

Indonesian Journal of Agrarian Law
ISSN: 3110-6633 (Online)
Vol. 3 Issue 2 (2026) 1340-1381
DOI: <https://doi.org/10.15294/jal.v3i2.46958>
Available online since: May 15, 2026



LEGAL PROTECTION FOR COMMUNITIES AFFECTED BY NATIONAL DEVELOPMENT PROJECTS: A CASE STUDY OF THE CABEAN DAM DEVELOPMENT PROJECT IN BLORA

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Abstract

National development projects, including the construction of the Cabean Reservoir in Blora Regency, Central Java, are part of the government's efforts to realize social welfare and national food security. Behind these noble objectives, serious issues arise regarding legal protection for affected communities, particularly in the land acquisition process. This study aims to analyze the forms of legal protection for communities affected by the Cabean Reservoir construction

project, identify occurring legal violations, and evaluate the effectiveness of available legal mechanisms. The research method employed is a juridical-normative approach coupled with qualitative analysis of laws and regulations, as well as primary data derived from interviews and field observations in Karanganyar and Todanan Villages. The findings indicate that despite the existence of a comprehensive legal framework—such as the Basic Agrarian Law (UUPA), the Law on Land Acquisition for Public Interest, and the Presidential Regulation on Social Impact Handling—field implementation frequently lacks transparency, fails to fulfill the principle of justice, and neglects the community's right to fair compensation. Numerous residents reported unilateral land expropriation without proper consignment processes, land re-measurement, or valid documentation. This demonstrates a deficiency in both substantive and procedural legal protections. Therefore, it is imperative to strengthen oversight, foster community participation, and ensure consistent law enforcement so that national development does not compromise the rights of the citizens.

Keywords *Land acquisition, legal protection, affected communities, National Strategic Projects*

A. Introduction

Indonesia, as a state of law, affirms its commitment to upholding the principles of justice, legal certainty, and the protection of human rights in every aspect of national and state life. Within this framework, all actions of the government and society must be based on prevailing laws, ensuring that every individual has equal rights before the law.¹

¹ Febiola Siburian dan Elvira Fitriyani Pakpahan, “PERLINDUNGAN HUKUM TERHADAP PEMEGANG HAK ATAS TANAH DALAM PELAKSANAAN GANTI KERUGIAN PENGADAAN TANAH BAGI PEMBANGUNAN UNTUK KEPENTINGAN UMUM (STUDI PUTUSAN NOMOR: 95/PDT.G/2021/PN.KIS) LEGAL PROTECTION FOR LAND

Thus, Indonesia strives to create a just and civilized social order, where the law serves not only as a regulatory tool but also as a protector for every citizen.

Land affairs in Indonesian law are regulated by Law Number 5 of 1960 concerning the Basic Regulation on Agrarian Principles (UUPA). In Indonesian land law, the principle of nationality is recognized, as enshrined in Article 1 paragraph (1) of the UUPA, which states that: 'the entire territory of Indonesia is the unified Motherland of all Indonesian people who are united as the Indonesian nation,' and Article 1 paragraph (2) which reads that 'the entire earth, water, and airspace, including the natural resources contained therein within the territory of the Republic of Indonesia, as a gift from God Almighty, are the earth, water, and airspace of the Indonesian nation and constitute national wealth

The earth, water, and space, including the natural resources contained therein, are controlled by the state at the highest level as the power organization of all people. Land is a vital element in today's social life, and the demand for land will continue to increase over time alongside human population growth; therefore, every individual holding rights to such land requires legal certainty regarding their property.² It can be observed that the process of the emergence of land rights occurs through evolution, characterized by the close relationship between humans and the continuous use of land over a specific period.³ Legal certainty regarding the object of land rights encompasses certainty in technical fields, which includes physical aspects, namely certainty regarding the

RIGHTS HOLDERS IN THE IMPLEMENTATION OF COMP" 6, no. 9 (2025): 1–20.

² Guananegara, "KEBIJAKAN NEGARA PADA PENGATURAN HAK ATAS TANAH PASCA UNDANG-UNDANG CIPTA KERJA," *Refleksi Hukum: Jurnal Ilmu Hukum* 6, no. April (2022): 161–84.

³ Urip Santoso, "Eksistensi Hak Pengelolaan Dalam Hukum Tanah Nasional," n.d.

layout, area, and boundaries of the land in question.

National development is part of the state's responsibility to realize the vision of social welfare as set forth in the Preamble to the 1945 Constitution of the Republic of Indonesia. Within this framework, the government has launched various national strategic projects to support infrastructure development, food security, and water resource management.⁴ One of the projects carried out is the construction of the Cabean Reservoir in Blora Regency, Central Java, which aims to support agricultural irrigation and water security in the surrounding area.

Dams play a vital role in the framework of sustainable development, as they serve as an integrated tool for water resource management. Furthermore, dams are a key pillar of the national food security program, particularly in regions with an agrarian economy. However, large-scale infrastructure projects such as dams often have significant social consequences, particularly when they require the acquisition of large tracts of land and affect the livelihoods of communities that depend on that land.⁵

One of the PSN projects in the water resources sector is the Cabean Dam Construction Project in Blora Regency, Central Java. This project is designed to provide irrigation water for thousands of hectares of farmland, reduce the risk of flooding, and boost agricultural productivity in the surrounding area.⁶ As of January 2025, physical construction of the dam is still at around 35 percent. Nevertheless, the social impacts of this project are already being felt by the

⁴ Peraturan Presiden Nomor 3 Tahun 2016 tentang Percepatan Pelaksanaan Proyek Strategis Nasional, Pasal 1.

⁵ Sutedi, Adrian, *Hukum Pengadaan Tanah untuk Kepentingan Umum*, Sinar Grafika, Jakarta, 2018, hlm. 23

⁶ Kementerian Pekerjaan Umum dan Perumahan Rakyat, "Daftar Proyek Strategis Nasional Bidang Sumber Daya Air," diakses 10 Agustus 2025.

affected communities, particularly in the villages of Karanganyar and Todanan.

Both villages are agrarian communities with a high degree of dependence on the land as their primary source of livelihood. From the perspective of agrarian communities, land is not only economically valuable, but also holds social, cultural, and historical significance.⁷ Land is an ancestral legacy that preserves collective identity, serves as the setting for traditions, and is the foundation of social solidarity. Losing land means losing one's livelihood, severing social bonds that have been forged over generations, and disrupting the continuity of local culture.

In a legal context, the land acquisition process for the Cabean Dam Project was carried out in accordance with Article 33 of the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 1960 on the Basic Agrarian Principles Act (UUPA), as well as Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest and its implementing regulations. The regulation stipulates that members of the public whose land is used for public purposes are entitled to fair and adequate compensation, not merely nominal compensation. The concept of compensation implies restoring the public's well-being to a level that is at least as good as, or better than, it was before the development took place.

