legal certainty in the land sector requires a written, comprehensive, and clear legal framework, as stipulated in law number 5 of 1960 concerning basic agrarian regulations. The implementation is carried out in compliance with the applicable laws and regulations. Legal certainty over land is essential to protect rightful parties, ensure a balance between land use and development, and create legal certainty regarding ownership.

Article 18 of law number 5 of 1960 concerning basic agrarian regulations provides that, for the public interest encompassing the interests of the nation, the state, and society land rights may be revoked, provided that fair

¹⁰ Ririn Wahyuni, "PEMBANGUNAN UNTUK KEPENTINGAN UMUM Peran Kementerian ATR/BPN Dan Pemerintah Daerah," 2026, https://sumbar.atrbpn.go.id/informasi_pertanahan/pembangunan-untuk-kepentingan-umum-peran-kementerian-atrbpn-dan-pemerintah-daerah.

¹¹ Putri Lestari, "Pengadaan Tanah Untuk Pembangunan Demi Kepentingan Umum Di Indonesia Berdasarkan Pancasila," *SIGn Jurnal Hukum* 1, no. 2 (2020): 71–86.

¹² Adrian Sutedi, *Implementasi Prinsip Kepentingan Umum Di Dalam Pengadaan Tanah Untuk Pembangunan* (Jakarta: Sinar Grafika, 2020).

compensation is granted to the rights holder and that the process is conducted in accordance with legally established procedures. This provision emphasizes that any acquisition of land rights in the public interest must be accompanied by fair compensation to the owner. However, in practice, procedural violations often occur when government agencies begin physical work such as land clearing, surveying, or boundary marker installation before full compensation is paid to land rights holders. This situation puts landowners in a legally and economically vulnerable position, as the land is already being used while their financial rights have not been met. Furthermore, this regulation is the basis for the formation and development of provisions regarding land acquisition as stipulated in law number 2 of 2012 concerning Land Acquisition for Public Interest Development.¹³

Land acquisition for the public interest is carried out through structured and gradual stages as stipulated in article 13 of law number 2 of 2012, including: planning, preparation, implementation, and submission of results. The planning stage includes the intent and objectives of the development plan; Preparations include the announcement of procurement plans; implementation focuses on the discussion and assessment of compensation; and the delivery of proceeds ensures that land rights holders receive compensation before relinquishing their rights.¹⁴

The land acquisition procedure begins after the location is determined by the Governor and related agencies. Agencies that need land are required to submit an official application to the Land Agency.¹⁵ Law number 2 of 2012 concerning Land

¹³ Muhammad Irfan Aditya, Maryono, and Ahmad Yani, "KEPASTIAN HUKUM DALAM PENGADAAN TANAH UNTUK PEMBANGUNAN PROYEK STRATEGIS NASIONAL TERKAIT GANTI KERUGIAN BAGI MASYARAKAT YANG TERDAMPAK," *SENTRI : Jurnal Riset Ilmiah* 2, no. September (2023): 3710–21.

¹⁴ Sofyan Alim, "Pemberian Ganti Kerugian Pengadaan Tanah Untuk Kepentingan Umum Terhadap Tanah Hak Milik" 7, no. 1 (2024): 42–57.

¹⁵ Sirjon Tenong, Mustating Daeng Maroa, and Rahmat Setiawan, "Tinjauan Yuridis Penyelenggaraan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Berdasarkan Peraturan

acquisition for public interest development is implemented through various implementing regulations, one of which is presidential regulation number 148 of 2015, which amends presidential regulation number 71 of 2012 concerning the implementation of land acquisition for public interest development.

In practice, land acquisition for various purposes is often colored by conflicts and legal problems. This situation arises from an imbalance between the normative provisions of *das sollen* regulated in laws and regulations, and the reality of *das sein* in its implementation in the field.¹⁶ The implementation of land acquisition frequently gives rise to various conflicts, including disputes regarding land status and ownership, disagreements over the valuation of compensation, conflicts arising during deliberation processes, and community objections to the results of land inventory and identification. These conditions often encourage the parties involved to pursue legal remedies in order to obtain legal certainty.¹⁷

Previous studies have explored land acquisition for development in the public interest as well as the legal issues that arise from its implementation. One study conducted by Lisbeth Sinaga (2022) examines the legal protection afforded to land rights holders during the process of determining compensation for the construction of the Medan–Binjai toll road. The findings indicate that the compensation mechanism must be carried out in a transparent and equitable manner in order to prevent disputes between the government and the affected communities. Another study by Andhika Iman Saputra (2022) examines the provision of

Pemerintah Nomor 19 Tahun 2021," *Jurnal Yustisiabel* 5, no. 2 (2021).

¹⁶ Siti Miftahul Jannah, Wira Fanciska, and Hedwig A. Mau, "Kepastian Hukum Pelaksanaan Ganti Rugi Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum," *Jurnal Penelitian Dan Pengkajian Ilmiah* 2, no. 3 (2025): 485–96.

¹⁷ Andi Saiful Haq et al., "Implementasi Kebijakan Penyelesaian Konflik Agraria Pengadaan Tanah Untuk Pembangunan Ibu Kota Negara Nusantara Andi Saiful Haq 1*, Azhari Azis Samudra 2, Evi Satispi 3, Andriansyah 4" 8090 (2025): 175–91, <https://doi.org/10.22219/jurnalsospol.v11i2.40844>.

compensation in land acquisition for the construction of General Besar Sudirman with an Islamic legal approach, which emphasizes the importance of the principles of justice and benefit for the people who are visible.

In addition, research conducted by Rahmawati (2021) examined the mechanism for resolving land acquisition disputes in public infrastructure development and found that disputes often occur due to differences in perceptions of the value of compensation and lack of communication between the government and the community. Research by Prasetyo (2020) also highlights the role of local governments in the land acquisition process to conclude that coordination between agencies is an important factor in ensuring the smooth implementation of development. Furthermore, research conducted by Nugroho (2019) analyzed the implementation of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest and revealed that a discrepancy still exists between the normative legal provisions and their practical implementation in the field.

