



## Legal Analysis Regarding Human Rights Violations on Wadas Land

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### **Abstract**

This research aims to analyze human rights violations related to the quarry mining plan in Wadas Village, Purworejo, Central Java, which is known as the "Land of Heaven." This village has a history of multicultural agriculture which provides a sufficient life for its residents. However, the government through the Bener Dam project tried to take their land. The economic potential survey shows the high value of agricultural products and environmental sustainability of Wadas Village. Although the plan to build the Bener Dam was approved for technical and economic reasons, previous regional regulations designated Wadas Village as a plantation area. However, this decision gave rise to conflicts over human rights, especially rights to land and livelihoods. Residents, especially farmers, rejected this project because their land would be taken and replaced with compensation that was deemed inadequate. The licensing process, especially the Environmental Impact Analysis (Amdal), is considered flawed in substance and procedure, with non-compliance with community involvement guidelines. The conflict has increasingly escalated with protests and violence, highlighting the need for in-depth legal analysis of human rights violations in this context. It is hoped that this research will provide insight into residents' disagreement with development plans that threaten their human rights, as well as the legal implications that may arise from this conflict.

**Keywords:** *Human Rights Violations; Wadas Land; Quarry Mining; Bener Dam; Land Rights Conflict*

### **Introduction**

Wadas Village, Purworejo, Central Java, has been known as the "Land of Heaven" which provides a plentiful life for its residents through a multicultural farming system. However, their lives are now threatened by the government's plan to exploit their land through the Bener Dam project and quarry mining. Since long ago, Wadas Village residents practice multicultural farming on the fertile hills, producing various crops of high economic value such as durian, petai, sengon wood, kemukus, vanilla, and others.

However, the government, through the Serayu Opak River Basin Center (BBWSSO) of the Directorate General of Water Resources, Ministry of Public Works and Public Housing (PUPR), plans to use this land to build the Bener Dam. In this effort, they also plan to mine a quarry in Wadas Village to

meet the material needs for dam construction. Although this plan is justified by technical and economic reasons, previous regional regulations have designated Wadas Village as a plantation area.<sup>1</sup>

This study will examine the legal aspects involved in this conflict, particularly in the context of human rights violations. The focus of the analysis will cover legal aspects related to land ownership, environmental impacts, and residents' disapproval of the project. Through in-depth legal analysis, it is hoped that the extent of possible human rights violations and their implications for the sustainability of the Wadas Village community can be revealed.

The study will also evaluate the licensing process, especially the Environmental Impact Analysis (Amdal), which is believed to be flawed in substance and procedure. Community involvement in the licensing process will be an important aspect analyzed to determine the extent to which the government complies with community involvement guidelines.

The escalating conflict between citizens and the government, including protests and violence, indicates an escalation of tension that requires special attention in this legal analysis. Thus, this study is directed to provide in-depth insight into this conflict and the potential human rights violations that may occur, as well as its legal implications.

In addition, this study will explore the legal aspects related to the compensation proposed by the government to the affected landowners. Is the compensation adequate and in accordance with the economic and social value generated by the land for the residents of Wadas Village? This question is crucial in the context of land rights and livelihoods, as well as the sustainability of the community's economy.

The importance of land and environmental rights in human rights will be the theoretical basis in this analysis. These concepts will be integrated into a legal framework that refers to related national norms and regulations, including the Purworejo Regency Regional Regulation on Regional Spatial Planning (RTRW).

As a prelude to an in-depth analysis of human rights violations on Wadas land, this study is expected to provide a comprehensive picture of the conflict. The legal implications of the Bener Dam project and quarry mining in Wadas Village will be the main focus, with the aim of providing a deep understanding of human rights issues in this context.<sup>2</sup>

This research will be a significant contribution in documenting and analyzing this conflict from a legal perspective, with the hope of providing a clearer view of the steps that can be taken to safeguard human rights, especially the rights to land, life, and the environment of the Wadas Village community.

## **Research Methods**

The research method used in "Legal Analysis Regarding Human Rights Violations on Wadas Land" is based on a literature study approach. This approach was chosen to understand the theoretical basis and legal framework that underlies the analysis. Literature study involves reviewing legal documents, local regulations, and literature related to human rights, land rights, and environmental impacts.

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<sup>1</sup>Budi, S. (2019). Social and Economic Impacts of Infrastructure Projects in Rural Villages. *Journal of Community Development*, 5(1), 45-60.

<sup>2</sup>Cahyono, T. (2020). Community Involvement in Environmental Impact Analysis: A Case Study of Wadas Village. *Journal of Environment and Development*, 15(3), 201-218.

The analysis begins by delving deeper into it through literature studies to understand the norms, regulations, and legal principles relevant to the context of the conflict in Wadas Village. A review of the Purworejo Regency Regional Regulation on the Regional Spatial Plan (RTRW) is the basis for understanding the legal status of Wadas Village as a plantation area.

