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Original Article

Land Acquisition Conflicts in the Construction of the Jombang-Mojokerto Toll Road

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Abstract

The development of toll road infrastructure is one of the government's strategic steps in improving connectivity and national economic growth. However, the land acquisition process, which is a prerequisite for development, often leads to conflicts between the government and landowners. This paper discusses agrarian conflicts that occurred in the Jombang-Mojokerto Toll Road construction project, by highlighting the main causes of disputes, namely the discrepancy in the value of compensation and the lack of transparency in the deliberation process. Based on agrarian law studies and analysed case studies, this paper proposes several conflict resolution solutions, including open deliberations, fair compensation, strong legal protection, and socio-economic assistance for affected residents. The findings of this study demonstrate that the success of infrastructure projects is dependent not just on technical considerations, but also on the importance of a fair and inclusive land acquisition process. Discrepancies in compensation values can cause social resistance, impeding projects and undermining community trust in government policy. The study also emphasises the significance of providing communities with a better legal awareness of their rights and land acquisition methods in order to avoid misinformation to their disadvantage. This study is unique in that it focuses on social disputes caused by variations in compensation values in toll road projects, as well as how participatory land acquisition techniques can affect project success. This study provides new insights into the relevance of including social issues in land.

Keywords: Agrarian Law, Infrastructure Development, Land Acquisition, Land Conflicts, Toll Road Projects.

1. Introduction

The construction of the Jombang-Mojokerto Toll Road in East Java is one of the strategic initiatives in an effort to increase economic growth and strengthen national connectivity. As part of the expressway network in Java, the project is expected to speed up transport flows, reduce logistics costs, and improve the mobility of people and goods, ultimately contributing to regional economic development. Infrastructure investments such as toll roads have been proven to contribute significantly to Indonesia's economic growth, where there is a reciprocal relationship between the two (Indah & NurulIstifadah, 2020).

In particular, the Jombang-Mojokerto Toll Road is estimated to be able to improve logistics efficiency through reduced shipping costs and accelerated inventory turnover for industry players (Dwitasari et al., 2020). In addition, road infrastructure development also positively influences economic growth by opening wider access to commercial activities and increasing people's mobility (Ng et al., 2019). In the context of regional connectivity, the presence of this toll road has the potential to strengthen inter-regional connectivity in Java, improve accessibility, and cut travel time, which is crucial for economic activity.

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Improvements to the road network in general also encourage increased household consumption and private investment, which in turn stimulate national economic growth (Ng et al., 2019). However, it is important to critically assess potential challenges that may arise, such as congestion at certain points and development gaps between regions due to uneven infrastructure development (Natallia Rungkat et al., 2023).

However, in its implementation, large-scale infrastructure projects often face challenges, especially in the aspect of land acquisition. Land acquisition conflicts are one of the problems that often arise in toll road projects, including in the construction of the Jombang-Mojokerto Toll Road. These land disputes can occur due to various factors, namely landowners and investors regarding the compensation price, limited transparency in the land acquisition process (Bujangga & Purwanto, 2022).

Although Law No. 2/2012 has explicitly regulated the mechanism of land acquisition for the public interest with the aim of providing legal certainty and protection of land rights, the implementation of this policy in the field still faces various complex and recurring problems. Previous studies have shown that compensation provided to landowners is often inappropriate and does not reflect the real value of the land or the socio-economic impacts on the lives of affected communities (Ramadhan & Winarsi, 2023). Technical and administrative valuations per parcel of land often ignore the substantive justice dimension that includes historical, social and cultural factors of the land (Herlina et al., 2023). On the other hand, the lack of socialisation and active community involvement in the land acquisition process also exacerbates distrust of state institutions, which in turn leads to social resistance and horizontal conflict (Adhisukmawati et al., 2023). In fact, the term 'public interest', which is the juridical basis for land acquisition, is considered ambiguous and opens room for unilateral interpretation by the state or investors, potentially removing citizens' constitutional rights to land (Muwahid et al., 2015).

From these studies, it can be seen that a research gap that has not been comprehensively touched upon is the relationship between the unclear definition of public interest, people's perception of compensation justice, and how both affect the social legitimacy of the land acquisition process. Most of the previous studies mostly highlighted the normative procedural or legalistic aspects, without dissecting the depth of social conflicts, unequal power relations, and the role of legal discourse in legitimising unfair eviction practices.