Although these studies have examined aspects of land acquisition and compensation, most of the research focuses more on land acquisition mechanisms in general and dispute resolution that occurs between communities and the government. This research differs from previous research because it specifically analyzes judges' legal considerations in deciding land acquisition disputes as well as the role of the government and the National Land Agency in ensuring legal certainty, especially in Decision Number 43/Pdt.G/2024/PN.Smg. Thus, this research is expected to contribute to enriching the study of agrarian law, especially related to the implementation of land acquisition for the public interest and legal protection for land rights holders.

Based on the foregoing explanation, land acquisition for development in the public interest frequently gives rise to legal disputes, particularly those related to the fulfillment of compensation rights, the implementation of procedures, and the assurance of legal certainty for land rights holders. In this context, the role of the municipal government and the National Land Agency is very important, not only in managing the land acquisition process but also in ensuring that the

process is carried out in accordance with applicable law and the principles of justice. Further, when a dispute arises and is brought to court, the judge's reasoning and legal considerations play an important role in determining whether legal certainty and protection of rights have been properly enforced. Therefore, this research is important to examine the legal framework and its implementation in resolving land acquisition disputes for the public interest. Research Problems:

1. What are the judges' legal considerations in deciding land acquisition disputes for the public interest based on Decision Number 43/Pdt.G/2024/PN.Smg?
2. What is the role of the government and the National Land Agency in ensuring legal certainty in land acquisition for public interest development based on Decree Number 43/Pdt.G/2024/PN.Smg?

This study uses a normative-empirical legal research method with a descriptive-analytical approach. The normative method is used to analyze laws and regulations related to land acquisition for public interest development, especially Law Number 2 of 2012 and its implementing regulations, as well as provisions in the Basic Agrarian Law. This normative approach aims to understand the legal basis that governs the implementation of land acquisition as well as the legal principles that are the basis for the protection of land rights. An empirical approach is used to see how such legal provisions are applied in practice on the ground, particularly in cases of land procurement disputes that are examined and decided by the courts. This approach was chosen because the problems studied are not only related to the applicable legal norms, but also related to their implementation in practice, especially in terms of the role of local governments and the National Land Agency in ensuring legal certainty in the land acquisition process. The data used in this study consisted of primary data obtained through interviews with parties related to the implementation of land acquisition, as well as secondary data obtained from relevant legislation, court decisions, and legal literature. The data collected is analyzed qualitatively to provide a comprehensive understanding of the relationship between the applicable

legal provisions and their implementation in practice, especially in ensuring legal certainty for land rights holders.

B. Judge's Considerations in Deciding Land Acquisition Disputes for the Public Interest Based on Decision Number 43/Pdt.G/2024/PN.Smg

The civil case of lawsuit No. 43/Pdt.G/2024/PN.Smg contains a dispute over the control and ownership of land that arose in the context of land acquisition for the construction of the Semarang-Demak Toll Road Section I. The Panel of Judges placed the identity of the parties as the starting point to assess the legal relationship, the position of the parties, and the juridical interests inherent in the disputed land object. The examination of the position of the parties has the function of initial proof of the legitimacy of acting legal standing in filing a lawsuit, answering the evidence, and bearing the legal consequences of the decision.¹⁸ The Plaintiffs consist of six heirs of Alm. Masdoeki Maskur, namely Muzayanah as his legal wife and five biological children, namely Nurus Samichatus Saadah, Moch Kholiqin, Gamal Abdul Nasser, Umi Farah Zumaini, and Camelia Evi Salamah. The Plaintiffs postulated the object of dispute as the heir's legacy property derived from the purchase of pond land in 1960 from a person named Moekti. The Plaintiffs placed evidence of village administration in the form of Letter C as the basis for the ownership claim so that the Plaintiffs positioned themselves as the subject of the "entitled party" in the land acquisition law in the public interest.

The basis of the Plaintiffs' claim rests on Letter C Number 104 Persil 19 Class D.I in the name of Masdoeki Maskur for land Number Lot 33.1 covering an area of 24,250 m² located in Terboyo Kulon Village, Genuk District, Semarang City. The Plaintiffs described the land as pond land that has been leased to a third party since 1998, then

¹⁸ M. Yahya Harahap, *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, Dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2017).

continued to other tenants since 2001. The Plaintiffs outlined the desire to increase the status from the proof of village administration to the certificate of ownership, then the process was delayed because the land was included in the land acquisition plan for the Semarang-Demak Toll Road project as notified by the village officials. The reason for the Plaintiffs' lawsuit departs from the emergence of ownership claims by the Semarang City Government which has implications for the placement of compensation money through consignment at the Semarang District Court. The Plaintiffs qualify the Defendant's actions as unlawful acts because the Defendant is considered to be the owner of the land which according to the Plaintiffs is the legal property based on Letter C 104 Persil 19 Class D.I. The Plaintiffs consider the actions of the Co-Defendant to be an unlawful act because the Co-Defendant concluded that there was a ownership dispute and then placed the compensation money in court, so that the Plaintiffs consider the right to receive compensation to be delayed.

The Defendant is the Semarang City Government as stated in the identity of the parties to the decision. The Semarang City Government filed a claim for the disputed land based on evidence of rights in the form of Certificate of Title HM.5 which was associated with the land acquisition for the benefit of IPLT in 1995, including the compensation transaction documents and the statement of release of rights displayed in the coordination meeting. The Semarang City Government positions the claim as the basis for objection to the determination of the party entitled to receive compensation in the land acquisition process of the Semarang-Demak Toll Road project.