However, during the implementation of the construction project, various issues arose that had serious consequences for the community, particularly those living near the project site. Based on reports from residents and media coverage, there are allegations that the land acquisition process for the Cabean Dam project was conducted in a non-transparent

⁷ Hidayat, Rachmat, "Nilai Sosial Tanah dalam Masyarakat Agraris," *Jurnal Agraria Indonesia*, Vol. 9 No. 2, 2021, hlm. 115.

manner and did not comply with applicable laws.⁸ Some residents have stated that their land has been unilaterally claimed by the government without a proper compensation process; in some cases, this has even involved the alleged use of invalid documents or the failure to undergo the required stages of consignment and re-survey by the authorities. Such actions not only cause material losses but also undermine the principles of justice, the right to property, and the rule of law.

In fact, Indonesian agrarian law explicitly provides protection for the community's land ownership rights, as stipulated in Law No. 5 of 1960 on the Basic Principles of (UUPA), and supported by other laws and regulations such as Presidential Regulation No. 62 of 2018 on the Management of Social and Community Impacts in the Context of Land Acquisition for National Strategic Projects. These legal instruments should serve as guidelines for the government in ensuring that the land acquisition process is conducted in a fair, transparent, and accountable manner.

Therefore, this study is relevant for examining the nature of legal protections for communities directly affected by national development projects, using the Cebuan Dam construction project in Blora as a case study. This study aims not only to identify the forms of legal violations that have occurred, but also to evaluate the effectiveness of the legal mechanisms available to the public in defending their rights, as well as to assess the role and responsibility of the state in protecting citizens from unlawful land grabs. Thus, the findings of this study are expected to contribute both theoretically and practically to strengthening legal protection of people's rights in the context of national development.

⁸ Utia Afidah, "6 Warga Blora Gugat Pemkab Blora Atas Kepemilikan Lahan di bendungan Cebuan," Berita Jateng.id, diakses rabu 18 Maret 2026, <https://beritajateng.id/blora/6-warga-gugat-pemkab-blora-atas-kepemilikan-lahan-di-bendungan-cebuan/>

Numerous studies have been conducted on the impacts of dam construction, though they have varied in focus. Halidy (2024) highlights the economic impacts of the Randugunting Dam in Blora, noting that challenges in land acquisition were primarily due to inaccuracies in physical and technical data.⁹ Meanwhile, Siburian (2025) focuses on the legal protection of rights holders through a study of court rulings.¹⁰ More broadly, some contemporary literature emphasizes that agrarian conflicts within the PSN are often rooted in structural power imbalances and governance gaps that marginalize citizens' rights.¹¹ Under the current regulatory framework, the bargaining position of affected communities tends to be weak, particularly during the consultation phase and when compensation amounts are determined.¹² In fact, national legal instruments stipulate that the transfer of land rights must be accompanied by compensation that reflects the principles of justice and socioeconomic recovery, not merely a token payment.¹³ The fundamental difference between this

⁹ RAHMAN FALIH HALIDY, "PELAKSANAAN PENGADAAN TANAH DAN DAMPAK SOSIAL EKONOMI PEMBANGUNAN BENDUNGAN RANDUGUNTING DI DESA KALINANAS KABUPATEN BLORA" (2023).

¹⁰ Pakpahan, "PERLINDUNGAN HUKUM TERHADAP PEMEGANG HAK ATAS TANAH DALAM PELAKSANAAN GANTI KERUGIAN PENGADAAN TANAH BAGI PEMBANGUNAN UNTUK KEPENTINGAN UMUM (STUDI PUTUSAN NOMOR: 95/PDT.G/2021/PN.KIS) LEGAL PROTECTION FOR LAND RIGHTS HOLDERS IN THE IMPLEMENTATION OF COMP."

¹¹ Putri Daudia Arini, "Jurnal Ilmiah Hukum Sengketa Pengadaan Tanah Untuk Pembangunan Proyek Strategis Nasional: Analisis Hukum Bisnis Terhadap Mekanisme Penyelesaian Dan Ganti Rugi" 4, no. 4 (2025).

¹² Roosdiana Harahap, "Kebijakan Ganti Rugi Pengadaan Tanah Untuk Kepentingan Umum Dengan Berlakunya Undang-Undang Cipta Kerja," *AL-QISTH LAW REVIEW* 7, no. 1 (2023): 88–131.

¹³ Desi Cicawati Kurnianingsih et al., "PROYEK PEMBANGUNAN WADUK BERDASARKAN UNDANG-UNDANG NOMOR 2 TAHUN 2012 TENTANG PENGADAAN TANAH BAGI PEMBANGUNAN

study and previous research lies in the study's focus on the Cabean Dam, which is unique in that it involves a unilateral claim by the local government to residents' land that is already certified (SHM)—an issue that has not been thoroughly addressed in the existing literature.

This study employs an empirical legal approach using qualitative methods. Data were collected through library research and field research. The library research was conducted to analyze various laws and regulations, policy documents, court decisions, and academic literature related to land acquisition and legal protection for communities affected by development. Primary sources of law include the 1945 Constitution, the Basic Agrarian Law, Law No. 2 of 2012 on Land Acquisition for Public Interest, Presidential Regulation No. 62 of 2018, and their implementing regulations.

Field research was conducted in the villages of Karanganyar and Todanan, Blora Regency, using data collection methods that included in-depth interviews with five affected residents, village officials, and activists from the local Legal Aid Institute (LBH). Participatory observation was also conducted to understand the social, economic, and psychological conditions of the community following the land acquisition process. The collected data was analyzed using a descriptive-analytical approach with a thematic focus to identify patterns of legal violations, available forms of legal protection, and the challenges faced by the public in obtaining justice.

The validity of the data is ensured through triangulation of sources and methods, as well as cross-checking of data from documents, interviews, and observations. This study upholds the principles of research ethics, including informed consent, confidentiality, and scientific integrity.

B. Implementation of Land Acquisition and Protection of Affected Communities in the Construction of the Cabean Reservoir

1. Implementation of Land Acquisition at Cabean Reservoir

Infrastructure development is one of the government's efforts to promote economic growth and improve the well-being of the people.¹⁴ To support the acceleration of national development, the government is implementing various strategic projects, one of which is the construction of dams to manage water resources, control flooding, and supply water for agricultural and community needs. One such project is the construction of the 97.24-hectare Cabean Dam, located in Blora Regency. This project is part of a national development policy aimed at improving food security and water resource management, as well as supporting regional development. Affected communities must receive fair compensation in accordance with Law No. 2 of 2012 on Land Acquisition.

