

Watudakon Citizens 'Social Conflict on Joker Toll Road Development in 2017 in Kesamben District, Jombang Regency

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Abstract

Potential conflicts between citizens and the government always color the pace of toll road construction, in terms of land acquisition, land acquisition until the completion of the construction phase. The conflict began with the presence of Watudakon villagers protesting against the construction of toll roads that crossed their territory. This happened because the residents considered the land purchased by the implementing party, namely PT Marga Harja Infrastruktur (MHI), far below the general market price. In principle, the construction of the Jombang-Mojokerto toll road is intended for the benefit of the community, but it should be noted that the potential for conflict is still ongoing even though the inauguration of the toll road has been carried out by the Indonesian president Joko Widodo. This situation results in the turmoil of minority conflicts which can result in large conflicts which lead to anarchic actions due to the lack of understanding of the law in the community. The method in this study uses qualitative with a case study approach and the writing is descriptive, that is by examining existing objects and want to give an idea of the object of the research. The data sources used in this study are primary and secondary data. In order to produce a discussion of land disputes, toll road construction disputes, dispute disputes and dispute resolution through court channels to produce the amount of compensation payments to the communities affected by the release.

Keywords: Social conflict; Village; Toll road construction; Watudakon; Kesamben.



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1. Introduction

The central government has planned development projects in session 1 and Jombang toll road in Mojokerto session 2 have been planned by the central government in accordance with ([Government Regulation No. 3, 2016](#)) issued by president Joko Widodo, which has not run smoothly as expected. Potential conflicts between citizens and the government always color the speed of construction of the toll road in terms of land acquisition, land acquisition until the completion of the construction phase. Procurement of land for development in the public interest is a political step by the government in providing development land as an instrument to carry out legal politics. Therefore, the first step taken by the government is to procure land through a release process which results in the revocation of rights ([Zaman, 2016](#)).

In the case of land acquisition carried out by the government for the implementation of development (public interest) it is carried out through deliberation with the community in order to obtain an agreement in the implementation of development in the specified location as regulated in Law Number 2 of 2001. in the provisions of law number 2 of 2001 covering 10 principles including the principle of humanity, principle of justice, principle of benefit, principle of certainty, principle of openness, principle of agreement, principle of participation, principle of welfare, principle of sustainability and principle of harmony. So that land acquisition for development can be balanced and in line with the interests of the community and the State.

Land acquisition at the construction site of the session 1 toll road and Jombang Mojokerto session 2 II toll road that passes through the Bandar kedungmulyo, Tembelang, Peterongan, Sumobito and Kesamben Subdistrict areas creates a potential for prolonged conflict with residents. Regarding the procedures for implementing land acquisition and land execution carried out by the land acquisition committee (P2T) ([Sugiharto and Noorhudha, 2015](#)). Although it has been carried out in accordance with the provisions according to article (2) paragraph (2) Presidential Decree number 55 of 1993.

The conflict began with the presence of Watudakon villagers protesting against the construction of toll roads that crossed their territory. This happened because the residents considered the land purchased by the implementing party, namely PT Marga Harja Infrastruktur (MHI), far below the general market price. Like the information that appeared in the Kompas Jombang newspaper's media coverage, residents blocked access to the toll road by spreading human excrement on the toll road, the purpose of which was to block the execution of Jombang Mojokerto toll road ([Harian Kompas, 31 August 2016](#)).

Based on information from data loaded in Jombang Kompas media, in addition to compensation money that is below the market price also found differences in pricing between one village and another village. Even though the market price of the village before the toll road is of equal value. In addition to the disruption of paddy irrigation channels and the presence of material transport trucks that cause dust pollution, making other residents whose land

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does not pass through the toll road require compensation for problems caused during the construction of the toll road.

Residents assess the game of brokers in it. Because, so far the Land Acquisition Committee (P2T) is very rare to immediately meet with the landowners, who usually come brokers. Even though they should (P2T) directly meet the residents, we have not given the land so long. This is reinforced by the existence of non-transparent payments. According to him, some of his neighbors were paid at midnight, of course, this was not commonly done, moreover this project was built for the needs of the State (Kompas, 25 March 2016). In the Jombang Regency area, the Mojokerto-Kertosono toll road is divided into three sections. The land acquisition has been started since April 2007. Section 1 (SS Bandar Interchange - Jombang Interchange) is 14.70 kilometers. Section 2 (SS Jombang-SS Mojokerto Barat) 19.9 kilometers, began liberation in September 2009. While in Section 4 (SS Bandar-Batas Barat) along 0.9 kilometers, land acquisition began in June 2001.