The Defendant also holds the position of Head of the Semarang City Land Office under the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. In this role, the Head of the Semarang City Land Office possesses administrative authority as the Chairperson of the Land Acquisition Committee as well as the Chief Executive responsible for the implementation of the Semarang-Demak Toll Road Section I project. Accordingly, he is responsible for the implementation of land inventory and identification,

verification of juridical documents, the handling of objections, and the determination of dispute resolution mechanisms during the land acquisition implementation stage. The Defendant also concluded that there was an ownership dispute between the Plaintiffs and the Semarang city government for the land Number Field 33.1, then determined the placement of compensation money at the Semarang district court through consignment as an administrative step in the land acquisition process. The object of the dispute is pond land Number 33.1 covering an area of 24,250 m² in Terboyo Kulon Village, Genuk District, Semarang City with the basis of Letter C Number 104 Persil 19 Class D.I in the name of Masdoeki Maskur. The decision contains the physical boundaries of the land plot, namely the north bordering the land belonging to Karim Parsini, the east bordering the Tenggang River, the south bordering the land belonging to Herwaskito Prajitno, and the west bordering the East Canal Flood River. The identification of land plot boundaries functions as a parameter for affirming the object of dispute in proof, testing the suitability of physical data and juridical data, as well as assessing whether or not there are slices of rights claims submitted by the parties. The value of compensation for land for Field Number 33.1 was set at IDR 43,652,155,700. The custody of compensation was carried out at the Semarang District Court based on the determination of the Chairman of the Semarang District Court dated December 7, 2023 Number 1/Pdt.Kons/2023/PN.Smg as stated in the sitting case. The consignment mechanism places the compensation money in the court until there is certainty of the party who is entitled to receive, so that the object of dispute in the a quo case is not only related to the status of land rights, but also related to the legitimacy of the subject of compensation in the procurement of land for the public interest.

The Panel of Judges made sitting cases the main basis in formulating legal considerations on disputes A quo. The sitting case describes a series of events that occurred from the initial stage of land acquisition to the emergence of a dispute over land rights Field Number 33.1 in the construction project of the Semarang-Demak Toll Road Section I. The

factual description serves as a foothold to assess the consistency of the land acquisition procedure, the validity of the ownership claim, and the legality of the administrative actions of the parties. The land acquisition process began with socialization activities to the affected communities which were attended by one of the heirs on December 8, 2022. The land procurement committee submitted a plan to carry out an inventory and identification of land plots affected by the project. The Plaintiffs received an inventory notification letter on December 15, 2022, then the implementation resumed in January 2023 due to weather conditions that hampered the previous process. The inventory and identification stage contains the recording of physical data and juridical data on land plot Number 33.1 listed in the name of Masdoeki Maskur.

The land procurement committee announced the results of the inventory and identification on February 9, 2023. The committee opened a rebuttal period for 14 days to give interested parties the opportunity to submit objections to the results of the recording. The rebuttal period does not contain objections from other parties to the Plaintiffs' claims on Letter C Number 104 Persil 19 Class D.I. This stage is an important element in assessing procedural compliance in the land acquisition regime. The problem arose when the Plaintiffs took care of sporadic letters in Terboyo Kulon Village as administrative completeness. The village officials suggested clarification to the Semarang City BPKAD because there was an allegation of a connection with HM.5. BPKAD through a letter dated March 14, 2023 stated that the land in question had been freed in 1995 for the benefit of IPLT and compensation payments had been made to Maskur Mohamad Moekti. This statement became the starting point of the ownership dispute between the Plaintiffs and the Semarang City Government. The coordination meeting was held on April 14, 2023 and continued on May 12, 2023 at the Semarang City Land Office. The meeting presented elements of the Semarang City Government, BPKAD, the land acquisition committee, and representatives of the Plaintiffs. The Defendant as the Chairman of the Land Acquisition Committee concluded that there was a dispute over

ownership of land Number 33.1. The Defendant then decided to place compensation money through the consignment mechanism at the Semarang District Court. Ownership disputes are based on differences in rights submitted by the parties. The Plaintiffs based their claims on Letter C Number 104 Persil 19 Class D.I on behalf of Masdoeki Maskur covering an area of 24,250 m². The Semarang City Government based the claim on Certificate of Property Rights Number 5 which comes from Letter C Number 91 Persil 18 Class D.II which according to the Defendant had been released in 1995 for the benefit of IPLT. The alleged overlap of rights is the basis for concluding that there is a dispute that has implications for the delay in the direct payment of compensation.

The Plaintiffs in their petition demanded recognition as the legal owner of the land Field Number 33.1 and as the party entitled to receive compensation of Rp 43,652,155,700 which had been entrusted at the Semarang District Court. The Plaintiffs also filed a lawsuit against the Semarang City Government and the Head of the Semarang City Land Office because the act of claiming and determining the consignment was considered materially and immaterially detrimental. The sitting of the case is the foundation for the Panel of Judges in assessing whether or not the elements of unlawful acts are fulfilled and determining the legitimacy of the subject of compensation in the procurement of land for the public interest.

The legal basis in the *a quo* case reflects the intersection between civil law as the foundation for liability and agrarian law as the regulatory framework governing land acquisition for development in the public interest. The case concerns a dispute over pond land registered as Number 33.1 with an area of 24,250 m² located in Terboyo Kulon Village, Genuk District, Semarang City, which is designated as part of the construction area for the Semarang–Demak Toll Road. The dispute arose when the Plaintiffs based their claims on Letter C Number 104 Persil 19 Class D.I on behalf of Masdoeki Maskur, while the Semarang City Government based the claim on the HM.5 Title Certificate which was attributed to the land acquisition for IPLT in 1995. The difference in the

basis of rights led to a decision to deposit compensation money to the Semarang District Court.

The framework of unlawful acts directed the judge to Article 1365 of the Civil Code because the Plaintiffs sued the Semarang City Government and the Head of the Semarang City Land Office. The elements of the act are related to the action of claiming ownership by the Semarang City Government over field 33.1 and the administrative action of the Head of the Semarang City Land Office who stated that there was a dispute and then chose a consignment. The unlawful element requires a simple measure, namely the conformity of the action with the authority of the position and the applicable land acquisition provisions. The element of loss relates to the Plaintiffs' withheld access to compensation, while the element of causal relationship requires proof that the claim and consignment actions were the direct cause of the delay in receiving compensation.