The implementation of large-scale infrastructure projects such as dams inevitably has consequences for the communities in the affected areas. One of the main impacts is the need for land acquisition, which requires communities to relinquish their rights to the land they own or control. In the Indonesian legal context, the process of land acquisition for public interest is specifically regulated by law, particularly in Law No. 2 of 2012 on Land Acquisition for Development in

¹⁴ Adrian Fernando Simangunsong and Adrian Fernando Simangunsong, "PENGADAAN TANAH UNTUK PEMBANGUNAN IBU KOTA NUSANTARA: CATATAN MENURUT TEORI KEADILAN SOSIAL JOHN RAWLS LAND PROCUREMENT FOR THE DEVELOPMENT OF NUSANTARA CAPITAL CITY: A NOTE ACCORDING TO THE JOHN RAWLS' THEORY OF SOCIAL JUSTICE," 2023, 67–84.

the Public Interest and its implementing regulations. The regulation stipulates that the land acquisition process must be conducted in accordance with the principles of fairness, legal certainty, and transparency, and must provide protection for the rights of affected communities.

In addition, the concept of fair and just compensation—often referred to simply as compensation—is a crucial aspect of land acquisition. This principle emphasizes that affected communities should not only receive compensation for the loss of their land and structures, but also be assured that their social and economic conditions will be restored following the development project.¹⁵ Therefore, the government has a duty to ensure that the land acquisition process not only focuses on providing land for development but also takes into account the livelihoods of the affected communities.

Todanan Subdistrict is a hilly area with many slopes, making it prone to landslides and soil erosion carried by water flow. Given these conditions, in 1983 the Indonesian government, through the Water Resources Agency, constructed a check dam in the Kalisoko hamlet, Karanganyar Village, Todanan Subdistrict, Blora Regency. The construction of this check dam is intended to retain sediment carried by the water flow while reducing the risk of landslides. Before construction began, the government first held a public awareness session for the local community, which was attended by 23 landowners in the affected area. During the public briefing, it was announced that residents whose land was affected would receive compensation because their privately owned land could not be used for agricultural purposes while it was being utilized for the project. In 1984,

¹⁵ Agus Suntoro, "PENILAIAN GANTI KERUGIAN DALAM PENGADAAN TANAH UNTUK KEPENTINGAN UMUM: PERSPEKTIF HAM," *Jurnal Agraria Dan Pertanahan* 5, no. 1 (2019): 13–25.

the construction of the check dam was completed, and the landowners received the compensation as promised.¹⁶ Over time, the public became increasingly aware of the importance of legal certainty regarding land ownership, so residents began applying for title deeds through the National Land Agency (BPN), as they felt they had never sold or relinquished their rights to the land.

Several decades later, specifically in 2021, residents of Pati Regency proposed the construction of the Cabean Dam to support irrigation for agricultural land in the southern part of Pati Regency. The initial proposed location was in Cabean Village, but following a site inspection, the location was deemed unsuitable for dam construction. The government then sought an alternative location and selected an area south of Cabean Village, namely Karanganyar Village, which is administratively located in Todanan Subdistrict, Blora Regency. Consequently, Blora Regency became the site of the Cabean Dam project, with the result that part of the land in the area was used for the dam project, while the Blora Regency Government was granted the authority to manage the dam's tourism potential. This development involves 97.24 hectares of community-owned land comprising 360 land certificates, for which compensation must be provided in accordance with Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest and its implementing regulations.¹⁷ In 2023, site surveys and the installation of boundary markers in the affected areas began in September and continued through November; then, from December 2023 through January 2024, the regency, subdistrict, and village

¹⁶ Hutama, A. R. (2024). Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum di Indonesia. *Journal of Comprehensive Science (JCS)*, 3(6).

¹⁷ Dwi Tania, Amiruddin, "PEMBERIAN AMNESTI DALAM KASUS PIDANA ITE OLEH PRESIDEN MELALUI KEPUTUSAN PRESIDEN (KEPPRES)," *Jurnal Kertha Semaya 10* 10, no. 4 (2022): 861–80.

governments conducted outreach to residents who owned land in the affected areas. A meeting between the affected residents and the Blora Regency Government was subsequently held on February 22, 2024, in Todanan Subdistrict. During the meeting, a misunderstanding arose between the construction committee, the local government, and the community, as it was claimed that some of the land owned by residents actually belonged to the Blora Regency Government, based on information from the Cabean Dam construction planning committee—namely the Pamali Juana Regional River Basin Office (BBWS)—though this claim was not supported by clear evidence.

Confused residents then hired a lawyer to ask the Blora Regency Government about the legal basis for the claim. The local government stated that the transfer had come from the provincial government, but when asked to provide evidence or documentation of the transfer, no legal basis could be presented. Consequently, the lawyer representing the residents filed a complaint with the National Commission on Human Rights (Komnas HAM). Meanwhile, the public outreach process for the Cabean Dam project continues, involving various agencies, such as the Pamali Juana Regional Water Resources Management Agency (BBWS), the Blora Regency Financial and Asset Management Agency (BPPKAD), the Blora Regency Public Works and Public Housing Agency (PUPR), the Blora Regency Land Agency (BPN), the Blora Regency Legal Affairs Division, the Todanan Subdistrict Government, and local village governments, in some of these public outreach events, some of the affected residents—whose land is recognized as belonging to the Blora Regency Government—were not invited, even though they are the ones directly affected by the dam construction plan.¹⁸

¹⁸ Suntoro, "PENILAIAN GANTI KERUGIAN DALAM PENGADAAN

To provide a detailed overview of the demographic data—including the number of affected residents, the area of land affected, and the locations affected by the Cabean Dam Construction Project—the following table is provided to map out how many people are affected and where they are located.

Table 1. Table of Demographic Data for the Communities Affected by the Cabeled Dam

No.	Data Categories	Quantity / Description
1.	Total Number of People Affected	360 affected residents
2.	Number of Affected Land Certificates	360 land title
3.	Area of Affected Land	97,24 hektare
4.	Location of Affected Villages	Karanganyar Village and Todanan Village, Todanan Subdistrict, Blora Regency

SOURCE: Summary data from National Land Agency of Blora Regency, 2026

Based on an interview with Danu Sukotjo, S.H., M.H., the legal counsel for Gami, Parji, Sugimin, and a number of residents affected by the Ceban Dam construction project, the controversy over land status first arose on February 22, 2024. On that date, the Head of the Public Works and Spatial Planning Agency (PUPR), Ir. Samgautama, confirmed to the legal counsel that several residents were not invited to the land acquisition process because their land was claimed to have already been purchased by the provincial government. The land was then transferred to the district government and recorded as an asset with the Blora District Financial and Asset Management Agency.

