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The Implementation of Destroyed Land Status Determination and the Provision of Compassionate Funds for Communities Affected by the Barrage Project (A Case Study in Jeruksari Village, Pekalongan Regency)

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Abstract

Permanent tidal floods in Jeruksari Village, Pekalongan Regency, have eliminated the physical form and function of community-owned land. This necessitated a "destroyed land" status as an administrative prerequisite for land procurement for a barrage project. However, this policy triggered social conflicts, particularly residents rejecting the compassionate funds as compensation, deeming it excessively low and unjust. This research analyzes the implementation of the destroyed land status in Jeruksari Village and assesses the effectiveness of compassionate funds as legal protection for affected communities. Using an empirical-juridical method with a descriptive-qualitative approach, data was collected via

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field observations, literature reviews, and interviews with residents, village officials, and the Land Office. Results show that administratively, the procedure for determining destroyed land aligns with the ATR/BPN Ministerial Regulation Number 3 of 2024, despite technical constraints from a 3-meter seawater inundation. However, the provision of compassionate funds (IDR 29,500 per square meter) is ineffective. Based on legal effectiveness and protection theories, this amount fails to fulfill justice and economic utility for communities losing their livelihoods. Therefore, improved policy communication and an evaluation of the compassionate fund mechanism are required to better reflect justice and utility for the affected communities.

Keywords

Destroyed Land, Compassionate Funds, Legal Protection, Land Procurement, Tidal Flood.

A. Introduction

Land is a fundamental human need that is highly essential in everyday life. It possesses significant strategic value from economic, social, and legal perspectives. Law Number 5 of 1960 concerning the Basic Agrarian Principles (UUPA) guarantees the protection of land rights for every citizen. However, this guarantee of rights is dynamic and can be extinguished due to specific conditions stipulated by law, one of which is when the land is destroyed.[1]

The phenomenon of climate change and rising sea levels has resulted in permanent tidal flood disasters across various coastal regions of Indonesia, including Pekalongan Regency. One of the most severely affected areas is Jeruksari Village. The continuously shrinking landmass, caused by permanent seawater inundation, has led to community-owned land parcels losing their original form and function. From a juridical perspective, this condition gives rise to the status of

[1] Amrin, Reza Nur, Anan Haji Imantaka, Enny Tatagelo Narince Yanengga, and Gita Cahyani Maulida. "Status hukum hak atas tanah yang terkena bencana alam." *Tunas Agraria 5*, no. 1 (2022): 65-76.

"Destroyed Land".[2]

The government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), has issued the Regulation of the Minister of ATR/BPN Number 3 of 2024 concerning the Amendment to the Ministerial Regulation Number 17 of 2021 on the Procedures for Determining Destroyed Land. This regulation serves as an instrument of legal certainty to provide administrative procedures for extinguishing land rights that can no longer be physically identified. Tidal floods (rob) have significantly impacted the lives of the community in Jeruksari Village, Tirto District, Pekalongan Regency. This continuous disaster not only inundates residential areas but also leads to a decline in environmental health quality and weakens local economic activities. As a comprehensive and long-term mitigation effort, the government plans the construction of Barrage (Bendung-Gerak) infrastructure. This strategic project is designed to function as a barrier against seawater intrusion that has been inundating the coastal area.[3]

The construction of the barrage heavily relies on the completion of the pre-construction phase, namely the determination of the land's status as destroyed land. Due to the permanent tidal inundation, many land parcels owned by residents in Jeruksari Village have physically sunk permanently and lost their utilization functions. In the land procurement scheme for the public interest, the identification and official declaration regarding the status of this land is an administrative legal procedure that must be carried out. In implementing land procurement for the public interest, the application of the principle of justice requires the provision of proper and fair compensation so that respect for the basic

[2] Susiati, Dwi, and Sri Setiadji. "Status hukum hak milik atas tanah yang terkena abrasi." *Mimbar Keadilan 13*, no. 1 (2020): 96-107.

[3] Robi Ardianto, “Proyek Bendung Gerak Kabupaten Pekalongan Masuk Musrenbangnas,” Metro Pekalongan, Diakses pada 5 Maret 2026. https://metropekalongan.jawapos.com/kab-pekalongan/2266036583/proyek-bendung-gerak-kabupaten-pekalongan-masuk-musrenbangnas.

rights of affected communities is proportionally maintained.[4] The determination of the destroyed land status essentially aims to provide clear legal certainty for the smooth process of land acquisition in accordance with applicable regulations.[5]

Responding to the severance of the juridical relationship between the rights holders and their land due to the tidal flood disaster in Jeruksari, which resulted in the land reverting to state control, the ATR/BPN Ministerial Regulation Number 3 of 2024 is implemented as an essential instrument to guarantee certainty and legal protection for affected residents. This is in line with the constitutional mandate for the right to a good environment and the principle of state land control for the prosperity of the people.[6] In its field implementation, the process of determining destroyed land and land procurement for the Barrage project has generated various problems. Conflicts began to surface when the government established a policy of providing Compassionate Funds as a form of compensation for the owners of the land indicated to be destroyed. The policy determining the amount of these funds quickly drew controversy and rejection from the residents of Jeruksari Village.

Residents argue that the compensation amount is highly unrepresentative when compared to the value of the land asset losses they experience. The provision of such excessively low compassionate funds is considered far from the principle of social justice for coastal communities who are victims of natural disasters. This reality on the ground ultimately demonstrates a real clash between the

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[4] Anjhany, Lintar, and Asmarani Ramli. "Pengadaan Tanah yang Mengenai Tanah Instansi: Studi Kasus Pembangunan Jalan Tol Bawen-Jogja Terhadap Lahan Pertanian SMK Negeri 1 Bawen." *Bookchapter Hukum dan Lingkungan 1* (2025): 909-936.

[5] Rustandi, Rizka Maulidaen, Yenny Febrianty, and Asmak Ul Hosnah. "Kepastian Hukum Tentang Ganti Kerugian Pada Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum." *Yustisi 12,* no. 3 (2025).

[6] Suhadi, Suhadi, and Aprila Niravita. *"Urban agrarian reform: opportunities and challenges for land rights among low-income communities." Legality: Jurnal Ilmiah Hukum 32*, no. 2 (2024): 348-373.

government's efforts to pursue administrative legal certainty and the fundamental rights of the citizens. Therefore, an in-depth review is required so that the community continues to receive equitable legal protection over their civil land rights.[7]

Various previous studies have examined the issue of destroyed land due to tidal floods. Research relevant to this topic includes a study conducted by Bunga Desyana P., Rindiana Larasati, Sri Ratu RI, and Iqbal Kamalludin (2021) entitled "Legal Status of Destroyed Land Based on ATR/BPN Ministerial Regulation Number 17 of 2021," which discusses the legal status of land declared destroyed due to natural disasters such as tidal floods and the legal protection for land rights holders. This research employs a normative-juridical method by analyzing provisions in the legislation regulating the determination of destroyed land. The results indicate that land which has physically disappeared or can no longer be utilized can be designated as destroyed land based on the provisions of ATR/BPN Ministerial Regulation Number 17 of 2021, which implicates the extinguishment of rights over the land. Under such conditions, the state retains the responsibility to provide legal protection to land rights holders through specific policies regulated within the land law system.[8]

Research conducted by Embun Sari, Muhammad Yamin, Hasim Purba, and Rosnidar Sembiring in an article entitled "Legal Politics of Land Procurement for Abraded Land Post-Enactment of the Job Creation Law" discusses the direction of legal politics regarding land procurement for land experiencing abrasion following the implementation of

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[7] Nanang Rendi Ahmad, "Pemilik Lahan Tanah Musnah Bakal Proyek Bendung Gerak Bremi-Meduri Tolak Besaran Harga dari Apprasial," Metro Pekalongan, 15 Juli 2025, https://metropekalongan.jawapos.com/kab-pekalongan/amp/2266301410/pemilik-lahan-tanah-musnah-bakal-proyek-bendung-gerak-bremi-meduri-tolak-besaran-harga-dari-apprasial. (di akses 5 Maret 2026)

[8] Pratami, Bunga Desyana, Rindiana Larasati, Sri Ratu Ratna Intan, and Iqbal Kamalludin. "Status hukum tanah musnah berdasarkan Permen ATR/BPN No. 17 Tahun 2021." *Officium Notarium 1,* no. 2 (2021): 218-229.,

policies related to the Job Creation Law. This study uses a normative-juridical research method with a statutory and conceptual approach. The research findings show that regulatory changes in land procurement policies provide room for the state to handle land conditions that experience physical changes such as abrasion, including through the mechanism of extinguishing rights over destroyed land and providing compassionate funds to land rights holders. The study emphasizes that the policy of providing compassionate funds is part of the government's efforts to compensate communities who lose land due to changing natural conditions, as well as an instrument to achieve justice and welfare for the affected communities.[9]

Another study was conducted by Riska Novelia and Gunawan Djajaputra (2025) entitled "Protection and Legal Status of Destroyed Land Ownership Reviewed Based on Agrarian and Spatial Planning Ministerial Regulations." This research aims to analyze the regulations regarding the legal status of destroyed land within the Indonesian land law system following the issuance of the latest regulations on destroyed land. This study uses a normative-juridical method with a statutory approach to examine the regulations governing destroyed land and its implications for land ownership. The results show that the determination of destroyed land has legal consequences in the form of the extinguishment of land rights because the object of the right no longer physically exists. Therefore, government policies capable of providing legal protection for communities losing their land due to natural disasters or environmental condition changes are necessary.[10]

Based on these several previous studies, it is evident that studies on destroyed land within the Indonesian land law system generally still focus on normative analyses of legal

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[9] Sari, Embun, Muhammad Yamin, Hasim Purba, and Rosnidar Sembiring. "Politik Hukum Pengadaan Tanah Terhadap Tanah Abrasi Pasca Diberlakukan Undang-Undang Cipta Kerja." *Jurnal Ius Constituendum 7, no. 1* (2022): 50-67.