The test of Article 1365 of the Civil Code in agrarian disputes requires a separation between justified administrative steps and actions that exceed the standard of prudence.¹⁹ Consignment in land acquisition is an instrument known when a dispute arises regarding the party entitled to compensation.²⁰ The validity of the consignment in this case depends on the basis used to declare a dispute of ownership of field 33.1. The basis needs to be tested through the accuracy of document verification, land history, and the precision of mapping the fields that are used as the object of land acquisition. The civil framework needs to be linked to the UUPA because the object of dispute is in the realm of land rights. Article 2 of the UUPA on the Right to Control from the State provides a basis for legitimacy for the state to regulate

¹⁹ Floresnsia Calista Putri Tembu et al., "Analisis Yuridis Hak Atas Tanah Akibat Perbuatan Melawan Hukum Penguasaan Tanah (Studi Kasus Putusan Nomor 267/Pdt.G/2020/PN Kpg)," *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 5, no. April (2026): 565–75.

²⁰ Aartje Tehupeiory, *Format Hukum Yang Melindungi Kepentingan Pemegang Hak Atas Tanah (Konsinyasi Dalam Pengadaan Tanah)* (Jakarta: UKI Press, 2020).

the allocation and use of land for the prosperity of the people, including the procurement of land for the construction of toll roads.²¹ The authority does not provide room for takeover without a valid procedure because the regulatory authority requires compliance with administrative procedures and order. This case shows the need for administrative certainty because the Plaintiffs' claims are still in the form of Letter C, while the Semarang City Government's claim is based on the HM.5 certificate which has a strong evidentiary character in land administration.

Article 18 of the UUPA affirms the requirements for proper compensation and statutory procedures when land is needed for the public interest.²² This principle is in direct contact with the fact that the compensation for field 33.1 has been set at Rp 43,652,155,700 and placed in court. The main problem shifts to the determination of the subject who is entitled to compensation because both parties propose different grounds of rights. The decision needs to read the principle of compensation as a guarantee of protection of rights, not just a payment formality.

Law number 2 of 2012 provides a binding procedural structure for land acquisition which includes a settlement mechanism when disputes arise regarding the right parties. The case session contained a series of land acquisition activities that included socialization, inventory and identification, announcement of results, and the involvement of the land acquisition committee in managing land parcel data. Law 2/2012 places "entitled parties" as the determining node, so that the juridical verification of the Letter C 104 document and the HM.5 document is an aspect that must be accounted for. The consignment mechanism becomes valid if there is a dispute between the recipient of compensation that cannot be resolved at the administrative stage.

²¹ Diyan Isnaeni, "Pengadaan Tanah Untuk Pmebangunan Jalan Tol Dalam Perspektif Hak Menguasai Negara," *Yurispruden* 3, no. 1 (2020): 93–105.

²² Nurmasita Sahibu et al., "Pencabutan Dan Pembebasan Hak Atas Tanah: Prosedur Dan Implikasinya," *Jurnal Yustisiabel* 7, no. 2 (2023).

Presidential decree 71/2012 jo. presidential decree 148/2015 operationalizes Law 2/2012 through technical provisions for inventory-identification, compensation assessment, and custody in court. This case shows the function of the implementing rule when the land acquisition committee chose to retain compensation because the claims of the Plaintiffs and the claims of the Semarang City Government go hand in hand in the same field. These technical provisions require precise field mapping, tracing of land history, and document assessment so that consignment decisions do not turn into a source of legal uncertainty. The entanglement between the facts of the case and the implementing rules is a test point for the judge to assess whether the administrative actions of the parties are on a legitimate and accountable path.

Analysis of ownership disputes in cases *a quo* based on the comparison of the evidentiary strength between Letter C Number 104 Persil 19 Class D.I on behalf of Masdoeki Maskur and the Certificate of Property Rights Number 5 submitted by the Semarang City Government. The Panel of Judges examined the juridical quality of each piece of evidence to determine who was legally the holder of land rights in Field Number 33.1 and who was entitled to receive compensation in the land acquisition process. Letter C has a function as a village administration record that contains data on the parcel, area, and name of the owner according to the village book. This document can be used as evidence of letters in civil proof because it contains a history of land tenure. The evidentiary value is not equivalent to a land right certificate because it is not issued through the land registration system regulated by law. Letter C's position is at the level of initial evidence that requires corroboration through other evidence such as possession history, witnesses, or supporting documents.²³ Upgrading the status to a Certificate of Ownership has an important meaning in the national land law system. Birth certificates go through a land

²³ Ayu Lintang and Priyan Andari, "Keabsahan Letter C Sebagai Alat Bukti Kepemilikan Tanah," *Jurnal Hukum Dan Sosial Politik* 1, no. 1 (2023).

registration process that includes the examination of physical data and juridical data by the competent authority. The absence of registration makes Letter C not get a guarantee of publication and is not recorded in the state land administration system. This condition places the Plaintiffs with a heavier burden of proof when dealing with registered rights documents.²⁴

The Certificate of Title Number 5 submitted by the Semarang City Government has strong evidentiary power because it is issued by the Land Office and recorded in the official register. The certificate contains the identity of the subject, the area, the location, and the boundaries of the land in a measurable manner. This power provides legal protection to the holder as long as there is no cancellation through a court decision that has permanent legal force.²⁵ Certificates are an orderly representation of land administration run by the state. The principle of publicity in land registration guarantees that the recorded data can be known to the public and can be trusted. This principle is related to legal certainty because the community can assess the status of a plot of land through data available at the land office. Certificates that have been registered create a more stable legal position than village administrative records. The judge needs to assess whether there is evidence capable of aborting the power through proof of land history or administrative error.²⁶ The issue of overlap is at the heart of this dispute. Letter C Number 104 claimed by the Plaintiffs and HM.5 claimed by the Semarang City Government are said to come from different parcels in the village records. Examination of possible overlaps requires

²⁴ Dina Twenty Agustin et al., "Kedudukan Letter C Dalam Sistem Pendaftaran Tanah Dan Proses Konversi Letter C Menjadi Sertifikat Hak Milik (SHM)," *J-CEKI: Jurnal Cendekia Ilmiah* 4, no. 6 (2025): 2873–80.