In response to these claims, on the same day, Danu Sukotjo met with Nartoyo and Tika, which resulted in the issuance of a power of attorney from Mbah Gami—one of the owners of the certified land. It was agreed that all legal fees would be covered in advance by the legal team and would be reimbursed if the land ownership rights were successfully

TANAH UNTUK KEPENTINGAN UMUM: PERSPEKTIF HAM.”

defended. This is based on the fact that Mbah Gami never sold the inherited land and still possesses the physical land title certificate. After the power of attorney was signed, the legal team immediately gathered evidence on the ground and concluded that there were allegations of arbitrary actions by the Blora Regency Government regarding the claim to the asset. As a step toward legal escalation, the residents' legal team has consulted with representatives from the National Commission on Human Rights (Komnas HAM) and the Corruption Eradication Commission (KPK).

On August 22, 2025, Mr. Danu and his team were asked to come to the National Commission on Human Rights (Komnas HAM) office for a mediation session between Mr. Danu's team—representing the residents—and the Blora Regency government, represented by the Regent and his staff, as well as the Vice Chair of the Blora Regional People's Representative Council (DPRD). Since the government did not present a single piece of evidence at the meeting, Komnas HAM recommended that the land be returned unconditionally to the residents, though this must be done through a court ruling. Considering that, since the land has been registered with the BPPKAD, the process must go through a court ruling; otherwise, if it does not go through a court ruling, an audit by the BPK will later reveal that the relevant Blora Regency Government officials will be deemed by the BPK to have committed corruption.

Based on the results of field observations and in-depth interviews with Mr. Danu Sukotjo, S.H., M.H., as the legal representative of Mbah Gami—one of the affected residents in the villages of Karanganyar and Todanan—it was found that the implementation of land acquisition for the Cabean Dam Project has not fully reflected the principles of transparency, participation, and justice as mandated by Law No. 2 of 2012. Interview data revealed the existence of significant

information asymmetry; The informant explained that the project's public outreach was conducted in an exclusive and limited manner, failing to reach all segments of landowners. The reality on the ground shows that most residents only realized their land was included in the designated area when surveyors arrived on site without prior official notice. Furthermore, observations of the technical process revealed a disregard for due process of law.

Residents testified that re-surveying activities were often conducted unilaterally without the landowner present as a boundary witness, and the results were not communicated in writing to the residents concerned. The most critical finding of this study was residents' complaints regarding the government's claims of asset ownership, which were allegedly based on non-transparent documentation or unilateral claims to legitimize land seizures. This situation has systematically eroded public trust in the credibility of the government agencies involved in this national strategic project.

The decline in public trust resulting from the disregard for the principles of transparency and participation must be addressed immediately by ensuring that citizens' civil rights are upheld in the next phase. Land acquisition for the Cibeber Dam Project must not merely involve the transfer of land rights; rather, it must ensure the continued well-being of the community. In this context, the following section of this article will focus on the mechanism for providing "compensation" as a form of material compensation, as well as the strategies for sustainable economic recovery that the government must facilitate for affected residents.

2. Compensation and Socioeconomic Recovery

The construction of dams as part of the National Strategic Project is a manifestation of the government's role in meeting public needs in the areas of water resources, food security,

and flood control.¹⁹ However, the implementation of this development cannot be separated from the state's obligation to ensure the protection of the rights of affected communities, particularly in the land acquisition process.²⁰ In the context of national law, this principle is explicitly set forth in Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, which establishes compensation as the primary instrument for protecting the economic rights of the public.²¹

The concept of compensation under the Land Acquisition Act is not interpreted merely as reimbursement for the economic value of the land, but rather as a mechanism to restore the social and economic conditions of the affected communities so that they do not experience a decline in their standard of living as a result of the loss of their land.²² Article 36 of Law No. 2 of 2012 stipulates that compensation may be provided in various forms, including cash, replacement land, resettlement, stock ownership, or other forms agreed upon by the parties, with the aim of ensuring the community's livelihood remains sustainable after land acquisition has taken place. Thus, lawful land acquisition must be carried out through a consultation process that is fair, transparent, and involves all entitled parties.²³

Although the Land Acquisition Act mandates fair compensation, in reality the compensation amounts awarded

¹⁹ Djumardin Marsoan, Salim HS, "Kajian Yuridis Pelaksanaan Pengadaan Tanah Untuk Pembangunan Sirkuit Motogp Di Kawasan Kek Mandalika" 9, no. 4 (2025): 694–707, <https://doi.org/562461>.

²⁰ Adrian Sutedi, *Implementasi Prinsip Kepentingan Umum dalam Pengadaan Tanah*, Sinar Grafika, 2020.

²¹ Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum.

²² Maria S.W. Sumardjono, *Tanah dalam Perspektif Hak Ekonomi Sosial dan Budaya*, Kompas, 2018.

²³ Rachmadi Usman, *Hukum Pengadaan Tanah*, Sinar Grafika, 2021.

are considered not to reflect the economic and social value of the land.²⁴ Many farmers received compensation below market value, without taking into account historical value, land productivity, and long-term socioeconomic impacts. There were no adequate relocation or alternative economic empowerment programs, resulting in a decline in the well-being of most residents. However, in the implementation of the Cabean Dam project in Blora Regency, there were indications of a discrepancy between legal norms and on-the-ground implementation.²⁵ A number of affected residents stated that they did not receive adequate compensation; in fact, some of them received no compensation at all. Furthermore, several residents who claim to hold valid Freehold Certificates for the affected land—including Gami, Sugimin, and Pasiyam—were not involved in the land acquisition consultation on the grounds that the land is classified as an asset owned by the Central Java Provincial Government that has been transferred to the Blora Regency Government.

Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest was enacted as a legal instrument to ensure a balance between national development interests and the protection of the public's land rights. The fundamental principle of this law is that land acquisition may only be carried out in a manner that respects the civil rights of citizens and provides fair and adequate compensation to ensure the socioeconomic sustainability of the affected communities.

The concept of compensation is explicitly reflected in Article 1 point 10 of Law No. 2 of 2012, which defines compensation as fair and adequate replacement to the

²⁴ Ahmad Redi, "Problematika Ganti Kerugian dalam Pengadaan Tanah," *Jurnal RechtsVinding*.

²⁵ Dian Aries Mujiburohman, "Implementasi Perpres 62 Tahun 2018 dalam Pengadaan Tanah," *Jurnal Pertanahan*.

entitled parties in the land acquisition process. The meaning of "fair and adequate" is not limited solely to the economic value of the land, but also encompasses social aspects and the sustainability of the community's livelihood. Furthermore, Article 9 paragraph (2) emphasizes that land acquisition must be carried out by balancing the interests of development with the interests of the community. This norm contains a state obligation to ensure that development does not result in new poverty or social marginalization for citizens whose land is taken. In the context of the Cibeunbering Dam construction, reports and testimonies from affected communities indicate that some residents have not received compensation and were not even involved in the deliberation process. Normatively, this condition contradicts the spirit of rights protection mandated by the Land Acquisition Law.

