

## ABSTRAK

Penelitian ini mengkaji perlindungan hukum terhadap kepemilikan tanah musnah akibat dampak banjir rob di Kecamatan Sayung, Kabupaten Demak, khususnya di luar wilayah pengadaan tanah proyek Jalan Tol Sayung–Demak. Fenomena tanah musnah di kawasan pesisir tersebut menimbulkan persoalan serius karena hak atas tanah yang secara fisik hilang tetap tercatat secara administratif, sehingga menimbulkan ketidakpastian hukum dan ketidakadilan kompensasi. Kerangka hukum yang digunakan meliputi Undang-Undang Pokok Agraria (UUPA), Peraturan Pemerintah Nomor 18 Tahun 2021, Peraturan Presiden Nomor 52 Tahun 2022 jo. Perpres Nomor 27 Tahun 2023, serta Permen ATR/BPN Nomor 3 Tahun 2024 tentang Tata Cara Penetapan Tanah Musnah.

Penelitian ini menggunakan metode yuridis-empiris dengan pendekatan evaluatif terhadap pelaksanaan kebijakan penetapan tanah musnah, melalui pengumpulan data primer berupa wawancara dengan instansi terkait dan masyarakat terdampak, serta data sekunder dari peraturan perundang-undangan dan literatur akademik.

Hasil penelitian menunjukkan bahwa perlindungan hukum yang didapatkan oleh Masyarakat pemilik tanah musnah diluar wilayah pembangunan Jalan tol Sayung – Demak ini masihlah sangat kurang hal tersebut dikarenakan kurangnya perhatian Pemerintah dalam hal kasus tanah musnah atau tanah yang terindikasi musnah.

Kebijakan penetapan tanah musnah di luar wilayah proyek strategis nasional melalui rekonstruksi dalam aspek penilaian terhadap nilai keadilan masih belum terpenuhi secara memadai, karena masih dijumpai perbedaan perlakuan terhadap masyarakat terdampak, di mana kebijakan yang berlaku hanya mengakomodasi pemberian dana kerohiman kepada pemilik tanah yang musnah sebagai akibat langsung dari proses pengadaan tanah proyek Jalan Tol Sayung–Demak, sementara masyarakat dengan kondisi kehilangan tanah yang serupa di luar wilayah pengadaan tanah tidak memperoleh perlakuan hukum yang setara.

Penelitian ini mengungkapkan bahwa belum sepenuhnya memberikan perlindungan hukum yang adil dan proporsional bagi pemilik tanah musnah serta terindikasi musnah. Ketidakharmonisan antar regulasi, birokrasi yang berbelit, minimnya pedoman teknis, dan lemahnya partisipasi masyarakat mengakibatkan terhambatnya pemberian kompensasi atau dana kerohiman kepada masyarakat terdampak, hal tersebut dapat terlihat dalam tidak terpenuhinya nilai keadilan dalam Kebijakan penetapan tanah musnah di luar wilayah Pembangunan Jalan tol Sayung – Demak.

***Kata Kunci: Perlindungan Hukum, Tanah Musnah, Banjir Rob, Jalan Tol Sayung–Demak, Rekonstruksi***

## **ABSTRACT**

*This research examines the legal protection afforded to ownership of land destroyed as a result of tidal flooding (banjir rob) in Sayung Sub-District, Demak Regency, particularly in areas located outside the land acquisition zone of the Sayung–Demak Toll Road project. The phenomenon of destroyed land in this coastal region has generated serious legal issues, as land rights that have physically ceased to exist remain administratively recorded, thereby giving rise to legal uncertainty and inequitable compensation. The legal framework applied in this study comprises the Basic Agrarian Law, Government Regulation No. 18 of 2021, Presidential Regulation No. 52 of 2022 as amended by Presidential Regulation No. 27 of 2023, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 3 of 2024 concerning the Procedures for the Determination of Destroyed Land.*

*This study employs a juridical-empirical method with an evaluative approach to the implementation of policies on the determination of destroyed land. Primary data were obtained through interviews with relevant government institutions and affected communities, while secondary data were derived from statutory regulations and academic literature.*

*The findings indicate that the legal protection received by landowners whose land has been destroyed outside the development area of the Sayung–Demak Toll Road remains highly inadequate. This condition is largely attributable to the limited attention given by the Government to cases of destroyed land or land indicated as destroyed beyond the scope of strategic infrastructure projects.*

*Furthermore, the policy on the determination of destroyed land outside the National Strategic Project area through reconstruction mechanisms has not sufficiently fulfilled the element of justice. Disparities in treatment persist among affected communities, as the prevailing policy only accommodates the provision of kerohiman compensation funds to landowners whose land was destroyed as a direct consequence of the land acquisition process for the Sayung–Demak Toll Road project. In contrast, communities experiencing similar losses outside the land acquisition area do not receive equal legal treatment.*

*This research reveals that the existing regulatory framework has not yet ensured fair and proportional legal protection for owners of destroyed land and land indicated as destroyed. Regulatory disharmony, complex bureaucratic procedures, the absence of clear technical guidelines, and weak community participation have collectively impeded the provision of compensation or kerohiman funds to affected communities. These shortcomings clearly demonstrate the failure to realize the value of justice within the policy governing the determination of destroyed land outside the Sayung–Demak Toll Road development area.*

**Keywords: Legal Protection, Destroyed Land, Tidal Flooding, Sayung–Demak Toll Road, Reconstruction**