

Land Acquisition Regarding Agency Land: Construction Of The Bawen- Jogja Toll Road On SMKN 1 Bawen Agricultural Land

Pengadaan Tanah Yang Mengenai Tanah Instansi: Pembangunan Tol Bawen-Jogja Terhadap Lahan Pertanian SMKN 1 Bawen

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Abstract

The construction of the Bawen-Jogja Toll Road has caused problems in the acquisition of agricultural land of SMK Negeri 1 Bawen covering an area of 1,752 m², which is constrained by land ownership status. The complicated administrative process slows down the settlement of compensation. The purpose of this article is to analyze the land acquisition process and its compliance with Law Number 2 of 2012 Regarding Land Acquisition for Public Interest. The research method uses a normative legal approach with analysis of laws and regulations, interviews, and document studies. The results of the study



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show weaknesses in transparency and stakeholder involvement in the land acquisition process. Problematic land ownership status hinders compensation negotiations. In conclusion, the land acquisition process is not optimal and requires system improvements to ensure legal compliance, efficiency, and fairness. Improvements in procedures and transparency are urgently needed to prevent similar obstacles in future infrastructure projects.

KEYWORDS: *land acquisition, agency land, toll road, 1st Bawen State Vocational School, legal certainty*

Pembangunan Jalan Tol Bawen-Jogja menimbulkan permasalahan dalam pembebasan lahan pertanian SMK Negeri 1 Bawen seluas 1.752 m² yang terkendala status kepemilikan tanah. Proses administrasi yang rumit menyebabkan penyelesaian ganti rugi menjadi lambat. Tujuan dari artikel ini adalah menganalisis proses pembebasan lahan dan kepatuhannya terhadap Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah untuk Kepentingan Umum. Metode penelitian menggunakan pendekatan hukum normatif dengan analisis peraturan perundang-undangan, wawancara, dan studi dokumen. Hasil penelitian menunjukkan adanya kelemahan dalam transparansi dan pelibatan pemangku kepentingan dalam proses pembebasan lahan. Status kepemilikan tanah yang bermasalah menghambat negosiasi ganti rugi. Kesimpulannya, proses pembebasan lahan belum optimal dan memerlukan perbaikan sistem untuk menjamin kepatuhan hukum, efisiensi, dan keadilan. Perbaikan prosedur dan transparansi sangat dibutuhkan untuk mencegah kendala serupa dalam proyek infrastruktur di masa mendatang.

KATA KUNCI: *pengadaan tanah, tanah instansi, jalan tol, SMK Negeri 1 Bawen, kepastian hukum*

Introduction

The development of transportation infrastructure is a fundamental pillar in driving economic growth and increasing

connectivity between regions in Indonesia.¹ Toll roads, as the backbone of the modern transportation system, play a strategic role in accelerating the distribution of goods and services, increasing logistics efficiency, and supporting economic productivity at the regional level. One of the national strategic projects currently being developed is the Bawen-Jogja Toll Road, which is expected to be a catalyst in accelerating development and integration of the Central Java region with the Special Region of Yogyakarta. However, large-scale infrastructure development like this often faces complex challenges, especially at the land acquisition stage. Land acquisition is a crucial process that often gives rise to protracted social and legal conflicts. Differences in interests and perceptions between the community or landowners and the project implementing agencies often trigger disputes, which ultimately hinder the smooth running of development. Therefore, a fair, transparent, and effective legal protection system is needed, both for landowners and for development implementing agencies.²

The Bawen-Jogja Toll Road project is not free from this complexity. One prominent case is the land acquisition involving agricultural land owned by SMK Negeri 1 Bawen covering an area of 1,752 m². The problem became complicated because the land ownership status in the certificate was still recorded in the name of the Jakarta Department of Education, not in the name of the Central Java Provincial Education Office as the current legal owner. This resulted in the need for a name change process through the Central Java Provincial Financial and Asset Management Agency (BPKAD), which automatically extended the administrative procedures and slowed down the resolution of the case. This process created legal uncertainty and potential losses for SMK Negeri 1 Bawen.

