

Sociolegal Analysis of the Rawa Pening Agrarian Conflict as an Effort to Legally Protect Land Rights

Analisis Sosiolegal Konflik Agraria Rawa Pening Sebagai Upaya Perlindungan Hukum Hak Atas Tanah

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Abstract

Land is a fundamental asset that plays a vital role in supporting community welfare and livelihoods. In the Rawa Pening area, a significant agrarian conflict has arisen due to a lake revitalization project initiated by the government, involving the National Land Agency (BPN), the Indonesian National Armed Forces (TNI), and the Ministry of Public Works and Housing (PUPR). The project, aimed at flood and sediment control, has led to the displacement of farmers and fishermen, disrupting agricultural lands and residential areas. Despite possessing legal land certificates, residents claim that boundary markers placed for the project have encroached upon their property, indicating a lack of adequate legal protection. This study aims to analyze the legality of land acquisition procedures and their



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alignment with existing regulations. The research employs a normative and empirical juridical approach, combining legal document analysis and field interviews. The findings reveal that land acquisition was carried out with minimal community involvement, potentially violating procedural requirements and leading to legal uncertainty and possible human rights violations. The study identifies the need for a fair and transparent land acquisition process that respects property rights and provides legal certainty for affected communities. It concludes that stronger enforcement of agrarian laws and community participation are essential to resolving land conflicts and ensuring equitable development outcomes.

KEYWORDS *land rights, agrarian conflict, legal protection, Rawa Pening, land acquisition*

Tanah merupakan aset penting yang menunjang kesejahteraan dan penghidupan masyarakat, serta dilindungi secara hukum melalui kepemilikan sertifikat. Namun, konflik agraria terjadi di kawasan Rawa Pening akibat proyek revitalisasi danau yang melibatkan Badan Pertanahan Nasional (BPN), Tentara Nasional Indonesia (TNI), dan Kementerian Pekerjaan Umum dan Perumahan Rakyat (PUPR). Warga mengklaim bahwa pemasangan patok batas proyek telah mengganggu lahan pertanian dan tempat tinggal mereka, meskipun mereka memiliki sertifikat tanah yang sah. Proyek yang bertujuan untuk mengendalikan banjir dan sedimentasi ini menimbulkan kerugian sosial dan ekonomi, termasuk penggusuran petani dan nelayan. Penelitian ini bertujuan untuk menganalisis legalitas proses pengadaan tanah serta dampaknya terhadap kepastian hukum dan perlindungan hak atas tanah. Penelitian ini menggunakan pendekatan yuridis normatif dan empiris, dengan analisis dokumen hukum serta wawancara lapangan. Hasil penelitian menunjukkan bahwa proses pengadaan tanah diduga melanggar ketentuan peraturan perundang-undangan karena minimnya partisipasi masyarakat, sehingga memunculkan ketidakpastian hukum dan potensi pelanggaran hak asasi manusia. Studi ini menyimpulkan bahwa diperlukan penegakan

hukum agraria yang lebih kuat serta pelibatan aktif masyarakat dalam setiap tahapan pengadaan tanah untuk menjamin keadilan dan perlindungan hak masyarakat terdampak.

KATA KUNCI *konflik agraria, pengadaan tanah, revitalisasi danau, kepastian hukum, hak atas tanah*

Introduction

According to Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), land is defined as the surface of the earth that includes everything on it and in it.¹ Land is not only considered as the physical layer of the planet, but also includes the rights inherent in it, including the right to use and utilize the land. Land ownership rights give the owner the power to utilize the land and gain benefits from it, both for construction such as houses and businesses, as well as for agricultural, livestock, and garden activities. UUPA emphasizes that all land, atmosphere, and space above it are national assets controlled by the state for the prosperity of the people (Article 2 UUPA). Based on Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), land is explained as the surface of the earth that includes all elements above it and within it. Land ownership rights give the owner the power to utilize the land and gain benefits from it, both for construction such as houses and businesses, as well as for agricultural, livestock, and garden activities. Land regulations must also be treated as a guiding tool in recognizing state strategies in the social, social, monetary, strategic, land and public security fields.²

Land is known as a strategic asset that plays a vital role in supporting the welfare and sustainability of community life. As a limited natural resource, land not only functions as a place of residence and land for farming, but also as the main foundation

¹ Undang Undang No. 5 Tahun 1960 Tentang Peraturan Dsar Pokok Pokok Agraria Presiden Republik Indonesia

² Syahputra R.(2023). Hukum agraria dan kebijakan agraria di indonesia Court Review: Jurnal Penelitian Hukum. 3(4).26

for economic and social development. Therefore, management and protection of land rights are important components in ensuring sustainable community welfare. The state provides guarantees for land ownership through the issuance of land certificates that serve as legal proof of ownership according to law. These certificates provide legal guarantees for landowners, so that their rights are protected from takeover attempts and claims from other parties. In addition, land certificates also serve as collateral in the context of civil law, such as in sales transactions, loans, and dispute resolution in the agrarian sector.

However, in the Rawa Pening area, an agrarian conflict has emerged involving various parties, including the local community, the National Land Agency, the Indonesian National Army, and the Ministry of Public Works and Public Housing. In the process, residents feel disadvantaged due to the installation of equivalent stakes that include productive land and their organizations. Land disputes can be caused by various factors, one of which is due to the existence of a de-synchronization of legislation both vertically and horizontally, which is utilized by legal subjects with bad intentions to be used as a basis for obtaining legal protection³. In essence, land acquisition is an act of the government to obtain land for the public interest which is achieved based on deliberation to reach an agreement on the release of rights and compensation before the revocation of rights is achieved.⁴

This condition requires an in-depth study of the implementation of land acquisition policies and legal protection for affected communities so that agrarian conflicts can be resolved fairly and sustainably. In addition, although the communities around Rawa Pening have valid land certificates as proof of ownership that is legally recognized, they do not receive adequate legal protection in dealing with the agrarian

³ Ilyas., Et al. (2015). Kewenangan Pemerintah Daerah Dalam Penyelesaian Sengketa Tanah*) The Authority Of Legal Government In Solving Land Dispute. Kanun Jurnal Ilmu Hukum. No 65. 7

⁴ Subekti R. (2016). KEBIJAKAN PEMBERIAN GANTI KERUGIAN DALAM PENGADAAN TANAH BAGI PEMBANGUNAN UNTUK KEPENTINGAN UMUM. Yustisia.5(2).382

conflicts that occur. This raises legal concerns and vulnerability to land acquisition without fair compensation. There are allegations that the land acquisition process for this project did not fully comply with the procedures stipulated in Government Regulation Number 19 of 2021 concerning Land Acquisition for Development in the Public Interest. Land acquisition activities are government actions to realize the availability of land for use in various interests for development in the public interest. In general, land acquisition has basic principles, namely democratic, fair, transparent, upholding human rights, and prioritizing the principle of deliberation⁵. However, the lack of community involvement in the land registration and boundary determination process results in legal uncertainty that worsens the agrarian situation. Non-compliance with this procedure raises doubts about the legitimacy of land control and raises the risk of violations of land rights that have been regulated by law.