[10] Riska Novelia and Gunawan Djajaputra, “Perlindungan Dan Status Hukum Ruang,” *Jurnal IJCCS 13, no. 11* (2025): 2662–75.

regulations regarding destroyed land status and legal protection for land rights holders based on legislation. The research conducted by Bunga Desyana P. et al., Embun Sari et al., and Riska Novelia and Gunawan Djajaputra, for instance, focuses more on the conceptual and juridical aspects regarding the extinguishment of rights over land declared destroyed and the forms of legal protection that the state can provide.

Research specifically discussing the implementation of destroyed land determination policies at the regional level and the effectiveness of providing compassionate funds to affected communities remains relatively scarce. In practice, however, the determination of destroyed land relates not only to the written legal rules in legislation but also to how these policies are implemented in the field, how the community responds, and their impact on the lives of the affected communities. Furthermore, the provision of compassionate funds as a form of assistance to communities whose land is declared destroyed also generates various perspectives within the community, especially concerning the sense of justice, legal certainty, and the benefits received by the affected communities.

Therefore, this research is conducted to fill this study gap by analyzing the implementation of the destroyed land status determination in Jeruksari Village, Pekalongan Regency, and assessing the effectiveness of providing compassionate funds to the communities affected by the Barrage project. This research discusses not only the legal rules governing destroyed land but also looks at how these policies are implemented in the field and their impacts on the communities losing their land. Thus, this research is expected to contribute to the development of land law studies, particularly those relating to the implementation of destroyed land policies and legal protection for communities affected by tidal floods as well as development for the public interest.

The research method used is empirical-juridical research (a combination of normative and field research). Empirical-juridical research is legal research that not only examines legal provisions within legislation but also studies how these

provisions are applied and their impact on reality in society.[11] The empirical-juridical approach was selected because this research requires an analysis of legal norms relevant to the issues, while simultaneously collecting empirical data from the field to understand the implementation and effectiveness of the law.[12] According to Soerjono Soekanto in his book Introduction to Legal Research, this method is essentially sociological legal research that views the law not merely as an autonomous set of legislative rules (law in books), but conceptualizes the law as institutionalized community behavior (law in action).

This research utilizes a descriptive-qualitative approach with a case study, namely research that comprehensively and deeply describes a legal event or phenomenon by collecting and analyzing data narratively. The qualitative approach was chosen because the focus of this research is on understanding the process and implementation of the law, rather than on numbers or statistics.[13] Descriptive techniques are used to depict the actual conditions and the real picture of the implementation of destroyed land determination, and to analyze the effectiveness of providing compassionate funds as a form of legal protection for destroyed land rights holders in Jeruksari Village.

Data obtained from interviews with land rights holders, village officials, and the Pekalongan Regency Land Office, as well as field observations and documentation, are then explained narratively and systematically. The data are analyzed qualitatively by linking them to the applicable legislation and the principles of justice in the provision of compassionate funds. The research location is Jeruksari Village, Tirto District, Pekalongan Regency, where the Barrage project will be constructed to overcome the tidal flood problems. The research timeline was from February to March

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[11] Soemitro, Ronny Hanitijo. "Metodologi penelitian hukum dan jurimetri." *Ghalia Indonesia*, *Jakarta 167* (1990).

[12] Abdulkadir, Muhammad. "Hukum dan penelitian hukum." Bandung: *Citra Aditya Bakti 89* (2004).

[13] Arif Rachman et al."Metode penelitian kunatitatif kualitatif dan R&D." *Alfabeta, Bandung* (2016).

2026, conducting observations and interviews with village officials, affected residents, and officials of the Pekalongan Regency Land Office.

Data sources in this research are divided into two types: primary data sources and secondary data sources.[14] Primary data sources were obtained directly from the field through interviews with affected residents whose land is impacted by the barrage project and declared destroyed, interviews with the village head, and relevant institutions, namely the Pekalongan Regency Land Office, as well as field observations regarding the physical condition of the land, tidal inundation patterns, and land utilization status. Meanwhile, secondary data sources were obtained through documentation and literature materials, including legislation such as Law No. 5 of 1960 concerning the Basic Agrarian Principles (UUPA), Presidential Regulation Number 27 of 2023 concerning the Amendment to Presidential Regulation Number 52 of 2022 regarding the Handling of Community Social Impacts, and ATR/BPN Ministerial Regulation Number 3 of 2024 concerning the Amendment to ATR/BPN Ministerial Regulation Number 17 of 2021 concerning Procedures for Determining Destroyed Land. Additionally, secondary data sources include academic literature materials such as books, journals, articles, and previous research findings relevant to the article's topic.

The data collection techniques used in this research are literature studies, interviews, and field observations.[15] Data analysis in this research employs the Miles & Huberman interactive analysis model, which is a qualitative analysis approach involving three main stages: data reduction, data display, and conclusion drawing/verification. The data reduction stage is carried out by selecting, focusing,

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[14] Mukti Arifin Fajar dan Yulianto Achmad, Dualisme Penelitian Hukum: Normatif dan Empiris (*Yogyakarta: Pustaka Pelajar*, 2010), 45–50

[15] Ahmad, Ahmad, and Muslimah Muslimah. "Memahami teknik pengolahan dan analisis data kualitatif." *In Proceedings of Palangka Raya International and National Conference on Islamic Studies (PINCIS),* vol. 1, no. 1. 2021.

simplifying, and categorizing data from interviews, observations, and legislative documentation. The data display stage is conducted by organizing the reduced data into narratives, tables, or matrices that depict the condition of land rights, the destroyed land determination process, and the responses of the government and community in Jeruksari Village, Pekalongan Regency. The subsequent stage is verification or conclusion drawing, which involves a re-examination of the data and interpretations through data triangulation (interviews, observations, legal documents) and discussions with relevant parties, thereby forming conclusions that are consistent and relevant to the research problem formulations..

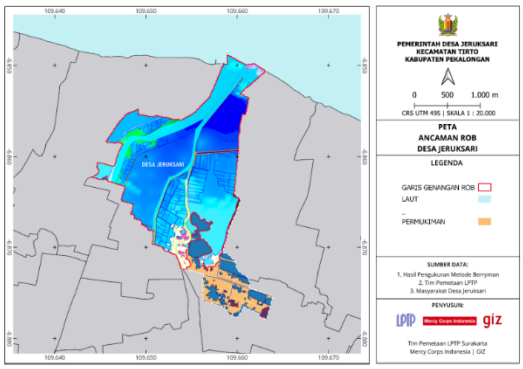
B. The Implementation of ATR/BPN Ministerial Regulation Number 3 of 2024 in the Determination of Destroyed Land in Jeruksari Village

The determination of the destroyed land status is one of the government's policies in responding to the condition of land that has physically disappeared or can no longer be utilized due to natural events, such as abrasion, floods, or permanent seawater inundation. To provide legal certainty regarding the status of such land, the government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, established provisions regarding the procedures for determining destroyed land as regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2024 concerning the Amendment to ATR/BPN Ministerial Regulation Number 17 of 2021 concerning Procedures for Determining Destroyed Land. This regulation governs the administrative stages that must be followed in the process of determining destroyed land so that its implementation is carried out in an orderly and transparent manner, as well as providing legal protection for the affected communities holding land rights.[16]

[16] Reza, Alfin Dwiqi. "Perlindungan Hukum Terhadap Hak Milik Atas

The implementation of the provisions regarding the determination of destroyed land can be observed in the case occurring in Jeruksari Village, Pekalongan Regency. Jeruksari Village is a coastal area located in the northern part of Pekalongan Regency, directly bordering the Java Sea. Geographically, this region features coastal lowland characteristics that are vulnerable to the tidal flood (banjir rob) phenomenon, namely seawater inundation entering the mainland due to high tides. The relatively low topographical condition of the area and changes in the coastline have caused parts of Jeruksari Village to experience continuous seawater inundation, resulting in a number of land parcels previously utilized as settlements or fishponds no longer being optimally usable. The condition of Jeruksari Village affected by the tidal flood can be seen in the following image:

Picture 1. *Map of Tidal Flood-Affected Areas in Jeruksari Village*



Source: Mercy Corps Indonesia, 2024

Based on the map data of the tidal flood-affected areas presented in this research, it is evident that a portion of the Jeruksari Village area has been submerged in water. This inundation occurs not only during high tides but also persists over a long period, resulting in changes to the physical condition of the land. Consequently, several land parcels previously registered as objects of land rights no longer possess a physical form that can be utilized as intended. This condition then serves as one of the primary bases for the

Tanah Akibat Abrasi Yang Dilalui Jalan Tol Semarang-Demak Di Kecamatan Sayung." (2022).

government to carry out the process of determining the destroyed land status for the affected land parcels.[17]

Based on the results of an interview with Mr. Budiharto, the Head of Jeruksari Village, on February 25, 2026, the geographical condition of Jeruksari Village has undergone quite significant changes in recent years. Out of the total village area of approximately 217.4 hectares, almost 75% of its territory now consists of swamps, fishponds, and pools due to the continuously expanding tidal inundation. Rice fields, which were previously one of the community's sources of livelihood, began experiencing tidal inundation in 2014, and this condition continues to expand to this day. Jeruksari Village experiences floods and tidal floods almost every year with a quite high frequency of occurrence, namely around three to four events annually during the 2021 to 2024 period.

The impact of these conditions is profoundly felt in the community's daily life. It is recorded that more than 5,700 residents of Jeruksari Village are directly affected by the tidal floods, both in terms of housing and economic activities. Furthermore, this region is also experiencing land subsidence of around 3 to 14 cm per year, which further exacerbates the seawater inundation condition in the coastal area. As a result, at least 1,006 housing units, roads, and other public facilities are affected by the tidal inundation, thereby disrupting community activities and village infrastructure. Even in some situations, access to clean water is also disrupted when tidal floods occur, forcing the community to seek alternative water sources to meet their daily needs.