This land acquisition should be subject to the provisions

¹ Musari, K. (2022). *Ekonomi Syariah Menuju Arus Utama Perekonomian Nasional*. Jakad Media Publishing.

² Fengky Kotalewala, A. I. (2020). *Penyelesaian Sengketa Dalam Pengadaan Tanah bagi Pembangunan Jalan Untuk Kepentingan Umum*. SASI.

of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest, which was then strengthened by Government Regulation Number 19 of 2021 as the implementing regulation.³ This law stipulates that land acquisition must be carried out fairly, humanely, transparently and respecting the rights of land owners.⁴ In addition, a deliberation process regarding the form and amount of compensation must be carried out between the agency requiring the land and the land owner or user, as regulated in Article 36 of Law No. 2 of 2012 and Article 74 of PP No. 19 of 2021.⁵ On the other hand, land ownership by government agencies is also subject to applicable land regulations, where land is usually controlled through use rights or management rights.⁶ Administrative issues regarding ownership if not resolved thoroughly will hamper the compensation process as stipulated in the regulation. The 1945 Constitution of the Republic of Indonesia, especially Article 33 paragraph (3), which states that the earth, water, and natural resources are controlled by the state and used for the greatest prosperity of the people. Presidential Regulation Number 62 of 2018 concerning Handling of Social Impacts on the Community in the Framework of Land Provision for National Strategic Projects.

Although socialization and technical studies had been conducted prior to project implementation, the administrative stages of land acquisition had not been fully completed when construction began. This indicates weak coordination and synchronization between related agencies. The land acquisition process, coordinated by the Central Java BPKAD together with the National Land Agency (BPN)/ATR, involves long and

³ Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum

⁴ Dede Yusuf, S. A. (2019). Asas Kepentingan Umum Dalam Pengadaan Tanah Untuk Kepentingan Negara. *Logika: Journal of Multidisciplinary Studies*.

⁵ Peraturan Pemerintah Nomor 19 Tahun 2021 tentang Penyelenggaraan Pengadaan Tanah Bagi Pembangunan untuk Kepentingan Umum Peraturan

⁶ Edi Rohaedi, I. H. (2019). Mekanisme Pengadaan Tanah Untuk Kepentingan Umum. *PALAR: Pakuan Law Review*.

complicated stages—starting from appraisal assessments that often give rise to differences of opinion, installation of land markers that trigger objections from land owners, to intensive negotiations regarding compensation. Negotiations on compensation are still ongoing, and compensation disbursement can only be carried out after all administrative processes are completed.⁷ The ambiguity regarding the time and mechanism of payment has caused anxiety and uncertainty for the school. In fact, the SMK's desire for relocation as an alternative solution has not received an adequate response.⁸

To analyze this problem comprehensively, a normative legal approach is used with reference to Atma Jayadarma Sasmita's Integrative Legal Theory.⁹ This theory emphasizes that law cannot be viewed solely as a written norm, but must also reflect the social and cultural realities of society. In an integrative approach, law is seen as a system that functions to integrate social, economic, political, and cultural values simultaneously in resolving conflicts and achieving justice. Thus, land acquisition is not only a legal-formal issue, but must consider the interests of all parties fairly.¹⁰

Based on the description, this study formulates two main problems: (1) How is the land acquisition process for the construction of the Bawen-Jogja Toll Road concerning the agricultural land of SMK Negeri 1 Bawen? and (2) How is the legal analysis of the implementation of the land acquisition based on Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest?