Minimal community involvement in the land registration and identification process is one of the main causes that poses legal threats and challenges to agrarian protection in the Rawa Pening area. Local communities feel that they have not received attention in the planning and implementation of revitalization projects, so they are viewed as objects, not subjects in development. Lack of information and participation means that residents do not fully understand the purpose and effects of installing equivalent markers that touch their productive land and organizations. This situation causes quite serious stress and social tension among the affected communities.

The lack of community participation in recording and determining land boundaries in Rawa Pening has weakened the law and weakened the agrarian situation. The minimal involvement of residents raises doubts about the legitimacy of land control and the risk of violations of land rights according to the law. The community feels ignored in the planning of the revitalization project, so that they are only made objects, not subjects of development. The lack of information and participation makes residents not understand the impact of

⁵ Yusrizal, M. (2017). *Perlindungan Hukum Pemegang Hak Atas Tanah Dalam Pengadaan Tanah Untuk Kepentingan Umum*. De Lega Lata: Jurnal Ilmu Hukum. 2(1). 119

installing boundary markers that touch productive land, triggering stress and social tension. From an economic perspective, revitalization causes damage to agricultural land and decreased income due to the use of heavy equipment and rising air levels that submerge around 200 hectares of productive land. Social impacts also appear in the form of changes in living space, potential conflicts between communities, and psychological pressure due to the burning of land status. Mediation as a dispute resolution outside the courts is very important to maintain social justice and respect for human rights in the implementation of revitalization projects.

This research has high relevance to the improvement of regulations and implementation of land acquisition, especially in strategic areas such as Rawa Pening. In addition, the findings also provide important insights regarding the obstacles and challenges faced in the implementation of Law No. 2 of 2012 and PP No. 19 of 2021, so that it can encourage innovation policies and improve coordination between agencies to ensure the protection of the rights of affected communities. Based on this problem, the author formulates two main topics of discussion. The first is related to the implementation of land acquisition for the Rawa Pening revitalization project reviewed from the applicable legal provisions. Because the land acquisition process and determination of equivalence lines are carried out unilaterally without actively involving the community, thus ignoring land rights, the right to a decent living, and the right to obtain information and participate in decision-making that directly impacts their lives. The second is the form of legal protection that can be provided to communities affected by agrarian disputes in Rawa Pening. Because it is still unknown whether legal protection is running optimally by restoring neglected rights.

Based on the background described, several critical issues emerge that warrant deeper examination, particularly regarding the land acquisition process in the Rawa Pening revitalization project, which has led to agrarian conflicts and legal uncertainty for affected communities. The problems stem from inconsistencies between the implementation in the field and the provisions of the governing laws and regulations, such

as Law Number 2 of 2012 and Government Regulation Number 19 of 2021. Furthermore, the lack of community involvement in boundary determination and the absence of transparency in land acquisition processes have exacerbated the agrarian situation in the area. Therefore, this study seeks to address two main research questions: (1) How is the land acquisition policy for the Rawa Pening revitalization project implemented in accordance with existing legal frameworks? and (2) What forms of legal protection can be offered to affected communities to ensure the restoration and safeguarding of their land rights?

In line with these research questions, the objective of this study is to analyze and assess the implementation of land acquisition within the Rawa Pening revitalization project, particularly in the context of public interest development. The study also aims to identify appropriate forms of legal protection for communities directly affected by the project, ensuring the fulfillment of their agrarian rights and promoting the application of justice, community participation, and transparency in development initiatives. Ultimately, the findings of this research are expected to contribute to the improvement of agrarian policy and the implementation of development programs grounded in human rights and legal fairness.

Method

This study adopts a qualitative approach using juridical-normative and socio-legal methods. As a review article, it analyzes legal and social aspects of agrarian conflicts in Rawa Pening based on secondary data. The data consist of relevant literature, statutory regulations, legal documents, court decisions, and previous research studies. Data were collected through literature and documentation studies, without direct interviews or field observations.

The analysis was carried out by interpreting legal texts and social frameworks to understand the nature of land conflicts, the role of institutions involved, and the legal mechanisms available for land rights protection. The study applies theories of legal certainty and dispute resolution to evaluate the effectiveness of legal instruments in resolving agrarian

disputes. The concept of dispute resolution includes both litigation and non-litigation approaches (Alternative Dispute Resolution/ADR) such as mediation, negotiation, conciliation, and arbitration, as outlined in Perkaban No. 11 of 2016.

This review is limited to the analysis of written sources and does not involve empirical fieldwork. Therefore, it focuses on theoretical and normative interpretations rather than community perceptions or case studies on the ground. The objective is to provide a comprehensive understanding of the legal issues and to propose solutions for future policy improvements and conflict resolution frameworks related to land acquisition and agrarian justice.

Result & Discussion

A. General Description of Rawa Pening Area

1. Geographical Location and Ecological Function of Rawa Pening

Rawa Pening is a natural lake located in Semarang Regency, Central Java, with an area of approximately 2,670 hectares. The lake is located in the Ambarawa volcanic basin, between the districts of Ambarawa, Bawen, Tuntang, and Banyubiru, and is surrounded by the slopes of Mount Merbabu, Mount Telomoyo, and Mount Ungaran at an altitude of approximately 460 meters above sea level. Rawa Pening is a semi-natural lake with an accumulated area of approximately 1,850 to 2,670 hectares, although it has shrunk due to sedimentation and the growth of water hyacinth weeds that covered the surface of the lake up to 755 hectares in 2015. The depth of the lake varies between 0.35 to 10 meters with an average of approximately 2.17 meters. The lake functions as a water catchment area that receives flow from nine rivers and several springs in the upstream area.⁶

Its ecological function is very important as a flood controller, regulating the hydrological cycle, and a habitat for

⁶https://sda.pu.go.id/balai/bbwspemalijuana/files/datasda/Bahan_Informasi_Dana_u_Rawa_Pening_2021.pdf

various freshwater flora and fauna. Geographically, Rawa Pening functions as an air protector from nine rivers and several springs that flow into it, thus playing an important role in flood control and regulating the hydrological cycle in the surrounding area. From an ecological perspective, this lake has a vital function as a habitat for biodiversity, including various types of freshwater fish, water birds, and aquatic plants such as water hyacinth that thrive on most of the lake's surface. The existence of the lake also supports the ecological cycle by maintaining the balance of the surrounding ecosystem. However, in recent decades, Rawa Pening has experienced significant environmental degradation due to excessive shallowing and spread of water hyacinth, which threatens the ecological function and water holding capacity of the lake. This condition has an impact on declining air quality and disrupting ecosystems and the lives of people who depend on the lake. Management efforts through the water hyacinth biomass transmission program have been carried out almost every year, but this problem has not been resolved optimally. The impact of the abundance of water hyacinth plants This causes the problem of declining air quality.⁷

2. History of Land Ownership of the Surrounding Community

Communities around Rawa Pening have long controlled and managed the land around the lake as their main source of livelihood, mainly through agriculture and fisheries, with ownership strengthened by land certificates. However, the revitalization project carried out by the government without involving the community resulted in the placement of productive land boundary markers and community organizations, thus triggering agrarian conflicts. The lack of community involvement in the land data collection and communication process sent legal threats and caused violence that impacted the social and economic lives of the local community. The area around Lake Rawa Pening has been inhabited by people since the time of our ancestors, long before

⁷ Pirantia., Et al. (2018).). Evaluasi Status Mutu Air Danau Rawa Pening. Jurnal Pengelolaan Sumberdaya Alam dan Lingkungan, 8(2), 155.

