



## As a Consequences of the Law of Unilaterally Closing Road Access for Public Road Interests (Case Study of Register Number 92 / Pdt.G / 2021 / PN. Sim)

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**Abstract:** This research examines the legal consequences of unilaterally closing public road access based on case study Number 92/Pdt.G/2021/PN. Sim. This closure gave rise to legal and social disputes in society. With a normative juridical approach, this research analyzes legal bases such as the UUPA, Civil Code, and Road Law. The research results show that the act of closing road access without a valid legal basis violates the principle of the social function of land rights (Article 6 UUPA) and can be categorized as an unlawful act (Article 1365 of the Civil Code). The main obstacles in resolving disputes are the defendant's non-compliance with legal decisions and weak enforcement of regulations. Therefore, it is necessary to strengthen regulations regarding road access, increase the government's role in mediating land disputes, as well as legal education for the community to prevent similar conflicts in the future.

**Keyword:** Legal Consequences of Road Access Closure, Interest of Unilateral Public Roads.

### INTRODUCTION

Roads are an important transportation facility for society because they greatly influence daily activities (Karim & All, 2023). Law of the Republic of Indonesia Number 38 of 2004 defines roads as part of the traffic infrastructure that supports community mobility and the distribution of goods and services. Roads cover all parts, including what is above ground, underground, water surface and underwater. However, roads in this law do not include railway lines, airplane runways, or cable lines. This regulation aims to regulate the construction and management of roads so that they are more structured, safe and beneficial for the community and support economic development and national development. The source of which is Law of the Republic of Indonesia Number 38 of 2004 explaining the law which regulates the definition of roads, types of roads, as well as the role and function of roads in the context of transportation and national development in Indonesia. Roads have an important role in supporting balanced regional development aimed at leveling development results and reducing disparities between regions, while strengthening national defense and security supports stability and continuity of

sustainable development. As the main infrastructure, roads connect various regions, make it easier for people to access their activities, and support the smooth flow of goods and services that encourage economic growth. In addition, roads also play a role in defense and security systems, enabling the mobilization of personnel and equipment in emergency situations. Therefore, the construction and maintenance of good roads is an important factor in realizing sustainable and equitable national development (Adminpu, 2024).

In practice, every individual as a legal subject has rights and responsibilities in accessing and complying with legal regulations, especially in terms of road use. Rights and obligations regarding the use of highways are regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. This aims to create order, safety and smooth roads, with every road user obliged to obey the rules for the common good, preventing accidents and reducing congestion. The rights obtained are as follows:

1. The right to obtain clean and safe road conditions which do not endanger road users;
2. Usage zebra cross safely;
3. The right to use roads in accordance with their function (Republic of Indonesia Law Number 22 of 2009).

The obligations that must be carried out by road users are as follows:

1. Maintain cleanliness such as not throwing rubbish indiscriminately on this street;
2. Obligation to obey traffic signs;
3. Obligation to respect other road users.

Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) confirms that all land in every region in Indonesia is the collective property of the Indonesian people." This provision shows that land is not just an individual's property, but is also part of national assets that must be managed for the common benefit of nature. Article 6 of the UUPA stipulates that land rights must be used with due regard to social functions, which means that land must not only be used for personal interests, but must support community welfare and general development (Rejekiingsih, 2016). Land use must pay attention to the welfare of the wider community and support national development. This principle emphasizes that land ownership in Indonesia is not absolute, but must be in harmony with the principle of social function. Every individual who has rights to land is responsible for using it in the best way possible. With this regulation, excessive control of land by certain parties can be prevented, so that the distribution and use of land becomes fairer. The main aim of this policy is to create balance in the use of agrarian resources so that it can provide benefits for all Indonesian people, as well as ensuring that land is managed sustainably for the benefit of future generations (Normawati, 2019). This article also emphasizes that land as an agrarian resource has a social function that cannot be used solely for personal or group interests and is a resource that is very important for the life of society and the state.

Several important points related to Article 6 UUPA no. 5 of 1960 regarding social functions. Social function refers to the role or contribution made by individuals, groups or institutions in society (Sobri, 2020). Which means justice in the use of land rights, where every land owner is obliged to pay attention to the balance between individual rights and social obligations. This principle aims to avoid abuse of land rights, realize social justice, and encourage shared prosperity where there is a common interest as a right within it (Astriani & Indrawati, 2024). Land rights, even though they are personal, must also have a social function in accordance with Article 6 of UUPA no. 5 of 1960. This means that land must be used not only for personal interests, but also for the interests of society and general welfare (Harefa, 2020). The term social function is often used in various scientific disciplines, to explain how social interactions and social structures function in everyday life. The social function aspect for the benefit of the community takes into account the needs of land use and the interests of the surrounding community. Justice and prosperity emphasize the importance of fairness in land

control and use. Sustainable development requires that every development project involving land use must provide benefits to society and not only benefit certain parties (Permana, 2024).