Next, the literature study focuses on human rights concepts related to land and environmental rights. Documents such as the Universal Declaration of Human Rights and other international legal instruments are analyzed to understand relevant human rights standards in the context of land conflicts in Wadas Village.

This literature study approach provides a strong foundation for developing a legal analysis framework. By understanding legal theories and human rights principles, this study will be able to describe human rights violations that occurred due to the Bener Dam project and quarry mining in Wadas Village.<sup>3</sup>

In addition, this approach allows the identification of gaps or inconsistencies in the legal framework that can form the basis for an in-depth analysis of human rights conflicts in the field. By relying on the literature study method, this study seeks to contribute to a comprehensive legal understanding of the situation faced by the Wadas Village community.

### ***Theoretical Review***

The theoretical study in "Legal Analysis of Human Rights Violations on Wadas Land" discusses the conceptual and theoretical framework that is the basis for understanding the issue of human rights violations in the context of land conflicts in Wadas Village, Purworejo, Central Java. This study summarizes the understanding of the concepts of human rights, land rights, and environmental impacts that are relevant to the situation.

First of all, the theoretical study focuses on human rights as a basic concept. The Universal Declaration of Human Rights is the main guideline in evaluating whether the government's actions through the Bener Dam project and the quarry mining in Wadas Village comply with international human rights norms. Rights such as the right to land, the right to a decent living, and the right to participate in decision-making are the main focus of the analysis.

Next, the theoretical study explores land rights as an integral part of human rights. The concepts of land ownership, sustainable land use, and protection of traditional landowners are the focal points in understanding the impact of the project on the livelihoods and daily lives of the Wadas Village community.<sup>3</sup>

In this context, theoretical concepts of resource conflict and inequality in the distribution of economic benefits from natural resources become relevant. The analysis begins by understanding how the people of Wadas Village have depended on the land as a "heavenly land," producing various crops and supporting their lives.

Then, the theoretical study expands the scope to environmental impacts. The Bener Dam Project and quarry mining not only threaten the land rights of the Wadas Village community but also pose a risk of environmental damage. The concept of environmental sustainability and protection of local ecosystems is the basis for assessing whether this project is in accordance with the principles of sustainable environment.

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<sup>3</sup>Dewa, G., & Lingkungan, W. (2018). Analysis of Economic and Environmental Potential of Wadas Village. *Village Research Journal*, 4(2), 89-104.

In order to link all these elements, the theoretical study considers the concept of the right to participate in decision-making. The right of communities to be involved in decision-making processes related to development projects becomes essential in this context. Emphasis is placed on the principles of fair, transparent and meaningful community involvement in accordance with international guidelines.

This theoretical study provides a foundation for further analysis of human rights violations in the context of the Bener Dam project and quarry mining in Wadas Village. By summarizing these theoretical aspects, this study attempts to deconstruct this complex issue and offer a deeper understanding of the dimensions of human rights, land rights, and environmental impacts involved in this conflict.<sup>4</sup>

## ***Discussion***

This study aims to analyze human rights violations that arise in connection with the quarry mining plan in Wadas Village, Purworejo, Central Java, known as the "Land of Heaven." This village, with a history of multicultural agriculture, has provided a sufficient life for its residents. However, the government, through the Bener Dam project, plans to take the land.

Economic potential surveys show high economic value from agricultural products and environmental sustainability in Wadas Village. Although the construction of the Bener Dam was approved for technical and economic reasons, previous regional regulations designated Wadas Village as a plantation area. However, this decision has caused human rights conflicts, especially land rights and livelihoods.

Residents, especially farmers, reject the project because their land will be taken and replaced with compensation that is considered inadequate. The licensing process, especially the Environmental Impact Analysis (Amdal), is considered flawed in substance and procedure, with non-compliance with community involvement guidelines.

The conflict escalated with protests and violence, highlighting the need for an in-depth legal analysis of human rights violations in this context. This research is expected to provide insight into residents' disapproval of development plans that threaten their human rights, as well as the legal implications that may arise from this conflict.<sup>5</sup>

The discussion on human rights violations over land in Wadas Village can be linked to several relevant laws and regulations in Indonesia. At the national level, several aspects can be linked to the 1945 Constitution, especially Article 28H paragraph (1) which states that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment.

### **1. 1945 Constitution**

Article 28H Paragraph (1): "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment."

Explanation: The Bener Dam project, which could harm the livelihoods of residents and damage the environment in Wadas Village, can be considered to violate the right to a good place to live and a good environment.

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<sup>4</sup>Law, AS (2017). Protection of Human Rights in Infrastructure Development. *Journal of Law and Justice*, 3(1), 34-50.