Indonesia's independence. The Dutch government built the Jelok Hydroelectric Power Plant (PLTA) in 1936 which caused major changes in the area, including the sinking of dozens of villages around the lake and forcing the community to do *bedol desa* (move to the village).⁸

Land ownership around Rawa Pening is divided into several patterns, including land controlled by the provincial government (PJT land) and tidal land managed by the community for generations, although some have been certified. After Indonesia's independence, assets previously owned by the Dutch colonial government were transferred and distributed to the surrounding community, so that residents began to obtain official certificates for their land. However, even though they have certificates, community land ownership often still faces challenges, especially when there are government projects that require land acquisition for public interests, such as the revitalization of Rawa Pening. The Supreme Court of the Republic of Indonesia has issued a number of important decisions that serve as references in land acquisition for public interest and protection of the rights of affected communities. For example, it affirms that "land acquisition must be carried out in accordance with applicable legal procedures and provide fair compensation to land owners"⁹.

One of the views of an agrarian law expert who highlighted the problem of overlapping land rights and double certificates was delivered by Prof. Dr. Sri Winarsi, SH, MH, Professor of Airlangga University (UNAIR). In his speech, Prof. Sri emphasized that "overlapping land rights are not only technical administrative problems, but also structural problems that arise due to weak governance and supervision of land administration in Indonesia"¹⁰. He explained that the National Land Agency (BPN) often issues overlapping land certificates, where one plot of land can have two to three certificates claiming the same legal ownership. This often describes the

⁸ <https://serat.id/2023/12/18/sejarah-permukiman-tanah-rawa-pening-dihuni-warga-sebelum-indonesia-ada/>

⁹ Putusan PTUN SEMARANG Nomor 112/G/PU/2018/PTUN.SMG

¹⁰ <https://unair.ac.id/guru-besar-unair-soroti-tumpang-tindih-hak-atas-tanah/>

provisions of Article 19 of the UUPA and the Regulation of the Minister of ATR/BPN Number 21 of 2020, thus giving rise to ownership conflicts that are detrimental to the community.

Several case studies in swamp or lake areas show that agrarian conflicts are often related to overlapping land control and management between local communities and government development projects. For example, the case of land acquisition for the construction of the Jatigede Reservoir which has been going on for a long time and has caused socio-economic losses for the affected community¹¹. Other studies show that resolving agrarian conflicts in such areas requires an approach that involves participatory dialogue, protection of the rights of indigenous or local communities, and effective resolution mechanisms through both litigation and non-litigation channels. By involving the community, the government can better understand the challenges faced and create more effective and relevant solutions¹².

In order to comprehensively understand the complex dynamics that unfold around Rawa Pening—spanning geographical, ecological, legal, and socio-political dimensions—it is essential to ground the analysis in several key theoretical frameworks that offer explanatory power and critical insight. These frameworks not only help to contextualize the environmental degradation and land tenure conflicts but also illuminate the deeper structural and institutional issues at play.

One of the most pertinent perspectives is the Political Ecology Theory, which examines the intersection between environmental issues and broader political, economic, and social structures. This theory posits that environmental changes, such as the severe sedimentation and invasive proliferation of water hyacinths in Rawa Pening, are not merely natural or technical phenomena, but are deeply influenced by human actions, policy decisions, and power relations. Political ecology critiques the way in which environmental management

¹¹ Roni Fadli et al.(2019). Dampak sosial ekonomi pembangunan waduk jatigede terhadap masyarakat tani di kabupaten sumedang. *Jurnal Ilmiah Mahasiswa AGROINFO GALUH*. 6(3).

¹² Zaetama M. (2024). Peran Hukum Dalam Mewujudkan KeadilanSosial Dan Hak Asasi Manusia. *Jurnal Kajian Hukum Dan Kebijakan Publik*. 2(1). 453

is often shaped by the interests of dominant actors, such as state institutions or private developers, while the voices and needs of local communities are frequently sidelined. In the case of Rawa Pening, the implementation of revitalization projects without meaningful participation from local residents exemplifies this top-down approach, where ecological interventions are prioritized over social justice and community agency.

Social justice can largely only be pursued by the state, as the policies implemented by the state have the greatest impact on the development of structures relevant to political, economic, social, cultural, and ideological processes.¹³ Another critical theoretical approach relevant to this context is Commons Theory, particularly as developed by Nobel Laureate Elinor Ostrom. This theory challenges the conventional assumption that common-pool resources are doomed to degradation unless privatized or placed under centralized state control. Instead, Ostrom's framework highlights how local communities, when given the opportunity, can effectively govern and sustain shared resources through self-organized rules, collective decision-making, and long-standing cultural norms. Rawa Pening, which has historically served as a vital resource for local agriculture, fisheries, and daily subsistence, demonstrates many of the features of a common-pool resource. Communities around the lake have developed informal yet functional systems of land cultivation and water use that are now under threat due to state-led interventions that disregard these traditional governance models.

The concept of Legal Pluralism also offers a useful lens for analyzing the overlapping claims and conflicts over land ownership in the Rawa Pening area. Legal pluralism refers to the coexistence and interaction of multiple legal systems within a single geographical and political space—namely, formal state law, customary (adat) law, and in some cases, religious norms.

¹³ Ramli, Asmarani. 2012. "Telaah Atas Reforma Agraria Untuk Keadilan Dan Kesejahteraan Dalam Tataran Teori Kebenaran." *Jurnal Ilmu Hukum Amanna Gappa* 20(1):50.

In the Indonesian context, legal pluralism is especially pronounced in land administration, where government-issued land certificates may clash with ancestral claims or undocumented traditional land tenure systems. This tension is evident in the emergence of double or even triple land certificates for the same plot, as highlighted by legal scholars such as Prof. Dr. Sri Winarsi. Such overlapping claims often result from institutional weaknesses, bureaucratic inefficiencies, and lack of coordination between agencies like the National Land Agency (BPN) and local authorities. These structural issues give rise to protracted land disputes and contribute to a broader crisis of legitimacy in land governance.

Additionally, the application of Environmental Justice Theory is highly relevant in assessing how environmental degradation and policy decisions impact different groups within society. Environmental justice emphasizes the principle that all individuals and communities, regardless of socio-economic status, ethnicity, or geographic location, should have equitable access to a clean and healthy environment, as well as fair treatment in environmental policy-making. In the case of Rawa Pening, marginalized communities who depend on the lake for their livelihoods often bear the brunt of environmental mismanagement, including declining water quality, loss of fertile land, and socio-economic displacement due to land acquisition. The exclusion of these communities from planning and decision-making processes not only violates principles of environmental justice but also undermines the effectiveness of ecological interventions.