The obstacles in implementing these social functions are seeing that human needs are increasing, the intensity of road use is increasing, the use of transportation, the use of road access is becoming more dense and numerous, causing several problems or conflicts such as traffic accidents and even the closure of road access (whether done for the sake of interest or done arbitrarily). The existence of this conflict makes humans as legal subjects lose some of their rights to enjoy the facilities provided by the government (Sutedi, 2020).

In this research, the author as a researcher is very interested in discussing existing conflicts, especially the conflict over closing road access from house to house, which was taken from the case study Register Number 92 / Pdt.G / 2021 / PN. Sim. The case raised as material for researching and completing "Obligations and Rights Relating to Public Roads That Must Be Implemented", the results of the thoughts from this writing and case were submitted to the District Court in Simalungun District. Siantar, Kab. Simalungun and this case took place in Huta Silandoyung, Nagori Silou Paribuan, Silou Kahean District, Simalungun Regency, North Sumatra.

The dispute between YS as Plaintiff and WW as Defendant began with WW's actions in closing the road access that connected YS's land. WW claims the road is his. YS sued the Sleman District Court, which was then decided in Decision Number 44/Pdt.G/2013/PN.SLMN. This case continued to the Yogyakarta High Court with Decision Number 22/Pdt/2014/PTY, and finally reached the Supreme Court with Decision Number 194K/Pdt/2015, which provided legal certainty for the parties to the dispute.

With increasing road use, conflicts such as road access closures often occur, which can harm people's rights. To prevent conflicts from recurring, systematic prevention is needed, with more specific regulations (Setyono & Prapanca, 2021). The government needs to strengthen the regulations in Law no. 38 of 2004 concerning Roads regarding public road access rights and provisions prohibiting unilateral road closures and Regional Regulations (Perda) can be made to regulate the use of village roads, including prohibiting control of roads by certain individuals or groups. Road mapping and legality ensure the status of roads, whether public roads, village roads, or private roads, certification Public roads that are frequently used by the community need to be registered and certified as state land or village assets, not private land (Putri, 2020). Legal education to the community regarding their rights and obligations Road utilization needs to be carried out by the authorities and strengthening the role of village government The village government must have a firm policy regarding road management.

Based on the problems that arise, the author is interested in discussing the legal impact of unilaterally closing road access for public purposes. This case is in the spotlight because it raises various legal and social implications, especially in Siloundoyung Village. Therefore, this research will raise issues based on Decision Number 92/Pdt.G/2021/PN. Sim, with a main focus on two important aspects. First, what are the legal consequences arising from the action of closing road access in accordance with the court decision? Second, what obstacles are faced in resolving disputes that arise as a result of these actions. By examining these two aspects, this research is expected to provide deeper insight into the impacts and legal challenges in similar cases, as well as highlight the importance of fair application of the law in disputes over land rights and road access.

## **METHOD**

Research methods refer to a series of stages and procedures applied by researchers to collect, analyze and interpret data relating to road access rights and the legal impact of unilateral road closures. This process involves gathering relevant information, analyzing the facts and applicable law, and understanding the legal implications of the action. By using systematic and structured methods, this research aims to produce findings that can provide insight into legal

and policy aspects related to road access. This research focuses on a concrete case study (Number 92/Pdt.G/2021/Pn.Sim) which describes the legal and social impacts of closing road access in Siloundoyung Village in order to answer research questions or test hypotheses (Pridana & Sunarsi, 2021). Research methods are a systematic approach to obtaining new knowledge or verifying existing information, which includes research design, data collection techniques, and data analysis to produce valid knowledge (Achjar et al, 2023).

Research objects include road access rights, social and economic impacts, as well as legal procedures for resolving disputes. The data in this research was obtained from primary, secondary and tertiary legal sources, such as court documents, interviews with sources, as well as relevant literature and regulations. Data collection techniques use library research, by collecting information from various sources in the library.

Data analysis was carried out using a qualitative normative juridical approach, which allows researchers to carry out in-depth interpretations of legal norms and relate them to the problems faced. It is hoped that the results of the analysis will provide a better understanding of the legal and social implications of closing road access, as well as challenges in implementing existing laws. This research not only highlights legal aspects, but also the social and economic impacts on local communities, and provides recommendations for handling similar cases.