Law No. 2 of 2012 clearly defines who is classified as an entitled party. Article 1(3) states that an entitled party is a party that controls or owns the land subject to acquisition. Such ownership must be proven by a valid title, one of which is a Certificate of Ownership.²⁶ Consequently, individuals who hold Freehold Title certificates for the land—such as Gami, Sugimin, and Pasiyam—cannot legally be excluded from the land acquisition process, despite unilateral claims that the land is a local government asset.²⁷ Disputes over ownership status should first be resolved through legitimate legal mechanisms, not by depriving residents of their right to participate in deliberations and receive compensation. The disregard for the rights of certificate holders clearly violates

²⁶ Fadhl Hammad and Tetti Samosir, "Upaya Perlindungan Hukum Bagi Pemilik Hak Atas Tanah Dalam Kepemilikan Hak Atas Tanah (Studi Putusan Pengadilan Negeri Banjarbaru Nomor 49 / Pdt . G / 2019 / Pn Bjb)" 10 (2024): 205–16.

²⁷ Indah Sari, "Sengketa Kepemilikan Tanah Antara Masyarakat Dengan Pemerintah: Perspektif Kepastian Hukum," *Jurnal Ilmiah Galuh Justisi* 10, no. 1 (2022): 89.

Article 28H(4) of the 1945 Constitution (the right to private property) and the principle of legal certainty as reflected in Article 2(b) of Law No. 2 of 2012.

Deliberation is the core of the land acquisition mechanism. Article 37 paragraph (1) of Law No. 2 of 2012 stipulates that the provision of compensation is carried out based on the results of deliberations between the entitled parties and the agency requiring the land. These deliberations cover the form and/or the amount of compensation. If the community members who hold legal titles are not involved in the deliberation, the land acquisition process loses its juridical legitimacy. The actions of the land acquisition committee in failing to invite affected citizens based on unilateral administrative reasons potentially violate legal standards:

- 1) Section 37(1) (obligation to consult),
- 2) Section 18 (Transparency and Public Participation),
- 3) as well as Article 19 (the determination of locations must take public objections into account).

In the context of the Cibeuan Dam, the exclusion of some rights holders indicates serious procedural flaws in the land acquisition process. Law No. 2 of 2012 does not limit compensation to monetary payments alone.²⁸ Section 36 explicitly provides that compensation may be granted in the form of cash, replacement land, resettlement, stock ownership, or any other mutually agreed-upon form.²⁹ This provision indicates that the law promotes the socioeconomic recovery of affected communities. When communities receive no compensation at all or receive an inadequate amount, the goal of socioeconomic recovery is not achieved.

²⁸ Adi Dwi Putra, 'Perlindungan Hukum Bagi Pemegang Hak Atas Tanah Dalam Pengadaan Tanah Untuk Kepentingan Umum' (2022) 19(2) *Jurnal Legislasi Indonesia* 210.

²⁹ Novita Kusuma Sari, 'Aspek Hukum Pemberian Ganti Kerugian yang Layak dan Adil dalam Pengadaan Tanah' (2021) 9(5) *Jurnal Kertha Semaya* 880.

This is contrary to:

- 1) Section 33 (Assessment of Damages by an Independent Appraiser),
- 2) Section 34 (compensation amount reflecting the actual condition of the land),
- 3) as well as Article 36 (flexibility in the form of compensation to ensure the community's livelihood).

As a result, the affected communities have lost their livelihoods without any economic adaptation mechanisms in place, which is substantively at odds with the very purpose of the land acquisition; and if these violations are proven, the land acquisition process can legally be classified as having both procedural and substantive defects. This opens the door for affected communities to pursue legal remedies, whether through administrative lawsuits challenging the site designation, civil lawsuits for unlawful acts, or objection mechanisms as stipulated in the implementing regulations of the Land Acquisition Law. Presidential Regulation No. 62 of 2018 addresses the management of social impacts, yet its implementation on the ground remains severely lacking. There is no impact management team actively functioning, and the community is not involved in planning post-relocation programs. As a result, the community loses not only their land but also their livelihoods and social networks.

In addition to the issue of unfair compensation, the construction of the Cabean Dam in Blora Regency has also had significant socioeconomic impacts on the affected communities. The loss of land as a primary asset not only affects physical ownership but also has direct implications for the sustainability of livelihoods, social structures, and local economic networks. In this context, the state should not limit itself to merely providing compensation but is also obligated to ensure systematic and sustainable management of social impacts. The normative framework for managing

the social impacts of development is specifically regulated in Presidential Regulation No. 62 of 2018 on the Management of Social Impacts on Communities in the Context of Land Acquisition for National Development. This regulation stipulates that any national development project causing social impacts must be accompanied by efforts to address these impacts through the formation of a special task force and the development of an action plan involving the affected communities. Article 2 of Presidential Regulation No. 62 of 2018 states that the management of social impacts aims to ensure the restoration of the social and economic conditions of the community so that they do not experience a decline in their standard of living due to development. Furthermore, Articles 5 and 6 of Presidential Regulation No. 62 of 2018 govern the formation of the Integrated Team for the Management of Social and Community Impacts, which is tasked with data collection, planning, implementation, and monitoring of social-economic recovery programs for affected communities. This team should work actively and involve local government officials, relevant agencies, and the affected communities as the primary stakeholders in the development process. Community participation is a key element to ensure that post-relocation programs truly align with real needs and local socio-economic conditions.

In the case of the Ceban Dam project, the implementation of these provisions has revealed serious shortcomings. There is no indication that the Social Impact Management Team is actively and effectively functioning on the ground. There are six affected community members who were not involved in the planning of the compensation determination program due to overlapping land ownership statuses, which resulted in the loss of the right to consultation and compensation for these six residents.³⁰ This

³⁰ Utia Afidah, "6 Warga Blora Gugat Pemkab Blora Atas

situation directly contradicts Article 8 of Presidential Regulation No. 62 of 2018, which emphasizes the importance of the participation of affected communities in all stages of addressing social impacts. As a result of this weak implementation, the communities affected by the Cabean Dam have suffered multiple losses. They have not only lost their land—their primary economic resource—but also the livelihoods that have sustained their families for years. For an agrarian community, the loss of land means the loss of access to food production, working capital, and their social identity as farmers.

