

# Settlement of Land Acquisition Conflicts in the Contraction of International Airport in Yogyakarta Special Region

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**ABSTRACT**---The inhibition of the construction of the International Airport in the Special Region of Yogyakarta is caused by the rejection of the affected community because some of the land which becomes the construction site belongs to the community and another part belongs to the PAG (Paku Alam Ground), because of the status of this land status, it has caused the community to reject in addition to the compensation factor that are not clear, lack of certainty of relocation and employment problems. If the conflict does not receive serious attention and does not look for a solution that can be accepted by all parties to the dispute, it is feared that it will accumulate in the form of violence. This study intends to formulate describing the resolution of conflicts in land acquisition for the construction of the International Airport in the Special Region of Yogyakarta. This research is an empirical study, using a sociological juridical approach. The data analysis uses descriptive qualitative method. Conflict resolution in land acquisition in the construction of the International Airport in the special area of Yogyakarta is done through consultation and mediation, but both ways can be said to fail because there is no meeting point between the government and the community in resolving conflicts. In addition to the deliberation and mediation method, a consignment method is also carried out, namely safekeeping of compensation provided to the entitled parties who refuse. The consignment was carried out in the Wates District Court, but the method of consignment was also unsuccessful because the community members felt compelled to accept compensation determined by the government, this proved that there were still around are families who has not yet taken compensation.

**Key words**---Airport Construction, Land Acquisition Conflict, Conflict Resolution

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## I. Introduction

Land conflict is of classic problems, and it is always everywhere. Therefore conflicts related to land always take place continuously, because everyone has interests related to land (Sarjita, 2004). In the current reform era, land conflicts arise because of conflicting personal interests and conflicting interests between groups. In addition, it is also due to a conflict between the public interest and the interests of individuals and community groups. A concrete example of the vertical conflict is between the farmers of Tanak Awu Village and PT Angkasa Pura (Government's Interest). Horizontal land conflicts that occur among the community are caused by inheritance issues, regional splitting and blurring of boundaries as happened in Weru Subdistrict, namely the border conflict between Nunggi village and Werapada village 2006 (Yanis Maladi, dkk, 2010).

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Land issues are issues that always arise and are always actual from time to time, along with population growth, construction development, and increasingly widespread access to various parties who acquire land as basic capital in various interests according to the opinion of Maria SW Sumardjono, who conveyed the existence of land problems which is grouped into four, namely (1) problems with people's cultivation of 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. (Maria S.W Sumardjono, 2001)

In connection with the above matters, what needs to be done is to find a way or pattern of resolving the conflict. History has proven that the resolution of conflicts between communities and the government, whether that causes violence or not, shows that conflicts cannot be resolved with violence such as the Kedung Ombo case in Solo, the iron sand case in Kulon Progo and so on.

The construction of the International Airport in Kulon Progo Special Region of Yogyakarta is an effort of the government in anticipating the condition of Adi Sucipto International Airport which is in a condition that cannot be developed anymore. For this reason the government relocated Adi Sucipto Airport to Kulon Progo. This is based on Regional Regulation Number 1 of 2012 concerning the spatial planning and Kulon Progo area of 2012-2032 which is supplemented by Law Number 2 of 2012 concerning land acquisition for the development of public use. Also based on DIY Governor's decree number 68 / KEP / 2015 and Supreme Court's cassation ruling No. 456 K / TUN / 2015.

These various policies did not make it easy to carry out in the airport construction process, and even the process was stalled since June 2015 following the decision of the Yogyakarta State Administrative Court (PTUN) Judge which revoked the construction permit. The revocation was a response to Wahana Tri Tunggal's claim to reject airport construction. This was done by the affected communities because most of the land that was the location of the construction was owned by the community, this land status factor caused the community to reject aside from the unclear compensation factor as well as the absence of certainty of relocation for the affected communities resulting in the airport construction process being hampered.

Land conflict in Kulon Progo which resulted in delays in the construction of the international airport, if it does not receive serious attention and does not look for a settlement pattern that can be accepted by the parties to the dispute, it is feared that it will accumulate in the form of violence. This happened because conflict resolution paid little attention to social justice for the parties to the dispute. In this connection, this research intends to describe the resolution of land acquisition conflicts in the construction of the International Airport in the Special Region of Yogyakarta

Based on the background above, the problems examined in this study are: How to resolve land acquisition conflicts in the construction of an international airport in the Special Region of Yogyakarta?

## **II. Research Method**

This research is an empirical legal research, while the approach used in this study is a sociological juridical approach. This research was conducted in Temon Subdistrict, Kulon Progo Regency, Special Region of Yogyakarta. Precisely in five villages, namely Palihan Village, Glagah Village, Sindutan Village, Jangkaran Village and Kebonrejo Village.