Taken together, these four theoretical frameworks—Political Ecology, Commons Theory, Legal Pluralism, and Environmental Justice—offer a multidimensional understanding of the Rawa Pening situation. They enable scholars, policymakers, and stakeholders to see beyond surface-level issues and address the root causes of ecological degradation, land tenure conflicts, and social injustice. By integrating these perspectives into the planning and implementation of development and revitalization projects, it becomes possible to craft more inclusive, sustainable, and equitable solutions that respect both environmental integrity

and human rights.

B.Land Acquisition Process and Project Controversy

1. Project Objectives: Flood and Sedimentation Control

The Rawa Pening Lake revitalization project, which aims to control flooding and sedimentation, has high ecological and social urgency as well as the lake's capacity. Sedimentation from river flow and land erosion in the water catchment area (DTA) causes shallowing and decreases the lake's capacity, thus threatening its ecological and social functions and increasing the risk of flooding in the surrounding area. However, the success of this project is highly dependent on the implementation of transparent, fair and participatory land acquisition and protection of the rights of affected communities. The decision will exclude them from the land they own, making the community restless and afraid considering the many cases of eviction in various other places on the basis of development, conservation or revitalization agendas¹⁴. Residents feel disadvantaged because their agricultural land is submerged due to the increase in the lake's water level caused by dredging and controlling water hyacinth using heavy equipment. Around 200 hectares of productive agricultural land is submerged, so that farming activities and fishermen's livelihoods are significantly disrupted.¹⁵

Rawa Pening has a strategic role as an air protection area that supports agricultural irrigation, fisheries, tourism, and air supply for power plants. However, increasing sedimentation and the growth of air weeds such as water hyacinth have reduced the volume of the lake and disrupted the sustainability of its ecosystem. For this reason, the Ministry of Public Works and Public Housing (PUPR) is dredging the lake, building check dams, and cleaning water hyacinths routinely as part of efforts

¹⁴ Wulandari S. (2022). Revitalization as a regulatory strategy in rawa pening lake management (case study in duun sido makmur, sumber rejo, semarang regency). 21

¹⁵ <https://indoproggress.com/2024/09/problematika-di-balik-revitalisasi-danau-rawa-pening/>

to control sedimentation and restore the lake's function.¹⁶

This project also aims to improve air quality and preserve the lake ecosystem to continue to support the lives of people who depend on the surrounding natural resources. To overcome this problem, the government, through the Ministry of PUPR, is dredging and building check dams (sediment control structures) in several tributaries that flow into Rawa Pening, such as the Legi, Parat, and Sraten rivers. These check dams function to hold and slow down the flow of sediment, so that the amount of material entering the lake can be minimized, with the hope of maintaining the depth and quality of the water and reducing the risk of flooding. In addition, the revitalization and zoning of Lake Rawa Pening aims to restore the lake's role as a source of raw water, agricultural irrigation, hydroelectric power generation (PLTA), and flood control which are very important for the surrounding community.

Table 1. Timeline of Border Marker Case

Year/month	Policy	Reference Documents	Community Impact/Response
2011	Launching of the Lake Rescue Movement (Germadan) with Rawa Pening as a model	Germadan Document (Lake Rescue Movement) 2011	The beginning of the national lake rescue program
2015	Formation of the National Water Rescue Partnership Movement (GN-KPA)	Presidential Regulation (Perpres) No. 60 of 2021 Concerning Saving National Priority Lakes.	Determination of 15 national priority lakes
September 2020	Kepmen PUPR) No.	Decree of the Minister of	Determination of

¹⁶ Wulandari., et al. (2021). Optimasi Operasi Danau Rawa Pening dengan Program Dinamik untuk Pemanfaatan Sumber Daya Air yang Optimal. Ejournal undip.

	365/KPTS/M/2020 concerning the Rawa Pening Boundary is issued	Public Works and Public Housing (Kepmen PUPR) No. 365/KPTS/M/2020 Concerning the Determination of the Boundary Line of Rawa Pening Lake in Semarang Regency, Central Java Province.	boundary markers 50m from the elevation
22 nd of June 2021	Ratification of Presidential Regulation No. 60/2021 on Saving National Priority Lakes	https://indoprogress.com/2024/09/problematika-di-balik-revitalisasi-danau-rawa-pening/	Strengthening the legal umbrella for revitalization
August 2021	Installation of the first boundary markers on residents' land	https://jatengtribunnews.com/2023/12/23/lbh-semarang-dicurhati-warga-rawa-pening-ada-patok-bikin-momok?page=all	The emergence of public unrest
4 th of September 2022	Mass action by 500+ residents with joint prayers and speeches	https://www.detik.com/jateng/berita/d-6272151/desak-patok-	Demands for the revocation of regulations

	demanding the revocation of Ministerial Decree 365/2020	sempadan-dicabut-ratusan-warga-pesisir-rawa-pening-doa-bersama	
6 th of September 2022	First mediation between BBWS Pemali Juana and residents	https://www.detik.com/jateng/banita/d-6276690/sempadan-rawa-pening-dikeluhkan-petani-bbws-bicara-pembebasan-lahan	Socialization claims vs. citizen rejection
December 2023	LBH Semarang received 45+ reports from residents regarding the impact of boundary markers	LBH Semarang Advocacy Report: "The Impact of Determining the Rawa Pening Boundary Markers on the Community's Economic Rights" LBH Semarang, 2023.	Organizing legal advocacy
March – June 2024	Series of discussions between residents and LBH Semarang and students	Laku Melaku Action, Pundenrejo Farmers' Efforts to Fight for Ancestral Land LBH Semarang, 2024	Preparing litigation steps
June 2024	Revitalization included in	https://regional.espos.id/revitali	Resident rejection of

	Semarang Regency RPJPD 2025-2045	sasi-rawa- pening-masuk- rpjpd-kabupaten- -semarang- warga-tolak- poin-ini- 1944882	border expansion
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- a. Critical point of socialization: The community claims there was no adequate socialization before the installation of the 2021 markers, while the government stated that there was already a socialization report.
- b. Spatial impact: Border markers impact 1,000+ hectares of agricultural land in 3 sub-districts.
- c. Consistency elevation: An increase in elevation of 46.33 meters has the potential to inundate microorganisms

2. Administrative and Technical Stages Carried Out

The land acquisition process for the Rawa Pening Lake revitalization project is a series of complex activities and involves various administrative and technical stages that must be fulfilled in accordance with the provisions of laws and regulations, especially Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest and Regulation of the Minister of ATR/BPN Number 19 of 2021. However, field implementation faces various obstacles and controversies related to the lack of community involvement, assistance in compensation, and because of laws that trigger agrarianism. To achieve project success while maintaining the welfare of the surrounding community, a more participatory, transparent, and socially just approach is needed, as well as improvements to the land administration system and effective settlement mechanisms.