The absence of a well-planned and participatory socioeconomic recovery program indicates that addressing social impacts is still treated as a secondary consideration rather than an integral part of the land acquisition process and national development.³¹ In fact, when viewed in the context of Law No. 2 of 2012, addressing social impacts should be a logical extension of the principle of fair and adequate compensation.³² Thus, the Cabean Dam case highlights a stark disparity between legal norms and their implementation on the ground. The failure to activate the social impact management team and the exclusion of the community from post-relocation planning directly contributed to the deterioration of the socioeconomic conditions of the affected communities.³³ This underscores that without a

Kepemilikan Lahan di bendungan Cabean,” *Berita Jateng.id*, diakses rabu 18 Maret 2026, <https://beritajateng.id/blora/6-warga-gugat-pemkab-blora-atas-kepemilikan-lahan-di-bendungan-cabean/>

³¹ Wiranata Aldi et al., “Dampak Pembangunan Bendungan Tiga Dihaji Bagi Kehidupan Masyarakat Kecamatan Tiga Dihaji Kabupaten Oku Selatan” 4, no. 4 (2026): 503–10.

³² Solihin H Talib, Riski Talib, and Roy Marthen Moonti, “Problematika Hukum Dalam Penetapan Ganti Rugi Pembebasan Lahan” 2 (2025).

³³ Delasnova S. S. Lumintang Lombogia, Barten Jonathan, Toar N. Palilingan, “TINJAUAN YURIDIS TERHADAP PENGADAAN TANAH

	compensation; there was no post-construction socioeconomic recovery program.	in living standards and the loss of social networks.
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SOURCE: Summary data from National Land Agency of Blora Regency, 2026

C. Legal Protection for Communities Affected by the Construction of the Cabean Dam

1. *Substantive and Procedural Legal Protection*

Substantive legal protection is a form of legal protection that relates to safeguards for the substantive rights of the public, particularly land rights affected by development projects for the public interest.³⁵ In the context of infrastructure development and National Strategic Projects (PSN)—specifically the construction of the Cabean Dam—this protection aims to ensure that communities who lose their land or homes continue to receive justice through fair compensation and safeguards for the sustainability of their socioeconomic livelihoods. The provision of fair compensation should not be based solely on the market value of the acquired land, but should also take into account the economic losses suffered by landowners as well as the socioeconomic impacts arising from the land acquisition process.

This includes the impact on the sustainability of people's livelihoods as well as changes in their access to various resources that they previously owned or utilized.³⁶ Legally, the

³⁵ I Putu Subagiartama, "Jurnal Private Law , University of Mataram LEGAL PROTECTION FOR COMMUNITIES WHOSE LAND IS" 6, no. 1 (2026).

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

public has the right to file objections, lawsuits, or requests for escrow in the land acquisition process.³⁷ However, in practice, access to these legal mechanisms is often severely limited due to various factors, such as high legal costs, limited access to legal information, and public concerns about potential social or administrative pressure. Legal costs, limited information, and fear of repression deter many citizens from pursuing legal avenues. Although legal aid is available from the Legal Aid Institute (LBH), its capacity is limited and does not reach all victims. Normatively, protection of communities' land rights is guaranteed under the Basic Agrarian Law, which affirms that the state has the authority to regulate land use for the public interest, yet must still respect and protect the rights of communities as land rights holders. This principle underscores that development must not disregard the interests of communities directly affected.³⁸

To facilitate an analysis of the extent to which the law accommodates the rights of affected communities, the following table compares the normative guarantees of substantive and procedural legal protections with the reality of their implementation in the Cabean Dam project:

Table 3. Analysis of Legal Protection for Communities Affected by the Construction of the Cabean Dam

Types of Protection		Definitions and Legal Guarantees	Implementation in the Cabean Case
Substantive	Legal Protection	Guarantees of property rights: • Property rights to land are recognized. • Receipt of fair compensation (Article 36 of Law No. 2 of 2012).	Not fulfilled: • Property rights (SHM) were disregarded through unilateral government claims. • Some residents received no

³⁷ Wahyu Nugroho, "Perlindungan Hukum bagi Masyarakat dalam Pengadaan Tanah

³⁸ Yance Arizona and Miriam Cohen, "The Recognition of Customary Land Rights at the Constitutional Court of Indonesia : A Critical Assessment of the Jurisprudence," n.d.

		compensation at all.
Procedural Protection	Legal Guarantees of a fair process: • Public consultation. • Deliberations on the determination of compensation (Article 37 of Law No. 2 of 2012). • Participation in addressing social impacts (Presidential Regulation No. 62 of 2018).	Not met: • The consultation was not inclusive (some residents were not invited). • There is no functioning social impact management team. • The assessment process was conducted unilaterally.

SOURCE: Summary data from National Land Agency of Blora Regency, 2026

The mechanism for land acquisition for public interest development is regulated in Article 9(2) of Law No. 2 of 2012 on Land Acquisition, which stipulates that every party with a right to the land is entitled to fair and just compensation.³⁹ Such compensation is not limited to the physical value of the land, but must also take into account other losses resulting from the loss of housing, livelihoods, and social ties that have been established within the community.⁴⁰ The forms of compensation that may be provided to the community include cash, replacement land, resettlement, equity ownership, or other forms mutually agreed upon by the government and the affected community in accordance with Article 36 of Law No. 2 of 2012 on Land Acquisition.⁴¹ Thus, substantive legal protection is not only focused on financial compensation, but also on efforts to restore the social and economic conditions of the community.

In addition, oversight bodies such as the Ombudsman

³⁹ Sadino Nugroho Dwi Rinaryanta, Anas Lutfi, "Tinjauan Yuridis Keberatan Ganti Kerugian Pengadaan Tanah Untuk Kepentingan Umum : Studi Putusan Hakim PN Batang" 5, no. 2 (2025): 723–35.

⁴⁰ Adrian Fernando Simangunsong, "Pengadaan Tanah dan Keadilan Sosial," *Jurnal Pertanahan*, 2023.

⁴¹ Isnaini Ummul Hanifah, "Kajian Hukum Pengadaan Tanah untuk Kepentingan Umum," *Cerdika: Jurnal Ilmiah Indonesia*, 2025.

	entitled parties; various forms of compensation.	were not involved in the deliberations; 2) There were unilateral claims that disregarded the status of the rightful parties.
Presidential Regulation No. 62 of 2018	Establishment of a team to address social impacts; obligation to ensure socioeconomic recovery.	Weak implementation: there are no active, participatory recovery programs for residents who have lost their livelihoods.