In principle, the construction of the Jombang-Mojokerto toll road is intended for the benefit of the community, but it should be noted that the potential for conflict is still ongoing even though the inauguration of the toll road has been carried out by the Indonesian president Joko Widodo. This situation results in the turmoil of minority conflicts which can result in large conflicts which lead to anarchic actions due to the lack of understanding of the law in the community

2. Material and Method

The type of research used by the authors in this study is qualitative research with a case study approach. The nature of the research carried out in this writing is descriptive, namely by examining existing objects and wanting to give an idea of the object of the research.

The data sources used in this study are primary and secondary data. Primary data is data obtained directly from the community at the research location. Secondary data is data that includes documents, data, laws and regulations relating to the LoGA and land acquisition laws for the public interest. The location of the study was carried out in the village of Watudakon, Kesamben District, Jombang Regency.

3. Results and Discussion

3.1. Land Dispute With Residents

In the last four decades, the phenomenon of land disputes surfaced with regard to land acquisition for the public interest. Outside Java, land mostly occurs between indigenous people who maintain customary rights over their agrarian resources and large capital owners who receive permits in the form of forest tenure, mining, and agrarian development with the pattern of the Intri-People's Plantation. (PIR) (Kurniati, 2016).

Land disputes for Java are different from outside Java, the potential for conflicts and land disputes on the island of Java is average because there is land acquisition for the public interest, especially the construction of toll roads. The study in this study looked at citizen disputes with the government in Jombang Regency, which is the construction of the Mojokerto kertosono toll road which began in 2007 until 2017.

It can be seen that the current condition of society is far different from the condition of the previous era (new order and old order). For now the community has begun to think critically, dynamically, and even can lead to anarchism, if the problems are not immediately resolved. Whereas the purpose of the toll road construction is for the welfare of the community. as quoted by the statement of Jombang Regent Nyono Suherli:

"With the existence of the toll road, economic growth in Jombang can be shot up. Not only that, other socio-economic sectors will also move to follow, because with the existence of the Trans Java toll road, the delivery of goods, food needs, etc. will be faster. Thus, it can boost the economic sector and other sectors.

Jombang Toll - Mojokerto is part of the Trans Java toll road. Automatically, the existence of the toll road will connect Jombang Regency with other areas connected by toll roads, so that the existence of toll roads has a high strategic value for Jombang's economic acceleration. With toll roads, the distance between Jombang and Surabaya can be shortened. Even the distance of Jombang - Jakarta can also be reached easily. This is very beneficial and facilitates the delivery of goods / services. So that it can certainly trigger the acceleration of development in the regions, besides the tourism sector economy in Jombang Regency, it can also be boosted".

But it is different from the assumption of the Jombang community, that land ownership is absolute ownership, meaning that it cannot be contested by anyone including the government / state. On this basis, landowners are not easy to give up their land rights, even though the land is needed by the state for use general.

When researchers approached the average crowd when asked whether the mother supported the toll road construction project? delivered loudly in support, none of which did not support government projects, but if compensation for land was not as large as NJOP or the amount of compensation was inadequate.

In this answer it appears, as if any type of land cannot be contested by anyone, so far almost every landowner affected by the land acquisition project for toll road construction feels he is depressed. With the reason that the compensation pressure is not commensurate, it is difficult to find new land as a substitute for a place to live, to build a house that requires a large cost because the price of building materials continues to soar, the cost of artisans rises further and our economy often fluctuates.

Pressure on victims of land acquisition can come from outside and from within, the pressure coming from inside can be in the form of improper compensation, while external pressure can be in the form of an unstable economic condition. Every person affected by the victims of land acquisition must always be unstable and expect a better level of life or at least not the same as economic conditions before being exposed to land acquisition. If the victims of land

acquisition turn out to face a life that is lower than before the land was freed, of course there will be social turmoil in order to sustain life.

The potential for conflict that grows and develops in the village of Watudakon does start with the process of determining compensation after they approve their land to be released for public use. This fact often makes land one of the factors that causes less smooth implementation of physical development. The obstruction of community access to land due to land occupied is allocated for the purposes of toll road development, it is not denied that it triggers conflicts or disputes between parties who need land and the holders of land rights. The intended conflict is generally a social phenomenon.