a. Planning and Preparation Stage

The initial stage begins with the preparation of the Land Acquisition Planning Document (DPPT) by the project implementing agency, namely the Ministry of PUPR through the Pemali Juana River Basin Center

(BBWS). This document contains the land requirement plan, land area, location, project objectives, and estimated budget required. The DPPT is the legal and technical basis for continuing the land acquisition process and is valid for two years from the date of its determination. Furthermore, verification and validation of the planning document is carried out by a team formed by the regional government together with related agencies, including the National Land Agency (BPN). This team. However, in practice, this socialization is often considered inadequate by the community.

b. Land Inventory and Identification Stage

After the planning is complete, the next stage is land inventory and identification which includes measuring, mapping, and recording the status of control, ownership, and use of the land. The land acquisition team consisting of BPN officers and technical agencies conducts a field survey to determine the boundaries of the land to be taken over. This inventory is important to ensure that all land areas affected by the project are well documented and that the parties entitled to the land can be clearly identified.

c. Assessment and Determination of Compensation

Once the land data is complete, an assessment of the land, buildings, plants, and other objects affected by the project is carried out. The assessment is carried out by an independent appraiser appointed by the government to determine the appropriate compensation value to be given to landowners and affected parties. This assessment must be carried out transparently and fairly so that the community receives compensation that is in accordance with the market value and economic losses experienced. Forced evictions without providing adequate compensation or involving the community in the decision-making process cause injustice and dissatisfaction.¹⁷

d. Payment of Compensation and Delivery of Results

¹⁷ Anastasia S.(2022). Implikasi Hukum Agraria terhadap Konflik Pertanahan Indonesia. *Arus Jurnal Sosial dan Humaniora (AJSH)*. 4(2).549

After the compensation value is agreed, payment is made to the landowner as compensation for the transfer of rights. This payment is a condition for the official handover of the land acquisition results to the project implementing agency. The handover of the results is carried out by signing the minutes of land handover and transfer of rights according to legal procedures.

3. Controversies and Challenges in Land Acquisition Implementation

Although the land acquisition stages have been regulated in detail and systematically, the implementation in Rawa Pening faces various controversies and significant challenges, including:

- a. Inadequate Community Involvement: The surrounding community complained about their minimal participation in the planning, socialization, and land inventory processes. This led to dissatisfaction and poor quality of the project, as well as causing agrarian conflicts that are of a disastrous nature.
- b. Detrimental Installation of Boundary Markers: Determination of equidistant lines and installation of markers that include productive land and community organizations are considered to rob them of their legally owned land rights. Many residents lost access to their agricultural land and homes without adequate resources.
- c. Inadequate Compensation Value: Compensation assessments are often considered unfair and do not reflect their true value, especially for communities that depend on the land for their livelihoods. This led to dissatisfaction and rejection of compensation payments.
- d. Legal Uncertainty and Agrarian Disputes: Inconsistent data, overlapping land rights, and low transparency in the land administration process make it difficult to resolve. The litigation process and alternative settlement solutions often take a long time and do not provide certainty for the community.
- e. Social and Economic Impacts: Revitalization projects

have negative impacts on the social and economic lives of the community, such as the loss of agricultural land, disruption of fishermen's livelihoods, and the potential for horizontal conflict between residents. This improves the welfare of the affected community.

f. Improvement Efforts and Recommendations; To overcome these controversies and challenges, several efforts are needed to improve the implementation of land acquisition, including:

- a) Participatory Approach: Increasing community involvement from the planning stage to the implementation of land acquisition so that their aspirations and interests can be accommodated fairly and transparently.
- b) Transparency and Accountability: Ensuring openness of information related to the land acquisition process, compensation value, and settlement mechanisms so that the community feels protected and trusted.
- c) Land Administration Improvement: Strengthening the land registration system and supervision of certificate publication to avoid overlapping rights and multiple certificates that become sources of justice.
- d) Fair and Adequate Compensation: Determining compensation values that are realistic and in accordance with the economic conditions of the community so as not to cause prolonged losses.
- e) Effective Dispute Resolution Mechanism: Optimizing alternative channels for settlement such as mediation and arbitration to accelerate the resolution of agrarian conflicts without having to go through a long litigation process.
- f) Protection of Human Rights: reflects that project implementation does not violate the basic rights of the community, including the right to land, living space and livelihood. A very important stage that is related to the aspect of human rights is the release of rights, which is an act of

terminating the legal relationship of the entitled party to the state.¹⁸

4. Violation of Procedures and Lack of Community Participation

The Rawa Pening Lake revitalization project initiated for flood and sedimentation control has caused various controversies, especially related to the land acquisition process which is considered to violate procedures and minimal involvement of the affected community. These violation procedures and lack of participation are the main sources of prolonged agrarian conflict and have serious socio-economic impacts for local residents. The following is a detailed explanation of these aspects.

Violation of Land Acquisition Procedures:

- a. Land acquisition procedures are strictly regulated in Law Number 2 of 2012 and Regulation of the Minister of ATR/BPN Number 19 of 2021 which regulates the procedures for planning, socialization, inventory, assessment, and compensation payments. However, in the Rawa Pening revitalization project, there are a number of indications of violation procedures as follows:

Not Formally Involving BPN in Determining Land Boundaries: Based on the report of the Head of the Supervision and Mapping Section of the Semarang Regency Land Agency, the Pemali-Juana BBWS has never officially notified or involved the BPN in the process of marking land boundaries in the Rawa Pening Lake area. This is contrary to the provisions that require coordination with government agencies to ensure the legality and accuracy of land boundaries

- b. Use of the Concept of "Lost Land" Not in Accordance with Regulations--BBWS Pemali-Juana proposed a "lost land" approach to claim land that was considered lost due to

¹⁸ Suntoro A. (2019). Tinjauan hak asasi manusia terhadap regulasi pengadaan tanah bagi kepentingan umum (Human Rights View of Land Acquisition For Public Interest Development) . Jurnal HAM. 10(2).227

the expansive lake, but this approach was rejected by the BPN which suggested that land acquisition be carried out in accordance with Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest.

- c. Data Discrepancies in Land Area and Status: There are significant differences in data between the area and status of land owned by the community, local government, and BUMN and the data used by BBWS Pemali-Juana. BPN data records around 871 hectares of land owned by the province, villages, district governments, BUMN, and the community which is the source of the problem.
- d. Not Complying with Boundary Line Provisions: Minister of PUPR Decree No. 365/KPTS/M/2020 stipulates that the lake boundary line is at least 50 meters from the edge of the lake body, which based on Minister of PUPR Regulation No. 28 of 2015 must be obeyed.

