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# Social Justice in Completing the Procurement of the International Airport Development in the Special Region of Yogyakarta, Indonesia

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Land in the legal sense has a significant role in human life because it can determine the existence and continuity of legal relationships and actions, both in terms of individuals and for others. It is necessary to regulate, control, and use of land, or in other words referred to as land law to prevent the problem of land so as not to cause conflicts of interest in the community. In the implementation of these provisions, Law Number 5 of 1960 concerning Basic Agrarian Rules (UUPA) was promulgated. With the enactment of the UUPA, it means that since then Indonesia has had a national agrarian law which is a legacy of independence after the Dutch colonial government. In this context, control and rights over land are primarily aimed at the realisation of social justice for the community. The results showed that the social justice context was carried out by (1) preparing compensation in the form of money, relocating houses or giving a difference of money from the value of the houses and fields being freed; (2) PT, Angasa Pura has provided employment opportunities for people affected by airport construction; and (3) PT Angkasa Pura I (Persero) (AP I) officially <sup>o</sup>opened an Information Service Center (help desk) for residents affected by the construction of the Yogyakarta International Airport in Kulon Progo.

**Key words:** *Social Justice, Settlement of Land Acquisition, Yogyakarta Airport*

## Introduction

Misuse of agrarian resources, especially land, will result in various forms of agrarian conflict. One form of agrarian conflict is the problem of changing the function of land from



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agricultural land to non-agriculture, which is developing very quickly, as a result of mega infrastructure development projects in Indonesia. For example, during the 20-year reign of the reform era, there was a practice of transferring the function of agricultural land to non-agriculture in Java around 40 thousand hectares per year.

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Agrarian conflict is a social phenomenon in which the process of interaction takes place between two (or more) people or groups who fight for the interests of the same object, namely land and objects related to land, such as water, plants, mines, and also air located on the relevant land. Land conflicts are classic problems and are always everywhere. Therefore conflicts related to land always take place continuously, because everyone has interests related to land. In general, land conflicts arise because of conflicts between public interests and individual interests and group interests (vertical). In addition, it is also due to conflicting personal interests and conflicting interests between community groups (horizontal).

Land issues are issues that always arise and are still actual from time to time, along with the increasing population of developmental developments, and increasingly widespread access to various parties who acquire land as primary capital in various interests. This is according to the opinion of Maria S.W Sumardjono, who conveyed that there are land issues which are grouped into four, namely (1) the problem of cultivation by the people on forested land, plantations and others; (2) Problems relating to violations of the provisions regarding land reform; (3) Excesses in providing land for development purposes; and (4) Civil disputes relating to land issues.

The development of agrarian conflicts has increased to the point of worrying that the future of community-owned agricultural land will increasingly diminish. In fact, the Agrarian Reform (KPA) consortium reported its findings regarding the agrarian conflict in Indonesia in 2015 in the form of year-end notes. According to KPA data, in the past 11 years, from 2004 to 2015 1772 agrarian conflicts occurred with an area of conflict area of 6,942,381 hectares, involving 1,085,817 families as victims directly affected by prolonged agrarian conflicts.

Yogyakarta Special Region is one of the regions in Indonesia that has recently experienced an agrarian problem, namely an agrarian conflict caused by the government's plan to relocate Adisucipto airport to Kulon Progo region. The reason for the construction of an International Airport in Kulonprogo is, according to PT. Angkasa Pura I, the current state of Adisutjipto Airport has exceeded the capacity (over-capacity) to accommodate the growth of passengers, planes, luggage and cargo. In an annual passenger growth, it is calculated to reach an average of 16%. Meanwhile, if observed from the strength of the capacity of the Adisutjipto Airport, it is only able to receive 2.3 million per year. In 2015 the number of passengers reached 6.3 million passengers, the greater the number of passengers, making Adisutjipto Airport needs



to be replaced by the International Airport in Kulon Progo to be able to accommodate 15 million passengers per year and 300 flights per day.