This study is important as an effort to descriptively analyze the land acquisition process in the Bawen-Jogja Toll Road project involving land owned by SMK Negeri 1 Bawen, as well as conducting a legal analysis of its compliance with applicable laws and regulations. This study is expected to reveal procedural weaknesses in land acquisition, provide

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Mukau, R. A. (2017). *Mekanisme Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Sesuai Undang-Undang Nomor 2 Tahun 2012 (Studi Kasus Jalan Tol Manado Bitung)*. Lex Administration.

concrete recommendations for improvement, and contribute to the formulation of fairer, more transparent, and more efficient land acquisition policies.¹¹ In addition, the results of this study can be used as a reference for the implementation of similar infrastructure projects in the future, so that development can proceed without sacrificing community rights.¹²

Method

The research method used is normative juridical with a statutory and conceptual approach, focusing on the analysis of laws and regulations, court decisions, and relevant legal literature. Furthermore, the data is analyzed descriptively qualitatively by interpreting and explaining the contents of the law systematically to provide a comprehensive picture of the land acquisition process and its legal aspects.¹³

This case study focuses on land acquisition for the construction of the Bawen-Jogja Toll Road which has an impact on agricultural land owned by SMK Negeri 1 Bawen covering an area of 1,752 m². The data collection techniques in this study used the first, a comprehensive literature study including scientific journals, laws and regulations, and court decisions related to land acquisition and infrastructure development. Second, semi-structured interviews were conducted with SMK Negeri 1 Bawen to obtain a direct perspective on the land acquisition process. Third, analysis of official documents such as land certificates, recommendation letters, and agreement documents were used to verify the information obtained from the literature study and interviews, as well as to obtain written evidence that supports the analysis.

¹¹ Tenong, S. (2021). Tinjauan Yuridis Penyelenggaraan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Berdasarkan Peraturan Pemerintah Nomor 19 Tahun 2021. *Jurnal Yustisiabel*.

¹² Yusrizal, M. (2017). Perlindungan Hukum Pemegang Hak Atas Tanah Dalam Pengadaan Tanah Untuk Kepentingan Umum. *De Lega Lata Jurnal Ilmu Hukum*.

¹³ Tsaniyah Anzani, T. TUGAS METOPEN. SCM.

Result & Discussion

A. General Description of The Bawen-Jogja Toll Road Project

The construction of the 75.12 km Bawen-Jogja Toll Road is a national strategic infrastructure project that aims to improve connectivity between regions in Central Java and the Special Region of Yogyakarta. This discussion will outline the objectives and benefits of the project, the route plan, and the potential socio-economic impacts that will arise.¹⁴

The main objective of the Bawen-Jogja Toll Road development is to improve connectivity and accessibility between regions, especially between Yogyakarta, Semarang, and Solo (Joglosemar). With improved connectivity, it is expected that there will be increased investment, economic growth, and improved community welfare along the toll road corridor. The benefits of this project can be detailed as follows:

1. Increased Transportation Efficiency: This toll road will cut travel time between Semarang-Yogyakarta from 3 hours to 1.5 hours. This reduction in travel time has a positive impact on logistics efficiency, goods delivery, and population mobility.¹⁵
2. Reducing Congestion: The construction of toll roads will reduce congestion, especially on the Semarang-Yogyakarta route.
3. Support for the Tourism Sector: This toll road will improve tourism accessibility in the Joglosemar area, encouraging tourist visits and the local economy.
4. Regional Economic Integration: The toll road will

¹⁴<https://kpbu.kemenkeu.go.id/berita/read/1636/perkembangan-proyek-jalan-tol-yogyakarta-bawen>

¹⁵<https://jogjapolitan.harianjogja.com/read/2023/03/30/510/1130738/jogja-semarang-hanya-15-jam-konstruksi-tol-jogja-bawen-seksi-i-sudah-3130-persen>

strengthen regional economic integration in Joglosemar. Increased connectivity will facilitate the movement of goods, services, and labor between regions, thus encouraging more equitable and sustainable economic growth.

5. Increase in Land Value: The construction of toll roads is often accompanied by an increase in the value of land around the toll road. This can provide economic benefits to landowners affected by the construction, as long as the land acquisition process is carried out fairly and transparently.