²⁵ Rezeki Aldula Rajab, Bambang Eko Turisno, and Anggita Doramina Lumbanraja, "Sertifikat Hak Atas Tanah Dalam Kepastian Hukum Pendaftaran Tanah," *Notarius* 13, no. 2 (2020): 642–54.

²⁶ Wahyu Perkasa Oktavio, "Penerapan Asas Publisitas Pada Pendaftaran Tanah Sistematis Lengkap Di Kota Sawahlunto Provinsi Sumatera Barat," *UNES Law Review* 5, no. 1 (2022): 138–51.

reading of field maps, physical boundaries, and history of transfer of rights. An overlap can only be declared if the two documents point to the same plot of land or are physically intersecting with each other.

The validity of the actions of the Head of the Semarang City Land Office as the Chairman of the Land Acquisition Committee depends on the limits of authority granted by laws and regulations. The Chairman of the Committee has the authority to conduct an inventory, identification, and determination of administrative steps when disputes arise. The decision to place compensation through consignment must be based on the finding of two claims for the same object, namely Letter C 104 from the Plaintiffs and HM.5 from the Semarang City Government. The assessment of the possibility of partiality can be tested by the way the committee traces the history of the land and juxtaposes the two grounds of rights before concluding that there is a dispute. Consignment does not necessarily remove the rights of the Plaintiffs because this mechanism only delays the submission until there is a determination of the right party. Consignment can be seen as a form of legal protection so that funds are not handed over to the wrong party. Consignment can be viewed as a waiver if the decision is taken without careful verification and without a solid basis for the existence of an object slice. The measure of protection or waiver depends on the quality of the administrative checks performed before custody is decided.

The analysis of the elements of unlawful acts again becomes relevant when assessing the action of claims by the Semarang City Government and the action of concluding disputes by land officials. The element of deeds is fulfilled through active actions that have an impact on the withholding of payments. The unlawful element demands testing the conformity of the act with the UUPA, Law 2/2012, and the obligations of the position. Elements of loss include delayed receipt of funds and non-material impacts due to uncertainty of rights. The element of causality tests whether the loss was born directly from claims and consignments. All of these considerations can be read within the framework of Gustav Radbruch's theory of legal certainty, which places legal

certainty as compliance with procedures, justice as the protection of individual rights, and utility as the smooth construction of toll roads that are in the public interest.

The Semarang District Court Decision Number 43/Pdt.G/2024/PN.Smg, which is the object of analysis in this study, the plaintiffs have filed an appeal. The Semarang High Court through decision number 529/PDT/2024/PT SMG annulled the first-instance verdict and declared the Plaintiffs' lawsuit inadmissible. This research remains focused on the analysis of legal considerations of first-instance judges to assess the application of the law in resolving land acquisition disputes for the public interest.

The difference in the results of the decision between the Semarang District Court and the Semarang High Court in a quo case is basically due to the difference in the focus of legal considerations used by each panel of judges. At the first level, the Panel of Judges of the Semarang District Court immediately examined the subject matter by assessing the evidence regarding the ownership and identity of the disputed land object. Based on the assessment of the evidence submitted, the judge was of the opinion that the Plaintiffs could not prove the existence of an overlap between the land claimed under Letter C Number 104 and the Certificate of Title Number 5 claimed by the Semarang City Government. Therefore, the Plaintiffs' lawsuit was rejected. This ruling shows that at the first level the Plaintiffs are considered to have legal standing, but have not succeeded in proving the substance of the dispute.

In contrast to these considerations, the Panel of Judges of the Semarang High Court at the appellate level first assessed the formal aspects in the form of the legal standing of the Plaintiffs before entering the main examination of the case. After reassessing the evidence submitted, the appellate judge concluded that the Plaintiffs could not prove a lawful legal relationship with the object of the disputed land, as there was no clear evidence of the transfer of rights from the original owner to the party they inherited. With the non-fulfillment of the condition of legal standing, the panel of appellate judges considered that the examination of the subject matter was no longer relevant to

continue. On that basis, the High Court annulled the District Court's decision and declared the Plaintiffs' lawsuit to be unacceptable *niet ontvankelijke verklaard*. This difference in decision shows that the appellate judge emphasizes more legal certainty from the procedural side, while the judge of the first level focuses more on material proof of the object of the dispute.

Based on the results of an interview with Mr. Bambang Budi Musito, S.H., M.H. as the presiding judge who examined and tried Case Number 43/Pdt.G/2024/PN.Smg, it is known that the Panel of Judges in deciding this case first assessed the formal aspects of the lawsuit before entering the main examination of the case. The presiding judge explained that the disputed land object had basically been released by the Semarang City Government and had been given compensation, and was used for the public interest in the form of the construction of a Manure Sludge Treatment Plant.

The Presiding Judge emphasized that any party who believes they possess rights over a land object retains the legal standing to submit a claim before the court. However, the right to file the lawsuit must be accompanied by the fulfillment of the formal requirements as specified in the civil procedure law. In this case, the Panel of Judges did not continue the examination of the subject matter of the dispute because the plaintiff's lawsuit was considered to contain formal defects, so it was declared unacceptable *niet ontvankelijk verklaard*. The Panel of Judges did not consider further the evidence of land ownership submitted by the parties, either in the form of Letter C belonging to the plaintiff or the Certificate of Ownership belonging to the defendant. This shows that the judge's consideration focuses more on procedural order and formal legal certainty, than on the assessment of the substance of the disputed land rights.

