



Land Transactions in Climate Disaster Zones: Legal Challenges and Notary Professionalism in the Rob Case in Pekalongan Regency

Rindiana Larasati^{a*}, Bunga Desyana Pratami^b, Iqbal Kamalludin^b, Syarofi^a, Eksy Puji Rahayu^a

^a Faculty of Law, Janabadra University, Yogyakarta,

*Email: rindiana@janabadra.ac.id

^b Faculty of Sharia, Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan

Abstract

The phenomenon of rob that occurs chronically in the coastal area of Pekalongan Regency, especially in Wonokerto District, has created complex socio-ecological conditions. Productive agricultural land is now permanently submerged in seawater, thus triggering a wave of land buying and selling by the community to entrepreneurs at very low prices. The transaction takes place legally-formally in the presence of a notary, even though the land object is no longer ecologically and economically viable. This study aims to analyze the legal challenges and professionalism of notaries in handling land transactions in areas affected by climate disasters. The approach used is socio-legal based on case studies and observation of notarial practices in areas affected by rob. The results of the study show that there is a vacuum of norms and standards of professional ethics in the face of the new reality: land that has lost its ecological use value remains the object of legal transactions. In this position, notaries face a dilemma between carrying out administrative functions and moral responsibility as guardians of transactional justice. It is necessary to strengthen land regulations based on climate disaster mitigation and update the code of ethics for the notary profession to be in line with the principles of prudence and ecological justice.

Keywords: *climate disaster zone; ecological justice; land transaction; notary ethics; tidal flood (rob);*

A. Introduction

Climate change is no longer an abstract concept but a daily reality, especially for coastal communities. In Pekalongan Regency, tidal flooding (rob) has shifted from being seasonal to a permanent ecological disaster, classified as a slow-onset climate event. This ongoing inundation has drastically altered coastal ecosystems, damaged infrastructure, and submerged vast areas of farmland and residential zones—especially in Wonokerto District. Formerly productive lands are now unusable, turning into stagnant zones of degradation.¹

Under mounting environmental and economic pressure, local residents are left with little choice but to sell their submerged lands at very low prices. These lands, though no longer functional, are being acquired by entrepreneurs planning industrial developments. Despite the ecological degradation, transactions continue legally, facilitated by notaries, complete with valid documents and sale deeds. This creates a legal paradox: transactions are formally valid, yet the land has lost its practical function and integrity.²

This situation highlights urgent legal and ethical concerns regarding the capacity of current land laws to respond to ecological transformations caused by climate disasters, particularly

¹ Bunga Desyana Pratami et al., “Status Hukum Tanah Musnah Berdasarkan Permen ATR/BPN No. 17 Tahun 2021,” *Jurnal Officium Notarium* 1, no. 2 (2021): 218, <https://doi.org/10.20885/jon.vol1.iss2.art2>.

² I Rudiarto, “The Effectiveness of Strategy Adaptations on Tidal Flood in the Coastal Areas of Sayung, Demak, Central Java, Indonesia,” *IOP Conference Series: Earth and Environmental Science*, 2020, 42, <https://doi.org/10.1088/1755-1315/448/1/012090>.



when land remains administratively certified despite having lost its ecological utility³. Notaries, as public officials, are at the center of this dilemma, tasked with ensuring legal formality while confronting the ethical challenge of certifying transactions involving ecologically compromised land. Their role extends beyond legal compliance to safeguarding prudence and fairness in increasingly vulnerable contexts.⁴

Various studies have examined the problem of rob and its impact on coastal areas, both from ecological, social, and legal aspects, although not many have directly linked it to the problem of land transactions and the role of the notary profession in ecological emergency situations. Syafitri and Rochani (2020)⁵ in his research highlighted the main causes of flash floods in several coastal cities such as North Jakarta, East Semarang, Pekalongan, and Brebes, as well as their impact on infrastructure damage and the conversion of areas into slums. This study provides a preliminary overview of the ecological degradation of coastal areas but has not touched on the legal dimension or governance of land rights in robbed areas. Meanwhile, Miftakhudin (2021)⁶ analyzes the strategy of handling rob in Pekalongan City through an institutional approach and intergovernmental coordination, but does not highlight how the community adapts in the context of land law, including in the decision to sell its land due to ecological and economic pressures. Ramadhani et al. (2020)⁷ through his spatial study of abrasion and accretion in Demak Regency shows the importance of a geospatial approach in understanding coastal line damage, but does not involve legal analysis or aspects of post-abrasion land transactions that often occur in the field.

From a socio-economic perspective, Maurizka and Adiwibowo (2021)⁸ Contribute an understanding of fishermen's household adaptation strategies to ROB and climate change, with a focus on physical adaptations such as house elevation. However, legal strategies or rational choices to sell land in damaged environmental conditions are not part of the study.