Route Plan and Development Stages: The 75.12 km Bawen-Jogja Toll Road is divided into 6 sections, namely:

- 1) Section 1 Yogyakarta – Banyurejo (8.8 km)
- 2) Section 2 Banyurejo – Borobudur (15.2 km)
- 3) Section 3 Borobudur – Magelang (8.1 km)
- 4) Section 4 Magelang – Temanggung (16.6 km)
- 5) Section 5 Temanggung – Ambarawa (21.2 km)
- 6) Section 6 Ambarawa – Bawen (5.12 km)¹⁶

There are 6 toll gates that will be built along the toll road.

The construction of this toll road involves various stages, starting from planning, land acquisition, construction, to operation.¹⁷ The construction of the Yogyakarta-Bawen Toll Road will have complex socio-economic impacts. Positive impacts include increasing the regional economy, creating jobs, and improving the quality of life of the community. However, there are also potential negative impacts that need to be anticipated and managed properly, including:

1. Eviction and Relocation: The construction of toll roads can cause eviction and relocation of houses and other buildings in the project path. This needs to be handled fairly and transparently, by providing adequate

¹⁶<https://kpbu.kemenkeu.go.id/berita/read/1636/perkembangan-proyek-jalan-tol-yogyakarta-bawen>

¹⁷<https://kpbu.kemenkeu.go.id/berita/read/1636/perkembangan-proyek-jalan-tol-yogyakarta-bawen>

compensation and ensuring the relocation of residents to habitable locations.¹⁸

2. Environmental Damage
3. Temporary Congestion: The toll road construction process can cause temporary congestion around the project location.

1. Description of Affected Land

The land owned by SMK Negeri 1 Bawen that is affected by the Bawen-Jogja Toll Road project consists of two parts, first Agricultural Land: This 1748 m² land is agricultural land used to plant oranges. This agricultural land is used for practice by the Plantation Crop Agribusiness Department (ATP). Based on the information that has been obtained, this land is not being used optimally by SMK Negeri 1 Bawen. Second, School Corner Land: A 4 m² land located in the corner of SMK Negeri 1 Bawen is also affected by the project. Based on the information, the land is empty or unused. The legal status of the land of SMK Negeri 1 Bawen is Right of Use. This means that SMK Negeri 1 Bawen has the right to use the land for a certain period of time, in accordance with the provisions stated in the land certificate.

The land certificate of SMK Negeri 1 Bawen should be in the name of the Central Java Provincial Education Office. However, until the project started, the land certificate was still registered in the name of the Jakarta Department of Education. This indicates that there are administrative problems that need to be resolved before the land acquisition process can be carried out legally and legitimately. The process of changing the name of the land certificate is crucial and takes time, thus creating complexity in the land acquisition process. The role of the Central Java Province BPKAD in resolving these administrative problems is very important.

The attitude of the community around SMK Negeri 1 Bawen towards the ongoing Bawen-Jogja toll road project which has an impact on the school's agricultural land is relatively neutral. This is because the decision to procure land

¹⁸ Aina, D. S. (2025). *Pelindungan Lahan Pertanian: Studi Komparatif Sistem Administrasi Pertanahan di Indonesia dan India*. Tunas Agraria.

and its adjustments is the full authority of the school and the government. As long as the construction process and the existence of the toll road project do not interfere with students' teaching and learning activities, and do not cause other significant negative impacts on the surrounding environment, the community tends to accept the project. However, there has been no visible initiative or aspiration from the community to find a joint solution that can minimize the potential negative impacts of the toll road project, both on the school and the surrounding environment.