Besides the continuous tidal flood factor, the coastal area management policy in Pekalongan Regency is also related to the construction of the Barrage Project, which aims to control floods and reduce the impact of seawater inundation in coastal areas. The project is part of the government's efforts to overcome the tidal flood problem that has long occurred in the Pekalongan coastal area. In the

[17] Sampelan, Shindy Nadya. "Status Hukum Hak Milik Atas Tanah Pasca Bencana Alam Di Sulawesi Tengah= Legal Status Of Property Rights To Land Post Natural Disaster In Central Sulawesi." *PhD diss.*, Universitas Hasanuddin, 2022.

implementation of the project, several areas affected by tidal inundation that can no longer be productively utilized are then designated as destroyed land through administrative mechanisms regulated in land regulations.

These data and figures indicate that the changes in environmental conditions in Jeruksari Village not only impact the physical aspects of the area but also have implications for the legal status of land previously owned by the community. The continuous tidal inundation causes some land parcels to no longer have a physical form that can be utilized properly. This condition then becomes one of the bases for the government to conduct the process of determining the destroyed land status for the affected land parcels.

In addition to the continuous tidal flood factor, the government's efforts to address these issues are also realized through the planned construction of the Barrage Project in Pekalongan Regency, which aims to control floods and reduce the impact of seawater inundation in the coastal areas. This project is part of the government's policy in overcoming the long-standing tidal flood problems in the Pekalongan coastal region. In its implementation, the construction is also related to policies for handling inundated areas, including determining the status of land that has physically disappeared or can no longer be utilized as destroyed land.

Given these geographical conditions and the Barrage construction policy, the government, through the Pekalongan Regency Land Office, has taken administrative steps in accordance with the provisions stipulated in ATR/BPN Ministerial Regulation Number 3 of 2024. This process includes determining the location of land indicated as destroyed, forming a research team, conducting socialization to the community, as well as identifying and inventorying the land parcels affected by the tidal inundation.[18]

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[18] Pranoto, Edi. "Perlindungan Hukum Terhadap Hak Milik Atas tanah yang Musnah." *SUPREMASI: Jurnal Hukum 6*, no. 2 (2024): 188-199.

1. *Procedures for Determining Destroyed Land According to Ministerial Regulation No. 3 of 2024*

The initial procedure before the government can distribute Compassionate Funds is to ensure that the status of the affected land object has legally and officially transitioned into destroyed land. Referring to the latest regulation, namely the Regulation of the Minister (Permen) of ATR/BPN Number 3 of 2024 concerning the Amendment to ATR/BPN Ministerial Regulation Number 17 of 2021 on Procedures for Determining Destroyed Land, there are strict physical criteria and a tiered administrative procedure that must be undertaken by the authorized agency.[19]

The determination of destroyed land is one of the legal mechanisms in the land sector used to determine the status of land that has physically disappeared or can no longer be utilized due to natural events, such as abrasion, landslides, or permanent seawater inundation. Provisions regarding the procedures for determining destroyed land are regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2024 concerning the Amendment to ATR/BPN Ministerial Regulation Number 17 of 2021 on Procedures for Determining Destroyed Land. This regulation explains the administrative stages that must be passed before a land parcel is officially declared as destroyed land.[20]

Based on the provisions in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2024 concerning the Amendment to ATR/BPN Ministerial Regulation Number 17 of 2021 on Procedures for Determining Destroyed Land, the process of determining destroyed land is carried out through several stages aimed at ensuring that the determination is conducted

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[19] Abdillah, Muhammad Riefky. "Kepastian Hukum Tanah Musnah Yang Terdampak Pembangunan Jalan Tol Demak-Semarang." *PhD diss.,* Universitas Islam Sultan Agung Semarang, 2024.

[20] Rahayu, Tiara Dwi, Yani Pujiwati, and Betty Rubiati. "Kepastian Hukum Kepemilikan Hak Atas Tanah Setelah Mengalami Likuifaksi Tanah." *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria 2, no. 2* (2023): 250-266.

objectively, transparently, and provides an opportunity for land rights holders to be informed and provide feedback on the ongoing process. According to Article 2 paragraph (2) of ATR/BPN Ministerial Regulation Number 3 of 2024, a parcel of land right can only be categorized as destroyed land if it meets three cumulative physical requirements. These three requirements include: (1) It has changed from its original form due to natural events, (2) Its physical form and location can no longer be identified, and (3) It can no longer be functioned, used, and utilized as it should be.

To objectively validate the fulfillment of these three requirements in the field, the Land Office is obliged to execute a systematic bureaucratic workflow. The stages of this procedure can be seen in the following table:

Table 1. *The Flow of Destroyed Land Determination*

No.	Procedure Stages	Description / Timeframe
1	Location Determination	Determining land parcels indicated as destroyed due to natural events.
2	Formation of the Research Team	Cross-sectoral team with a maximum deadline of 90 days.
3	Public Socialization	Conveying the inventory plan and legal implications to the rights holders.
4	Identification & Inventory	Matching juridical data with the physical reality of the land in the field.
5	Announcement of Research Results	Announced to the public a maximum of 5 days after the minutes (risalah) are drafted.
6	Community Response	The community is given 14 days to submit objections/responses.
7	Reclamation Statement Option	Landowners are given 14 days to state their willingness to restore the land.
8	Decision & Extinguishment of Rights	If there is no reclamation, a decree determining the destroyed land is issued, and the right is struck off

		from the land register.

Source: ATR/BPN Ministerial Regulation No. 3 of 2024

Based on the table, the administrative procedural stages for determining destroyed land begin with the location determination of land parcels factually indicated as destroyed due to natural events. Once the location is determined, the authorized agency will form a Research Team with a maximum deadline of 90 days. This team is then obliged to go to the community to socialize the inventory plan along with the legal implications of the status determination to the rights holders in the affected locations. The process continues to the stages of comprehensive identification, inventory, and field assessment, where the team will match the juridical data of the rights holders with the physical reality of the inundated land to assess its eligibility. The results of this assessment are outlined in a minutes of meeting and announced to the public a maximum of five days afterward. The community is given 14 days to submit responses regarding the announcement.

After the announcement period ends, the procedure enters the next stage through the provision of a reclamation statement option. In this stage, landowners are given a 14-day deadline to decide whether they are willing to physically restore their land independently or not. If the owner chooses to reclaim and successfully completes it according to the criteria and on time, the determination of the destroyed land status is canceled, and the process continues using the land procurement scheme with regular compensation. However, if the reclamation fails to be completed, exceeds the time limit, or the landowner makes no statement at all within that 14-day period, the Decision on the Determination of Destroyed Land will be issued immediately. As the final settlement stage and the legal consequence of the decision, the Land Office executes administrative actions by crossing out and recording the extinguishment of land rights in the land register (buku tanah), which juridically marks the end of the citizens' civil rights over the land.

Based on the provisions in the ATR/BPN Ministerial Regulation Number 3 of 2024 concerning the Amendment to ATR/BPN Ministerial Regulation Number 17 of 2021 on

Procedures for Determining Destroyed Land, it can be understood that the determination of destroyed land is not conducted instantly, but rather through a series of administrative stages involving various parties and providing an opportunity for the community to be informed and respond to the ongoing process. This procedure aims to ensure that every decision to determine destroyed land is based on objective research results while continuing to observe the aspect of legal certainty for land rights holders.

In practice, the implementation of this procedure may vary depending on the geographical conditions and problems occurring in each region. One example of the implementation of this policy can be seen in the case occurring in Jeruksari Village, Pekalongan Regency, where a portion of its territory experiences permanent tidal inundation, resulting in changes to the physical condition of the land. This condition prompted the government, through the Pekalongan Regency Land Office, to carry out the process of determining destroyed land for a number of affected land parcels. Therefore, the following section will discuss how the procedure for determining destroyed land is implemented in practice in Jeruksari Village, including the stages carried out by the research team, the socialization process to the community, and the field research results that serve as the basis for determining the destroyed land status.

2. Implementation in Jeruksari Village

Table 2. *Implementation of the Destroyed Land Procedure in Jeruksari Village*

Stages	Field Implementation	Obstacles / Field Findings
Location Determination	Official location determination documents for permanently inundated land have been issued.	-
Research Team	Formed through a Decree (SK)	-

	involving cross-sectoral agencies (BPN, Village Government, Public Works and Public Housing Agency, Regional Government, Marine Affairs Agency).	
Public Socialization	Conducted through the village government and the Land Office.	There are still residents who do not fully understand the procedures and reclamation options.
Field Identification	The team conducted direct site visits to verify the physical condition of the land.	Technical Obstacles: Permanent seawater inundation up to 3 meters deep, officers had to use boats, land boundaries (pegs) were not visible.
Data Inventory	There is a data recapitulation of 23 land parcels, 15 of which are strongly indicated as destroyed land.	Discrepancies between juridical document data and physical field conditions.
Announcement & Responses	Research results were announced, and the community was given a 14-day timeframe.	-
Reclamation Option	The community did not submit	The process proceeded to the

	statements of willingness for reclamation.	determination of destroyed land

Source: Interview Results, 2026

The implementation of the destroyed land determination policy in Jeruksari Village, Pekalongan Regency, is part of the government's efforts to provide legal certainty for land that has physically disappeared or can no longer be utilized due to continuous tidal inundation.[21] This condition causes a number of land parcels previously owned and utilized by the community to no longer have a physical form that can be used properly. The government, through the Pekalongan Regency Land Office, implements the process of determining destroyed land by referring to the provisions stipulated in the ATR/BPN Ministerial Regulation Number 3 of 2024.

Normatively, the ATR/BPN Ministerial Regulation Number 3 of 2024 provides detailed guidelines for determining the destroyed land status. However, the sociological and geographical dynamics of the affected area also influence how the regulation is implemented in the field. The Pekalongan Regency Land Office employs steps that are in accordance with the regulation within its implementation mechanism to determine the destroyed land status.