³ D S Nagin, "Procedural Justice and Legal Compliance: A Revisionist Perspective," *Criminology and Public Policy* 19, no. 3 (2020): 761, <https://doi.org/10.1111/1745-9133.12499>.

⁴ D Nagin, "Procedural Justice and Legal Compliance," *Annual Review of Law and Social Science*, 2017, 28, <https://doi.org/10.1146/annurev-lawsocsci-110316-113310>.

⁵ A W Syafitri and A Rochani, "Analisis Penyebab Banjir Rob Di Kawasan Pesisir Studi Kasus: Jakarta Utara, Semarang Timur, Kabupaten Brebes, Pekalongan," *Jurnal Kajian Ruang*, 2022, 438, <https://jurnal.unissula.ac.id/index.php/kr/article/view/19975>.

⁶ S Miftakhudin, "Strategi Penanganan Banjir Rob Kota Pekalongan," *Jurnal Litbang Kota Pekalongan*, 2021, 54, <https://jurnal.pekalongankota.go.id/index.php/litbang/article/view/142>.

⁷ Y P Ramadhani, I Praktiko, and ..., "Perubahan Garis Pantai Menggunakan Citra Satelit Landsat Di Pesisir Kecamatan Sayung, Kabupaten Demak," *Journal of Marine ...*, 2021, 76, <https://ejournal3.undip.ac.id/index.php/jmr/article/view/30468>.

⁸ I S Maurizka and S Adiwibowo, "Strategi Adaptasi Nelayan Menghadapi Dampak Perubahan Iklim," *Jurnal Sains Komunikasi Dan ...*, 2021, 866, <https://ejournal-skpm.ipb.ac.id/index.php/jskpm/article/view/866>.



As for Marbun et al. (2022)⁹ reviewing the crime of land grabbing and the relevant criminal legal framework, showing how land conflicts can be punished based on the Criminal Code and Law Number 51 PRP of 1960. However, the study focuses more on the criminal element in illegal land ownership, rather than on the dilemma of the legality of land transactions in areas affected by ecological disasters. Thus, these studies have enriched the discourse on robbery, abrasion, and land conflicts, but have not integrated the dimensions of land law, the climate crisis, and notary professionalism in a complete frame of analysis.

Thus, this research presents a new interdisciplinary approach: combining the perspectives of land law,¹⁰ notary ethics, and ecological justice in the context of climate disasters that take place permanently in coastal areas.¹¹ This article highlights how robbery as a slow-onset disaster affects the legal relationship between citizens, land, and the state, as well as how notaries as legal actors are involved in practices that are legally legal, but ecologically and morally problematic.¹² The goal is not to blame one party, but to evaluate the extent to which the current legal system is able to respond to the challenges of the times, especially in the face of the fact that the climate crisis has fundamentally changed the relationship between humans and their living space. Therefore, the fundamental questions that are to be answered in this paper are: how does the law view transactions on land that no longer have a use value due to climate disasters? And what are the roles and responsibilities of notaries in situations like this?

B. Research Method

This study employs a socio-legal research method,¹³ which views law not only as a set of normative rules but also as a social practice implemented within society. This approach is used to analyze land transaction practices in areas affected by tidal flooding (rob) in Pekalongan Regency and to assess the professionalism of notaries in performing their duties related to the drafting of authentic deeds under disaster-prone conditions. The research

⁹ J Marbun, R K Ginting, and ..., "Tindak Pidana Penyerobatan Tanah Dalam Perspektif Hukum Pidana," *JURNAL RECTUM* ..., 2021, 87, <http://jurnal.darmaagung.ac.id/index.php/jurnalrectum/article/view/1179>.

¹⁰ Laura Westra, *Environmental Justice and the Rights of Ecological Refugees, Environmental Justice and the Rights of Ecological Refugees* (taylorfrancis.com, 2009), 98, <https://doi.org/10.4324/9781849770088>.

¹¹ Sulistyowati Irianto, "Rule of Law and Ecological Justice," 2024, 38.

¹² Sri Ratu Ratna Intan, Bunga Desyana Pratami, and Iqbal Kamalludin, "Administrative Reclamation: A Critical Study of the Abuse of Land Certification in Indonesian Maritime Areas," *IOP Conference Series: Earth and Environmental Science* 1537, no. 1 (2025): 328, <https://doi.org/10.1088/1755-1315/1537/1/012002>.

¹³ Reza Banakar and Max Travers, *Theory and Method in Socio-Legal Research* (Bloomsbury Publishing, 2005), 90.



utilizes both primary and secondary data. Primary data were obtained through interviews with notaries, land office officials, and parties directly involved in land transactions in rob-affected areas. Secondary data consist of statutory regulations, legal doctrines, court decisions, and relevant scientific journals and literature related to land law, notarial law, and disaster law.