2. Land Acquisition Process for the Construction of the Bawen-Jogja Toll Road Concerning Agricultural Land of SMK Negeri 1 Bawen

The construction of the Bawen-Jogja Toll Road as a national strategic project aims to improve regional connectivity and accelerate economic growth. However, in its implementation, the toll road route passes through agricultural land owned by SMK Negeri 1 Bawen which has been used as a means of student practice in the field of agriculture. This raises legal, social, and educational issues that need to be discussed critically.¹⁹

- a. Land Acquisition Stages and Their Implications for Vocational School Land--In accordance with Law Number 2 of 2012, land acquisition for public interest is carried out through four stages: planning, preparation, implementation, and submission of results. In the context of the land of SMK Negeri 1 Bawen, these stages must be carried out transparently and accountably because the land is part of the state's educational assets. At the planning stage, the determination of the route should consider vital social objects such as schools. If the planning results still decide that the toll route will pass through the school's agricultural land, then at the

¹⁹ Rahmadani, P. (2022). Penyelesaian Sengketa Ganti Kerugian Pengadaan Tanah Untuk Pembangunan Jalan Tol Section Binjai-Pangkalan Brandan Berbasis Perlindungan Hukum. Locus Journal of Academic Literature Review.

preparation stage, the Land Acquisition Committee is required to conduct initial data collection and public consultation with the school, the Education Office, and the Regional Government. ---If the school's agricultural land has been determined as the object of procurement, then at the implementation stage, compensation must be given according to a fair replacement value, as regulated in Presidential Regulation Number 62 of 2018.²⁰ However, because the land is not owned by individuals but rather is regional or state property, the transfer of rights must obtain approval from the regional government and DPRD, and is subject to the Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Management of Regional Property.

- b. Legal Protection for Educational Land Functions---Agricultural land owned by SMK Negeri 1 Bawen is not just a physical asset, but also a means of vocational education that is an integral part of the learning curriculum. Within the framework of the right to education as guaranteed by Article 31 of the 1945 Constitution and the ICESCR, land acquisition that eliminates learning facilities without adequate replacement can be categorized as a violation of students' rights to receive a decent education.²¹---In addition, the elimination of practice areas can reduce the quality of learning and students' ability to face the world of work, which is contrary to the mission of vocational education. Therefore, before the implementation of procurement, a social and educational impact analysis must be carried out as part of the government's legal obligations in implementing inclusive and equitable development.---Considering the importance of the land as a means of learning practice for students of SMK Negeri 1 Bawen and the number of

²⁰ Sahabuddin, E. S. (2016). *Pengelolaan Lingkungan Diutamakan Sebagai Pengelolaan Manusia (Berbasis Masyarakat) dan Segala Aksesnya Pada Lingkungan Hidup*.

²¹ Watung, J. B. H. (2024). *PERLINDUNGAN HUKUM BAGI PEMEGANG HAK ATAS TANAH DAN KOMPENSASI DALAM PENGADAAN TANAH UNTUK PEMBANGUNAN*. *LEX ADMINISTRATUM*, 12(5).

students who use the land, namely: Two departments, the first is Plantation Crop Agribusiness (ATP) and Food Crop and Horticulture Agribusiness (ATPH). Where the ATP department has two classes and each class has 36 students, and the ATPH department has 3 classes, each class contains 36 students (in one batch). Land utilization as a learning practice is utilized by classes X, XI, and XII.

Table 1. Total Number of Students Utilizing the Land

Major	Class	Number of Students per Class	Class X	Class XI	Class XII	Total Students per Major
ATP	ATP A	36	36	36	36	108
	ATP B	36	36	36	36	108
Total ATP			72	72	72	216
ATPH	ATPH A	36	36	36	36	108
	ATPH B	36	36	36	36	108
	ATPH C	36	36	36	36	108
Total	ATPH		108	108	108	324
TOTAL			180	180	180	540

Source: SMK Negeri 1 Bawen, 2025.

Based on the information that has been obtained, the land is a citrus field that is used alternately by the two departments with a predetermined schedule with a practice frequency of once a month for each class. Considering the importance of the social function of the land and the number of students who use the land as a learning medium, it would be better if the compensation could be in the form of an alternative land relocation that has the same accessibility, fertility, and land area.