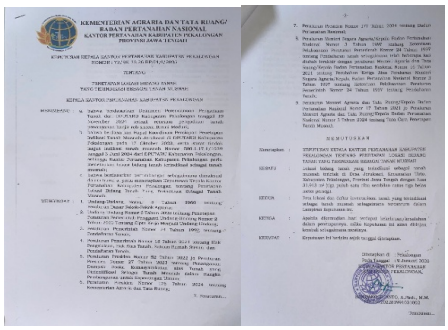
Based on an interview with Mr. Bambang Aji as the Head of the Rights Determination and Registration Section on March 4, 2026, the Pekalongan Regency Land Office has executed the procedure for determining destroyed land according to the applicable regulations. This includes the earliest stage of the entire bureaucratic sequence for determining destroyed land, namely the location determination. This stage functions as an administrative instrument to lock in the geographical location and spatial boundaries of the land parcels that are visibly indicated to have undergone physical changes due to natural events.

[21] Pratami, Bunga Desyana, Minarsih Minarsih, and Sri Ratu Ratna Intan. "Protection of Constitutional Rights for Female Coastal Workers in Pekalongan Against Loss of Land Rights: An Agrarian Law and Islamic Law Approach." *Al-Mazaahib: Jurnal Perbandingan Hukum 12, no. 1* (2024): 95-124.

Without a valid location determination, the land agency lacks the legal authority basis to initiate the legal intervention process or to form a working team for the affected area.

In the land acquisition for the Barrage Project in Jeruksari Village, Pekalongan Regency, the Pekalongan Regency Land Office has issued official documentation regarding the location determination of land permanently inundated by seawater (destroyed land).

Picture 2. *Location Determination Document of Land Parcels Indicated as Destroyed in Jeruksari Village*



KEMENTERIAN AGRARIA DAN TATA RUANG/
BADAN PERTANAHAN NASIONAL
KANTOR PERTANAHAN KABUPATEN PEKALONGAN
PROVINSI JAWA TENGAH

KEPUTUSAN KEPALA KANTOR PERTANAHAN KABUPATEN PEKALONGAN
NOMOR : 17/KEP/BT/XI/2025

TENTANG

PENETAPAN LAHAN DESA/KELURAHAN
TANAH TERDAMPAK PERMANEN DAMPAK SOSIAL

KEPALA KANTOR PERTANAHAN KABUPATEN PEKALONGAN

MENIMBANG : a. bahwa berdasarkan Surat Permohonan Pertimbangan Teknis Pertanahan dari Kepala Dinas Pekerjaan Umum tanggal 15 September 2025 perihal permohonan pertimbangan teknis pertanahan lahan terdampak permanen dampak sosial;
b. bahwa berdasarkan Berita Acara Hasil Pemeriksaan Pertimbangan Teknis Pertanahan dari Kepala Kantor Pertanahan Kabupaten Pekalongan pada 17 Oktober 2025, [illegible] dengan [illegible] Nomor 590.1/17.17.1/VIII/2025 tanggal 5 Juni 2024 dari KPUPR/ Kelompok Substansi [illegible] Pertanahan Kantor Pertanahan Kabupaten Pekalongan [illegible] lahan tanah terdampak sebagai tanah permanen;
c. bahwa berdasarkan pertimbangan sebagaimana dimaksud huruf a, huruf b, perlu dikeluarkan Penetapan Desa/Kelurahan Lokasi Lahan Tanah Terdampak Permanen Dampak Sosial Sebagai Tanah Musnah;

MENGINGAT : 1. Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria;
2. Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah untuk Kepentingan Umum (Lembaran Negara Tahun 2012 Nomor 9 Tahun 2012) Tentang Cipta Kerja Menjadi Undang-Undang;
3. Peraturan Pemerintah Nomor 18 Tahun 2021 tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah;
4. Peraturan Menteri Agraria/Kepala Badan Pertanahan Nasional Nomor 27 Tahun 2022 jo Peraturan Menteri Agraria/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 2023 tentang Pendaftaran Tanah, Pengelolaan Tanah Negara Sebagai Tanah Pemerintah, dan Pendaftaran Tanah Sementara Tanah Negara Sebagai Tanah Pemerintah dengan Pengaturan Khusus;
5. Peraturan [illegible] Nomor [illegible] Tahun 2024 tentang Kementerian Agraria dan Tata Ruang;

7. Peraturan Menteri Nomor [illegible] Tahun 2024 tentang [illegible] Pertanahan Nasional;
8. Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 1997 tentang Ketentuan-Ketentuan Pelaksanaan Peraturan Pemerintah Nomor 10 Tahun 1997 tentang Pelaksanaan tanah terlantar [illegible] Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Nomor 4 Tahun 2011 tentang Penertiban Barang Milik Negara Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Nomor 2 Tahun 1997 tentang Ketentuan Pelaksanaan Peraturan Pemerintah Nomor 36 Tahun 1997 tentang Pemanfaatan Tanah;
9. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 17 Tahun 2021 jo Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 5 Tahun 2024 tentang Tata Cara Penetapan Tanah Musnah;

MEMUTUSKAN

Menetapkan : PENETAPAN KEPALA KANTOR PERTANAHAN KABUPATEN PEKALONGAN TENTANG PENETAPAN LOKASI DESA/KELURAHAN TANAH TERDAMPAK PERMANEN DAMPAK SOSIAL

KESATU : cukup bahwa tanah yang terdampak sebagai tanah musnah di Desa Jeruksari Kecamatan Tirto, Kecamatan Wonokerto, Provinsi Jawa Tengah dengan luas 20.000 m² (dua puluh ribu meter persegi) lahan pertanian.

KEDUA : Tata batas dari lahan [illegible] tanah yang terdampak sebagai tanah musnah sebagaimana tercantum dalam lampiran keputusan ini.

KETIGA : Apabila dikemudian hari terdapat [illegible] terdampak dalam penetapanya, maka keputusan ini akan dikoreksi [illegible] sebagaimana mestinya.

KEEMPAT : Keputusan ini berlaku sejak tanggal ditetapkan.

Ditetapkan di : Pekalongan
Pada Tanggal : 17 Januari 2026
KEPALA KANTOR PERTANAHAN
KABUPATEN PEKALONGAN
[illegible]
[illegible], S.Sos., M.M.
NIP [illegible]

Source: Document of the Pekalongan Regency Land Office, 2026 Interview

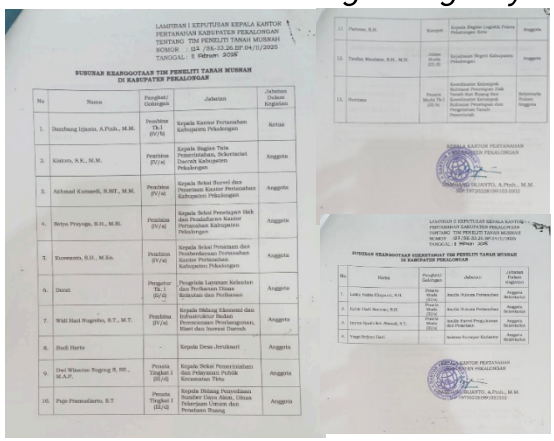
The issuance of this location determination document has a very fundamental legal impact. The document serves as the legal basis as well as the trigger for government agencies to shift the status of the area from a regular land procurement zone to a community social impact management zone. With this document, the Land Office possesses strong legitimacy to advance to the subsequent bureaucratic stages.

After the jurisdiction of the affected area is validated through the location determination, the Head of the Land Office is mandated by the ministerial regulation to immediately form a Research Team. This special team has a maximum working deadline of 90 days and must consist of cross-sectoral membership elements. The objective of forming this joint team is to ensure that the field assessment process is free from the sectoral ego of a single agency and is capable of capturing the real conditions of the community from various scientific and regional perspectives.

The Pekalongan Regency Land Office has responded to

this mandate by officially issuing a Decree (SK) for the formation of the team. The membership composition of the Destroyed Land Determination Research Team deployed to Jeruksari Village is documented in the following series of images:

Picture 3. *Membership Composition of the Destroyed Land Research Team in Pekalongan Regency*



LAMPIRAN I KEPUTUSAN KEPALA KANTOR PERTANAHAN KABUPATEN PEKALONGAN
TENTANG TIM PENELITI TANAH MUSNAH
NOMOR : 124 /SK-33.26.07.04/I/2025
TANGGAL : 6 Februari 2025

SUSUNAN KEANGGOTAAN TIM PENELITI TANAH MUSNAH DI KABUPATEN PEKALONGAN

No.	Nama	Pangkat/ Golongan	Jabatan	Jabatan Dalam Kegiatan
1.	Dambang Irjanto, A.Ptnh., M.M.	Penbina Tk.I (IV/b)	Kepala Kantor Pertanahan Kabupaten Pekalongan	Ketua
2.	Kisnen, S.E., M.M.	Penbina (IV/a)	Kepala Bagian Tata Pemerintahan, Sekretariat Daerah Kabupaten Pekalongan	Anggota
3.	Akhmad Kusnadi, S.SIT., M.M.	Penbina (IV/a)	Kepala Seksi Survei dan Pemetaan Kantor Pertanahan Kabupaten Pekalongan	Anggota
4.	Setya Prayoga, S.H., M.H.	Penbina (IV/a)	Kepala Seksi Penetapan Hak dan Pendaftaran Kantor Pertanahan Kabupaten Pekalongan	Anggota
5.	Kusmanto, S.H., M.Ko.	Penbina (IV/a)	Kepala Seksi Pengukuran dan Pendaftaran Pertanahan Kantor Pertanahan Kabupaten Pekalongan	Anggota
6.	Dazuri	Pengatur Tk. I (II/d)	Pengelola Layanan Keluarga dan Perlibatan Masa Masyarakat dan Perlibatan	Anggota
7.	Widi Hani Nugroho, S.T., M.T.	Penbina (IV/a)	Kepala Bidang Ekonomi dan Infrastrukturi Badan Perencanaan Pembangunan, Riset dan Inovasi Daerah	Anggota
8.	Budi Harto	-	Kepala Desa Jeruksari	Anggota
9.	Dwi Winarno Sugeng S, SE., M.A.P.	Pembina Tingkat I (IV/b)	Kepala Sekai Pemerintahan dan Pelayanan Publik Kecamatan Tirto.	Anggota
10.	Puja Pramudianto, S.T	Pembina Tingkat I (IV/b)	Kepala Bidang Pengendalian Sumber Daya Alam, Dinas Pekerjaan Umum dan Penataan Ruang	Anggota