Data collection was conducted through library research and field research. Library research was carried out to examine legal norms governing land transactions and notarial professional responsibility, while field research aimed to obtain empirical insights into the actual implementation of land transactions in climate disaster zones. The collected data were analyzed qualitatively using a descriptive-analytical method, by systematically describing the data and interpreting them through applicable legal theories and regulations to address the research problems and draw juridical conclusions. One interviewed notary explained that as long as land certificates and identity documents are formally valid, refusal to draft a deed is considered professionally risky (Interview with Notary, 2024).

C. Results and Discussion

This section presents and analyzes the findings of the study concerning land transactions conducted in climate disaster zones affected by tidal flooding (rob) in Pekalongan Regency,¹⁴ with particular emphasis on the legal challenges arising from such conditions and the professionalism of notaries involved in these transactions. The discussion is structured to address the formulated research problems by examining both normative legal frameworks and empirical realities encountered in practice. Through this analysis, the study seeks to demonstrate how existing land and notarial regulations are applied in disaster-prone areas, identify gaps between law in books and law in action, and evaluate the extent to which notaries uphold their professional responsibilities amid environmental and legal uncertainties caused by recurring rob disasters.

1. Transforming Land Status in the Context of Climate Disasters: Between Legality and Loss of Ecological Function

¹⁴ Bunga Desyana Pratami, Minarsih, and Sri Ratu Ratna Intan, "Protection of Constitutional Rights for Female Coastal Workers in Pekalongan Against Loss of Land Rights: An Agrarian Law and Islamic Law Approach," *Al-Mazaahib* 12, no. 1 (2024): 332, <https://doi.org/10.14421/al-mazaahib.v12i1.3662>.



Indonesian land law, as primarily regulated by Agrarian Law No. 5 of 1960,¹⁵ conceptualizes land not merely as an economic asset but also as a socio-legal resource intended to support human welfare and social justice. This dual character is explicitly reflected in Article 6, which affirms the social function of land rights and requires that land use contribute to the broader interests of society. However, this normative framework was constructed under relatively stable environmental assumptions and did not anticipate the complex and cumulative impacts of climate change. In recent decades, climate-induced phenomena—particularly slow-onset disasters such as tidal flooding (rob)—have increasingly undermined the practical relevance of traditional land law concepts, especially in coastal regions such as Wonokerto District, Pekalongan Regency.

In Wonokerto, persistent tidal flooding has transformed large tracts of land into permanently inundated areas. Agricultural land has lost its productive capacity, residential zones have become uninhabitable, and infrastructure has deteriorated due to continuous exposure to seawater. Despite these severe ecological and functional changes, the land remains legally recognized within the national land administration system. Certificates of ownership continue to exist, boundaries remain formally recorded, and land rights retain their full legal status. This condition exposes a structural disjunction between the formal legality of land rights and the empirical reality of environmental degradation. While the law acknowledges land as a juridical object, it fails to adequately respond to the loss of its ecological and economic function.¹⁶

From the perspective of ecological justice, this situation raises serious normative concerns. Ecological justice emphasizes fairness in the distribution of environmental benefits and burdens and seeks to prevent vulnerable communities from disproportionately bearing the negative consequences of environmental degradation. In the context of climate disasters, ecological justice requires that legal systems recognize environmental harm as a factor that reshapes rights, obligations, and responsibilities. However, the current land law regime treats ecological degradation as largely irrelevant unless it results in sudden and visible physical loss,

¹⁵ “Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria” (Jakarta: Pemerintah Republik Indonesia, n.d.).

¹⁶ J Draper, *Justice in Climate-Induced Migration and Displacement* (centaur.reading.ac.uk, 2020), 443, https://centaur.reading.ac.uk/101665/%0Ahttps://centaur.reading.ac.uk/101665/1/24896010_Draper_Thesis_Redacted.pdf.



such as erosion or land disappearance.¹⁷ Gradual and irreversible damage caused by recurring flooding remains legally invisible, even though its social and economic impacts are profound.

This legal invisibility creates a paradox. On the one hand, legal certainty is preserved through formal documentation and registration. On the other hand, such certainty is detached from the land's actual condition, potentially misleading rights holders, buyers, and financial institutions. Land that has effectively lost its function can still be traded, inherited, or used as collateral because there is no legal mechanism to reassess its status based on ecological viability. As a result, land law continues to operate in abstraction, prioritizing administrative validity over material reality. This not only undermines substantive justice but also exposes individuals to economic risks and legal disputes in the future.¹⁸

The Agrarian Law does not provide criteria or procedures for evaluating land that is gradually rendered unusable due to climate-related processes. Existing provisions concerning land loss are limited to abrupt geological changes and do not encompass long-term environmental degradation.¹⁹ Similarly, supporting regulatory frameworks—such as spatial planning, land use control, and land dispute resolution—remain fragmented and sectoral. They fail to integrate environmental data, climate risk assessments, and land administration records into a coherent system capable of responding to climate-induced transformations. Consequently, there is no formal classification of “ecologically degraded land,” allowing transactions to proceed as though no material loss has occurred.²⁰