## **RESULTS AND DISCUSSION**

### **Legal consequences of unilaterally closing road access for public road purposes**

Land procurement for public purposes in Indonesia is regulated in Law Number 2 of 2012, specifically in Article 13, which stipulates that the land acquisition process is carried out by the government to support development aimed at improving community welfare. This land acquisition includes various projects that are strategic in nature and have a positive impact on the public interest, such as infrastructure development, public facilities and other projects that support social and economic progress. This law ensures legal certainty in land acquisition for public purposes, including development projects such as infrastructure and public facilities. This process must be carried out in an orderly, fair and appropriate manner so that people's rights remain protected (Lestari, 2020).

Unlike regulations which are only stipulated through Presidential Regulations, Law Number 2 of 2012 provides a stronger legal basis for the land acquisition process for the public interest. The existence of this law ensures that every stage of land acquisition has clearer and binding legal certainty, so that implementation is more secure and can accommodate the interests of the community and government in a balanced manner (Suntoro, 2018). This law regulates who has the rights to land for public purposes and ensures that owners receive fair compensation according to the law, as well as protecting the rights of land owners during the procurement process (Subekti, 2016).

The transfer of land rights is regulated in Article 20 Paragraph 2 of the UUPA, which allows changes in land ownership in two ways: first, legal events such as inheritance or merging of property rights; second, transfer of rights through transactions such as buying and selling. These two mechanisms ensure that the transition process is carried out legally, according to the rules, and avoids future disputes (. Transfer of land rights can occur as a result of legal actions, such as through sale and purchase transactions, grants, or land exchange. This is regulated to ensure that any changes in ownership are carried out in accordance with legal and transparent procedures. With clear regulations, it is hoped that it can prevent potential disputes in the future, so that land ownership is maintained and legally recognized. This process aims to provide justice to all parties involved and encourage the creation of more orderly land governance ( Hartanto, 2018).

Removal of land ownership rights is regulated in Article 27 of the Basic Agrarian Law (UUPA), which includes various reasons that can cause the loss of land rights. One of them is the revocation of land rights which is carried out in accordance with the provisions of Article

18 of the UUPA, which gives the state the authority to withdraw land rights that have been granted. In addition, ownership rights can also be removed if the owner voluntarily surrenders the land. These provisions aim to ensure that land use remains in accordance with its intended purpose and does not violate the public interest. Apart from that, land abandonment, inability to fulfill the requirements as a legal owner, and transfer of rights to unauthorized parties are also forms of revocation of land rights. This ensures that the land is managed according to applicable regulations. This provision aims to prevent illegal land ownership and ensure land is used for public interests and national development (Sappe et al, 2021).

Based on a study of the case, it was found that in the trial it was proven that the plaintiffs and defendants were residents and people living in Huta Silandoyung, Nagori Silou Paribuan, Silou Kahean District, Simalungun Regency, North Sumatra Province. Apart from that, the homes of the plaintiffs and other residents are located behind the defendant's house, so access to and from the plaintiffs' house is through a small alley next to the defendant's house. Over the years, this small alley has been used by the community without any problems as the main route in and out of the plaintiffs' homes. This has also been acknowledged by the village head and local traditional community leaders.

Based on the facts of the trial, the small alley road is the property of Plaintiff I based on Certificate of Ownership Number 02.09.16.04.1.00054 in the name of Jater Purba. This land was donated by Plaintiff I to become a public road. However, in August 2020, the defendant suddenly claimed part of the small alley road as his own, even though he could not show proof of legal ownership. As a result of this action, the defendant installed a fence which made the road access increasingly narrow, so that motorbikes could not pass, hampering the activities of the plaintiff and other residents.

Apart from that, several residents, including Plaintiff IV, own oil palm land behind the defendant's house, whose road access also depends on this small alley. Usually, oil palm farmers use motorbikes with means of transporting the harvest on both sides. However, after the defendant installed a fence along the small alley, the farmers could no longer use this access. Efforts by village officials and residents to resolve this problem through deliberation did not produce results, because the defendant responded with emotion. As a result, residents were forced to remove the fence installed by the defendant.

In October 2020, the defendant again installed an iron fence cast in concrete along part of the small alley. This encouraged the plaintiffs and other residents to report the incident to the village head for mediation. However, the defendant still insisted that part of the road belonged to him. The village head then asked for help from the sub-district head and police to carry out mediation, including taking measurements of the land claimed by both the plaintiff and the defendant. The measurement results show that the entire body of the small alley road belongs to Plaintiff I in accordance with the land certificate he owns.