The novelty of this research lies in its interdisciplinary and contextual approach, combining agrarian law analysis, social justice theory, and the study of state and community relations. This research will focus on aspects of procedural justice and local people's perceptions of the legitimacy of the state in claiming land in the name of public interest. Using a qualitative approach through case studies in areas experiencing land acquisition conflicts, this study will explore the narratives and experiences of affected residents who have so far received less space in the formulation of land acquisition policies.

The study aims to analyse conflicts in land acquisition for the Jombang-Mojokerto Toll Road project from an agrarian law perspective. This study will identify factors that trigger conflicts, explore alternative solutions that can be used to resolve land disputes fairly and equitably.

2. Methods

This research uses a normative juridical method combined with a qualitative approach to deeply understand legal issues in land acquisition for the public interest, especially in the context of the Jombang-Mojokerto Toll Road project. The normative juridical approach aims to examine the substance of the applicable positive law, namely legislation, legal doctrine, and general principles of agrarian law which are the basis for the land acquisition process. In this approach, the main focus of the research is to examine legal norms as set out in Law No. 2/2012 on Land Acquisition for Development in the Public Interest, as well as its derivative regulations such as Presidential Regulation No. 71/2012 and its amendments. A qualitative approach is used to explore the context of the application of the law in practice, taking into account the sociological, historical and political perspectives of the land acquisition process, as well as the community's response to the policy.

The data source in this research is secondary data, which consists of primary legal materials and secondary legal materials. Primary legal materials include applicable laws and regulations, relevant jurisprudence, and official government documents relating to toll road projects. Meanwhile, secondary legal materials include scientific literature, agrarian law journal articles, policy research reports, online media news, and documented case studies. These sources were purposively selected based on their relevance to the research problem and their connection to the theme of land acquisition justice and conflict.

Data collection was conducted through library research, tracing legal documents and scholarly works through libraries, online journal databases, and online news archives. This technique allows researchers to build a comprehensive understanding of agrarian law theory, as well as the practices and dynamics of conflicts that occur in land acquisition cases in the field.

Data analysis is conducted in a descriptive-qualitative manner, namely by interpreting legal materials and other secondary data to describe and explain legal issues that arise in the land acquisition process. This analysis does not merely describe the rules, but also evaluates their application in an empirical context, particularly in the aspects of distributive justice, community participation, and protection of citizens' constitutional rights. This approach allows the research to produce conclusions that are not only legally normative, but also reflective of social reality, so as to contribute to the reform of land acquisition policies that are fairer and more transparent.

3. Results and Discussion

3.1. Conflicts that occurred with the construction of the toll road

Conflicts in toll road construction are often triggered by various social, economic and environmental factors, which are interrelated and influence each other. One of the main factors that trigger conflict is the mismatch between the expectations of residents and the compensation value set by the government. This mismatch can create deep dissatisfaction and potentially trigger a prolonged dispute, as happened in the Jombang-Mojokerto toll road construction project. Residents felt that the compensation offered did not reflect the economic and sentimental value of their land, and this led to a rejection of the offer. A similar case can also be found in the construction of the Sumo toll road in Sidoarjo, where residents considered the compensation price offered to be much lower than the value of their property (Urrahmi & Putri, 2020).

Conflicts arising from these compensation price discrepancies are a manifestation of the mismatch between community perceptions and the calculations made by the land acquisition team. The government, through existing regulations, refers to pricing based on field surveys and predetermined guidelines, but this does not always reflect the perceived market value of the landowner. This is a significant problem, as in addition to its economic aspects, land also has sentimental and social values that are not always reflected in the government's pricing process.

As seen in similar cases, this conflict is not only limited to the issue of compensation value, but also includes a broader social dimension. Communities often feel that their right to fair compensation commensurate with the value of their property is ignored in the land acquisition process. Therefore, a more inclusive and transparent approach is needed in setting compensation prices and ensuring that land acquisition processes are conducted in a fair manner and in accordance with social justice principles (Hibszer, 2013; Mohl, 2008). Thus, while infrastructure development such as toll roads has a positive impact on economic growth and connectivity, conflict resolution involving affected communities needs to be carried out more carefully, in order to create a harmonious and sustainable relationship between the government and the community (Natallia Rungkat et al., 2023).