- c. Principle of Proportionality and Policy Choices---The principle of proportionality in administrative law requires

the government to balance the public interest in the construction of toll roads with the protection of the constitutional rights of citizens, in this case students and educators at SMK Negeri 1 Bawen.²² Decision-making on toll road routes should not be solely based on technical efficiency or cost, but should also consider the long-term impact on human development, especially the education sector. If it is still carried out, then as part of handling the social impact, the government is required to provide replacement land with equal or better quality, and guarantee the continuation of teaching and learning activities. This is in accordance with the mandate of Presidential Regulation 62 of 2018, which requires social impact mitigation in national strategic projects.

3. Responsibilities of Regional and Central Government as a State Educational Institution

The existence of SMK Negeri 1 Bawen is under the responsibility of the Central Java Provincial Education Office. Therefore, the Provincial Government has an obligation to ensure that in the land acquisition process there is no neglect of the school's rights. The central government through the Ministry of PUPR and the Ministry of ATR/BPN must also coordinate well to ensure that legal, social, and educational aspects run hand in hand. Failure to synergize policies between levels of government can result in legal disputes and social unrest.²³

In this case, the rights of SMK Negeri 1 Bawen must also be fulfilled, one of which is related to legal protection. The theory of legal protection for citizens/society includes two things, namely: (Mertokusumo, 2010)

- a. Preventive legal protection, a form of legal protection where the people are given the opportunity to submit objections or opinions before the Decision. In this case, it

²² Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum.

²³ <https://jogjapolitan.harianjogja.com/read/2023/03/30/510/1130738/jogja-semarang-hanya-15-jam-konstruksi-tol-jogja-bawen-seksi-i-sudah-3130-persen>

means that SMK Negeri 1 Bawen can submit an opinion or objection or aspiration if there is a discrepancy during the Bawen-Jogja toll road construction process.

- b. Repressive legal protection, a form of legal protection through the Court to resolve disputes. If a dispute occurs in the future, SMK Negeri 1 Bawen can resolve the dispute through the Court to obtain legal protection and certainty.²⁴

B. Legal Analysis of the Implementation of Land Acquisition for the Bawen-Jogja Toll Road Concerning the Land of SMK Negeri 1 Bawen Based on Law No. 2 of 2012

The construction of the Bawen-Jogja Toll Road is part of the National Strategic Project that aims to accelerate connectivity between regions and encourage regional economic growth. As a strategic infrastructure project, this toll road is legally categorized as a project that can be implemented through a land acquisition mechanism for public interest as regulated in Law Number 2 of 2012. Land acquisition in this context is regulated through a series of strict procedures and principles that emphasize the protection of the rights of affected communities.²⁵

Law Number 2 of 2012 stipulates that land acquisition for public interest must be carried out in a fair, transparent, and participatory manner, while still respecting land rights and ownership of the community or institution. Although substantially the toll road construction project has been in accordance with the category of public interest, problems arise when the affected land is agricultural land owned by SMK Negeri 1 Bawen which is used as a practical learning facility for

²⁴Nurazima F., Pujiyono, Cahyaningtyas. (2020). Penitipan Ganti Rugi Pemegang Hak Dalam Pengadaan Tanah Pembangunan Jalan Tol Batang. Jurnal Notarius.

²⁵Tenong, S. (2021). Tinjauan Yuridis Penyelenggaraan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Berdasarkan Peraturan Pemerintah Nomor 19 Tahun 2021. Jurnal Yustisiabel.

students. This land is not just a physical asset, but is part of the educational function that is integrated with the teaching and learning process, especially in the vocational curriculum.²⁶

The land acquisition process in this project should follow four stages as stipulated by law, namely planning, preparation, implementation, and submission of results. At the planning stage, a comprehensive social impact study should have been conducted to identify potential disruptions to the vital functions of educational facilities. If it is known from the start that school land will be affected by the toll road project, the government or implementing party is obliged to formulate a mitigation scheme in the form of land relocation or provision of equivalent replacement land.²⁷

The preparation stage which includes initial data collection and public consultation is very crucial, especially to ensure the participation of parties directly affected. In the context of SMK Negeri 1 Bawen, the school, the Provincial Education Office, and the DPRD as the authority holder over regional assets should be actively involved. If this consultation process is not carried out comprehensively, then the implementation of land acquisition will be administratively flawed because it ignores the participatory principle which is the main principle in land acquisition according to Article 2 of Law Number 2 of 2012.