In the trial process, the Presiding Judge explained that the court had carried out its obligation to pursue mediation efforts as stipulated in supreme court regulation number 1 of 2016 concerning mediation procedures in court. Mediation is carried out with the aim of encouraging the achievement of peace between the parties, which is considered to have a higher value of justice compared to court decisions. The

Chairman of the Panel of Judges also carried out *aanmaning*, namely summoning and giving warnings to the parties to carry out their obligations voluntarily. In this case, *aanmaning* is carried out three times. If after the *aanmaning* the parties still do not carry out their obligations, the court is authorized to proceed to the execution stage. This shows that the judge has actively carried out his role in encouraging the peaceful and efficient resolution of disputes.

The Presiding Judge revealed that the main problem in this case was not the overlap of land ownership, but the weak management of land administration by the Semarang City Government after the regional expansion. The expansion of the area should be followed by the transfer of land *warkahs* to new villages. However, negligence in making administrative adjustments caused land ownership data to be unclear and blurry. The village archives still record the old owners of the land objects that have been released, so there has been no administrative transfer of rights. This condition opens up the opportunity for the emergence of other evidence of ownership of the same land object in the future, which ultimately triggers disputes and harms certain parties. Thus, the role of the City Government in ensuring orderly land administration is an important factor in realizing legal certainty for the community.

Based on the judge's considerations and the facts revealed during the trial, it can be analyzed that the lack of clarity in land administration has significant implications for the realization of legal certainty. Although the land object in the *a quo* case has gone through the process of acquisition and is used for the public interest, the non-optimal arrangement and adjustment of land administration after the acquisition has the potential to cause uncertainty about the legal status of the land. This condition ultimately opens up space for protracted ownership disputes and leads to settlement through judicial mechanisms. In this context, the role of the City Government is crucial, not only in the implementation of land acquisition and compensation, but also in ensuring orderly land administration in a sustainable manner. The implementation of orderly and accurate land administration is an integral part of efforts to realize legal

certainty, so that every stage of land acquisition should be carried out comprehensively, both from physical, financial, and administrative aspects.

C. The Role of the Semarang City Government and the Head of the Semarang City Land Office in Ensuring Legal Certainty in Land Acquisition Based on Decision Number 43/Pdt.G/2024/PN Smg

The Semarang City Government in the *a quo* case is in the position of the Defendant who actively filed a claim for land Number Field 33.1 covering an area of 24,250 m² which is included in the construction site of the Semarang-Demak Toll Road. The claim is based on the Certificate of Ownership Number 5/Tambakrejo which is said to come from Persil 18 Class D II. The Semarang City Government attributed the right to the land acquisition for the benefit of IPLT in 1995 and stated that the land had been freed from H. Maskur Mohamad Moekti. This position places the Semarang city government as the party being sued as well as a subject that substantively affirms the existence of rights that have been obtained first. In its answer, the Semarang City Government proposed an exception for the lack of parties on the grounds that the toll project land acquisition work unit was not withdrawn in the lawsuit.

The Semarang City Government also emphasized that the land replacement had been carried out in 1995 and the land rights had been transferred to the local government. The argument is directed to show that the disputed object is no longer in the control of the heirs of Masdoeki Maskur. The statement regarding the absence of legal standing of the Plaintiffs shows the active role of the City Government in maintaining the administrative legitimacy of the claimed rights.

The assessment of the role of the Semarang City Government does not stop at the existence of the HM.5 certificate, but requires testing of the identity of the object between Persil 18 Class D II and Letter C Number 104 Persil 19 Class D I submitted by the Plaintiffs. The difference in

parcel numbers and land classification raises the need for technical clarification through matching boundaries and soil history. The accuracy of object identification is the main factor in assessing whether the claim strengthens legal certainty or causes inconsistency in land administration. The role of the Semarang City Government in this context has two dimensions. The first dimension relates to the responsibility of maintaining administrative order over regional assets that are believed to have been obtained legally. The second dimension is related to the obligation to maintain legal certainty in land procurement for the public interest. Claims that are not accompanied by thorough verification have the potential to prolong the dispute and delay the determination of the party entitled to compensation.

The Head of the Semarang City Land Office as the Co-Defendant holds a different but strategic administrative role. The position is attached as Chairman of the Land Acquisition Committee and Chief Executive of the Semarang-Demak Toll Road Project. This authority includes the implementation of inventory, identification, and determination of administrative steps when differences in claims arise. This role puts land officials in a central position in ensuring the certainty of physical data and juridical data on the land parcels affected by the project. The administrative actions carried out include the announcement of the results of the inventory and identification as well as the inclusion of Masdoeki Maskur's name in the nominative list as a registered party. The coordination meeting on May 12, 2023 brought together related parties to discuss the claims that emerged. The decision on the existence of an ownership dispute was taken after the claim of the Semarang City Government and the Plaintiffs' claim ran simultaneously on the same object. The determination of consignment steps is a consequence of this conclusion. The deposit of compensation through a consignment mechanism with Number 1/Pdt.Kons/2023/PN.Smg is carried out as an administrative step to maintain the sustainability of the project. This action has a legal basis in article 42 of law number 2 of 2012 and article 93–94 of government regulation number 19 of 2021 which provides storage space if there is a dispute regarding

the right party. The role of the Head of the Land Office in this stage lies in the objective assessment of the existence of disputes and in determining the steps that are considered most appropriate according to the law.

Continuing the discussion regarding the role of the Semarang City Government and the Head of the Semarang City Land Office in the land acquisition process, the following evaluation focuses on the professionalism and neutrality of the National Land Agency in determining the existence of ownership disputes. The position of the Head of the Land Office as the Chairperson of the Land Acquisition Committee places the official in a strategic role in determining administrative actions that directly affect the rights of the Plaintiffs. The assessment of the professionalism and neutrality of the National Land Agency in the *a quo* case also stems from the role of the Head of the Semarang City Land Office as the Chairperson of the Land Acquisition Committee. The determination that an ownership dispute exists becomes the primary basis for deciding the consignment of compensation. The difference in rights arises from Letter C Number 104 Persil 19 under the name of Masdoeki Maskur and Letter C Number 91 Persil 18, which is associated with the history of land acquisition in 1995. These differences in persil records and historical ownership require thorough juridical verification to ensure that the determination of a dispute is not based on mere assumptions.