SOURCE: Summary data from National Land Agency of Blora Regency, 2026

In addition to substantive protections, communities affected by development projects are also entitled to procedural legal protections. These protections pertain to the mechanisms and stages of the land acquisition process, which must be conducted in a transparent, participatory, and accountable manner, so that communities have the opportunity to participate and raise objections to policies that affect their rights.⁴² In the practice of land acquisition, procedural safeguards are implemented through several key stages: planning, preparation, implementation, and handover of results, in accordance with Article 2 of Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, which states that the implementation of land acquisition for public interest must be carried out based on the principle of transparency. During the preparation stage, the government is required to conduct public consultations with affected communities to provide information regarding development plans, project objectives, and potential impacts on the community. Transparency of information is a crucial aspect of procedural safeguards because the public has the right to

⁴² Annisa Berliani et al., "KEPENTINGAN UMUM DI INDONESIA DALAM PERSPEKTIF" 7, no. 1 (2024): 253–71.

clearly understand the development plans to be implemented in their area. Through transparency, the public can comprehend the consequences of such development and have the opportunity to provide input or raise objections before the project is carried out.

Procedural safeguards are also evident in the consultation process for determining compensation between the government and the affected communities. In this process, the amount of compensation is determined based on an appraisal conducted by an independent appraiser to ensure that the compensation provided is objective and does not disadvantage the community.⁴³ If the community does not agree with the compensation amount set, they have the right to pursue legal action through the courts. This mechanism is a form of legal protection that gives the community the opportunity to seek justice through the judicial system in the event of a dispute during the land acquisition process. Thus, procedural legal protection serves as a mechanism for overseeing government actions in the implementation of development projects.⁴⁴ Without transparent and participatory procedures, development has the potential to cause injustice and agrarian conflicts within the community.

These provisions regarding procedural safeguards cannot stand on their own without a strong foundation of state accountability as the authority responsible for development. As a state governed by the rule of law, every government

⁴³ Muh Azhar K., Firdja Baftim, and Sarah D. L. Roeroe, "TINJAUAN HUKUM PENILAI PUBLIK (APPRAISAL) DALAM MENILAI HARGA TANAH YANG MENIMBULKAN KERUGIAN," *JURNAL FAKULTAS HUKUM UNSRAT* 15, no. 4 (2025).

⁴⁴ Pakpahan, "PERLINDUNGAN HUKUM TERHADAP PEMEGANG HAK ATAS TANAH DALAM PELAKSANAAN GANTI KERUGIAN PENGADAAN TANAH BAGI PEMBANGUNAN UNTUK KEPENTINGAN UMUM (STUDI PUTUSAN NOMOR: 95/PDT.G/2021/PN.KIS) LEGAL PROTECTION FOR LAND RIGHTS HOLDERS IN THE IMPLEMENTATION OF COMP."

action in land acquisition must be subject to the principle of legality and the protection of human rights. Failure to adhere to fair procedures not only harms the community but also undermines the very pillars of the rule of law itself. Based on this, the following discussion will further elaborate on the dimensions of state responsibility and the relevance of the rule of law in ensuring substantive justice for the affected communities in Blora.

2. State Responsibility and the Rule of Law

The state, as the authority responsible for managing land for the public good, has a constitutional responsibility to ensure that development does not harm ordinary citizens. However, in the case of the Cebuan Reservoir, the state has prioritized physical development over the protection of human rights.⁴⁵ This is contrary to Article 27(1) of the 1945 Constitution, which guarantees equal rights before the law, as well as Article 28D, which guarantees the right to fair compensation for the expropriation of land for public purposes. Under the rule of law, the state has an obligation to ensure the protection of citizens' rights, including the right to land ownership.

The principle of the rule of law establishes the law as the foundation for all government actions, meaning that every development policy must be implemented while respecting the rights of the people. This is in line with the provisions of the 1945 Constitution of the Republic of Indonesia, specifically Article 28H, paragraph (4), which states that every person has the right to private property and that this right may not be arbitrarily taken away by anyone.⁴⁶ In the context

⁴⁵ Ahmad Rijal S and Joko Setiyono, "International Journal of Social Science And Human Research National Human Rights Instruments in Indonesia in the Process of Land Acquisition for Development in the Public Interest" 06, no. 08 (2023): 5234–41, <https://doi.org/10.47191/ijsshr/v6-i8-83>.

⁴⁶ Eka Pratiwi Diya UI Akmal, "PERLINDUNGAN HUKUM DARI

of development projects for the public good, the state does indeed have the authority to acquire land. However, this authority must be exercised in accordance with the principles of fairness, legal certainty, and the protection of the rights of the community.⁴⁷ Provisions regarding land acquisition are set forth in Law No. 2 of 2012 on Land Acquisition, which stipulates that any party with a valid claim to land is entitled to fair and just compensation if the land is used for development in the public interest.

Issues regarding legal protection for communities affected by development can be seen in the case of the Cabean Dam project in Blora Regency. The construction of the dam is primarily intended to increase the availability of irrigation water and support the development of the agricultural sector in the region. However, during its implementation, some community members who possess valid proof of land ownership in the form of Certificates of Ownership (SHM) have not received compensation for the land affected by the construction.⁴⁸ In addition, some members of the community were not involved in the deliberative process for determining compensation, which should be an essential part of the land acquisition mechanism. This situation indicates problems in the implementation of legal protections for communities affected

KESEWENANG-WENANGAN PEMERINTAH DALAM PENGALIHAN HAK ATAS TANAH UNTUK KEPENTINGAN UMUM (Studi Kasus Pembebasan Tanah Di Bukit Duri, Jakarta Selatan)," *Jurnal Hukum Dan HAM Wicarana* 33, no. 2 (2024): 83–96.

⁴⁷ Pakpahan, "PERLINDUNGAN HUKUM TERHADAP PEMEGANG HAK ATAS TANAH DALAM PELAKSANAAN GANTI KERUGIAN PENGADAAN TANAH BAGI PEMBANGUNAN UNTUK KEPENTINGAN UMUM (STUDI PUTUSAN NOMOR: 95/PDT.G/2021/PN.KIS) LEGAL PROTECTION FOR LAND RIGHTS HOLDERS IN THE IMPLEMENTATION OF COMP."

⁴⁸ Agus Purnomo dkk., "Perlindungan Hukum Bagi Pemegang Sertifikat Hak Milik Atas Tanah Dalam Pengadaan Tanah," *Jurnal Hukum Ius Quia Iustum* 28, no. 2 (2021): 315

by development. From the perspective of the rule of law, protection for communities should be realized through two forms of legal protection: substantive legal protection and procedural legal protection.

Substantive legal protection refers to safeguards for the substantive rights of the public, particularly the right to land ownership and the right to receive fair compensation if the land is used for development in the public interest.⁴⁹ Under Indonesia's land law system, a Certificate of Ownership (SHM) serves as proof of land ownership with strong legal standing. Therefore, individuals holding an SHM should be recognized as entitled to compensation if their land is affected by development. If individuals holding an SHM do not receive compensation, this situation may indicate a violation of the principle of substantive legal protection. In addition to substantive protection.⁵⁰ The public is also entitled to procedural legal protections in the land acquisition process. Procedural protections relate to the mechanisms for carrying out land acquisition, which must be conducted in a transparent, participatory, and accountable manner. One form of procedural protection is the government's obligation to involve the public in consultations regarding the determination of compensation. These consultations aim to reach an agreement between the government and the public regarding the form and amount of compensation to be provided.