This regulatory gap has tangible socio-economic consequences. In practice, land in flood-prone areas is often sold at significantly reduced prices, primarily to investors or speculative buyers who anticipate future compensation, reclamation projects, or regulatory changes. Meanwhile, local residents—facing declining livelihoods, mounting living costs, and limited access to legal information—are frequently compelled to sell their land under conditions of inequality. The absence of legal safeguards exacerbates power imbalances and enables

¹⁷ Melissa Pineda-Pinto et al., “Examining Ecological Justice within the Social-Ecological-Technological System of New York City, USA,” *Landscape and Urban Planning* 215 (2021): 554, <https://doi.org/https://doi.org/10.1016/j.landurbplan.2021.104228>.

¹⁸ F Thornton, “Of Harm, Culprits and Rectification: Obtaining Corrective Justice for Climate Change Displacement,” *Transnational Environmental Law* 10, no. 1 (2021): 32, <https://doi.org/10.1017/S2047102520000230>.

¹⁹ Rindiana Larasati, “Critical Legal Studies Approach to the Governance and Effectiveness of Regional Notary Supervisory Boards in Indonesia,” *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (2025): 192.

²⁰ Emily Margaret. Keller, *Re-Constructing Climate Change : Discourses of the Emerging Movement for Climate Justice*. (search.proquest.com, 2014), 228, <https://search.proquest.com/openview/e09434987bb04adf184fa1096461538d/1?pq-origsite=gscholar&cbl=18750>.



exploitative transactions that disproportionately disadvantage already vulnerable communities. In this sense, land law inadvertently legitimizes structural injustice by failing to incorporate ecological vulnerability into its normative framework.

The continued exclusion of ecological considerations from land law threatens the broader objectives of sustainability and social justice embedded in the Indonesian legal system. A land administration model that relies solely on documents and formal validity risks endorsing transactions that are legally permissible yet environmentally and ethically problematic. To remain responsive and legitimate, land law must evolve beyond its traditional anthropocentric and property-centered orientation. Land should be understood not only as a transferable legal commodity but also as an ecological entity embedded within dynamic environmental systems that directly affect human life and social stability.²¹

Given the accelerating impacts of climate change, comprehensive land policy reform is no longer optional but imperative. Such reform should include the development of legal criteria to identify land located in permanently affected climate disaster zones, the integration of spatial planning, environmental monitoring, and land registration data into a unified assessment mechanism, and the empowerment of land authorities to reevaluate, restrict, or even revoke land rights that have irreversibly lost their function. By incorporating ecological justice into land law, the legal system can ensure that land transactions remain not only legally certain but also socially fair, environmentally responsible, and resilient in the face of an escalating climate crisis.

2. Socio-Economic Vulnerability and Land Transactions in the Rob Zone: A Socio-Legal Analysis

The tidal flooding (rob) phenomenon affecting the coastal areas of Pekalongan Regency, particularly in Wonokerto District, has generated not only severe ecological degradation but also a profound and prolonged socio-economic crisis for local communities. Unlike sudden natural disasters, rob represents a slow-onset environmental catastrophe whose impacts accumulate over time, gradually eroding livelihoods, social resilience, and economic stability. For communities historically dependent on land-based activities—such as agriculture, aquaculture, and small-scale coastal enterprises—the permanent inundation of land has

²¹ M Arba, *Hukum Agraria Indonesia* (books.google.com, 2021), 22, https://books.google.com/books?hl=en&lr=&id=ZdgrEAAAQBAJ&oi=fnd&pg=PA1&dq=tanah+mushnah+dan+perlindungan+hukum+agraria&ots=ocj_tvW-vl&sig=aB5FmGBUf981Mer8_FpxrzBAky8.



resulted in the systematic loss of productive assets. Land that once functioned as the primary source of income and social security has been transformed into non-productive, flooded areas, leaving households without viable means of subsistence.²²

This prolonged environmental pressure has significantly altered the economic structure of affected communities. Declining productivity has led to reduced household incomes, increased unemployment, and growing dependence on informal or precarious labor. Many families experience a downward spiral into structural poverty, characterized by limited access to education, healthcare, and alternative economic opportunities. In the absence of effective state intervention, adaptive policies, or sustainable livelihood programs, residents are forced to confront their economic vulnerability individually. Under these conditions, the decision to sell land is rarely a matter of genuine free will. Rather, it constitutes a form of coerced adaptation to environmental deterioration and economic hardship, undertaken in the absence of clear prospects for recovery or long-term protection.²³

Within this context, land sale and purchase transactions in rob-affected areas must be understood as manifestations of acute socio-economic vulnerability. Empirical findings indicate that land in flooded zones is commonly sold at prices far below its normative market value, often reaching only one-third or even one-quarter of the price of comparable land in unaffected areas. Such price disparities are not merely the result of market mechanisms but reflect deeply unequal bargaining positions between sellers and buyers. Local residents, burdened by unusable land, mounting living costs, and urgent survival needs, are primarily motivated to relinquish ownership as a means of alleviating immediate economic pressure. Their ability to negotiate fair prices or protective contractual terms is severely constrained by limited information, legal illiteracy, and the absence of institutional safeguards.