Sources of data obtained from informants selected purposively, namely consisting of counter parties who were members of Tritunggal vehicle, PT Angkasa Pura, BPN the local government and Legal Aid Institutions, the data analysis in this study was carried out in a descriptive qualitative.

### **III. Research Results and Discussion**

Efforts to resolve conflicts in land acquisition for the construction of the airport in Kulon Progo were carried out by the government through a persuasive approach to affected communities through deliberation. In general, deliberation is a way or an effort to resolve conflicts by parties without going through a judicial process with the aim of reaching mutual agreement on the basis of more harmonious and creative cooperation. Here the parties to the conflict face to face carefully in discussing what they face in a cooperative and open way. Other opinions expressed by Hadi mulyowich states that negotiation is a process that takes place voluntarily between the parties face to face directly to obtain agreement that can be accepted by both parties regarding a particular issue or problem (Hadimulyo, 1997).

Through deliberation, it shows the community's compliance with the ideal norms that live in society. Judging from the functional structural theory, that a person's actions are influenced by the values prevailing in society. In this perspective, the role of culture is a determinant of one's behavior, including using forums to resolve conflicts faced by such behavior which is a behavior oriented to values related to normative standards that control the parties (G Ritzer, 1988).

Deliberations conducted by the local government to affected residents were conducted in 2013, but can be said to be less successful because between the parties involved in the conflict found no agreement in solving the problem. This was as said by Supri that negotiations had been conducted by the government and Angkasa Pura I with the affected communities, but did not result an agreement.

The lack of agreement in resolving the conflict was caused by several things. First, affected communities rejected the construction of the airport for fear of losing their homes, agricultural land and livelihoods to meet the economic needs of the family. Citizens' concerns were caused by a change or change in the function of agricultural land to non-agricultural land covering an area of 645.36 Ha for airport construction, according to Dispertahun, the condition of land use change in Kulon Progo from year to year presented as increase. In the next five years, it is estimated that Kulon Progo Regency will lose 300 hectares of rice fields. The amount is related to the airport construction plan in Temon Subdistrict which will eliminate 111 hectares of rice fields. As well as 56 ha of rice fields that were lost to community settlements affected by airport construction, and the rest was intended for economic growth and other services (Kedaulatan Rakyat, 2016).

Second, the lack of agreement in deliberations to resolve conflicts is also caused by differences in perception with the government and PT. Angkasa Pura I, for the community in Temon Subdistrict which is an affected area, considered that the area in Temon Subdistrict should be used as an area of agricultural land and animal husbandry not for the sake of airport development given the land in the area is fertile and productive. While on the side of the Kulon Progo Regency and PT. Angkasa Pura I assumed that the construction of the airport would open up as many jobs as possible for the community and improve the regional economy. (Wawancara dengan Advokat LBH Yogyakarta 3 Mei 2019). These different perceptions were the cause of conflict, as Kovach's opinion defined conflict as a mental

and spiritual struggle of human beings which involves differences in various opposing principles, statements and arguments. (Absori 2014)

People who refused the construction of the airport incorporated in the Wahana Tri Tunggal (WTT) about five years ago had carried out demonstrations by bringing produce at the Yogyakarta Regional Office, and had taken action to close the Daendles road to distribute agricultural products to each who passed the road . The distributed agricultural products showed that the land which is the Airport's construction area is productive land.(Interview with the chairman of Wahana Tri Tunggal, 3 May 2019).Third, the lack of agreement in negotiations to resolve the conflict was also caused by differences in interests between the Government of Kulon Progo Regency and PT. Angkasa Pura I with the community in utilizing land, this was stated by an advocate of the Yogyakarta Legal Aid Institute (LBH); that the affected community members defended their land due to economic interests of the family and land for work, while the government and PT. Angkasa Pura I in utilizing the land as the location of the construction of the International Airport in the interests of increasing regional economic growth (Wawancara dengan Advokat LBH Yogyakarta, Tanggal 3 Mei 2019).This is not in accordance with Law Number 2 of 2012 in Article 9 paragraph (1) which states that the implementation of land acquisition in the public interest pays attention to the balance between construction interests and community interests.

The cause of land conflicts due to differences in interests is in line with what Wiradi Gunawan said, that land has always been a source of disputes or conflicts and often causes casualties. As a social phenomenon, agrarian dispute or conflict is a process of interaction between two or more people or groups who each fight for their interests over the same object, namely land and other objects related to land (Wiradi Gunawan, 1999).