11.	Partono, S.H.	Kompol	Kepala Bagian Logistik Polres Pekalongan Kota	Anggota
12.	Tresfas Maulana, S.H., M.H.	Jaksa Madya (IV/d)	Kejaksaan Negeri Kabupaten Pekalongan	Anggota
13.	Pertama	Pengatur Muda Tk. I (II/b)	Koordinator Kelompok Substansi Penetapan Hak Tanah dan Ruang dan Pendaftaran Tanah dan Substansi Pengukur dan Pengukuran Tanah Pertanahan	Sekretaris Tim Ad Hoc/ Anggota

KEPALA KANTOR PERTANAHAN KABUPATEN PEKALONGAN
DAMBANG IRJANTO, A.Ptnh., M.M.
NIP 197202281991021002

LAMPIRAN II KEPUTUSAN KEPALA KANTOR PERTANAHAN KABUPATEN PEKALONGAN
TENTANG TIM PENELITI TANAH MUSNAH
NOMOR : 124 /SK-33.26.07.04/I/2025
TANGGAL : 6 Februari 2025

SUSUNAN KEANGGOTAAN SEKRETARIAT TIM PENELITI TANAH MUSNAH DI KABUPATEN PEKALONGAN

No.	Nama	Pangkat/ Golongan	Jabatan	Jabatan Dalam Kegiatan
1.	Lutfia Nahla Khayat, S.H.	Penata Muda Tk.I (III/b)	Analis Hukum Pertanahan	Anggota Sekretariat
2.	Eyrie Dwi Saviera, S.H	Penata Muda Tk.I (III/b)	Analis Hukum Pertanahan	Anggota Sekretariat
3.	Irvan Syaifuddi Ahmad, S.T.	Penata Muda Tk.I (III/b)	Analis Survei Pengukuran dan Pemetaan	Anggota Sekretariat
4.	Yogi Sofyan Dani	-	Asisten Surveyor Kadaster	Anggota Sekretariat

KEPALA KANTOR PERTANAHAN KABUPATEN PEKALONGAN
DAMBANG IRJANTO, A.Ptnh., M.M.
NIP 197202281991021002

Source: Document of the Pekalongan Regency Land Office / Interview, 2026

Based on the document, the implementation of forming the destroyed land determination research team has factually been carried out in accordance with the procedures stipulated in the laws and regulations. The formed research team involves various cross-sectoral elements originating from several relevant agencies, such as the Pekalongan Regency Land Office, the Jeruksari Village government, and other technical agencies that possess the authority and competence in the fields of spatial planning and land affairs. The involvement of these various parties indicates that the research process on land indicated as destroyed is not conducted by a single agency alone, but through cooperation among institutions, each with its respective role.

The composition of this team, involving various agencies, is formed with the aim that the process of assessing land conditions in the field can be conducted more comprehensively and objectively. Each agency involved has a different function; for instance, the Land Office is responsible for administrative aspects and juridical land data, while the

regional government and village government play a role in providing information related to regional conditions and data on affected communities. With this cross-sectoral cooperation, the process of identifying, inventorying, and assessing land parcels indicated as destroyed can be carried out more effectively, ensuring that the decisions made have a strong basis, both administratively and regarding the factual conditions in the field.

The Pekalongan Regency Land Office has also conveyed information to the community regarding the Barrage construction plan and the potential impacts it may cause to the land conditions in the area surrounding the project. This information dissemination was conducted through socialization activities involving the village government and the community residing in the affected area. During these activities, the community was given an explanation regarding the objective of constructing the barrage as one of the government's efforts in controlling floods and reducing the impact of tidal inundation that has been occurring in the coastal areas of Pekalongan Regency. In addition, the community was also provided with information regarding the possible change in status of land that has experienced permanent inundation, as well as the procedure for determining destroyed land carried out by the government.

The socialization conducted aims to provide an understanding to the community regarding the policies to be implemented and their legal consequences on affected land ownership. Through this information dissemination, it is expected that the community can understand the government's reasons for conducting research on inundated land conditions and become aware of the stages that will be undergone in the destroyed land determination process.

However, based on interview results with the local community, there is still a portion of residents who do not fully comprehend the procedure for determining destroyed land as stipulated in the land regulations. This limited understanding gives rise to various questions and concerns among the community, especially regarding the ownership status of the land that has served as their source of livelihood all this time. For some residents, the land they own holds not

only economic value but also historical and social value as it has been passed down through generations within their families.

This condition indicates that although the government has made efforts in policy communication through socialization activities, the dissemination of information to the community still needs to be conducted more intensively and sustainably. This aims to ensure the community can clearly understand the destroyed land determination process and its resulting legal consequences, thereby minimizing potential misunderstandings and concerns within the community.

The subsequent stage carried out by the Research Team is to conduct a direct review of the affected location to match the data between the land administration conditions and the factual circumstances in the field. At this stage, the research team conducts identification and inventory activities on land parcels indicated to have suffered physical damage or loss due to continuous tidal inundation. This activity aims to directly verify whether the researched land conditions have met the criteria as destroyed land as stipulated in the provisions of the applicable laws and regulations.

During the direct review process, the research team is obliged to conduct a comprehensive assessment of the physical condition of the land to ensure the fulfillment of the cumulative requirements for destroyed land. These criteria include, among others, conditions where the physical form and location of the land can no longer be identified, and the land can no longer be functioned as it should be.[22] Therefore, the research team conducts various forms of field observations, including reviewing the condition of water inundation, landscape changes, and the potential for reusing the affected land.

This identification and inventory stage becomes a highly crucial part in the destroyed land determination process because it is at this stage that empirical verification of the

[22] Syahputra, Rifadh Adit. "Analisis Hukum Dan Implikasi Sosial Terhadap Status Tanah Musnah Dalam Perspektif Perolehan Tanah Di Indonesia." *At-Taklim: Jurnal Pendidikan Multidisiplin 2*, no. 6 (2025): 577-589.

actual land conditions is conducted. In practice, this process frequently reveals discrepancies between the juridical data recorded in land documents and the geographical conditions occurring in the field. Administratively, a land parcel might still be registered as an object of land right in land documents, but factually, the land has undergone physical changes due to seawater inundation and can no longer be utilized.

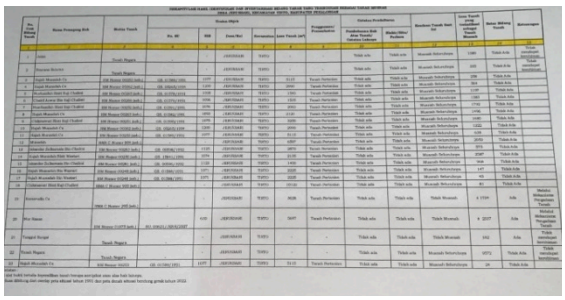
The facts surrounding the implementation of the identification and inventory activities in Jeruksari Village are then administratively documented in the form of a land parcel data recapitulation compiled by the research team. This data recapitulation contains detailed information regarding the land parcels affected by tidal inundation and the respective land right holders. The data compiled in the document does not merely state the number of land parcels researched but also includes various critical elements related to community land ownership, such as the identity of the landowner, the area of the land parcel, the status of the land right, and the physical condition of the land based on field research results.

The compilation of this data recapitulation is part of the inventory stage because it serves as the administrative basis for determining whether a land parcel meets the criteria as destroyed land. Through systematic data documentation, the research team can verify the conformity between the juridical data recorded in the land documents and the physical condition of the land found in the field. Thus, the inventory process not only yields information regarding the condition of the affected area but also serves as the basis for administrative decision-making related to the determination of the destroyed land status.

Documentation in the form of a land parcel data recapitulation also functions as proof of legal validation that the identification and inventory stages have been carried out in accordance with the procedures established in the land regulations. The document demonstrates that the research process on the land parcels was conducted systematically and is administratively accountable. With such documentation, the government possesses a strong foundation to proceed to the subsequent stages in the destroyed land determination process.

The administrative validation evidence of the implementation of the inventory stage can be seen in the land parcel data recapitulation presented in the following image. This data concretely depicts the results of the data collection on community-owned land parcels affected by tidal inundation in Jeruksari Village.

Picture 4. *Data of Identification, Inventory, and Assessment Results in Jeruksari Village*



Source: Document of the Pekalongan Regency Land Office, 2026

The written evidence in the form of the land parcel data recapitulation confirms that the assessment process conducted by the Pekalongan Regency Land Office was carried out comprehensively and systematically. Through this document, the Research Team not only recorded the physical condition of the affected land but also clearly mapped the civil elements attached to each land parcel. These elements include the subject of the right (the identity of the landowner), the object of the right (the area and location of the inundated land parcel), and the basis of the right indicating the legality of land ownership (such as a certificate of ownership rights or other proof of possession). The mapping of these elements demonstrates that in the destroyed land research process, the state consistently considers and documents the existence of the community's civil rights before determining the land status administratively.

This detailed data collection also reflects that the government does not arbitrarily abolish the status of community land rights without a clear verification process. Before a land parcel is declared as destroyed land, the

ownership and legal status of the land in question are first identified. This aims to ensure that the community's civil rights remain legally recognized, even though ultimately the land can no longer be maintained as an object of right because its physical condition has disappeared or cannot be utilized. In other words, this inventory process serves as a crucial stage in bridging the recognition of community ownership rights with the administrative decision regarding the extinguishment of land rights due to natural conditions.