One of the crucial aspects in land acquisition is the active involvement of the affected community in all stages, from planning, socialization, inventory, to determining compensation. However, in Rawa Pening, the community felt that they were not adequately involved, such as :

- a. Lack of Public Socialization and Consultation: The community complained that the socialization of the project and land acquisition was carried out in a limited and non-transparent manner. Information regarding the area of land to be taken, equivalent boundaries, and compensation mechanisms were not conveyed clearly and openly.
- b. Not Involved in Land Inventory and Boundary Determination: The land inventory and mapping process carried out by the Pemali-Juana BBWS without involving the community and BPN has caused many residents to feel that their land has been unilaterally marked. The installation of markers without the consent of residents has caused tension and rejection.
- c. Neglect of Community Rights to Certified Land:

Communities who have had land certificates since the 1950s and have paid taxes feel that their rights are being ignored. Certificates that should provide legal certainty are not respected in the land acquisition process, so that residents feel that they have lost their rights to land without adequate legal protection.

- d. Lack of Effective Dispute Resolution Mechanisms: When it comes to land boundaries and compensation, the resolution mechanisms are not effective. Communities feel they do not have easy and fair access to convey their consent or file lawsuits, so the conflict worsens.

5. Social and Economic Impacts of Procedural Violations and Non-participation

Violations of procedures and lack of community participation in land acquisition have a direct impact on the social and economic lives of residents around Rawa Pening, as in some examples:

- a. Loss of Productive Land and Livelihoods: The development of equivalent markers that include productive agricultural land and organizations cause residents to lose access to land that has been their main source of livelihood, especially for farmers and fishermen.
- b. Disruption of Social Life and Potential for Horizontal Conflict: The unclear status of land and injustice in the procurement process has caused social tensions between residents and between residents and government officials and the TNI involved in the markers.
- c. Alleged Human Rights Violations: The loss of residents' living space and land management rights without a fair and transparent process has the potential to violate human rights, especially the right to land ownership, the right to a decent living, and the right to participate in the development process.

6. Efforts and Recommendations to Address Violations and Increase Participation

To address violation procedures and increase community participation in land acquisition, several strategic steps need to be taken:

- a. Increase Transparency and Openness of Information: The government and project implementers must provide complete and easily accessible information regarding project plans, land boundaries, compensation values, and complaint mechanisms to affected communities.
- b. Involve the Community in All Stages of the Process: Active community participation in socialization, inventory, mapping, and compensation assessment must be guaranteed so that their rights and interests are respected and accommodated fairly.
- c. Better Inter-Agency Coordination: BBWS Pemali-Juana, BPN, local governments, and security forces must coordinate intensively to ensure accurate land data and a land acquisition process that complies with legal procedures.
- d. Effective and Fair Dispute Resolution Mechanism: The government needs to provide a fast, transparent, and fair resolution path, whether through mediation, arbitration, or litigation, so that conflicts do not drag on and the community obtains justice.
- e. Protection of Human Rights in Project Development: Project implementation must pay attention to human rights principles, including the right to land, living space, and a decent living, and avoid arbitrary actions that harm the community.

The controversy surrounding the land acquisition process for the Rawa Pening revitalization project can be analyzed through several theoretical perspectives from social development, legal justice, and political ecology. These frameworks offer insights into why conflicts emerged and how procedural deficiencies contributed to public resistance.

First, the Participatory Development Theory, as proposed by Robert Chambers (1997), emphasizes that sustainable

development must involve the meaningful participation of affected communities at all stages, from planning to execution. In the case of Rawa Pening, the lack of public involvement—particularly during land mapping and boundary demarcation—has led to a sense of exclusion and marginalization. This is in line with Sherry Arnstein’s “Ladder of Citizen Participation” (1969), which explains that superficial involvement or ‘tokenism’ often worsens power imbalances between state authorities and local residents.

Secondly, from an agrarian justice perspective, Borras and Franco (2010) argue that land disputes often stem from a conflict between state-driven development agendas and historically rooted land tenure systems. For many residents around Rawa Pening, land is not just an economic asset but also a vital part of their cultural identity and daily survival. The abrupt redefinition of land boundaries—without due recognition of local tenure rights—reflects a deeper issue of distributive injustice.

In addition, Procedural Injustice Theory, articulated by Tom Tyler (1990), highlights how people’s perception of fairness is heavily shaped by the decision-making process, not merely the outcomes. When the process lacks transparency, access to information, or avenues for objection, it fosters distrust and opposition. The residents’ rejection of the boundary markers, for example, is not solely about physical displacement, but also about their exclusion from a process that determines the fate of their land and livelihoods.

Furthermore, Political Ecology Theory, introduced by Bryant and Bailey (1997), helps explain how environmental and conservation projects may be used by the state as tools for extending control over natural resources, often at the expense of marginalized communities. Although framed as a public interest project, the revitalization of Rawa Pening reflects power asymmetries where state and institutional actors prioritize environmental goals without ensuring socio-economic protections for those displaced.

The situation also raises concerns related to international human rights norms. Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Indonesia

has ratified, all individuals have the right to adequate housing and protection from forced eviction. The absence of fair compensation mechanisms and the threat of land loss—especially for those with legal titles—may constitute a violation of these basic rights, as also emphasized by UN-Habitat guidelines on land governance.

Lastly, poor governance in land acquisition becomes evident when viewed through the lens of Good Governance Theory, developed by the World Bank and UNDP. This theory underscores the importance of transparency, accountability, responsiveness, and public participation in government-led initiatives. The failure of authorities to coordinate effectively, deliver clear communication, and provide platforms for community feedback during the Rawa Pening project points to weaknesses in administrative governance that have undermined public legitimacy and escalated resistance.

C. Legal Analysis

Evaluation of compliance with Law No. 2 of 2012 and Government Regulation No. 19 of 2021

1. Compliance with the Stages and Procedures of Land Acquisition Based on Law No. 2 of 2012 and Government Regulation No. 19 of 2021

Law No. 2 of 2012 and Government Regulation No. 19 of 2021 regulate in detail the stages of land acquisition, starting from planning, socialization, inventory and identification, compensation assessment, compensation payment, to handover of land acquisition results. Each stage must be carried out with the principles of transparency, community participation, and justice. In the case of the revitalization of Rawa Pening Lake, several aspects of the implementation of land acquisition show non-compliance with these provisions:

- a. Minimal Socialization and Community Participation: Based on reports and results of interviews with the community, socialization related to the project and land acquisition was carried out in a limited manner and did

not involve the active community. This is contrary to Article 6 and Article 8 of Government Regulation Number 19 of 2021 which requires socialization and community consultation to obtain approval and input from those affected.

- b. Non-Transparent Land Inventory and Identification: Article 10 of Government Regulation Number 19 of 2021 stipulates that land inventory and identification must be carried out accurately and involve the community and related agencies. However, in this project, the mapping and installation of equivalent markers was carried out without official coordination with the National Land Agency (BPN) and without involving the community in a competent manner.
- c. Unfair and Inappropriate Compensation Assessment: Compensation assessment must be carried out by an independent appraiser and disseminated to the community in accordance with Article 12 of Law No. 2 of 2012. However, many residents complained that the compensation value offered was far below market value and did not ignore socio-economic losses due to the loss of productive land and the livelihoods of fishermen. This shows a discrepancy with the principle of justice mandated by the Law.
- d. Unclear Dispute Resolution Mechanism: The dispute resolution mechanism regulated in Law No. 2 of 2012 and Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution must provide easy and fair access for the community. However, in the field, residents find it difficult to access effective resolution channels, resulting in prolonged conflicts.