Fourth, the absence of agreement in negotiations to resolve the conflict is also caused by the land data collection process. There is a difference in land area between those listed in the evidence of land ownership and the area of land that has been verified and improved(Interview with LBH Yogyakarta Advocate, 3 May 2019).In the Regulation of the Head of the National Land Agency Number 5 of 2012 Article 18 paragraph (6) states that in the event of a difference in the area of land contained in the evidence of ownership and or ownership of land with the area of land resulting from verification and repair, then what is used as the basis for compensation is the results of verification and improvement. On the basis of the results of the inventory and improvements used in determining the compensation, the affected community feels unfairly treated and disadvantaged, this is one of the reasons why the community objected because the difference in land area will affect the size of the amount of compensation received. This is in line with Sarjita's writing, that sociologically, conflicts that occur within the community can be caused by several things, one of which is there is an attempt to control and harm, therefore those who will be controlled or harmed hold a fight (Sarjita, 2004).

Fifth, another factor that causes no agreement in the deliberations to resolve the conflict is the determination of compensation and relocation of affected people that is less clear. This is not in accordance with Article 9 paragraph (2) of Law Number 2 of 2012 concerning Procurement of Land for Construction in the public interest, explaining that the procurement of land for public purposes is carried out by providing proper and fair compensation. The following table presents a recapitulation of the results of deliberations on the determination of compensation which is carried out directly by involving Angkasa Pura I and the affected communities.

**Table 1:** Recapitulation of the Results of the Compensation Meeting in Glagah Village, Temon Subdistrict, Kulon Progo Regency on June 20, 2016

No	Description	Total	%
1	Present	351 people	93%
2	Absent	28 people	7%
3	Agree	205 people	58%
4	Money	180 people	88%
	Land	10 people	5%
	Residence	15 people	7%
5	Tidak Sepakat	146 people	42%

Source : Primary Data, August 2019

Based on table 1, that the meeting was held on June 20, 2016, of the 351 people present, there was an agreement of 205 people or 58% agreed to receive compensation, while 146 people or 42% did not agree on the amount of the compensation.

From several causes of the absence from the agreement in the resolution of the conflict resulted in hampered construction of the airport thus it still needs efforts to resolve the conflict that can reduce the parties involved in the land conflict so that no party feels disadvantaged. For this reason, settlement is carried out through mediation, which is a process of resolving conflicts between two or more parties through negotiations or by means of consensus with the help of neutral parties (third parties) who do not have the authority to decide (Takdir Rahmadi, 2010). Mediation is a simple and practical effort in resolving disputes, which is preceded by finding and bringing together problem-solving agreements, assisted by someone or more as a mediator who is neutral and only functions as a facilitator. The final decision rests with the power of the disputing party as outlined in a joint decision (Absori dan M. Mahdi, 2016). Dispute resolution through this form, based on the agreement of the two parties to the dispute, the problem will be resolved through the help of someone or expert advisors or through a mediator ( Sarjita, 2005).

The disputing parties may consist of one or more people, in this case the party whose role as mediator is an entity with the disputing party and is impartial. In this case the mediator only facilitates the parties and the disputing parties themselves submit the solution. The mediator is an intermediary (liaison or intermediary) for the parties to the dispute (Absori dan M. Mahdi, 2016). In this case the mediator does not have the authority to decide on disputes between the parties. But in this case the parties ask the help of the mediator to help them solve the problems between them. Mediation as a form or method of dispute resolution can be found in several laws and regulations in various forms of dispute context, one of which is mediation for the settlement of land disputes (Absori 2014). The alternative dispute resolution model according to Jhon Burton is closer to the settlement model called settlement of dispute, in which there is authority and law, which can be asked to the parties by the mediator to be implemented. In this case the traditional approach to management and dispute management is generally based on mediation and negotiation. This approach will only work if the parties to the dispute agree to negotiate and have something tangible to offer (Absori 2014).

Alternative dispute resolution model with mediation according to C.W. Moore is described as an intervention against a dispute or negotiation by an acceptable third party, impartial and neutral, does not have the authority to take decisions in helping the disputing parties in an effort to reach agreement voluntarily in resolving the disputed problems of the parties (Absori dkk, 2008). The purpose of dispute resolution through mediation is first, to produce a future agreement plan that can be accepted and carried out by the parties to the dispute. Second, prepare parties to the dispute to accept the consequences of the decisions made. Third, reduce the worries and other negative impacts of a conflict by helping the disputing parties to reach consensus resolution (Absori dkk, 2008).

Mediation conducted by the local government to affected communities can also be said to be less successful, because there is no agreement as in negotiation efforts. The following table presents a recapitulation of the results of mediation carried out directly between the local government, Angkasa Pura I and the affected community.

**Table 2:** Recapitulation of the results of the mediation of Glagah Village, Temon District, Kulon Progo Regency on July 8, 2016.