Conversely, land buyers in these transactions typically possess superior economic capacity, access to legal expertise, and strategic knowledge regarding future land use planning. These buyers often include industrial investors, logistics estate developers, or land speculators who anticipate future infrastructure development, reclamation projects, or policy changes that may restore or enhance the land's economic value. As a result, land transactions in the rob zone occur within an asymmetrical power structure, where economic strength,

²² Sahla Billah Sahira Debriana Novianti, Devany Putri Prasetya, "Penerapan Etika Dan Transparansi Notaris Dalam Akta Otentik," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humanioral* 1, no. 2023 (2023): 1–25, <https://journal.forikami.com/index.php/nusantara/article/view/429>.

²³ I M Susanto, I Dwisvimiari, and ..., "Status Tanah Hasil Reklamasi: Studi Empiris Pasca Pengesahan Peraturan Cipta Kerja," *Yustisia Tirtayasa: Jurnal ...*, 2023, 27, <https://jurnal.untirta.ac.id/index.php/yustisia/article/view/21897>.



information access, and legal resources are concentrated on one side of the transaction. The formal equality assumed in contractual relations is therefore illusory, masking substantive inequalities embedded in the socio-economic context.²⁴

From a legal standpoint, this reality challenges the foundational assumptions of classical contract law, particularly the notion that agreements are entered into freely and voluntarily by equal parties. In situations of ecological emergency and economic compulsion, the principle of freedom of contract loses its normative legitimacy. Affected communities do not operate within a rational space of autonomous choice but are driven by immediate survival imperatives. Many landowners lack full awareness of the long-term implications of relinquishing land rights, especially when the land is located in strategically valuable coastal zones that may later be converted into industrial estates or other profit-generating facilities. Nevertheless, positive law continues to validate such transactions based on formal consent, without adequately accounting for the coercive social and environmental conditions surrounding the agreement.²⁵

The unequal bargaining position inherent in land transactions within the rob zone illustrates how power relations between local communities and investors operate within a structurally imbalanced framework. Residents face multiple layers of vulnerability, including poverty, environmental exposure, limited access to legal remedies, and exclusion from decision-making processes. In contrast, buyers are equipped with legal instruments, financial resources, and institutional networks that enable them to capitalize on ecological crises. In many cases, low purchase prices are legally justified through formal agreements executed before a notary, thereby conferring legitimacy on transactions that, in substance, perpetuate social and environmental injustice. Once the deed of sale and purchase is signed, community land rights are formally extinguished, even though the underlying transaction reflects profound inequities.

Current positive law is largely incapable of providing effective protection for communities in such ecological emergency contexts. Neither the Agrarian Law nor its implementing regulations contain specific provisions governing land transactions in

²⁴ Syaiful Hadi, Tahegga Pramananda Alfath, and Trianita Yandhini Syarifudin, "Protection of Human Rights in Reclamation in Coastal Areas and Small Islands," *Lex Scientia Law Review* 2, no. 2 (2018): 221, <https://doi.org/10.15294/lesrev.v2i2.27591>.

²⁵ Giorgio Anfuso et al., "Coastal Sensitivity/Vulnerability Characterization and Adaptation Strategies: A Review," *Journal of Marine Science and Engineering* (mdpi.com, 2021), 29, <https://doi.org/10.3390/jmse9010072>.



permanently affected climate disaster zones²⁶. There are no legal mechanisms to regulate speculative practices, establish minimum land prices, or ensure that land relinquishment is conducted with informed consent and substantive fairness. Moreover, in cases where flooded land is subsequently converted for industrial or commercial development, existing regulations do not mandate meaningful community participation in planning processes or provide for benefit-sharing schemes. This regulatory vacuum reflects a broader structural failure of the state to fulfill its constitutional obligations to protect citizens' rights to a healthy environment, equitable economic opportunities, and participation in decisions affecting their living spaces.

A socio-legal analysis of land transactions in rob-affected areas thus reveals the limitations of a legal approach that is exclusively oriented toward formal normative validity. Law, when detached from social and ecological realities, risks functioning as an instrument that legitimizes inequality rather than correcting it. To restore its role as a tool of social engineering, the legal system must adopt a more critical and contextual approach that prioritizes the protection of vulnerable communities and the realization of substantive justice. This requires legal interventions that address power imbalances and integrate environmental risk into land governance.²⁷

Possible regulatory responses include the temporary prohibition or restriction of land transactions in permanent flood zones pending comprehensive ecological and social feasibility assessments, the introduction of mandatory spatial justice and environmental impact reviews prior to the legalization of land transfers, and the establishment of compensation or benefit-sharing mechanisms for communities whose land is converted following ecological degradation. Through such measures, affected populations can be repositioned not merely as passive victims of climate disasters, but as rights-bearing subjects entitled to fair treatment, participation, and equitable distribution of benefits arising from land use transformation.