In the case of the Cabean Dam project in Blora, the exclusion of some members of the community from the deliberation process regarding the determination of

⁴⁹ Daud, "Tinjauan Yuridis Pemberian Ganti Rugi Dalam Pengadaan Tanah Untuk Kepentingan Umum," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 22, no. January (2025): 470–73.

⁵⁰ Genthala Rafik Hudaa et al., "PENYELESAIAN SENGKETA DAN PERLINDUNGAN HUKUM BAGI KEPENTINGAN UMUM DALAM PENGADAAN TANAH" 1 (2024): 118–29.

compensation indicates weaknesses in the implementation of procedural legal protections.⁵¹ The lack of public involvement in this process has the potential to lead to injustice, as the public has no opportunity to raise objections or gain transparent insight into the process of determining compensation. From the perspective of administrative law, government actions that harm the public can be categorized as unlawful acts by the government (*onrechtmatige overheidsdaad*). This concept indicates that the government, as the state administrator, can be held accountable if the policies or actions it takes violate the law and cause harm to the public. Provisions regarding unlawful acts are regulated in the Civil Code, specifically Article 1365, which states that any act that violates the law and causes harm to another person obligates the party committing the act to compensate for the resulting damages.⁵²

Thus, if during the implementation of the Cabean Dam Project there are members of the community who possess valid proof of land ownership but do not receive compensation and are not involved in the consultation process, such actions have the potential to violate the principles of the rule of law and may give rise to legal liability for the government as the project implementer. Therefore, legal protection for communities affected by development

⁵¹ Octa Vioni Pinem and Ramsul Nababan, "Pelaksanaan Ganti Rugi Atas Tanah Masyarakat Untuk Kepentingan Umum Berdasarkan Undang-Undang Nomor 2 Tahun 2012 Universitas Negeri Medan , Indonesia Tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum , Khususnya Dalam," 2025.

⁵² Derry Angling Kesuma, "Penguatan Gugatan Citizen Lawsuit / Action Popularis Sebagai Upaya Perlindungan Hak Konstitusional Atas Jaminan Penegakan Hak-Hak Konstitusional Warga Negara Terhadap Perbuatan Melawan Hukum Oleh Negara (Strengthening Citizen Lawsuit / Action Popularis Lawsuits as an Effort to Protect Constitutional Rights for Enforcements Guarantees of Citizens ' Constitutional Ri Ghts Againts Unlawful Acntions by the State)" 3, no. 1 (2023): 43–52.

must be a primary concern in the implementation of national development policies. The state is not only obligated to carry out infrastructure development for the public interest but must also ensure that such development is conducted while respecting the rights of the community and providing adequate legal protection for affected citizens. Thus, development implementation accompanied by effective legal protection will reflect the application of the rule of law, which upholds justice, legal certainty, and the protection of citizens' rights.

Based on the above conclusions, to prevent the recurrence of violations of community rights in National Strategic Projects and to ensure the realization of the rule of law, the following are recommendations for follow-up action addressed to the relevant stakeholders:

Table 5. Policy Recommendations Based on Research Findings

Intended recipient	Rekomendations	Objective
The Central Government & the House of Representatives	Strengthening oversight of the implementation of Law No. 2 of 2012 and Presidential Regulation No. 62 of 2018, particularly with regard to public participation.	Closing procedural loopholes and ensuring that regulations are not merely symbolic.
Local Government (Blora Regency Government)	1. Resolve land status disputes (SHM vs. regional assets) through legitimate and transparent legal channels. 2. Establish and activate a participatory Social Impact Management Team.	Restoring the rights of citizens and revitalizing the socioeconomic conditions of the affected communities.
The Public & the Legal Aid Institute	Strengthening the public's capacity to understand the law and access legal aid to pursue legal	Strengthening the public's bargaining power and ensuring government accountability.

		remedies (lawsuits for human rights violations or administrative lawsuits).	
Supervisory Bodies (National Commission on Human Rights, Ombudsman)		Conducting proactive investigations into indications of maladministration and human rights violations in National Strategic Projects.	Preventing impunity and serving as a deterrent to offenders.

Source: Reseracher Analysis, 2026.

D. Conclusion

Based on the results of the discussion regarding legal protection for communities affected by the Cabean Dam construction project in Blora Regency, it can be concluded that the implementation of development projects for the public interest is fundamentally a legitimate authority of the state, provided it is carried out in accordance with the principles of the rule of law. The state has an obligation to ensure that every development policy continues to respect, protect, and fulfill the rights of the community, particularly the right to land ownership. In the context of land acquisition for development in the public interest, Indonesian law has provided a sufficiently clear normative basis through the Land Acquisition Act.

This regulation stipulates that any party holding land rights is entitled to fair and just compensation. Furthermore, the land acquisition process must be conducted through transparent, participatory, and accountable mechanisms, including through consultations with the rightful landowners. However, in the practice of the Ceban Dam construction in Blora Regency, indications of weak implementation of legal protections for affected communities have been found. Some community members who possess valid proof of land ownership in the form of Certificates of Ownership have not

received fair compensation and were not involved in the consultation process for determining compensation. These conditions indicate a discrepancy between the applicable legal provisions and their implementation on the ground.

From a legal protection perspective, this issue reflects the suboptimal implementation of both substantive and procedural legal protections. Substantive legal protection should ensure that every land rights holder receives recognition and fair compensation if their land is used for development in the public interest. Meanwhile, procedural legal protection requires that every stage of land acquisition be conducted transparently, involve the community, and provide an opportunity for affected parties to raise objections or pursue legal remedies. If the community holding land rights does not receive fair compensation and is not involved in the decision-making process, such conditions may be categorized as a violation of the rule of law. In this regard, the state, as the organizer of development, bears a legal responsibility to ensure the protection of the public's rights and to ensure that every development policy is implemented in accordance with the principles of justice, legal certainty, and respect for property rights.

Legal protection for communities affected by development is not merely an administrative obligation of the government but also a form of the state's responsibility in realizing the principle of the rule of law. Therefore, the government needs to strengthen oversight mechanisms, enhance transparency in the land acquisition process, and ensure that communities with land rights truly receive effective legal protection and fair compensation. These efforts are crucial for maintaining public trust in national development policies while ensuring that development is genuinely oriented toward social justice for all citizens.

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Acknowledgment

None.

Funding Information

None

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

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