2. Evaluation of the Determination of Boundary Lines and Their Impact on Community Rights

Decree of the Minister of PUPR No. 365/KPTS/M/2020 concerning the Determination of the Boundary Line of Lake

Rawa Pening stipulates a minimum of 50 meters from the edge of the lake as part of efforts to control sedimentation and preserve the ecosystem. However, the implementation of this boundary line has a broad impact on community-owned land, including productive land and certified organizations.

Legally, the determination of the boundary line must pay attention to community land rights and be carried out through transparent and participatory procedures. This regulation must be in line with the provisions of Article 6 and Article 7 of Law No. 2 of 2012 which requires notification and consultation to the community and the determination of land boundaries that do not unfairly harm the rights of land owners. However, in practice, the installation of boundary markers without dialogue and the consent of residents indicates a violation of these principles. This poses a legal threat and potential violation of land rights protected by the Basic Agrarian Law (UUPA) Number 5 of 1960.

3. Protection of Community Rights in the Framework of Agrarian and Environmental Law

In addition to the Land Acquisition Law, the implementation of the revitalization of Rawa Pening Lake must also comply with the provisions of Law Number 32 of 2009 concerning Environmental Protection and Management. Projects that have the potential to cause major environmental impacts are required to conduct an Environmental Impact Analysis (AMDAL) as part of protecting the community and ecosystem. Failure to fulfill AMDAL obligations can result in ecological damage that impacts the lives of the community, such as that caused by sedimentation and rising lake levels that submerge productive agricultural land. This also has the potential to spread the right to a healthy environment as regulated in Article 28H paragraph (1) of the 1945 Constitution. This legal evaluation shows that the implementation of land acquisition in the Rawa Pening Lake revitalization project has not fully complied with the provisions of Law No. 2 of 2012 and PP No. 19 of 2021. This inconsistency has the potential to cause violations of land rights and community environmental

rights as well as prolonged agrarian conflict.

For this reason, it is necessary to improve the implementation of land acquisition by:

- a. Increasing transparency and community participation in all stages of land acquisition.
- b. Officially involve BPN in land inventory and mapping.
- c. Determine compensation values that are fair and in accordance with the economic conditions of the community.
- d. Transforming the resolution mechanism to be easily accessible and effective.
- e. Complying with environmental provisions including AMDAL obligations.

4. Analysis of Community Lawsuits and PTUN Decisions

In the context of Rawa Pening revitalization, communities often sue government decisions regarding the installation of lake boundaries that have an impact on their productive land. These lawsuits are generally filed with the State Administrative Court (PTUN) on the basis of alleged violations of land rights and injustice in the land acquisition process. Analysis of PTUN decisions shows that it plays an important role in assessing the legality of government policies, especially regarding legal certainty and justice for affected communities. Although communities have fought for their rights through legal channels, challenges remain because government policies are often top-down and pay little attention to community participation. The results of PTUN decisions are usually used as a reference in assessing whether the government has fulfilled the principles of agrarian law, such as justice, legal certainty, and the social function of land.

5. Legal Protection of the Community in the Perspective of

Agrarian Law and Human Rights

Legal protection for the community, especially land rights holders in the context of land acquisition for public interest, is an important part of the agrarian legal system in Indonesia which is also integrated with the principles of Human Rights (HAM).

- a. Legal Basis for Protection of Land Rights in Agrarian Law: The Basic Agrarian Law (UUPA) Number 5 of 1960 is the main basis of agrarian law in Indonesia which regulates land rights and its control by the state for the greatest prosperity of the people. Article 2 of the UUPA emphasizes that all earth, air, and space are controlled by the state and must be utilized for the prosperity of the people fairly and evenly. Article 33 of Law No. 2 of 2012 states that the assessment of compensation is carried out by an independent appraiser who assesses land, buildings, plants, and other losses that can be assessed economically¹⁹. In addition, Article 28H paragraph (4) of the 1945 Constitution provides a guarantee that every person has the right to private ownership and that such ownership rights may not be taken arbitrarily and must be balanced with appropriate compensation.
- b. Principles of Agrarian Law that Guarantee Community Protection: Indonesian agrarian law is based on several important principles that serve as the basis for community protection, namely the principles of justice, legal certainty, and the social function of land:
- c. Principle of Justice: Ensure that land management and use are carried out fairly, do not harm landowners, and pay attention to the interests of the wider community.
- d. Principle of Legal Certainty: Ensure that land rights are legally recognized and protected by law so that they are free from threats and punishment.
- e. Principle of Social Function of Land: Land is not only owned for individual interests, but must be used for the

¹⁹ Ari & Mahlil. (2025). Perlindungan Hukum Pemegang Hak Atas Tanah Dalam Pengadaan Tanah Untuk Kepentingan Umum. *Sakata Law Journal*. 2(1). 236

welfare of society in general.

6. Access an Effective and Fair Resolution Mechanism if Disturbances Occur

In the implementation of land acquisition, the state through related agencies is required to provide preventive and repressive legal protection. Preventive Protection: Providing an opportunity for the community to express their opinions, views, and aspirations before the land is taken over. This is realized through socialization, public consultation, and deliberation with the affected community.

If a violation or defense occurs, the community can use legal mechanisms such as filing a civil lawsuit, arbitration, or mediation to resolve the conflict. In addition, Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution provides a non-litigation path that can be used to resolve land acquisition peacefully and efficiently²⁰. To comprehensively analyze the legal and social dimensions of the land acquisition process and the resulting agrarian conflict in the Rawa Pening revitalization project, this study adopts a multi-theoretical approach that integrates core principles from agrarian law, human rights, and dispute resolution frameworks. The first theoretical foundation employed is the theory of legal certainty, which plays a critical role in ensuring the rule of law is upheld in any legal process.

Legal certainty refers to the principle that laws must be clear, predictable, and consistently applied so that individuals and communities can understand their rights and obligations. In the context of land acquisition, this principle ensures that affected communities have legal clarity regarding the status of their land and the procedures used to acquire it. However, in the Rawa Pening case, the implementation of land acquisition policies has revealed inconsistencies, such as inadequate socialization, lack of coordination with the National Land Agency (BPN), and overlapping land rights. These issues raise serious concerns about the extent to which the principle of legal

²⁰ Saputra, R. Perlindungan Hukum Bagi Pemilik Tanah Yang Terkena Pengadaan Tanah Untuk Pembangunan Kepentingan Umum (Studi Kasus Di Kuta Lombok Tengah). Jurnal Ilmiah 2020.

certainty is realized in practice.²¹

Secondly, this research incorporates the social function of land theory, as enshrined in Indonesian agrarian law, particularly in the Basic Agrarian Law (UUPA) Number 5 of 1960. This theory emphasizes that land is not merely an economic commodity or a personal possession, but a social resource that must be managed and utilized for the welfare of the wider community. Land rights, therefore, come with responsibilities to ensure their use aligns with national development goals and public interests. In this regard, any state-led development project, including environmental revitalization efforts, must balance ecological objectives with the socio-economic realities of local residents who depend on the land for their livelihood. The unilateral actions taken in Rawa Pening, such as the installation of boundary markers on productive land without meaningful consultation, contradict the essence of this social function principle.²²