No	Description	Total	%
1	Present	352 people	93 %
2	Absent	27 present	7 %
3	Agree	200 people	57 %
4	Disagree	152 people	43 %
	Total		100 %

Source: Primary Data, August 2019

Based on Table 2, that the mediation carried out on July 18, 2016, of the 352 residents were present, there was an agreement of 200 people or 57% agreed to receive compensation, while 152 people or 43% did not agree on the compensation determined. According to Supri, Wahana Tri Tunggal member who said that, among the residents who agreed, because they were promised that they would be given a decent job with the construction of the airport (Interview with Supri, June 14, 2019). Conflict resolution in land acquisition for the construction of the International Airport in the Special Region of Yogyakarta, in addition to using consultation and mediation methods, in the provision of compensation the Consignment method is used to compensate compensation in the district court in the area where the land conflict occurred, namely in Wates District Court. The most difficult problem in land acquisition for construction is when agreement cannot be reached between the community or the land owner with the government and the party that is constructing. In the provisions of Perpres Number 36 Year 2005 amended by Perpres Number 65 Year 2006, in the construction of this infrastructure it is possible to revoke the right to land that will be used for development (Sunaryati Hartono. 1988).

In the provisions of Law No. 2 of 2012, that the deliberations on the determination of compensation are carried out by the land agency that is entitled within a maximum period of 30 working days from the assessment results of the appraiser submitted to the land agency to determine the form and amount of compensation based on the results of the compensation assessment to the entitled parties contained in the minutes of agreement. In the event that no agreement is reached regarding the form of compensation or the amount of the loss, the party that objects may submit an

objection to the local district court no later than 14 (fourteen) working days after the deliberation on determining the compensation is made.

According to Boedi Harsono, with the consignment it would make if the people were prosecuted that there is only an option that could be changed to court, or would lose its land without compensation (AP Perlindungan, 1993). furthermore AP protection revealed that it is not possible for people who do not receive compensation (AP Perlindungan, 1993).

Consignment according to Law Number 2 of 2012 is used when there are parties who reject the amount of compensation, the owner is not known to exist or the object is being litigated. The consignment method applied in the land acquisition for the construction of an international airport in the Yogyakarta Special Region was also said to be less successful because it was proven that there were still around 37 families who had not yet taken compensation. This is the same as the Kedung Ombo case that occurred in 1989 in Solo. According to Absori, that residents refused eviction and removal and consignment rejected by residents because of the small compensation given as a result until now there are still some families who have not yet taken compensation. (Interview with Absori, Kedung Ombo Case Researcher in Solo, 21 June 2019)

Based on the factors that influence the community not to take compensation money, the following table is presented on the motivation of the community members not to take compensation as follows:

**Table 3:** Motivation of affected communities who do not take compensation

No	Motivation	Response	%
1	Small compensation	14	38%
2	Land Data Collection is Not suitable	12	33%
3	Treated Unjustly	9	24%
4	Others	2	5%
Total		37	100%

Source: Primary Data, August 2019

From the table above it can be seen that, the motivation of affected people to not take the compensation money, there were 14 (fourteen) people or 38% who stated that the compensation given was too small, while those who said that the land survey did not match the certificate were 12 (twelve) people or 33%, there were 9 (nine) people or 24% were treated unfairly and there were 2 (two) people or 5% who stated other factors, namely the factor of no evidence and buying land under the hand. Thus the small compensation given became the main factor of the community members to not want to take compensation money. This is understandable because of the inappropriate compensation received, the community felt disadvantaged by these conditions. This is not in accordance with the results of Absori's research on the construction of Adi Sumarmo Airport in Solo in 1994 which concluded that no one protested the compensation, in fact there were those who asked for their land to be released and the people were actually happy as long as the compensation was adequate. (Interview with Absori, Researcher on the Development Problem of the Adi Sumarmo Airport in Solo, August 2019)

#### IV. Implication

Settlement of land acquisition conflicts in the construction of International Airport in the Special Region of Yogyakarta is done through deliberation and mediation, but both ways can be said to be less successful because there is no agreement between the government and the community in resolving the conflict resulting from the disputing parties, perceptions and differences in interests. In addition, other causes are the land data collection process that is not appropriate and the determination of compensation and relocation that is not in accordance with the wishes of the residents. In addition to the deliberation and mediation methods, a consignment method is also carried out, namely safekeeping of compensation provided to those entitled to refuse. The consignment was conducted at Wates District Court Kulon Progo, but the Consignment method was also unsuccessful because the community members felt compelled to accept compensation determined by the government, this proved that there were still around 37 families who had not yet taken the compensation.

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