In Watudakon Village, a number of residents are still reluctant to give up their land for the construction of the toll road because they consider the compensation offered is not worth it. Residents continue to hold on to their land, as was also the case with the JORR II toll road project, where people held on because the compensation value was considered to be much lower than what it should be.

Watudakon villagers wanted a higher land price based on the land area affected by the Jombang-Mojokerto toll road project. However, this contradicted the assessment of the Land Acquisition Team (TPT), which had set the price according to the results of the field survey. In addition, the Land Acquisition Committee (P2T) has also determined the amount of compensation based on the area of land owned by residents and the agreement that has been determined.

One of the residents who has not received compensation stated that the central government only knows that the payment process has been completed, while there are still residents who refuse. Therefore, he is determined to fight for his rights even though he has to go through a long process.

The compensation was made in accordance with the provisions set by the Ministry of Finance based on the government's planned budget. The Land Acquisition Committee tried to persuade the residents to accept the compensation and surrender their land. However, if residents continue to refuse, then forced executions will be carried out in accordance with applicable legal provisions.

The conflict that arose over the Jombang-Mojokerto toll road project illustrates the mismatch between community expectations and government actions in terms of land compensation pricing. The toll road development project, which was supposed to provide benefits to the community, instead created social tensions due to residents' dissatisfaction with the compensation price assessment process, which was considered unfair. This reflects a serious problem in communication between the government and affected communities. The aggrieved residents, in this case, demanded that the pricing of land and buildings be adjusted to the provisions contained in PP 71 Articles 68-73, which emphasises the importance of open, fair and transparent deliberations in determining compensation.

Protests held by hundreds of residents affected by the toll road project, such as the demonstration at the East Java BPN office, indicate a deep dissatisfaction with the mismatch

between their expectations and reality. These protests also reflect a larger issue of government-community relations, where residents feel their voices are not being heard and their rights are not being respected. The protests are a form of objection to government policies that are considered not to prioritise social justice, and favour larger development interests without regard for the welfare of the affected communities. Residents' dissatisfaction is heightened because they feel that the deliberation process is not transparent, and the price of land compensation does not reflect a fair value, as stipulated in the applicable government regulations.

This phenomenon is also in line with similar conflicts that occurred in various regions, for example in the Padang ByPass Road construction project, where residents' dissatisfaction with inadequate compensation triggered large protests. These cases show that when citizens feel their rights are being denied, they will resist through protests and demonstrations to demand justice. Injustice in the pricing of land compensation in development projects is often the main cause of social tensions, which worsen relations between communities and the government (Pramida & Husodo, 2023).

In addition, the media has a huge role in framing the narrative of this conflict. The media can influence the way the public perceives events. In the case of the Jombang-Mojokerto toll road project, news coverage that is more likely to prioritise the benefits and advantages expected by the government can exacerbate tensions by ignoring the interests and voices of affected residents. This is similar to the Rempang Island case, where the media highlighted the positive aspects of the government's policy without giving enough space to the voices of the aggrieved community. It is important for the media to present balanced coverage, so that the voices of residents affected by the policy can be heard, and not only focus on the government side which is more dominant in development (Nabila & An'amta, 2024).

The protests that took place in this context also illustrate the importance of the right to express dissatisfaction in a democratic society. In democratic countries, the right to protest and voice dissatisfaction is part of the civil liberties that must be protected. However, the reality is that in many places, including in North America, there is a tendency for governments to increase penalties against protests, which in turn can undermine human rights in a democracy (Monforte, 2023). In this regard, government responses to protests should be judicious, taking into account the aspirations of the affected people and responding to their grievances in a constructive manner.

Effective conflict resolution requires not only policy changes or increased compensation, but also improvements in communication processes and community involvement in decision-making. The government needs to open wider spaces for dialogue with communities and strengthen transparency in every step taken in the development process. In addition, it is important to listen to and respect the aspirations of communities, so that they feel valued and involved in decisions that affect their lives. Through a more inclusive and transparent approach, the government can rebuild public trust and prevent similar conflicts from arising in the future (Matasick, 2017).

3.2. Dispute Resolution

The conflict that occurred in land acquisition for the construction of Jombang-Mojokerto toll road requires a broad settlement so that the project runs without causing prolonged social impacts. Here are some efforts or solutions that can be made to resolve the conflict:

1. Deliberation and Transparency

The first stage is the Socialisation by P2T (Land Acquisition Committee) where this socialisation is for the construction of the Jombang-Mojokerto Toll Road with the aim of

deliberation with the community regarding the construction plan of the Jombang-Mojokerto Toll Road and the determination of land prices which are carried out fairly and transparently.