Juridical verification in land administration ideally includes matching physical data and juridical data including field measurements and comparison of land boundaries. Checking the northern, eastern, southern, and western boundaries becomes crucial to ascertain whether the two documents point to the same or different fields. This process is related to the principle of meticulousness in state administrative actions that require officials to act on the basis of complete and accurate data. The quality of verification determines whether the decision to declare a dispute has an objective basis.²⁷ The question of whether

²⁷ Daril Akhmad, "Analisa Yuridis Ketidasesuaian Antara Salinan Buku Tanah Dengan Buku Tanah Pada Data Yuridis Pertanahan Di

BPN only accepts the City Government's claims without a thorough land history search is part of the neutrality evaluation. The land administration has the obligation to conduct research on the origin of rights, including tracing the deed of release, proof of payment, and situation map. This rigor has become a professional standard that protects legal certainty and prevents further conflicts. Decisions taken without comprehensive research have the potential to create a perception of partisanship.

The Plaintiffs view the consignment decision as a form of partiality to the City Government. BPN stated that it acted according to procedures because there were two claims for the same object. The assessment of neutrality is not enough to be seen from a formal statement, but from the process taken before a decision is taken. The principle of impartiality in state administration requires officials to keep their distance from the interests of one party and act solely based on law and facts.²⁸ A consignment decision can be understood as an administrative precautionary measure when there is a dispute regarding the party entitled to compensation. Law Number 2 of 2012 provides custody space in court to avoid payments to the wrong party. This step can be considered professional if it is preceded by adequate research and clear documentation of the reason for the dispute. Critical assessment is needed to ensure that consignment is not merely a mechanism to transfer the responsibility of determining rights to the judicial realm.

Coordination between institutions in the land acquisition process was reflected in the meetings on April 14, 2023 and May 12, 2023 which were attended by BPKAD, the Semarang City Government, BPN, and the Plaintiffs. The meeting became a forum for clarification on the 1995 land acquisition document submitted by the City Government. The failure to

Kantpr Agraroa Dan Tata Ruag Badan Pertanahan Nasional," *Jurnal Hukum Dan Knoktariatan* 6, no. 2 (2022): 938–58.

²⁸ Syifa Roudhotul Aulia, Desti Shintia Putri, and Amanda Kalila Azizah, "Pertanggungjawaban Pejabat Publik Dalam Keputusan Administratif Yang Merugikan Masyarakat: Antara Unsur Maladministrasi Dan Perdata" 4, no. 1 (2025): 54–67.

reach an agreement shows that there is a difference in interpretation of the history of rights and the identity of the object. The coordination forum shows the role of interrelated institutions in decision-making. The disagreement in the forum led to the determination of consignment and deposit of compensation money of Rp 43,652,155,700 at the Semarang District Court. This action maintains the continuity of the land acquisition project, but at the same time delays the certainty of receiving funds by the party claiming rights. The situation has a direct impact on legal certainty for the Plaintiffs.

As a follow-up to the evaluation of professionalism and coordination between institutions, this discussion was directed at the role of the Semarang City Government and the Head of the Semarang City Land Office in the framework of legal certainty of land acquisition for the construction of the Semarang-Demak Toll Road. Legal certainty in land acquisition depends on the accuracy of object identification, the accuracy of the determination of the entitled subject, and the consistency of administrative actions with available data.²⁹ The roles of the two institutions are interrelated in ensuring that the land acquisition process runs in an orderly and accountable manner. The Semarang City Government carries out its administrative functions through the submission of claims on the basis of land acquisition in 1995 for the benefit of IPLT associated with HM.5. The claim demands a conformity between the object that was released in 1995 and Field Number 33.1 which is the object of land acquisition. The difference between Persil 18 and Persil 19 requires technical proof in the form of matching boundaries and rights history. Accuracy in the identification of objects determines the accuracy of claims and affects the stability of land administration.

The suitability of physical data and juridical data is an important element in assessing the accuracy of the actions of the Semarang City Government. Land administration requires

²⁹ Shelin Nabila Wibowo, Yani Pujiwati, and Betty Rubiati, "Kepastian Hukum Ganti Kerugian Pengadaan Tanah Bagi Pembangunan Jalan Tol Cisumdawu," *Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad* 4, no. 2 (2021): 191–209.

careful reading of the history of the exemption, the release of rights documents, as well as the suitability of the area and boundaries of the land. Inaccurate identification can give rise to administrative conflicts and prolong the process of determining who is entitled to compensation. Administrative order is a prerequisite for the creation of legal certainty in land acquisition. The Head of the Semarang City Land Office as the Chairman of the Land Acquisition Committee exercises administrative authority which includes verification of physical data and juridical data as well as the determination of steps when multiple claims arise. The decision to place compensation through consignment was based on the existence of two claims for the same object. This action has a basis in Law Number 2 of 2012 and Government Regulation Number 19 of 2021 which regulates custody in court in the event of a dispute regarding the right party.

Consignment in land acquisition serves as a legal protection mechanism that keeps funds from being handed over to the wrong party. This mechanism also allows the project to run without waiting for an out-of-court dispute resolution.³⁰ The validity of the consignment depends on adequate administrative verification and clear records of the reasons for the determination of the dispute. Accuracy in the verification stage is an indicator of the professionalism of BPN's actions. BPN's role in ensuring the certainty of the subject of compensation does not stop at the recording of the nominative list also includes an objective assessment of all documents submitted by the parties. Neutrality is reflected in the equal treatment of Letter C 104 claims and claims sourced from HM.5. Orderly and transparent administration strengthens the legitimacy of the decisions taken and reduces the potential for further disputes.