The beginning of the emergence of conflict on land in 2012 emerged a growing issue in the community related to the International Airport development plan in Kulonprogo, coupled with the initial pegging by PT. Angkasa Pura I together with the local government without prior socialisation which resulted in rejection and resistance from affected communities. The peg was carried out by the government along with PT. Angkasa Pura I intends to find out the coordinates of the land area that becomes the location of the airport construction, it makes people angry because the pegging was done without any notice to the public. After the incident, community initiation emerged to create a peasant community movement called Wahana Tri Tunggal (WTT) organisation. This WTT organisation is a place to express the aspirations of the people related to the rejection of airport construction. This was done by the community because almost all of the land that became the location of the airport construction was owned by the community and partly belonged to Paku Alam Ground (PAG). This land status factor is what causes the community to fight back; therefore, land conflicts in the construction of the international airport experienced obstacles until 2015.

The local government plays the role of an officer providing land for the airport construction site, socialising forming an objection receiving team, conducting land pegging, forming an appraisal team, assisting the compensation process, measuring land, providing relocation land for affected communities, and so on. The role of the local government is actually to help PT. Angkasa Pura I achieved success in achieving the construction of an international airport in Kulonprogo that has been mandated by Law No. 2 of 2012 Concerning Land Procurement for Construction in the Public Interest as legal legitimacy. Land acquisition conflict in Kulon Progo Special Region of Yogyakarta results in delays in the construction of the international airport. It does not receive serious attention and does not look for settlement patterns that can be accepted by the parties to the dispute, and it is feared that it will accumulate in the form of violence. This happens because conflict resolution pays little attention to social justice for the parties to the dispute.

### **The Research Aims**

This study seeks to uncover the fact that the transfer of land owned by the community to the owners of capital or the government for the construction of the International Airport received resistance from the affected communities which eventually emerged the conflict. This occurred due to the termination of the authorities in the control of land owned by the community by referring to the 1945 Constitution article 33 paragraph 3, that "The earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people"; and is strengthened by article 2 of the Basic Agrarian Law



(UUPA) which gives information to the state to control land whereas the land acquisition process for construction in the public interest refers to Law No. 2 of 2012.

Settlement of land conflicts as a step towards development has so far paid little attention to social justice for affected communities. Therefore, this study tries to uncover the resolution of land acquisition conflicts in the construction of an International Airport in the Special Region of Yogyakarta.

### Research Design and Methods

This study uses a sociological juridical approach, which is a study conducted on the real state of society or the community environment with the intent and purpose of finding facts (fact-finding), which then leads to identification (problem-identification) and ultimately to the problem resolution (problem-solution). This research was conducted in Palihan Village, Glagah Village, Sindutan Village, Jangkaran Village and Kebonrejo Village, Temon Subdistrict, Kulon Progo Regency, Special Region of Yogyakarta Indonesia.

The type of data that will be collected in this study consists of two data, namely:

- a. Primary data, namely data obtained directly from the first source, namely the informants and respondents selected by the purposive sampling method. The source is in the form of observations, views, understandings, mindset, attitudes, and responses regarding land rights, land issues, land tenure and utilisation, local government policies governing land, and conflicts that occur relating to land acquisition for International Airport construction and completion.
- b. Secondary data is in the form of data obtained from several documents such as the 1945 Constitution, UUPA, Law Number 2 of 2012 concerning Land Procurement for Construction in the Public Interest, Regional Regulation Number 1 of 2012 concerning Spatial Planning and Kulon Progo Region in 2012 -2032, DIY Governor Decree Number: 68/KE/2015. In addition, data was also obtained from documents such as books, journals, research results and articles relating to the focus of the problem, as well as data relevant to the object of research.

The data analysis process begins by examining all available data from various sources (interviews of observations, documents, drawings, photographs, and so on) and then reduced by making abstractions. Abstraction is an attempt to make a summary of the core, the statement process that needs to be maintained so that it remains in it. The next step is the preparation in units, then categorised and finally conducted data validity checks to conclude. The data analysis in this study is carried out in a qualitative descriptive manner after the data obtained through interview and direct observation techniques, then compiled and described



according to the existing reality in detail and depth, then do the explanation and interpret the data according to the aims and objectives to be achieved in the study.

### Findings and Discussion

Conflict settlement that occurs in society, in general, can be done in two ways, namely: using the court (litigation) and outside the court (non-litigation). Both forms of conflict settlement have different views according to the goals, culture or values believed by the parties to the dispute.