Based on the results of the data collection conducted by the Research Team, it is known that out of a total of 23 land parcels located around the Barrage project area, 15 land parcels in the Jeruksari Village area were identified and validated to strongly indicate being destroyed land. The number of affected residents is 6 people. The determination of this indication was based on direct field observations showing that most of these land parcels had experienced permanent seawater inundation, resulting in the physical form of the land no longer being clearly identifiable and unable to be utilized according to its original function. This condition served as the initial basis for the team to recommend these land parcels as objects that can be further processed in the destroyed land determination mechanism according to the provisions of applicable land regulations.

The application of provisions regarding the determination of destroyed land in Jeruksari Village in practice is inseparable from various obstacles originating from natural conditions and the socio-economic dynamics of the local community. The coastal area of Jeruksari Village, which continuously experiences permanent tidal inundation, causes very significant changes in geographical conditions. This condition makes the process of land identification and verification by the Research Team unable to be carried out as easily as in areas where land conditions remain stable. The implementation of the destroyed land determination procedure is faced not only with administrative issues but also with a force majeure situation in the form of physical environmental changes that drastically alter the shape and existence of the land itself.

The Research Team was faced with quite extreme

geographical terrain when conducting field observations. Based on an interview with Mr. Bambang Aji as the Head of the Rights Determination and Registration Section on March 4, 2025, it is known that field conditions became the primary obstacle in conducting the destroyed land research. He stated that: "The obstacle was during the field observation, because the land was already permanently inundated by tidal floods with a depth of almost 3 meters, so the officers used boats to conduct observations and measurements. The next obstacle was that the land boundaries (pegs) were no longer visible, making it difficult for the officers." This statement indicates that the main obstacle faced by the Research Team originated from the topographical condition of the land, which had undergone extreme changes due to seawater inundation. Land that was previously productive mainland owned by the community had factually been covered by a permanent tidal inundation of significant depth. This water inundation not only covered the land surface but also eliminated various physical markers previously used as land boundaries, such as pegs or other boundary marks.

The loss of these physical land boundaries certainly makes it difficult for officers to visually identify and reconstruct the land parcel boundaries in the field. Under normal conditions, the process of measuring and determining land boundaries can be done by referring to pegs or boundary marks that are still recognizable. However, in the case of Jeruksari Village, most of these boundary marks have been lost due to prolonged seawater inundation. Consequently, the Research Team had to rely on juridical data recorded in land documents and information from the local community to re-estimate the location and area of the affected land parcels.

The severity of the water inundation forced the Research Team to use water transportation in the form of boats to reach locations that were administratively still recorded as mainland areas, such as residential areas or fishponds owned by residents. This condition demonstrates that the implementation of the destroyed land determination procedure in Jeruksari Village is not merely an administrative process but also involves technical challenges due to the ongoing changes in coastal environmental conditions.

The condition of difficulty in identifying and measuring land parcels in Jeruksari Village is essentially not only understood as a technical obstacle in conducting field research but also as empirical evidence regarding the loss of the object of land rights. In the land law system, the existence of a land right is fundamentally always attached to the existence of the land object itself as a physically identifiable parcel. If the object has clearly disappeared, been covered, or permanently altered so that its boundaries and location can no longer be recognized, then the land right attached to that object can no longer be maintained.

Thus, the difficulties experienced by the Research Team in measuring and determining land parcel boundaries actually reinforce the fact that the land has lost its fundamental characteristics as an object of a land right. This condition serves as a crucial factual basis for the government in determining the status of the land as destroyed land through the administrative mechanism regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 3 of 2024. Through this mechanism, the extinguishment of land rights is not done unilaterally but is based on the results of field research indicating that the land has tangibly lost its physical form and can no longer be utilized properly. Therefore, the process of determining destroyed land in the case of Jeruksari Village can be understood as a form of legal adaptation to changes in natural conditions that cause the loss of the object of a land right.

After the assessment and inventory process of the land parcels is completed by the Research Team, the next stage in the destroyed land determination procedure is the compilation of the research results announcement. This announcement is then publicized to the community as a form of transparency in the administrative decision-making process. Based on the provisions in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 3 of 2024, the assessment results must be announced to the public no later than five days after the minutes (risalah) are compiled. Through this announcement, the community is given the opportunity to know the results of

the research conducted by the team and to provide feedback if there are objections or additional information that needs to be conveyed. In this stage, the community is given fourteen days to provide responses to the announcement.

After the announcement period ends, the next procedure is providing the option of a reclamation statement to landowners whose parcels are indicated as destroyed land. In this mechanism, landowners are given the opportunity to state their willingness to physically restore the land condition independently through reclamation. If the landowner chooses to conduct reclamation and successfully restores the land condition according to the specified criteria and within the given time limit, the determination of the destroyed land status can be canceled, and the subsequent process can utilize the land procurement mechanism with compensation provision as regulated in the regulations for land procurement for public interest. However, based on the results of field research, it is known that the landowning community in Jeruksari Village did not submit or make a statement of willingness to reclaim their land.

Therefore, after the fourteen-day deadline passes without any reclamation statement, the destroyed land determination process can proceed with the issuance of the destroyed land determination decree by the land agency. As a legal consequence of this decree, the Land Office then takes administrative action in the form of crossing out and recording the extinguishment of land rights in the land register (buku tanah). This action juridically marks the end of the landowner's civil rights over the land parcel that has been declared destroyed.

The description of the stages of determining destroyed land in Jeruksari Village shows that, procedurally, the policy has been implemented through various stages regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 3 of 2024, starting from the formation of the Research Team, the implementation of land parcel identification and inventory, the compilation of research minutes, the announcement to the community, up to the issuance of the destroyed land determination decree. Although normatively these procedures are systematically

regulated in the laws and regulations, their implementation in the field does not always proceed simply. In practice, the implementation of this policy is faced with various factors influencing the course of the policy process, whether originating from the physical environmental conditions of the region, the capacity of the implementing apparatus, or the response of the affected community.

Based on the policy implementation theory proposed by George C. Edwards III, the successful implementation of a policy is heavily influenced by several interrelated factors. These factors include policy communication, resource availability, disposition or attitude of the implementers, and the bureaucratic structure governing the mechanism of policy implementation. These four factors serve as crucial indicators in assessing the extent to which a policy can be effectively executed at the implementation level.[23]

First, from the communication aspect, the implementation of the destroyed land determination policy in Jeruksari Village shows that the government, through the Pekalongan Regency Land Office, has made efforts to convey information to the community regarding the Barrage construction plan and its impact on the land conditions around the area. Information dissemination is also conducted through the announcement of the destroyed land research results to the community as regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 3 of 2024. Through this mechanism, the community is given the opportunity to know the results of the research team's assessment and to provide feedback within a certain period. However, research findings indicate that a portion of the community still does not fully understand the procedure for determining destroyed land, including the land reclamation option. This shows that policy communication has been carried out, but the community's level of understanding regarding the policy remains uneven.

Second, from the resource aspect, the implementation of

[23] Setyawan, Dody, Agus Priantono, and Firman Firdausi. "George Edward III Model." *Publicio: Jurnal Ilmiah Politik, Kebijakan Dan Sosial 3*, no. 2 (2021): 9-19.

the destroyed land determination policy in Jeruksari Village is supported by the involvement of various agencies incorporated in the Research Team. The involvement of these cross-sectoral elements indicates the availability of organizational resource support necessary to conduct comprehensive destroyed land research. Additionally, the land apparatus also conducts direct field observations to identify the condition of land affected by tidal floods. However, in practice, the team faces technical limitations due to the geographical condition of the area, which has been permanently inundated by seawater to a certain depth. This condition even forces the team to use boats when conducting observations and measurements in locations that were previously mainland. This indicates that although institutional resources are available, the implementation of the policy still faces challenges due to quite extreme environmental conditions.

Third, from the aspect of disposition or attitude of policy implementers, the policy implementation in Jeruksari Village shows a commitment from the land apparatus to execute the procedure for determining destroyed land in accordance with the applicable provisions. The apparatus continues to carry out all stages specified in the regulation, starting from the formation of the research team, conducting land identification and inventory, compiling research minutes, to announcing the research results to the community. Even when the community does not submit a reclamation statement within the specified timeframe, the apparatus continues the process according to the applicable administrative procedures. This demonstrates that the policy implementers possess a supportive attitude towards the policy implementation and strive to perform their duties consistently in accordance with the established provisions.

Fourth, from the aspect of bureaucratic structure, the implementation of the destroyed land determination policy in Jeruksari Village shows a clear and systematic procedural flow. The destroyed land determination process is carried out through stages detailed in the regulation, starting from the field research process, compiling the research results minutes, announcing to the community, providing the

reclamation option, up to the issuance of the destroyed land determination decree. This organized bureaucratic structure provides procedural certainty in policy implementation so that each stage can be executed progressively and measurably. Thus, from the perspective of bureaucratic structure, the implementation of the destroyed land determination policy in Jeruksari Village can be said to have followed the mechanisms regulated within the land administration system..