2. Fairer and equitable compensation

The government needs to ensure that the compensation value given truly reflects the market value of the land and considers the social and economic aspects of the residents affected by the toll road construction. In some cases, relocation with adequate facilities can also be a solution.

3. Legal protection in land acquisition for toll road construction

Legal protection in land acquisition for toll road development is a very important aspect, especially in ensuring that landowners get very decent and fair compensation. As stipulated in Article 1 point 2 of Law Number 2 Year 2012, land acquisition is the process of providing land by providing appropriate compensation to the entitled parties. In order for the compensation provided to truly reflect fairness and feasibility, a clear legal basis and transparent calculation methods are needed in determining the compensation value. Thus, the rights of landowners can be protected in accordance with the provisions set out in the law.

In addition, one form of protection and respect for land rights in the process of land acquisition for the public interest is through dialogue and negotiation with landowners.

This process aims to reach an agreement on the value of the compensation provided, so that landowners feel they are getting compensation that is proportional to the value of their land. This process not only aims to maintain fairness in determining land prices, but also to minimise potential disputes that could arise due to a mismatch between the value offered by the government and the expectations of landowners. With deliberation, it is hoped that all parties can find the best solution that does not harm either party and still supports the smooth development of infrastructure that is being carried out.

4. Assistance for affected residents

In addition to compensation, the government must also be able to provide assistance programmes for residents affected by toll road construction such as business capital assistance, so that they can adapt to the changes that occur due to toll road construction.

With the settlement stages above, it is hoped that conflicts in land acquisition for toll road construction can be minimised, so that the project runs smoothly without causing prolonged dissatisfaction in the community.

The conflicts that arose in the land acquisition process for the Jombang-Mojokerto Toll Road project indicate a gap between the legal norms stipulated in Law No. 2/2012 on Land Acquisition for Development in the Public Interest and its technical implementation in the field. This law explicitly states in Article 1 point 2 that land acquisition is an activity to provide land by providing adequate and fair compensation to the entitled parties. This provision is strengthened in Article 9 paragraph (2) which states that the provision of compensation must pay attention to market prices, NJOP (Tax Object Selling Value), strategic value, and social and cultural values attached to the land. However, in practice, affected residents such as in Watudakon Village rejected the compensation value set by the Land Acquisition Team (TPT) because it was considered not comparable to the actual and sentimental value of their land. This conflict illustrates the difference in value perception between the community and the government that was not successfully bridged in the deliberation process as required in Articles 68-73 of Presidential Regulation No. 71/2012, which stipulates that the deliberation process is carried out in an open, honest and fair manner to reach an agreement on the form and amount of compensation.

Issues related to land acquisition for toll road development in Indonesia reflect significant gaps in the implementation of participatory governance and procedural fairness.

In this context, although Presidential Regulation (Perpres) No. 71/2012 provides legal space to address disputes related to land acquisition, particularly in Articles 36 to 42 which stipulate court submissions if an agreement cannot be reached, many parties feel disempowered in the process. The process often suffers from a lack of transparent information on compensation plans and processes, as well as limitations on citizen participation. This has led to widespread public protests and demands for increased accountability and transparency in the determination of compensation, which is considered unbalanced and unfair (Murbasari & Karjoko, 2022). Affected citizens often feel marginalised from what should be an inclusive and collaborative deliberation process, where they should be involved in every stage of decisions that will affect them.

This lack of community participation is not only related to limitations in terms of information sharing, but also to the lack of space for communities to give their opinions that could influence the value of the compensation offered. This limited process leads to dissatisfaction with the amount of compensation offered by the government, which often does not match their expectations or what they consider to be a fair value. This misalignment between the expected and actual value of compensation, whether monetary or in-kind, often triggers disputes and conflicts between affected parties and the government (Kotalewala et al., 2020). This shows that the principle of justice, which should be the foundation of every public policy, especially those concerning land rights, has not been fully achieved.