At the implementation stage, especially regarding compensation, there is a fundamental difference between land acquisition involving private land and land owned by the regional government such as SMK Negeri 1 Bawen. The land is Regional Property (BMD), so the transfer process cannot simply follow the compensation scheme like private land.²⁸ The

²⁶Yusrizal, M. (2017). Perlindungan Hukum Pemegang Hak Atas Tanah Dalam Pengadaan Tanah Untuk Kepentingan Umum. *De Lega Lata Jurnal Ilmu Hukum*.

²⁷Farid, A. H., Yahman, Y., & Mujiati, M. (2016). Problematika Dalam Pelaksanaan Pengadaan Tanah Untuk Pembangunan Bendungan Leuwikeris Jawa Barat.

²⁸Masurip, M. (2022). Perlindungan Hukum Terhadap Hak Warga Negara dalam Memperoleh Pendidikan. *JISPENDIORA Jurnal Ilmu Sosial Pendidikan Dan Humaniora*, 1(2), 104-108.

transfer of BMD must go through the mechanism of write-off and approval of the DPRD, as regulated in the Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Guidelines for Management of Regional Property. If the transfer is carried out without going through this procedure, then the land acquisition has the potential to violate the law because it does not have legal administrative legitimacy.²⁹

Land that is part of the educational facility is not provided with an equivalent replacement, then it can also be considered a violation of the right to education guaranteed by the constitution. Article 31 of the 1945 Constitution states that every citizen has the right to receive education, and the state is obliged to organize an education system that is able to support the development of students' potential.³⁰ The removal of student practice land without replacement will have a direct impact on the quality of learning and implementation of the vocational curriculum at SMK Negeri 1 Bawen, so it can be categorized as a form of neglect of educational rights.³¹

The basic principles that must be upheld in the implementation of land acquisition are the principles of justice, transparency, legal certainty, participation, and welfare, as stated in Article 2 of Law Number 2 of 2012. If the implementation of land acquisition violates one of these principles, then the process can be said to be legally flawed and has the potential to give rise to lawsuits from the injured party. In the case of SMK Negeri 1 Bawen, the neglect of the social function of educational land and the non-involvement of educational institutions in decision-making show the weak implementation of these principles.³²

²⁹Annisa Berliani, S. F. (2024). Pemberian Ganti Kerugian Atas Pembebasan Tanah Untuk Kepentingan Umum di Indonesia Dalam Perspektif Keadilan. *Coleggium Studiosum Journal*.

³⁰Rahmani, I. (2022). Pelaksanaan Hak Dan Kewajiban Warga Negara Indonesia Di Dalam Bidang Pendidikan Tinjauan Dari Pasal 31 Undang-Undang Dasar Tahun 1945. *Pamulang Law Review*, 5(1), 77-84.

³¹Maryaningsih, N., Hermansyah, O., & Savitri, M. (2014). Pengaruh infrastruktur terhadap pertumbuhan ekonomi Indonesia. *Bulletin of Monetary Economics and Banking*, 17(1), 62-98.

³²Dede Yusuf, S. A. (2019). Asas Kepentingan Umum Dalam Pengadaan Tanah Untuk Kepentingan Negara. *Logika: Journal of Multidisciplinary*

Thus, even though the Bawen-Jogja Toll Road construction project is legitimate as a public interest project, the implementation of land acquisition targeting the agricultural land of SMK Negeri 1 Bawen must be carried out very carefully and in accordance with applicable legal provisions.³³ The government is obliged to ensure that all administrative procedures are followed, including the involvement of related parties and the provision of compensation that is not only financial, but also functional, so as not to disrupt educational services. Without the fulfillment of these things, the land acquisition process in this project can be considered contrary to the spirit of social justice and the protection of citizens' constitutional rights.³⁴ Social justice can largely only be achieved by the state because the policies taken by the state have the greatest impact on the development of structures relevant to political, economic, social, cultural, and ideological processes.³⁵