3. The Role of Notaries in Post-Disaster Land Transactions: Between Formal Legal and Professional Ethics

²⁶ Alessa Jasmin Truedinger et al., "Adaptation after Extreme Flooding Events: Moving or Staying? The Case of the Ahr Valley in Germany," *Sustainability (Switzerland)* (mdpi.com, 2023), 93, <https://doi.org/10.3390/su15021407>.

²⁷ Narcisa Gabriela Pricope and Greer Shivers, "Wetland Vulnerability Metrics as a Rapid Indicator in Identifying Nature-Based Solutions to Mitigate Coastal Flooding," *Hydrology* (mdpi.com, 2022), <https://doi.org/10.3390/hydrology9120218>.



In the Indonesian legal system, notaries occupy a very strategic position as a public official who is authorized to make authentic deeds for all acts, agreements, and stipulations desired by the parties and required by laws and regulations. Notaries are legal actors who bridge the community's need for legal certainty and formal legality, including in land transactions.²⁸ However, in the context of climate disasters that radically alter soil and environmental conditions, such as the case of chronic rob in Pekalongan Regency, the role of notaries has become very complex. Notaries are no longer only faced with administrative procedures and legal formalities, but are also faced with ethical issues, social responsibility, and moral dilemmas in handling transactions that are legally legal, but ecologically and socially problematic.

Land buying and selling transactions in areas affected by the robbery permanently have given rise to new dynamics in the practice of notary. People who sell land are generally in a state of economic pressure, while buyers are investors or business actors who have business interests in the region. In this situation, the notary becomes the authority to draft and ratify the sale and purchase deed, as well as acting as a liaison between the legality needs of the parties and the applicable legal system. In practice, as long as the administrative documents are met—including the title certificate, identity of the parties, and the agreement on the price and land object—the notary can make a sale and purchase deed as per the standard procedure. However, problems arise when land objects that are traded have undergone very significant ecological degradation. Land that was once productive has now turned into land that is flooded all year round, cannot be used for its original function, and in many cases has even lost its physical form as usable land.²⁹

In such conditions, the responsibility of the notary should not stop at the fulfillment of the formal legalistic aspect alone. In accordance with Law Number 2 of 2014 concerning the Notary Regulation, especially in Article 16, notaries are required to act honestly, carefully, independently, impartially, and protect the interests of the parties involved in every deed they make. This means that notaries have a moral and ethical responsibility to provide a thorough explanation of the legal and factual risks that may arise from the transactions carried out. In the context of robbed land, the notary ideally explains to the buyer that the land object is in

²⁸ Irfan Iryadi, "Kedudukan Akta Otentik Dalam Hubungannya Dengan Hak Konstitusional Warga Negara," *Jurnal Konstitusi* 15, no. 4 (2019): 26, <https://doi.org/10.31078/jk1546>.

²⁹ FFAH Siregar, "Perlindungan Hukum Terhadap Pejabat Pembuat Akta Tanah Dalam Pembuatan Akta Peralihan Hak Atas Tanah Jika Terjadi Suatu Tindak Pidana," *Officium Notarium*, 2022, 109, <https://journal.uin.ac.id/JON/article/view/27794>.



an area affected by a permanent ecological disaster, which can result in the inability of the land to be used as intended, or even lose economic value in the future. This explanation is important not only to protect the interests of the buyer, but also to ensure that the transaction takes place in full awareness and balanced information between the parties.

Unfortunately, in practice, this kind of ethical responsibility is often not carried out optimally. Many notaries choose to stick to the formal legality framework, which is as long as the documents are complete and there are no administrative problems, then the deed can be legalized. This approach is indeed legally safe, but risks putting the notary in a passive position that only serves as a registrar of legality, without considering the social and ecological implications of the transaction. In environmental emergencies, such as the robbery zone, this kind of formalistic approach has the potential to reinforce speculative practices and exploitation of local communities.³⁰ Deeds made by notaries are a tool of legal legitimacy for transactions that are essentially born from information inequality and an imbalance in the bargaining position between the parties.