The study draws on a human rights-based approach, particularly with reference to Article 28H of the 1945 Constitution of Indonesia, which guarantees the right to property, the right to a decent standard of living, and the right to live in a safe and healthy environment. From a rights-based perspective, land acquisition processes must ensure that affected individuals are not only compensated fairly, but also involved in decision-making processes that have direct consequences for their well-being. The absence of adequate community participation in Rawa Pening—alongside alleged violations of compensation standards and disregard for certified land ownership—suggests potential breaches of fundamental human rights. Development, in this sense, must not be achieved at the expense of marginalized groups, and state authorities are obligated to respect, protect, and fulfill the rights of landholders, especially in cases involving state-driven

²¹ Maulidya Ilhami RY, "RELEVANSI KEKUATAN EKSEKUTORIAL TERHADAP SIFAT KEMANDIRIAN PUTUSAN ARBITRASE DITINJAU DARI UNDANG-UNDANG NOMOR 30 TAHUN 1999 TENTANG ARBITRASE DAN ALTERNATIF PENYELESAIAN SENGKETA."

²² Hidayanti, Koswara, and Gunawan, "The Land Legal System in Indonesia and Land Rights According to the Basic Agrarian Law (UUPA)."

projects.²³

Lastly, the research framework integrates insights from the Alternative Dispute Resolution (ADR) theory, which offers mechanisms for resolving disputes outside of formal court systems. ADR includes approaches such as mediation, negotiation, and conciliation, and is recognized in Indonesian law through Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, as well as Perkaban No. 11 of 2016. These methods are particularly relevant in agrarian conflicts, which often involve complex social relationships, emotional attachment to land, and power imbalances between the state and local communities. In the case of Rawa Pening, where litigation may be time-consuming, costly, and inaccessible for affected residents, ADR provides an inclusive, flexible, and potentially less adversarial route to justice. Mediation, in particular, allows conflicting parties to arrive at mutually acceptable solutions while preserving social harmony and fostering trust in legal institutions.²⁴

The integration of legal certainty, the social function of land, human rights, and alternative dispute resolution theories provides a comprehensive analytical lens through which the Rawa Pening agrarian conflict can be examined. This theoretical framework not only elucidates the legal shortcomings and institutional failures in the land acquisition process but also highlights the urgent need for a participatory, transparent, and rights-oriented approach to development. By grounding this study in these interconnected theories, the research aims to contribute meaningfully to the discourse on agrarian justice, legal reform, and the protection of community land rights in Indonesia.

To analyze the agrarian conflict arising from the Rawa Pening revitalization project, this study adopts an interdisciplinary theoretical approach that draws from four key frameworks: the theory of legal certainty, the social function of

²³ Muis et al., "State Responsibility for Access and Availability of Patented Drugs for Public Health."

²⁴ Anis, "PENERAPAN ALTERNATIF PENYELESAIAN SENGKETA (ADR) DALAM PENYELESAIAN SENGKETA DI INDONESIA: FOKUS PADA EFISIENSI DAN KESEIMBANGAN."

land, the human rights-based approach, and alternative dispute resolution (ADR) theory. First, the theory of legal certainty emphasizes the necessity of clear, predictable, and consistently applied laws to safeguard individuals and communities. In the context of land acquisition, this theory ensures that affected communities are fully aware of the legal status of their land and the procedures governing its acquisition. However, the lack of transparency, minimal public outreach, and absence of formal coordination with the National Land Agency (BPN) in the Rawa Pening case suggest significant shortcomings in upholding legal certainty in practice.

Second, the social function of land theory, rooted in the Basic Agrarian Law (UUPA) No. 5 of 1960, asserts that land is not merely a private economic asset but a social resource that must serve the broader public interest. Land ownership, therefore, comes with social responsibilities, and any state-led land acquisition must take into account the livelihood and socio-economic dependence of local communities. In the Rawa Pening case, actions such as unilateral installation of boundary markers on productive land, without meaningful dialogue or consultation, contradict the core values of this theory and undermine the welfare of those who rely on the land for survival.

Third, the human rights-based approach offers a normative framework rooted in Article 28H of the 1945 Constitution of Indonesia, which guarantees the rights to property, to an adequate standard of living, and to a healthy environment. From this perspective, land acquisition processes must not only provide fair and just compensation but also respect the right of affected communities to participate in decision-making processes. Alleged violations in the Rawa Pening project—such as undervalued compensation and disregard for existing land certificates—represent potential infringements of these fundamental rights, suggesting a lack of compliance with the state's obligation to protect and fulfill the rights of its citizens.

Fourth, the alternative dispute resolution (ADR) theory provides a practical framework for addressing agrarian disputes outside of formal court systems. Methods such as mediation, negotiation, and conciliation—as recognized in Law

No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and in BPN Regulation No. 11 of 2016—are particularly effective in contexts involving complex social dynamics, emotional attachments to land, and power asymmetries between the state and local communities. In the case of Rawa Pening, ADR offers a more inclusive, accessible, and less adversarial mechanism for resolving disputes, especially for marginalized groups who may lack the resources or legal literacy to pursue formal litigation.

By integrating these four theoretical perspectives, the legal analysis of the Rawa Pening land acquisition process becomes more comprehensive—going beyond procedural legality to address deeper questions of justice, transparency, and community rights. This multidimensional framework not only highlights legal and institutional deficiencies but also strengthens the argument for participatory and rights-based reform in Indonesia’s land governance practices.

Conclusion

The Rawa Pening revitalization project was carried out without fulfilling the principles of fair and participatory agrarian law. The implementation of the Rawa Pening Lake revitalization project has proven that there is a discrepancy with the principles of justice and community participation as stipulated in agrarian law. The land acquisition process and determination of equivalence lines were carried out unilaterally without actively involving the community, thus ignoring land rights, the right to a decent living, and the right to obtain information and participate in decision-making that directly impacts their lives. This can be seen from the installation of equivalence markers that include productive land and community organizations, as well as the unclear welfare of the affected community, even though most of the land has been certified and built on the basis of legal ownership rights. Legal protection for the community has not been optimal due to minimal coordination between agencies and weak settlement mechanisms.

Coordination between related government agencies, such as the Ministry of PUPR, BPN, and local governments, has not

been running optimally. This has led to overlapping policies, unclear land status, and legal restrictions for the community. In addition, the available settlement mechanisms have not been able to provide effective legal protection for affected communities. Agrarian disputes that arise are not immediately resolved and the community has difficulty accessing fair and fast legal channels. As a result, legal protection for the community over land ownership rights and living space becomes weak, and creates distrust of the development process carried out by the government

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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 : Januari 17, 2025

Revised : June 25, 2025

Accepted : July 1, 2025

Published : July 21, 2025

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