Based on the analysis above, in order to create clarity regarding legal regulations, there must be legal certainty. Gustav Radbruch initially introduced the theory of legal certainty which stated that legal values consist of justice, utility, and legal certainty.³⁶ Legal certainty, according to Radbruch, means stable and consistent laws, not easily changed following social dynamics, so that they can be obeyed anywhere and anytime. This allows society to predict the legality of their actions, ensuring that laws that uphold justice and human goodness function effectively. Compliance with certain laws guarantees

Studies.

³³Doni Septo, S. S. (2022). Kepastian Hukum Jasa Penilai Publik di Indonesia. Jurnal Magister Ilmu Hukum.

³⁴Doni Septo, S. S. (2022). Kepastian Hukum Jasa Penilai Publik di Indonesia. Jurnal Magister Ilmu Hukum.

³⁵ Ramli, Asmarani. 2012. "Telaah Atas Reforma Agraria Untuk Keadilan Dan Kesejahteraan Dalam Tataran Teori Kebenaran." Jurnal Ilmu Hukum Amanna Gappa 20(1):50.

³⁶Satjipto Rahardjo, Ilmu Hukum, Citra Aditya Bakti, Bandung, 2012, Hlm. 19.

justice that benefits individuals and communities.³⁷

The land acquisition case for the Bawen-Jogja toll road construction that affected the agricultural land of SMK Negeri 1 Bawen shows the challenges of implementing the principle of legal certainty according to Radbruch. Legal uncertainty arises if the land acquisition process is not transparent, fair, and fully considers the rights of SMK N 1 Bawen. If the process does not follow clear procedures, SMKN 1 Bawen may feel disadvantaged and its legal certainty is disrupted. They may question whether the compensation given is fair and in accordance with the value of their agricultural land. Unclear regulations or different legal interpretations can also cause uncertainty. To ensure legal certainty, the land acquisition process must be transparent, fair, guided by applicable laws, involving the parties involved in this case, namely SMK Negeri 1 Bawen, so that the principle of legal certainty formulated by Radbruch is fulfilled.³⁸

Conclusion

The land acquisition process for the construction of SMK Negeri 1 Bawen related to the Bawen-Jogja Toll Road project, shows several weaknesses in the implementation of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest. Although there are coordination efforts between agencies (BPKAD and BPN/ATR), the process is not fully transparent and does not optimally involve the active participation of all stakeholders. The problematic land ownership status, namely the certificate is still in the name of the Jakarta Department of Education, has created significant obstacles in the process of negotiating compensation and administrative settlement. This has resulted

³⁷ Bernard L. Tanya, *Politik Hukum: Agenda Kepentingan Bersama*, Genta Publishing, Yogyakarta, 2011, Hlm. 2.

³⁸ Deskina, Melly Alida. *Pelaksanaan Ganti Kerugian Terhadap Pengadaan Tanah Bagi Pembangunan Kereta Cepat Jakarta Bandung di Kelurahan Mengger Kota Bandung Dihubungkan dengan Peraturan Pemerintah Nomor 19 tahun 2021 tentang Penyelenggaraan Pengadaan Tanah bagi Pembangunan Untuk Kepentingan Umum*. Digital Library UIN Sunan Gunung Djati. 2022.

in the land acquisition process being longer and more complex than it should be, indicating the need for improvements in the land acquisition system and procedures to ensure compliance with Law Number 2 of 2012 and the achievement of a more transparent, efficient, and equitable process for all parties.

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DECLARATION OF CONFLICTING INTERESTS

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

FUNDING INFORMATION

None

ACKNOWLEDGMENT

None

HISTORY OF ARTICLE

Submitted : February 12, 2025

Revised : Mei 10, 2025

Accepted : July 1, 2025

Published : July 25, 2025

Notification

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