This is where it is important to build ethical awareness in the notary profession, especially in the face of extraordinary situations that are not fully regulated in positive law. The notary code of ethics, as a guideline of professional conduct, should be further developed to accommodate the precautionary principle in the context of the environmental crisis. Notaries should be the party that not only guarantees the validity of documents, but also bridges moral and social aspects in transactions that have the potential to harm certain parties, especially vulnerable communities. In the case of rip land, the notary can take on the role of a risk communicator who provides open information to the parties about the ecological condition of the transaction object, potential future legal obstacles, and the social consequences of land conversion.³¹

Furthermore, it is questionable whether in certain cases, notaries can or should even refuse to make a deed on the basis of ethical considerations. For example, when it is known that the buyer intends to use the land for development that has the potential to worsen environmental conditions, or when the transaction is made in a situation of complete unconsciousness on the part of the seller due to economic pressure. Although not explicitly regulated in the Notary Act Act, the prerogative to refuse to make a deed is actually part of

³⁰ R ARDHANSYAH and A W SEJATI, *Pemodelan Spasial Risiko Bencana Banjir Rob Pada Kawasan Pesisir Kabupaten Demak* (eprints.undip.ac.id, 2020), <https://eprints.undip.ac.id/81827/>.

³¹ Ramadhani, Praktiko, and ..., "Perubahan Garis Pantai Menggunakan Citra Satelit Landsat Di Pesisir Kecamatan Sayung, Kabupaten Demak," 87.



professional freedom based on social and moral responsibility. In this context, notaries become more than just executors of the law; He becomes a moral agent who helps determine the direction of sustainability in land governance.

Thus, the role of notaries in post-disaster land transactions such as rob in Pekalongan cannot be separated from ethical demands and social responsibility. Notaries are not only an extension of formal law, but must also have sensitivity to the ecological conditions and social vulnerabilities of the community. Reform of the notary profession needs to be directed at strengthening ethical values and establishing standards of behavior in situations of environmental crisis.³² This is important so that legality does not become an instrument of justification for practices that are contrary to ecological and humanitarian justice.

4. The Need for Land Law Reform and the Notary Code of Ethics in Facing the Climate Crisis

Climate change has generated tangible, systemic, and long-term impacts on human living spaces, fundamentally altering the way land is used, valued, and governed. In Indonesia, these impacts increasingly challenge the foundational assumptions of the national land law system, which was originally designed under relatively stable ecological conditions. Land, traditionally understood as a source of livelihood, social identity, and economic security, is now subject to unprecedented environmental pressures. One of the most visible manifestations of this transformation is tidal flooding (rob) along the northern coast of Java, including Pekalongan Regency. As a slow-onset climate disaster, rob does not merely disrupt the ecological function of land but gradually erodes the social, economic, and legal foundations upon which coastal communities depend.³³

Unlike sudden natural disasters, rob unfolds incrementally and persistently, making its impacts more difficult to regulate within existing legal frameworks. Land that is permanently inundated loses its productive capacity, yet remains formally recognized as a valid legal object. This condition exposes the limitations of Indonesia's current land governance system, which prioritizes administrative certainty and formal legality over ecological sustainability and social justice. In this context, legal reform becomes an urgent necessity—not only to address

³² Arif Al Anang et al., "Re-Islamization of Land Law in Global Context: An Approach to Fight Ecological Scarcity," *Jurnal Hukum Islam* 20, no. 1 (2022): 98, <https://doi.org/10.28918/jhi.v20i1.6476>.

³³ W Yahya and S P Putri, "Evaluasi Pembangunan Infrastruktur Pengendalian Banjir Rob Di Kota Pekalongan," *Jurnal Ilmu Lingkungan*, 2025, <https://ejournal.undip.ac.id/index.php/ilmulingkungan/article/view/62586>.



regulatory gaps but also to realign land law with the realities of climate change and its disproportionate effects on vulnerable communities.

Under the Agrarian Law of 1960, land rights are structured around the principles of social function and beneficial use. These principles imply that land ownership carries obligations to society and must contribute to collective welfare. However, the law does not provide explicit mechanisms for reassessing land rights that have been permanently damaged by climate-induced disasters. As long as land certificates and registration records remain valid, land submerged by rob continues to be treated as legally viable. This legal rigidity ignores the ecological degradation and social harm associated with such land and enables speculative practices that exploit environmental crises. Consequently, vulnerable landowners are placed at a structural disadvantage, while investors and developers are able to acquire land at minimal cost in anticipation of future policy shifts or development projects.