C. The Provision of Compassionate Funds as a Form of Legal Protection

The determination of destroyed land not only incurs administrative consequences in the form of the extinguishment of land rights but also generates social and economic impacts for the community who previously held rights over the land. Under certain conditions, the loss of the land object due to changes in natural conditions causes the landowner to no longer be able to maintain their rights because the land no longer fulfills the elements as an object of land rights. Therefore, the government provides a policy in the form of providing compassionate funds to the affected community as a response to the losses experienced by the landowners.[24]

In the Indonesian land law system, land that has been legally declared destroyed can no longer be maintained as an object of land rights. Provisions regarding the determination of destroyed land are regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 3 of 2024, which states that if a land parcel has physically disappeared or cannot be utilized due to natural events, the land right can be extinguished through an administrative decision by the government. The consequence of this rights extinguishment is that the landowner no longer has a legal basis to maintain ownership over the land in

[24] Wibawa, Satriya Parama Putra, Priyo Katon Prasetyo, and Sudibyanung Sudibyanung. "Kelayakan Nilai Ganti Kerugian Tanah Musnah Sebagai Penanganan Dampak Sosial Pada Pengadaan Tanah." *Widya Bhumi 3, no. 2* (2023): 152-172.

question.[25]

Nevertheless, in practice, the government still considers the aspect of legal protection for the community affected by this policy. One form of protection provided is through the provision of compassionate funds to the community losing their land.[26] This policy is not intended as full compensation as in the general land procurement mechanism, but rather as a form of assistance or compensation provided by the government to the community affected by changes in regional conditions due to development or natural disasters. Thus, the provision of compassionate funds can be said to be a form of policy aimed at providing legal protection as well as social attention to the community losing their land rights.[27]

To gain a more in-depth understanding of the implementation of this policy, the discussion in this section will examine the mechanism for determining and providing compassionate funds to the affected community in Jeruksari Village, the community's perception of the policy, and an analysis of the legal protection aspects, which encompass legal certainty, justice, and the utility of the policy implemented by the government.

1. *The Mechanism for Determining the Value and Providing Compassionate Funds*

The provision of compassionate funds to the affected community is one form of government policy in responding to the loss of land rights that have been designated as

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[25] Habib Ferian Fajar, Muhammad Fatih, and Ihsanul Ilmi, "Implikasi Hukum Pengaturan Kompensasi Tanah Abrasi Dalam Pengadaan Tanah Yang Berkeadilan Di Indonesia," *Andalas Notary Journal XX No. X, no. X* (2023): 1–20.

[26] Adam, Christopher Kendrick, Joe Arifiando Walpa, and Vina Octavia. "Pertanggungjawaban Pemerintah Republik Indonesia Terhadap Hilangnya Hak Atas Tanah Milik Warga Masyarakat Yang Terkena Abrasi di Wilayah Kabupaten Brebes Jawa Tengah." *Cepalo 4, no. 2* (2020): 129-142.

[27] Anggita, Cornelia Sekar, Ana Silviana, and Mira Novana Ardani. "Pemberian Ganti Kerugian Terhadap Warga Terdampak Pengadaan Tanah Untuk Pembangunan Jalan Tol Karena Tanahnya Musnah." *Diponegoro Law Journal 14,* no. 3 (2025)

destroyed land. This policy emerged because land that has been legally declared destroyed no longer fulfills the elements of a land right object, so the landowner cannot obtain compensation as in the general land procurement mechanism. Provisions regarding the determination of destroyed land are regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 3 of 2024 concerning the Amendment to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 17 of 2021 on Procedures for Determining Destroyed Land, which states that if a land parcel has physically disappeared or cannot be utilized due to natural events, the land right can be extinguished through an administrative government decision.[28]

The policy of providing compassionate funds to communities whose land is identified as destroyed land is regulated in the Presidential Regulation of the Republic of Indonesia Number 27 of 2023 concerning the Amendment to Presidential Regulation Number 52 of 2022 concerning the Handling of Community Social Impacts on Land Identified as Destroyed Land in the Context of Development for Public Interest. This regulation essentially stipulates that the government may provide a form of assistance or compassionate funds to communities who lose their land due to the determination of destroyed land in public interest development projects. This policy aims to provide handling for the social impacts arising from the loss of community land rights.[29]

Article 13 of Presidential Regulation Number 27 of 2023 affirms that the calculation of compassionate fund assistance is carried out by an appraiser or public appraiser

[28] Wibawa, Satriya Parama Putra. "Kajian Kelayakan Nilai Dana Kerohiman Sebagai Penanganan Dampak Sosial Tanah Musnah Pada Pengadaan Tanah Untuk Pembangunan Jalan Tol Semarang–Demak." *PhD diss., Sekolah Tinggi Pertanahan Nasional*, 2024.

[29] Fajar, Habib Ferian, and Muhammad Fatih Ihsanul Ilmi. "Implikasi Hukum Pengaturan Kompensasi Tanah Abrasi dalam Pengadaan Tanah yang Berkeadilan di Indonesia." *Andalas Notary Journal 1, no. 1* (2024): 49-64.

who has the competence to conduct an independent valuation. This valuation is conducted based on the Indonesian Valuation Standards, ensuring that the amount of compassionate funds provided to the community is not determined unilaterally by the government, but rather through a professional valuation process that considers the condition and characteristics of the affected land. Furthermore, the calculation results produced by the appraiser or public appraiser are final and binding, thus serving as the basis for the government in determining the amount of compassionate funds to be provided to the community.

Based on the results of an interview with Mr. Bambang Aji as the Head of the Rights Determination and Registration Section on March 4, 2026, it is known that the value of the compassionate funds provided to the community was set at IDR 29,500 per square meter. The figure of IDR 29,500 per square meter can be understood as the result of an administrative valuation process that considers the physical condition of the land, which has undergone permanent changes due to tidal inundation. The determination of this value is based on the consideration that the land in question has been permanently submerged by tidal floodwaters reaching a depth of 3 meters, thereby no longer possessing economic value as it previously did. Land that previously held economic value has, in reality, lost this function due to continuous seawater inundation and can no longer be utilized. Therefore, the government no longer utilizes a land market value approach, but rather determines the amount of compassionate funds based on the consideration that the land has factually lost its economic value.

Unlike the general land procurement mechanism, which provides compensation based on an independent assessment by an appraisal team as stipulated in Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, the provision of compassionate funds is not based on the land's market value.[30] Compassionate funds are essentially a form of

[30] Berliani, Annisa, and Sudi Fahmi. "Pemberian Ganti Kerugian Atas Pembebasan Tanah Untuk Kepentingan Umum Di Indonesia Dalam

assistance or compensation provided by the government as an expression of care for the affected community, not as a full replacement of the land's value. The mechanism for providing compassionate funds is carried out following an agreement between the government and the affected community.[31]

2. *Perceptions and Policy Impacts at the Community Level (Jeruksari Village*

Based on the results of an interview with Mrs. Nurhanifah, one of the affected residents, it is known that some residents hold different views regarding the policy of providing compassionate funds. Many affected residents consider that the value of IDR 29,500 per square meter does not yet reflect a sense of justice because the land they owned was previously productive land used for agricultural purposes such as fishponds and mangrove forest tourism, and was considered to hold quite high economic value for the community. For years, this land had been the main source of livelihood for the coastal community, so when the land was declared destroyed and replaced with a relatively small compassionate fund, some residents felt that the policy had not fulfilled the sense of justice for the affected community.

In responding to this situation, the village government attempted to take mediation steps by facilitating communication between the community, the Land Office, and relevant agencies. The village government acts as an intermediary, explaining the basis of the compassionate fund provision policy and the underlying regulations to the community. This effort is undertaken to mitigate the potential for larger conflicts and to maintain social stability within the community directly affected by the policy.

During the deliberation process, the community initially

Perspektif Keadilan." *Collegium Studiosum Journal 7, no. 1* (2024): 253-271.

[31] Widiyoko, Setiawan. "Rekontruksi Hukum Pemberian Besaran Ganti Kerugian (Ganti Keuntungan) Pembebasan Tanah Untuk Kepentingan Umum Berbasis Nilai Keadilan." *PhD diss., Universitas Islam Sultan Agung (Indonesia),* 2023.

proposed a much higher compensation value, around IDR 400,000 per square meter, which then decreased to IDR 60,000 per square meter. However, in the end, the appraisal team set the value of the compassionate funds at IDR 29,500 per square meter. This considerable difference between the community's demands and the value set by the government indicates a perception gap between the government and the community in assessing the losses arising from the determination of destroyed land.

When linked to the applicable legal framework, the provision of these compassionate funds is essentially a government policy in the context of handling community social impacts as regulated in the Presidential Regulation of the Republic of Indonesia Number 27 of 2023 concerning the amendment to Presidential Regulation Number 52 of 2022 concerning the Handling of Community Social Impacts on Land Identified as Destroyed Land in the Context of Development for Public Interest.[32] This regulation explains that compassionate funds are provided as a form of assistance to the affected community and not as a full replacement of the land's value as in the land procurement mechanism. Nevertheless, in practice, the policy still generates debate at the community level because the amount of funds received is deemed incapable of replacing the economic value of the lost land.

This condition indicates that the implementation of the compassionate fund provision policy relates not only to normative aspects within the laws and regulations but also to the community's perception of the sense of justice and utility of the policy. The rejection that emerged from some residents of Jeruksari Village is an indication that the policy still faces challenges in terms of social acceptance, thus requiring a better communication approach and community participation in the policy implementation process.

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[32] Wiranto, Dwi Ari. "Tinjauan Yuridis Ganti Rugi Terhadap Tanah Musnah Dalam Pengadaan Tanah Terhadap Kepentingan Umum (Studi Kasus Ganti Rugi Tanah Dalam Proyek Jalan Tol Semarang-Demak)." *PhD diss., Universitas Islam Sultan Agung Semarang*, 2025.

Table 3. *Factors of Soerjono Soekanto's Legal Effectiveness Theory*

Effectiveness Factors	Conditions in Jeruksari Village	Impact on Effectiveness
Legal Factor (Substance)	Clear legal basis (Presidential Regulation No. 27 of 2023), but does not regulate detailed value standards.	Gives rise to perception differences regarding the fairness of the value.
Apparatus Factor	The Land Office and Village Government actively conduct mediation and socialization.	Supports administrative implementation but has not resolved the value conflict.
Facilities Factor	Administrative support is available (data collection, verification, distribution mechanism).	The process runs in an orderly bureaucratic manner.
Community Factor	The existence of rejection and demands for a higher value from the residents.	The level of social acceptance of the policy is low.
Legal Culture Factor	Land holds social, historical, and identity values (ancestral heritage), not merely an economic asset.	The policy is deemed insufficiently sensitive to the non-economic value of land for coastal residents.