Non-litigation conflict resolution is taken to avoid long and convoluted bureaucratic mechanisms. Non-judicial aspects are the form of interference from certain parties outside the authority to judge; thus it will have implications for decisions that deviate from the nature of justice, which in turn ultimately causing the formal mechanism not always to get a broad response from the community. This condition is often exacerbated by the inability of the judiciary to handle cases that are increasingly piling up. Conflict settlement by using the court (litigation) the process takes a long time, the cost is expensive, not responsive, the ability of judges is minimal, the decision is confusing, the decision does not provide legal certainty. It does not solve the problem even more; it adds up another problem to the matter.

The occurrence of conflict settlement outside the court, according to Galenter, gives an illustration that justice is not only obtained through a state court, but justice can also be obtained in specific social environments such as family, neighbourhood, workplace, kinship relations, business relations, etc. as a social institution of the system of norms and local rules according to the traditions maintained by the community. According to Jhon Stuart Mill, the existence of justice is a moral rule. The moral is to talk about good and bad. This moral rule must be focused on human welfare. Meanwhile, the essence of justice is the rights granted to individuals to carry it out.

John Rawls has perfected the principles of justice as follows: first, everyone has the same claim to fulfil his basic rights and freedoms of the same type and freedom for all people, and the same political independence is guaranteed with values that are fairly guaranteed. Second, social and economic inequalities can be met based on two conditions, namely: (a) attached to positions that are open to all people under conditions of equal opportunity; and (b) maximum benefit to the most disadvantaged members of the community.

The synchronization of the concept of social justice and the welfare state is in line with the value of social justice stipulated in the Pancasila as the ideological foundation and the 1945 Constitution as the constitutional basis of Indonesia. The meaning of the precepts of Pancasila is God, Justice, and Civilisation has become a synergistic measure. Justice,



freedom, and prosperity that unjust freedom will only bring destruction. The democratic system must lead to the welfare of society because democracy without the welfare of society becomes useless. Welfare must bring justice because unjust welfare is not equitable welfare for all Indonesian people.

Social justice includes economic justice, political justice, legal justice, and so forth. Considering the concept of social justice is concerned with complex social welfare and is related to various aspects of society. Thus the values in social justice in the form of values that give priority to the community in disadvantaged conditions; thus, disadvantaged people can meet their basic needs. Values protect the interests of a balanced and equal and are values agreed by the community with a valid agreement.

In resolving the conflict in Land Procurement International Airport Construction in the Special Region of Yogyakarta has been resolved in various ways, namely deliberation, negotiation, determination of compensation, mediation, and consignment. The results of the study and data in the field indicate that the settlement has run well and agreed by the community in five villages, namely Palihan, Glagah, Sindutan, Jangkaran and Kebon Rejo villages. There were 518 households or 504% of the 1044 households affected by the International Airport construction. From the five affected villages, there were two villages, namely Palihan and Glagah Villages whose people rejected or hindered the construction of the international airport in a total of 256 families or approximately 50%. Settlement efforts have been carried out by various parties from the Regional Government of DIY, Angkasa Pura, Regional Government of Kulonprogo and NGOs.

To study the conflict settlement in Land Procurement for International Airport Development in Yogyakarta Special Region, the concept of social justice becomes an interesting concept because this concept emphasises alignments by prioritising the values of justice. According to Bung Karno, social justice was interpreted as a society or the nature of a just and prosperous society, happy for everyone, no humiliation, no oppression, no exploitation.

Bung Karno's thoughts on social justice were clear, precise, systematic and firm. It is apparent that Soekarno prioritises the value of justice and upholds the value of human rights in the concept of national and state life. Of course, the birth of the idea on the definition of social justice was the result of Sukarno's reflection on the dark period of the history of the Indonesian people. The Indonesian people have suffered, oppressed, humiliated and exploited by the Dutch and Japanese occupation. The statement of the text above proves that Sukarno wanted to declare social justice as a legacy and ethics of the Indonesian people that must be achieved.



The concept of social justice in resolving conflicts in Land Procurement for International Airport Construction in the Special Region of Yogyakarta, which consists of indicators of distribution under rights and agreements, does not hurt each other, compensates profits to promote community welfare.