A responsive and adaptive land law framework must therefore incorporate ecological dimensions into the assessment of land legality and transferability. Reform should begin with the formulation of objective and transparent criteria to identify “permanently degraded disaster zones,” based on integrated spatial, ecological, and socio-economic indicators. Land classified within such zones should be subject to special legal treatment, including conditional transactions, heightened scrutiny, or even temporary prohibitions on transfer. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) should be mandated to develop a risk-based land classification system that aligns land administration with climate risk mapping and environmental data. In addition, regulations governing land transactions in disaster zones should require the inclusion of environmental clauses, disclosure obligations, and clear allocation of responsibilities between buyers and sellers. These measures are essential to prevent exploitative transactions and to protect landowners who are compelled to sell due to ecological and economic distress.³⁴

Alongside substantive reform of land law, the ethical framework governing notarial practice must also be reexamined. Notaries occupy a strategic position within the legal system as public officials entrusted with ensuring the legality, authenticity, and fairness of land transactions. In climate disaster contexts, however, a purely procedural approach to notarization is insufficient. Notaries cannot remain neutral facilitators who merely formalize agreements without regard to the broader social and environmental conditions surrounding

³⁴ Zela Ony Zulfida and Edi Pranoto, “Perlindungan Hukum Terhadap Pemilik Hak Atas Tanah Atas Tanah Yang Musnah,” *Supremasi Jurnal Hukum Vol. 6, No. 02* 6, no. 02 (2021): 38.



the transaction. The notary's role must evolve in response to the ethical challenges posed by climate-induced vulnerability.³⁵

Reform of the notary code of ethics should emphasize heightened prudence, social responsibility, and environmental accountability, particularly in transactions involving land located in disaster-prone areas. Notaries should be required to verify not only the formal legality of land documents but also the ecological condition and risk status of the land. This includes consulting spatial plans, disaster risk maps, and environmental data as part of due diligence. Moreover, notaries should be obligated to provide clear and written warnings to parties regarding the ecological risks, legal uncertainties, and long-term implications of transactions in flood-affected zones. In certain circumstances, ethical standards should empower notaries to advise postponement of transactions pending government assessment or to refuse to authenticate agreements that involve clear exploitation of emergency conditions, extreme imbalance of bargaining power, or manifest unfairness.

Ethical reform must also be supported by institutional capacity-building. Notaries should receive continuous training on climate change, disaster risk governance, sustainability principles, and community vulnerability. By equipping notaries with interdisciplinary knowledge, the profession can transition from a narrow focus on procedural compliance toward a more holistic role as a guardian of justice, public trust, and human dignity. In this sense, notarial ethics become an integral component of climate-responsive governance, ensuring that legal certainty does not come at the expense of social equity and environmental integrity.³⁶

The climate crisis represents one of the most profound legal challenges of the twenty-first century. Legal systems that rely solely on rigid formalism and doctrinal certainty are ill-equipped to address the complex, cumulative, and unequal impacts of environmental change. In the face of ecological collapse, law must move beyond its traditional boundaries and embrace adaptive, justice-oriented responses. Reforming land law and the notary code of ethics is therefore not merely a technical exercise, but a moral and constitutional imperative. Through such reform, law can reclaim its role as an instrument of protection and

³⁵ Yanti Taslim, "Akibat Hukum Terhadap Minuta Akta Sebagai Protokol Notaris Yang Musnah Dalam Penerbitan Salinan Akta," *Jurnal Officium Notarium* 1, no. 3 (2021): 25, <https://doi.org/10.20885/jon.vol1.iss3.art2>.

³⁶ N N A Siregar, M Gaussyah, and S Rahmah, "Liability of Notary Who Is Careless in Conducting Its Authority towards Legalization of Non Authentic Deed," *Multiresearchjournal.Com*, n.d., 45, <https://www.multiresearchjournal.com/admin/uploads/archives/archive-1743403747.pdf>.



empowerment—serving not only as a guardian of certainty, but also as a guardian of life, dignity, and ecological sustainability.

D. Conclusion

Land buying and selling transactions in areas affected by chronic erosion, such as the one that occurred in Wonokerto District, Pekalongan Regency, show the tension between formal legality and ecological realities that have changed radically. Although legally these lands are still recognized as legitimate objects of rights, the reality shows that the land has lost its ecological and social function due to climate disasters. In this situation, the community is under high economic pressure and is forced to sell their land to parties with stronger bargaining positions. Unfortunately, the law does not have adequate tools to protect the public in such situations, and notaries often only play the role of implementers of administrative legality without integrating the ethical and sustainability dimensions in practice.

Therefore, land law reform is needed that not only considers the juridical-formal dimension, but also pays attention to the ecological and social dimensions in determining whether or not a land object is legal for sale. On the other hand, the renewal of the code of ethics and notary practices should also be directed at increasing social responsibility and environmental awareness. Notaries must be able to act not only as servants of legality, but also as guardians of the values of justice in a climate crisis situation. Thus, the law and the legal profession can be transformed into a tool of liberation and protection, not just a protector of formal interests that ignore the ecological and social suffering of the affected communities.

In response to the second research question, this study concludes that notaries play a decisive role not merely as formal legal administrators, but as ethical gatekeepers in land transactions within climate disaster zones. Notaries are expected to exercise heightened prudence, provide comprehensive risk disclosure, and uphold substantive fairness when dealing with ecologically degraded land. Their professional responsibility should extend beyond document validation to include ethical judgment and social accountability in order to prevent the legalization of structurally unjust transactions.

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