Source: Researcher's Analysis, 2026

The legal effectiveness theory by Soerjono Soekanto can be used to examine the dynamics of social conflict related to the distribution of compassionate funds for affected residents in Jeruksari Village. This theory emphasizes that the successful implementation of a legal product is not limited merely to its formal regulatory form, but

heavily depends on various other factors that ensure the policy can be applied effectively in the field. According to Soerjono Soekanto, legal effectiveness is influenced by several factors, including the legal factor itself, the law enforcement apparatus factor, the facilities and infrastructure factor, the community factor, and the cultural factor.

The first factor is the legal factor (legal substance). The policy of providing compassionate funds has a clear legal basis in the Presidential Regulation of the Republic of Indonesia Number 27 of 2023 concerning the amendment to Presidential Regulation Number 52 of 2022. This regulation provides the basis for the government to provide compassionate funds to communities whose land is identified as destroyed land. From the perspective of legal substance, the policy already possesses strong normative legitimacy. Nevertheless, the regulation does not detail the standard amount of compassionate funds, so in practice, the determined value can give rise to perception differences regarding justice at the community level.

Second, the law enforcement factor. In its implementation in Jeruksari Village, this policy involves several actors, such as the Pekalongan Regency Land Office and the village government. The village government plays a role in conveying information and facilitating communication between the community and relevant agencies. The mediation efforts undertaken by the village government demonstrate the active role of the apparatus in maintaining social stability and reducing potential conflicts arising from the community's rejection of the compassionate fund amount.

Third, the facilities or infrastructure factor. The implementation of this social impact handling policy requires adequate administrative and institutional support, such as the process of land parcel data collection, ownership verification, and the mechanism for distributing compassionate funds to the community. The existence of these facilities becomes a crucial factor in ensuring that the policy can be implemented in an orderly and transparent manner.

The fourth factor is the community factor. The difference in perception between the government and the community regarding the value of the compassionate funds

indicates that the implementation of this policy has not fully met the expectations of the affected community. Although formally the policy can be implemented and the community ultimately receives the determined compassionate funds, the existence of rejection and demands from the residents shows that the community's acceptance level of the policy remains relatively low.

The fifth factor is the legal culture factor. For coastal communities like Jeruksari Village, land is not viewed merely as an economic asset but also holds social and historical value related to the community's identity and livelihood. Therefore, when the land is declared destroyed and replaced with a compassionate fund of relatively small value, some of the community feels that the policy does not fully reflect a sense of justice. This condition indicates that the community's legal culture also influences how the policy is perceived and accepted by the residents.

Thus, it can be concluded that from the perspective of legal effectiveness, the policy of providing compassionate funds in Jeruksari Village has been executed administratively, but is not yet fully effective in fulfilling the sense of justice felt by the affected community.

3. Analysis of Legal Protection

Table 4. *Analysis of Legal Protection for the Affected Community*

Legal Protection Aspect	Findings Analysis	Conclusion
Legal Certainty	The land status has been clearly designated as "Destroyed Land" through an administrative decision in accordance with the ATR/BPN Ministerial Regulation No. 3 of 2024.	Fulfilled (Administratively)
Legal Justice	Commutative Justice: The value of IDR	Not Yet Fulfilled (According to

	29,500/m² is not proportional to the asset loss. Distributive Justice: The assistance is not yet proportional to the residents' economic recovery needs.	Community Perception)
Utility	The funds received are insufficient to purchase new land or restart previous economic activities.	Limited (Has not provided maximum welfare)

Source: Researcher's Analysis, 2026

Legal protection is one of the primary objectives of the existence of law in society. The legal protection theory according to Gustav Radbruch is strongly rooted in his idea regarding the Purpose of Law. According to Radbruch, the law can only be said to provide true and complete protection if the instrument is capable of accommodating three basic values proportionally, namely legal certainty, justice, and utility. Legal protection relates not only to the certainty of rules but also concerns justice and utility for the community acting as legal subjects.

Legal protection for the community in Jeruksari Village is manifested through the policy of providing compassionate funds to the affected landowners. Land that has been legally declared destroyed no longer possesses a physical object, hence the land right is extinguished. The government provides compassionate funds as a form of care for the community who lost their land.

When analyzed from the perspective of legal protection, the policy of determining destroyed land and providing compassionate funds can be reviewed through three main aspects, namely legal certainty, legal justice, and utility. First, from the aspect of legal certainty, the determination of the destroyed land status provides clarity regarding the legal status of land that has been lost due to seawater inundation.

With the existence of an administrative decision designating the land as destroyed land, the land rights previously owned by the community are legally declared extinguished. This clarity of legal status aims to prevent future disputes and provides a legal basis for the government in implementing policies for handling areas affected by tidal floods.

Second, from the aspect of justice, Gustav Radbruch directly adopts and relies on the classical concept of justice from the philosopher Aristotle, namely distributive justice and commutative justice. Commutative justice is a form of justice that emphasizes equality or balance between the losses experienced and the compensation provided. Every party experiencing a loss has the right to obtain a replacement that is proportionate to the value of the loss. Meanwhile, distributive justice relates to the distribution of rights or resources by the state to the community proportionally based on the conditions and needs experienced by each party.[33]

Table 5. *Comparison of Compassionate Fund Values*

Party	Proposed Value (m²)	Reason / Basis of Valuation
Community (Initial)	IDR 400,000	Land is considered productive land (fishponds, mangrove tourism) and the main source of livelihood.
Community (Negotiated)	IDR 60,000	The result of lowered demands after the deliberation process.
Government (Final)	IDR 29,500	Based on an independent valuation (Public Appraiser), the land is considered to have lost its economic value due to permanent tidal inundation (3 meters depth).

[33] Pertiwi, Tusi Wirahayu. "Rekonstruksi Regulasi Pengelolaan Tanah Terlantar Oleh Negara Berbasis Nilai Keadilan." *PhD diss., Universitas Islam Sultan Agung*, 2025.

Status	Rejected by Some Residents	Deemed not to fulfill the principles of commutative justice and economic utility.

Source: Interview Results, 2026

Based on the principle of commutative justice, the nominal amount of compassionate funds paid should represent the real price of the relinquished land. However, based on the results of interviews with the community, the value of IDR 29,500 per square meter is considered not proportional to the economic value of the land, which was previously used as productive milkfish ponds. Even in the prior deliberation process, the community had proposed a compensation claim value of IDR 400,000 per square meter, which later decreased to IDR 60,000 per square meter. This condition indicates that from the perspective of commutative justice, the policy still generates debate among the affected community.

Based on the principle of distributive justice, government policy needs to consider the proportion of losses experienced by the community more equitably. In this regard, the government attempts to provide compassionate funds as a form of assistance to the community who lost their land. However, the amount of this assistance is still deemed not entirely capable of accommodating the economic losses experienced by the community.

Third, from the aspect of utility (kemanfaatan). According to Gustav Radbruch, legal protection must not merely pursue rigid certainty or an abstract sense of justice; rather, it must provide a positive impact on the welfare of community life. In the implementation of determining destroyed land and distributing compassionate funds in Jeruksari Village, this utility aspect must be dissected through two colliding dimensions, namely public utility (macro) and affected individual utility (micro).

Macroscopically, accelerating the administrative process of determining destroyed land provides certainty to smooth out the pre-construction phase of the Barrage infrastructure development. This strategic project is clearly designed to bring essential utility to the wider coastal community of

Pekalongan Regency, specifically functioning as an instrument to hold back seawater intrusion to tackle the permanent tidal flood disasters that have been paralyzing local economic activities.

However, when viewed microscopically from the perspective of the affected community, the instrument of providing compassionate funds as a manifestation of legal protection is proven not to have provided effective utility. Legal utility for residents who lose their land rights should ideally manifest in the form of a guaranteed capability to restore their socio-economic conditions. In reality, setting the compassionate fund value at IDR 29,500 per square meter is unable to provide economic utility for the community who have lost their livelihoods.

The land designated as destroyed land was historically productive land holding high economic value for the residents. The nominal compensation received is highly limited and is deemed insufficient for the community to use for purchasing replacement land in another location or to serve as business capital to restart new economic activities. Thus, legal protection in this aspect of utility is considered not optimally achieved, as the compensation formulation provided is not yet oriented towards the sustainability of life and the restoration of the welfare of former rights holders who have lost their living space.

D. Conclusion

Based on the research results, the implementation of the destroyed land status determination in Jeruksari Village has essentially been carried out in accordance with the provisions stipulated in the ATR/BPN Ministerial Regulation Number 3 of 2024 concerning the procedures for determining destroyed land. The process includes the formation of a research team, the execution of land parcel identification and inventory, the assessment of the physical condition of the land in the field, up to the issuance of the destroyed land determination decree by the Land Office. The implementation of this policy also faced various challenges in the field, especially related to the geographical condition of Jeruksari Village, which

experiences permanent tidal inundation, thereby complicating the process of identifying land boundaries and measuring land parcels. Nevertheless, administratively, the procedures carried out by the Pekalongan Regency Land Office have run in accordance with the mechanisms stipulated in the laws and regulations.

Meanwhile, the effectiveness of providing compassionate funds to the affected community still faces various obstacles, particularly from the aspect of community acceptance of the policy. Based on the results of interviews with the residents of Jeruksari Village, a portion of the community expressed rejection of the compassionate fund amount of IDR 29,500 per square meter because it is deemed not to reflect the economic value of the land, which was previously used as agricultural land (milkfish ponds) and a source of livelihood. Although the policy of providing compassionate funds already has a legal basis in the Presidential Regulation of the Republic of Indonesia Number 27 of 2023, in practice, the policy has not been entirely able to fulfill the perception of justice and utility for the affected community. Therefore, a more participatory policy approach that considers the socio-economic conditions of the community is required so that the handling of social impacts resulting from the determination of destroyed land can provide more optimal legal protection for the community.

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