The police chief and sub-district head asked the defendant to open access to the road, but the defendant still refused, so in the end the iron fence cast in concrete was dismantled by the police and residents. However, in December 2020, the defendant again installed a fence made of broti wood along the road, which was again removed by residents. In this incident, the defendant threw bread from the top of his house, injuring a small child, which sparked anger among the residents, resulting in throwing at the defendant's house. As a result of this incident, the defendant reported the plaintiff to the police, even though the witnesses at the location did not see directly who threw it.

During the trial, the public prosecutor's indictment stated that part of the small alley road belonged to the defendant. This shows that the defendant continues to claim ownership without valid evidence, causing the plaintiffs to become defendants and be detained. It was on this basis that the plaintiffs, through their legal representatives, filed an unlawful act lawsuit to prove land ownership based on a valid certificate. Apart from that, in January 2021, the village head invited the National Land Agency (BPN) to re-measure the land that was the object of the



dispute. BPN measurements confirmed that the land belonged to Plaintiff I according to proof of ownership. During the trial, the Defendant was proven to have violated several legal provisions, such as Article 19 Paragraph (2) UUPA, Article 2 Government Regulation Number 51 of 1960, and Articles 667 and 671 of the Civil Code. As a result, the Plaintiff suffered immaterial losses of around IDR 500,000,000.

According to Article 20 Paragraph (1) of the Basic Agrarian Law (UUPA), land ownership rights are the strongest and fullest rights, and can be inherited. This right provides legal certainty for its owner and can be transferred to another party, in accordance with the provisions of Article 20 Paragraph (2) UUPA. In this case, the land that provides the access road in the form of a small alley is registered as the property of Plaintiff I, as proven by Certificate of Ownership Number 02.09.16.04.1.00054 in the name of Jater Purba. The land has been donated by the owner for public purposes, so it can no longer be claimed unilaterally by the defendant. Claims without a valid legal basis are contrary to the provisions in the UUPA, especially regarding legal certainty and land use for public purposes (Astriani & Indrawati, 2024).

In the context of Article 18 UUPA, the land that has been donated by Plaintiff I must continue to function as a means of access for the surrounding community and must not be monopolized or claimed by certain individuals. The defendant's actions in installing a fence and blocking residents' access not only disrupt community mobility but also contradict the principle of using land for the common good.

Article 19 Paragraph (2) of the Basic Agrarian Law (UUPA) emphasizes the important role of the government in providing legal certainty regarding land ownership status. Through land registration, the government ensures that land rights are clearly recorded, so that they can be accounted for and do not cause disputes in the future. This land registration is the basis for recognizing and protecting the rights of land owners, as well as guaranteeing legal certainty for parties involved in transactions or claims on the land. With this mechanism, land ownership status becomes more transparent and protected. The results of re-measurements carried out by the National Land Agency (BPN) strengthen the evidence that the small alley land indeed belongs to Plaintiff I as stated in the certificate. Therefore, the defendant's action in insisting on claiming the land without any legal evidence is a violation of the principle of legal certainty guaranteed in the UUPA.

Apart from being contrary to the provisions of the Basic Agrarian Law (UUPA), the actions carried out by the Defendant can also be categorized as unlawful acts based on Article 1365 of the Civil Code (Civil Code). This article states that for every action that violates the law and causes loss to another party, the perpetrator is obliged to provide compensation for the loss. Thus, the Defendant's actions which harm the Plaintiff are not only contrary to agrarian law, but also trigger a legal obligation to provide compensation or compensation to the party who was harmed by these actions. In this case, the defendant has committed a number of actions that are detrimental to the plaintiffs, including claiming land without legal basis, blocking road access by installing fences, and causing disruption to the daily activities of residents who depend on this access. As a result of this action, the plaintiffs experienced difficulties in mobility, were disrupted in their economic activities, and were involved in legal conflicts that should not have occurred. Therefore, the defendant can be held responsible for the losses caused, both material and immaterial (Hasan, 2021).

The Defendant's actions violated Government Regulation in Lieu of Law Number 51 of 1960, which prohibits the use of land without valid permission, to protect the rights of land owners and prevent misuse. This regulation emphasizes that a person is not permitted to use or control land without the consent of the legal owner. In this case, the defendant was unable to show proof of ownership of the land he claimed, but still tried to control the land by building a fence and blocking residents' access. This is clearly a form of legal violation that has the potential to cause legal consequences for the defendant.