PT Angkasa Pura I targets land acquisition for the construction of the New Yogyakarta International Airport (NYIA) Airport in Kulon Progo Regency, Yogyakarta Special Region to be completed by the end of February 2018. The deadline must be pursued because the validity period for the establishment of the NYIA construction site will end in April. Therefore, the land acquisition must be completed before that, at least at the end of February or early March 2018. From 347 fields to January 25, 315 fields have been made. As many as 285 fields have been decided, and compensation has been paid, and 30 fields were still in the process of the trial while 32 fields have not been registered in court. The process of completing land acquisition for the construction of an International Airport in the Special Region of Yogyakarta by using the concept of social justice is the distribution indicator following rights and agreements. The land acquisition process for the construction site of the New Yogyakarta International Airport (NYIA) in Kulon Progo has been completed. The total land that has been acquired is more than 500 hectares with a total value of Rp 4.1 trillion. Land acquisition covering an area of 581.7 hectares consisted of 3,492 parcels of land and was divided into 4,400 plots. Of that amount, 3,181 was paid, while 323 fields were in the process of convention.

According to Project Manager of NYIA, Sujiastono said the following:

"The compensation value for land acquisition reaches Rp 4.1 trillion. Of that value, most of it has been paid to the landowner, and the rest is deposited in court, including payments for Pakualaman Ground.

He admitted there are still 37 houses and 27 vacant fields that refuse payment of consignment. It does not give deadlines to homeowners and the field. We do not have a deadline urging them to move. We leave it entirely to them. But the existence of families who choose to remain is not conducive, at this time electricity, roads, and neighbours are gone. So we judge the faster they make the relocation decision, the better,"

Efforts to approach 37 houses and 27 vacant fields that refused consignment payments continue to be carried out with a dialogical and religious approach which involved implementing religious figures and community leaders. This process was indeed ongoing, but the compensation value for land acquisition for the New Yogyakarta International Airport (NYIA) project in Kulon Progo was considered fantastic. General Manager of PT Angkasa





Pura I (Persero) Yogyakarta Adisutjipto International Airport, Agus Pandu Purnama said as follows:

“The party affected by the airport construction is actually AP I, not a citizen. The total investment funds incurred as a compensation value for 587.3 hectares worth Rp 4.13 trillion. "The residents were not affected because [land rights] have been replaced at very reasonable prices. In fact, fantastic, He added the valuation of land prices could reach Rp1.5 million - Rp2 million per square meter, while the sale value of the tax object was only Rp60,000 - Rp80,000 per square meter. They explained the compensation mechanism covering physical and non-physical space above and below the ground, buildings, objects related to land, and plants, while non-physical forms of compensation included loss of business/work, profession change, moving costs, transaction costs (taxes), compensation for waiting periods, remaining property values (damage to land/buildings damaged, emotionally related to the right to residence (solatium)).

The scheme undertaken by the DIY Government was to prepare compensation in the form of money, relocating houses or giving a difference of money from the value of the houses and fields being freed. The government obtained a relocation location still in the PAG area, which was not included in the design of the construction of the new airport. Meanwhile, land acquisition was included with the construction of access, not only limited to the construction of the airport.

In addition, PT Angasa Pura also provided employment opportunities for people affected by the airport construction. PT Angkasa Pura I (Persero) (AP I) officially opened an Information Service Center (help desk) for residents affected by the construction of the Yogyakarta International Airport in Kulon Progo. This help desk was located at the Yogyakarta International Airport Development Project Office, Jalan Raya Wates-Purworejo Km 1, Tanggapan, Palihan, Wates. This help desk aimed to provide a comprehensive understanding of the procedures and process of a consignment of compensation payments and oversee the fulfilment of the rights of affected residents, so there will be a dialogue space between residents and Angkasa Pura I, Kulon Progo Regency Government, BPN, development contractors, and other related parties.

According to the Director of Marketing and Services of PT Angkasa Pura I (Persero) Devy W. Suradji stressed:

“This help desk is the result of cooperation between AP I and the Kulon Progo Regency Government and other relevant stakeholders, such as the National Land Agency (BPN) and the Yogyakarta International Airport construction contractor. According to him, the limited space and time made the initiator of the construction of



Yogyakarta International Airport and the affected people difficult to dialogue. That is why this help desk is present, namely as a place for dialogue as well as a means for citizens to submit their input. Therefore citizens will get clear information, and minimise information that is troubling or confusing,"

According to General Manager <sup>3</sup> of PT Angkasa Pura I (Persero) Agus Pandu Purnama said as follows:

"Basically, the construction of the Yogyakarta International Airport in Kulon Progo has great aspirations to improve the regional economy and the people of Yogyakarta, especially Kulon Progo community. The airport, which in the first phase of development will have a capacity of 14 million passengers per year, is certain to open employment opportunities and business opportunities for thousands of people, both employment and business within the airport, which are related to airport operations, or that are not directly related to the operations of the airport. To improve the quality of human resources and improve the ability of citizens to meet job opportunities and business opportunities, AP I has provided entrepreneurship training programs and skills training. Even today many affected people have bought new land and started farming again. In addition, there are also farmers who have successfully switched professions to become catering and laundry entrepreneurs, Related to employment information and business opportunities, Angkasa Pura I presents this help desk. Help desk aims as a connector of communication to the public related to information on employment opportunities and business opportunities. It is hoped that the public will increasingly understand and have a shared understanding of the existence of Yogyakarta International Airport, "

This help desk service mechanism brings the concept of one-stop integrated service. All stakeholders have representative officers. The flow of the help desk service mechanism starts with the applicant citizens who come to be assisted by the help desk officer. The officer will record the applicant's identity and information. Then, the desired information will be forwarded to related parties based on their information needs. Furthermore, the officer will provide an explanation or response directly to the applicant. If the problem cannot be explained directly, the officer will provide follow-up to a maximum of three days after the information is requested. All information included in the help desk service will be recorded in a database belonging to Angkasa Pura I, Kulonprogo Regency Government, BPN, and the construction contractor.

In settlement of conflict of the land construction of the International Airport in the Special Region of Yogyakarta, the distribution is in accordance with the rights and agreements, not to the detriment of each other, in exchange for profit to prioritise the welfare of the community. The concept is closer to the concept of social justice because the indicators do not harm each



other and promote the mutual agreement. The context that occurred in Kulonprogo in the completion of airport land gave rise to the term compensation for profit because the value of buildings, land and services was calculated with the material value that had been agreed upon together.

### **Conclusion and Recommendation**

The concept of social justice in resolving conflicts in Land Procurement for International Airport Construction in the Special Region of Yogyakarta, which consists of indicators of distribution in accordance with rights and agreements, does not harm each other, compensates profits to promote community welfare. PT Angkasa Pura I targets land acquisition for the construction of the New Yogyakarta International Airport (NYIA) Airport in Kulon Progo Regency, Yogyakarta Special Region to be completed by the end of February 2018. The deadline must be pursued because the validity period for the establishment of the NYIA construction site will end in April. Therefore, the land acquisition must be completed before that, which is at least at the end of February or early March 2018. From 347 fields to January 25, 315 fields have been made. A total of 285 fields have been decided, and compensation has been paid, and 36 fields are still in the trial process while 32 fields have not been registered in court. The land acquisition process for the construction site of the New Yogyakarta International Airport (NYIA) in Kulon Progo has been completed. The total land that has been acquired is more than 500 hectares with a total value of Rp 4.1 trillion. Land acquisition covering an area of 581.7 hectares consists of 3,492 parcels of land and is divided into 4,400 plots. Of that amount 3,181 has been paid, while 323 fields are in the process of convention. The scheme undertaken by the DIY Government is to prepare compensation in the form of money, relocating houses or giving a difference of money from the value of the houses and fields being freed. The government has obtained a relocation location that is still in the PAG area, which is not included in the design of the construction of the new airport. Meanwhile, land acquisition is included with the construction of access, not only limited to the construction of the airport. In addition, PT. Angasa Pura has also provided employment opportunities for people affected by the airport construction. PT Angkasa Pura I (Persero) (AP I) officially opened an Information Service Center (help desk) for residents affected by the construction of the Yogyakarta International Airport in Kulon Progo. This help desk is located at the Yogyakarta International Airport Development Project Office, Jalan Raya Wates-Purworejo Km 1, Tanggalan, Palihan, Wates. This help desk aims to provide a comprehensive understanding of procedures and the process of the consignment of compensation payments and to guard the fulfilment of the rights of affected residents. Therefore there will be a dialogue space between residents and Angkasa Pura I, Kulon Progo Regency Government, BPN, construction contractors, and other related parties. The concept is closer to the concept of social justice because the indicators do not harm each other and promote the mutual agreement. The context that occurred in Kulonprogo in the completion of



airport land gave rise to the term compensation for profit because the value of buildings, land and services is calculated with the material value that had been agreed upon together.



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