The construction of the Semarang-Demak Toll Road as

³⁰ Fatmawati Dama, Fence M. Wantu, and Nuvazria Achir, "Implementasi Asas Keadilan Dan kemanfaatan Dalam Penetapan Konsinyasi Ganti Rugi Tanah Sengketa," *Adagium: Jurnal Ilmiah Hukum* 3, no. 2 (2025): 202–25, <https://doi.org/10.70308/adagium.v3i2.111>.

part of a national strategic project requires a smooth land acquisition stage. The public interest inherent in the project demands the acceleration of the process without neglecting the protection of individual rights. Delays due to ownership disputes have an impact on the financial and social aspects for the claimants, so that proper settlement is part of the responsibility of state administration.³¹ The legal certainty in this case is determined by the accuracy of the Semarang City Government's claim and the accuracy of verification by BPN. The City Government is obliged to ensure that the 1995 exemption claim is identical to the object in dispute. BPN is obliged to maintain neutrality and carry out procedures carefully before establishing consignments. The quality of the actions of the two institutions is the main factor in ensuring a balance between smooth development and the protection of land rights in land acquisition for the public interest.

In the procurement of land for development for the public interest, the role of the National Land Agency cannot be separated from the Semarang City Government. Coordination between these institutions is necessary because each agency has different authority, but they are interrelated in every stage of land acquisition, starting from planning, preparation, implementation, to handing over results. The Semarang City Government plays an important role in the planning and preparation stage, namely determining locations, compiling planning documents, and conducting socialization to the affected communities. The National Land Agency acts as an institution responsible for the technical aspects of land, such as setting boundaries, assessing compensation, to the release of rights and issuing certificates for land that has been freed. With this division of roles, the land acquisition process is expected to run more orderly, efficiently, and provide legal certainty for all parties involved, both the government as the initiator of development and the community as the affected land owners.

Based on the results of an interview with Abdul Malik

³¹ Suyono Sanjaya and Yuniar Rahmatiar, *PENGADAAN TANAH UNTUK KEPENTINGAN UMUM ASPEK HUKUM DAN SOSIAL (Untuk Kepentingan Umum Dan Swasta)* (Yogyakarta: K-Media, 2025).

Karim Amrullah, S.H., who serves as an Operational Service Administrator at the Semarang City Land Office, it was revealed that the National Land Agency plays a significant role as the technical implementer in the process of land acquisition for development in the public interest. This role is not limited to administrative functions but also contributes to ensuring legal certainty for communities whose land is affected by land acquisition. The exercise of authority by the National Land Agency in land acquisition is based on Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest. These provisions are further elaborated in Government Regulation Number 19 of 2021. In practice, the implementation of land acquisition by the National Land Agency also refers to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 19 of 2021 as a technical guideline.

In the process of land acquisition for development in the public interest, the National Land Agency primarily focuses on the implementation stage, particularly on the inventory and identification of physical and juridical data related to land parcels affected by the location determination. The inventory of physical data includes the location of the land, its area, the boundaries of the parcel, as well as the use and utilization of the land. Meanwhile, the identification of juridical data includes the status of land rights, the identity of the rights holder, the history of the transition, and the existence of burdens or disputes attached to the land. The stages of inventory and identification are important because they are the basis for determining who is entitled to receive compensation. This process is carried out through research on land documents, examination of land books and general registers at the land office, as well as clarification in the field by presenting the owner or party who controls the land. The results of the inventory and identification are then announced to the public within a certain period of time to provide an opportunity for interested parties to submit rebuttals. If there are no objections, the nominative list is considered to have met the elements of administrative certainty.

Land acquisition is often faced with the problem of

overlapping ownership data, especially on land that has not been certified and is still based on village administration such as girik or Letter C. This is strengthened by the information of the resource person who explained that this condition is caused by the lack of order of land administration, measurement errors, history of transfer of rights that are not recorded, the existence of transactions under hand, as well as the existence of double claims from the heirs. There is a difference between the applicable legal provisions and the practices that occur in the field. In dealing with these differences in land data, the National Land Agency has taken various administrative steps, including verification and re-research, re-measurement of land plots, clarification to the parties, as well as mediation and deliberation efforts. If the problem cannot be resolved administratively, then a consignment mechanism is taken through the court as a form of prudence. The consignment is carried out so that the payment of compensation is not given to the unentitled party until there is legal certainty through a court decision.

The role of the National Land Agency shifts when a land acquisition dispute proceeds to court. In such circumstances, the National Land Agency no longer functions as an administrative implementer but acts as a party that provides information and submits relevant land data and documents during the judicial process, as well as carries out the execution of the court's decision. The enforcement of court decisions constitutes part of the National Land Agency's responsibilities in ensuring legal certainty. The National Land Agency was established to provide legal certainty regarding land rights through land registration, the issuance of certificates, and the maintenance of land data. Nevertheless, empirical findings indicate that the legal certainty produced is not always absolute. It remains influenced by several factors, including the quality of administrative data, the performance of government officials, public awareness in registering the transfer of land rights, and the consistency of judicial decisions. Therefore, the role of the National Land Agency in ensuring legal certainty in land acquisition will function optimally when all of these elements operate in a harmonious manner.

D. Conclusion

This study concludes that legal certainty in land acquisition for the public interest is largely determined by the order of land administration and the fulfillment of formal aspects of procedural law. The judge's consideration in case Number 43/Pdt.G/2024/PN.Smg shows that failure to prove legal status is the main factor in the lawsuit being rejected, regardless of the factual claim of land ownership. This emphasizes that in land acquisition disputes, legal certainty does not only rely on the substance of land rights, but also on the clarity of legal relations that are proven administratively and procedurally.

The findings of this research can be applied as a basis for strengthening land acquisition governance, especially in the structuring of land administration after land acquisition by local governments as well as increasing the accuracy of physical and juridical data verification by the National Land Agency. This study suggests the need for more effective coordination between agencies and continuous updating of land data to prevent the emergence of double claims and disputes in the future. Thus, land acquisition for the public interest can run more orderly, fairly, and provide legal certainty for all parties involved.

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