Furthermore, in civil law, the rights and obligations of land owners are also regulated in Article 667 and Article 671 of the Civil Code. Article 667 of the Civil Code emphasizes that land owners must pay attention to the interests of surrounding land owners and must not take actions that could interfere with other people's use of the land. Meanwhile, Article 671 of the Civil Code regulates that every land owner who needs access to a public road has the right to obtain the right to cross land belonging to another person under certain conditions. In this case, the small alley access has been used as a public route for many years, and the defendant's action in unilaterally closing this access is contrary to the principle of neighbors' rights (land law) in the Civil Code. Thus, based on the provisions of agrarian law and civil law, the defendant's actions had a detrimental impact on the plaintiff and constituted a form of unlawful act (Rahadiyan, 2022).

### **Obstacles in Resolving Disputes on Unilaterally Closing Road Access for Public Interest**

Dispute resolution in this case faced various challenges which slowed down the mediation and legal settlement process. One of the main obstacles is the attitude of the defendant who continues to insist on claiming ownership of the land even though he does not have valid legal evidence. Defendants' actions in continuing to build new fences after demolition of previous ones reflect a persistent effort to defend baseless claims (Manbach & Raffety, 2019). This attitude not only increases the tension between the disputing parties, but also shows disobedience to the prevailing legal rules.

Apart from that, various mediation efforts that have been carried out by village officials, sub-district heads and the police have not resulted in an agreement. This was caused by the defendant's rejection of the decision which had been based on official measurement results from the National Land Agency. This refusal further complicates dispute resolution because it prevents plaintiffs and residents from regaining their access rights. This protracted disagreement creates legal uncertainty that further worsens the situation (Purwanto & Rakhman, 2024). Furthermore, this problem is complicated by the criminalization of plaintiffs, who are accused of committing unlawful acts even though they are only trying to maintain access rights that have been used for a long time. These accusations escalated the conflict between the two parties and prolonged the legal process which could have been resolved through effective mediation (Gouda, 2007).

The impact of this dispute is not only felt by the parties involved in the dispute, but also by local residents. The legal uncertainty resulting from the defendant's unilateral claims has had significant social and economic consequences. Closed road access hampers residents' daily activities, including the distribution of agricultural products which depend on smooth transportation. As a result, people experience difficulties in carrying out their lives as usual, causing heart disease, hampering community mobility, and will definitely be greatly hampered in the involvement of human resources in any sector, including critical sectors, while protracted legal settlements further deepen uncertainty among citizens (Setiadi, 2020).

During the trial, the panel of judges found that the object of the dispute was not clearly explained, such as the size, area and boundaries of the land. As a result, the lawsuit is considered unacceptable, in accordance with Supreme Court Decision Number 1149 K/Sip/1975 and Supreme Court Decision Number 1159 K/PDT/1983, which states that lawsuits that do not state the boundaries of the disputed object are considered vague and cannot be processed further. Therefore, clarity of the object of the dispute is very important. Finally, the plaintiff was obliged to pay court costs amounting to Rp. 4,479,000.00 (four million four hundred and seventy nine thousand rupiah).

As a researcher, I am dissatisfied with the decision of the Panel of Judges at the Simalungun District Court dated 23 February 2022 which stated that the lawsuit could not be accepted. The decision did not pay enough attention to the evidence that had been submitted, such as the title certificate showing that the disputed land belonged to the plaintiff. Article 19

Paragraph (2) Law no. 5 of 1960 recognizes and protects ownership rights to land, while Article 1365 of the Civil Code requires compensation for losses incurred. In addition, Article 667 of the Civil Code gives land owners who do not have road access the right to request it. UU no. 2 of 2012 also emphasizes the balance between development and community rights to land. Therefore, the justice of the judge's decision which ignores these aspects needs to be questioned.

## CONCLUSION

Based on the analysis of the UUPA and Civil Code, the defendant was proven to have violated the plaintiff's rights by acting contrary to Article 19 Paragraph (2) UUPA, Perpu No. 51/1960, as well as Articles 667 and 671 of the Civil Code regarding land access rights. This action is also an unlawful act according to Article 1365 of the Civil Code, which requires compensation. As a result, the defendant may be subject to legal sanctions, including reopening closed road access and paying compensation. In addition, authorities such as BPN, sub-district heads and the police have the right to take legal action to enforce regulations regarding land rights.

So that similar disputes do not occur again in the future, preventive steps are needed that involve local governments and law enforcement officials in more effective law enforcement efforts regarding land ownership and use. Strengthening mediation mechanisms based on customary law can be an alternative solution in resolving agrarian conflicts, while closer coordination with land agencies will help speed up the dispute resolution process. Apart from that, it is important for the government to increase outreach regarding the rights and obligations of land owners so that the public has a better understanding of the legal aspects of land ownership and use in accordance with applicable regulations (Ridwan & Sodik, 2023).

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