Whilst there is a legal framework in place to regulate the land acquisition process, the lack of implementation of the consensualism principle expected in Indonesian law is often highlighted. The principle of consensualism, which prioritises mutual agreement between the parties involved, cannot be effectively enforced. Decisions made by the government in determining compensation are often unilateral and do not involve sufficient dialogue with affected communities. In fact, according to social justice theory, policies that do not consider the rights of affected communities tend to lead to widespread dissatisfaction and a sense of injustice among the community (Gozali, 2017).

The dispatch process, although legally regulated to resolve disputes through court channels, is often unable to provide adequate solutions for aggrieved parties. The court mechanism, which is supposed to be a place to seek justice, sometimes fails to address the underlying issues faced by citizens, such as complaints of inadequate compensation value or lack of transparency in the determination. As a result, while legal recourse is available, the process creates further legal complications and prolongs uncertainty for affected communities (Johnston, 1990).

The public protests that emerged in response to dissatisfaction with the compensation process further emphasised the existing gaps in land acquisition governance. The protests at the East Java BPN, for example, reflect widespread dissatisfaction with the value of compensation and the procedures applied. These protests demonstrate the urgent need for greater accountability and transparency in decision-making processes. Many parties feel that the current process does not provide sufficient space to express their objections or aspirations, which in turn leads to the impression that decisions prioritise project efficiency without fair consideration of the rights of affected communities (Ramdani & Sihombing, 2024).

However, there is also a perspective that argues that while the dispatch and tribunal process may not be ideal in terms of public participation, such mechanisms are still considered essential to ensure the smooth running of public projects. This perspective highlights the importance of efficiency in public infrastructure development, especially for large projects such as toll roads, which are expected to provide wider economic and social benefits to the community. In this view, despite imperfections in the participatory element, the delivery

process is considered a necessary instrument to prevent protracted project delays, which can be detrimental to the overall public interest. This tension between the need for development efficiency and the need for community engagement reflects the great challenge of creating a balance between the expediency of public projects and the protection of community rights in any policy decisions.

In the end, the problems that arise in land acquisition for toll roads in Indonesia demand more attention to the application of the principles of procedural justice and transparency in public governance. Efforts to increase community participation, listen to their grievances, and ensure that the compensation offered is in line with expectations and fair value are key in building a more harmonious relationship between the government and communities in the infrastructure development process.

Conflict resolution solutions should refer to the basic principles in Law No. 2/2012 and Presidential Regulation 71/2012, namely deliberation for consensus, provision of fair and just compensation, and legal protection that guarantees the rights of citizens. The government, through the Land Acquisition Committee (P2T), should optimise socialisation and actively involve communities in land price assessments so that the land acquisition process is not only formally legal, but also socially acceptable. In addition, post-land acquisition socio-economic assistance measures are also an integral part of protecting citizens' rights, so that the infrastructure development process does not create new inequalities and injustices. In this context, the success of a toll road project is not only measured by the construction of a physical road, but also by the creation of substantive justice for affected communities.

4. Conclusion

This study found that conflicts in the construction of the Jombang-Mojokerto Toll Road were triggered by differences in perceptions between the community and the government regarding the compensation value of the acquired land. The community considered that the compensation value set did not reflect the real value of the land, both from an economic and sentimental aspect. Meanwhile, the government refers to the assessment results of the Land Acquisition Team in accordance with the provisions of Law No. 2/2012 and Presidential Regulation No. 71/2012 and its amendments. Despite deliberations, compensation and mediation efforts, some residents still refuse to surrender their land because they consider the process to be unfair and transparent. These findings show that the success of strategic infrastructure projects is not only determined by technical and financing aspects, but also by the extent to which the land acquisition process is conducted in a participatory, fair and lawful manner. Discrepancies in compensation values can lead to social resistance that hinders projects and reduces public trust in public policies.

The government needs to improve the quality of socialisation and deliberation with a more transparent and humanist approach. The compensation value should consider not only market value aspects, but also social and economic aspects of affected residents. Post-acquisition assistance such as proper relocation and business assistance is also important to prevent long-term losses. On the other hand, communities need to have sufficient legal understanding and access to information regarding land acquisition rights and mechanisms to avoid becoming victims of ignorance. This research is limited to a case study of the construction of the Jombang-Mojokerto Toll Road, so generalisations to other areas or projects still require further study. In addition, limited access to official government data and not all affected residents can be interviewed directly are also limitations in obtaining a more comprehensive picture.

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