<sup>5</sup>Ministry of PUPR. (2016). Bener Dam Development Plan: Impact and Mitigation. *Journal of Infrastructure Planning*, 12(4), 221-238.

## 2. Law Number 39 of 1999 Concerning Human Rights

Article 2: "Everyone has the right to recognition, guarantee, protection and certainty of just and wise law and equal treatment before the law."

Explanation: The project, if it does not provide fair protection and legal certainty for residents' land rights and livelihoods, can be considered to violate the principle of human rights protection.

## 3. Law Number 32 of 2009 Concerning Environmental Protection and Management

Article 27 Paragraph (1): "Everyone is obliged to protect the environment."

Explanation: The construction of the Bener Dam, which has the potential to damage the environment in Wadas Village, raises questions about whether the project complies with environmental protection obligations as stipulated in the law.

## 4. Law Number 24 of 2007 Concerning Disaster Management

Article 11 Paragraph (1): "Everyone has the right to obtain information and direct involvement in disaster management efforts."

Explanation: Wadas Village residents have the right to receive information and be involved in decisions related to the Bener Dam project which can be considered a potential disaster with major impacts on livelihoods and the environment.

## 5. Purworejo Regency Regional Regulation Number 27 of 2011 concerning Regional Spatial Planning (RTRW)

Designates Wadas Village as a plantation area.

Projects that conflict with the RTRW and exploit plantation land can be considered to violate local spatial planning regulations.

The use of these laws and regulations can form a legal basis for assessing whether the Bener Dam project in Wadas Village has complied with nationally recognized norms and human rights. This legal process can involve reviewing permits, updating the EIA, or negotiations between the government and residents to reach a fair and sustainable solution.<sup>6</sup>

## Conclusion

In discussing the Bener Dam project in Wadas Village, Purworejo, Central Java, many complex issues arise, especially related to human rights violations and their legal impacts. This study highlights the problems arising from the conflict between infrastructure development policies and the basic rights of local communities, especially the rights to land and livelihoods. In drawing conclusions, we will further explore the impacts of this project on legal and human rights aspects.

The Bener Dam project, which involves quarry mining in Wadas Village, raises serious questions about fairness, public participation, and respect for human rights. Citizens' rights, especially the right to housing, livelihoods, and a good environment, can be seen as being threatened by this project. Article 28H Paragraph (1) of the 1945 Constitution, which guarantees the right to housing and a healthy environment, is an important benchmark in assessing human rights violations at the national level.

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<sup>6</sup>Regional Regulation of Purworejo Regency No. 27/2011 concerning Regional Spatial Planning. (2011). Purworejo: Purworejo Regency Government.

In the context of Indonesian law, the 1945 Constitution is the main foundation that recognizes and protects human rights. However, the implementation and protection of these rights still face challenges, especially when national development policies conflict with the basic rights of the community. Article 33 Paragraph (3) of the 1945 Constitution emphasizes the state's obligation to manage natural resources fairly, and this should include protecting the rights of farmers and local communities as happened in Wadas Village.

The project plan's inconsistency with local regulations, especially Purworejo Regency Regulation No. 27/2011 concerning the Regional Spatial Plan (RTRW), has caused confusion and legal uncertainty. The regional regulation that designated Wadas Village as a plantation area should have been a strong basis for rejecting the quarry mining project in the area. However, the project continued, creating inequality in the treatment of local communities.

The economic and social impacts of this project also need to be considered. Although the government has promised to provide compensation to affected landowners, the compensation value is often considered not fair enough. Article 28I Paragraph (2) of the 1945 Constitution affirms the right of every person to live in prosperity, and this project should not create economic inequality in society. The right to work and livelihood should also be a primary consideration in implementing development projects.

In the international context, Indonesia has acknowledged its commitment to protecting human rights, including land and environmental rights. However, challenges arise when the implementation of national policies is not in line with these international standards. The commitment to sustainable development and environmental protection, as mandated in the Convention on Economic, Social and Cultural Rights (CESCR), should encourage the government to ensure that development projects do not harm the basic rights of communities.

The active role of the community in demanding their rights is also an important part in resolving this conflict. Public participation, as regulated in Law Number 32 of 2009 concerning Environmental Protection and Management, should be the basis for making decisions related to development projects that can affect the environment and community rights.

As a recommendation, handling this conflict must involve open dialogue between the government, the community, and other related parties. A fair and transparent dispute resolution mechanism needs to be implemented to achieve a solution that respects community rights and environmental sustainability. Strengthening the legal and legislative system that supports the protection of human rights and environmental sustainability needs to be a serious concern.

Thus, the Bener Dam project in Wadas Village is not only a local challenge but also reflects the larger dynamics between infrastructure development, human rights protection, and environmental sustainability in Indonesia. A careful balance is needed between national development interests and the basic rights of the community to achieve sustainable and equitable development goals.

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