Social symptoms, namely as a process of interaction between two (or more) people or groups who each fight for their interests in the same object, namely land and other objects related to land such as water, mining plants and also air that is above the ground concerned. This dimension of land conflict also occurs because of the centralized political system of land. The manifestation is seen from the pattern of government policies that do not pay attention to the aspirations that grow and develop in the community. Thus the source of this conflict is structural which has an impact on cultural aspects

3.2. Toll Construction Dispute

Construction of the completion of the Mojokerto-Kertosono toll road project which leaves sections 2 and 4. PT Marga Harjaya Infrastruktur (MHI) boosts the completion target, this is due to the delay in the target of completion of the toll road segment to three months. Initially, PT MHI targeted the project to be completed in February 2017. However, due to the pretext of bad weather, the construction of the 40.5 Km toll road was delayed due to the weather and would be completed before Lebaran 2017. Head of the Mojokerto-Kertosono Tol Operational Division PT MHI, Yanuar Firmanto said, construction progress of section 2 along 19.9 Km reached 70% or the remaining 5.97 Km, while land acquisition was 100%. This section extends between the Kedunglosari Village-Tembelang-Jombang District to the Pagerluyung Village-Gedeg District-Mojokerto Regency.

Projects that have been targeted by PT MHI as project executors have not run optimally because in the process of construction work there have been protests of toll road construction carried out by residents. Not only using wood, road blocks were carried out by residents of Watudakon Village, Kesamben District, Jombang Regency by spreading human waste on Wednesday (08/31/2016). This action was to block the execution of Jombang-Mojokerto (Joker) toll road section 2, which was planned to be carried out.

They also threatened to commit suicide by blowing up Elpigi gas cylinders. "We and our family are ready to die if the eviction continues," said Dentok, a resident of Watudakon Village. Dentok added, residents refused to carry out the toll road execution because the compensation (UGR) was too cheap at Rp 100,000 to Rp 300,000 per square meter. "In addition, the deliberation process has not been passed. Measurements and land conducted by the National Defense Agency (BPN) and village apparatus are also not transparent," he added. He added, the notification letter for the execution of land was also received by the residents on Monday (29/08/2016), so that residents did not have enough time to vacate their houses. The execution of the Joker Section 2 toll road itself includes 5 Sub-Districts, namely Kesamben Sub-District covering Kedungmlati Village 46 fields, Watudakon Village 39 fields, Blimbing Village 21 fields and Carangrejo Village 3 fields.

The Sumobito sub-district includes 54 Kendalsari villages. Tembelang District covers the Kedunglosari Village 5 fields. Peterongan Subdistrict covers the Tenganan Village 1 field. As well as Bandarkedungmulyo Subdistrict covering Brodot Village 3 fields. The Joker toll road is divided into four sections with a total length of 40.5 kilometers. Section 1 extends from Bandarkedungmulyo District to Tembelang District, Jombang Regency. The 14.7 kilometer stretch has been officially operated since October 2014.

Section 2 along 19.9 kilometers stretched from Tembelang District to Pagerluyung Village, Gedek District, Mojokerto Regency. Until now, there is still physical work and land acquisition. Section 3 starts Kemantren Village, Gedek District, until Cangu Village, Jetis District, Mojokerto Regency. This 5 kilometer stretch is under construction. The section will connect the Jombang - Mojokerto toll road with the Sumo toll road (Surabaya - Mojokerto). For Section 4 is in the section Brodot Village - Gondangmanis Village, Bandarkedungmulyo District, Jombang Regency. This last segment will connect the Joker toll road to the Soker toll road (Solo - Kertosono).

3.3. Compensation Dispute

Land compensation is an obligation made by the government to its citizens who are affected by land acquisition for the public interest. This refers to the Presidential regulation No. 65 of 2006 and was updated with the issuance of law no. 2 of 2012.

The dispute between Watudakon residents in Kesamben sub-district, Jombang Regency and the government began with the release of session 2 of the Joker toll road (Jombang Mojokerto) marked by the determination of the amount of compensation that was not in accordance with the wishes of the residents. So that the citizens took action by the people who were emotionally blocking the location of the project, and expelled the trucks carrying material going to the construction site of the toll road.

The residents' actions were prevented by the police and almost clashed. Residents said they were desperate to take action to block the road, because they were disappointed until now the government would not want to meet them. Previously, hundreds of residents had also tried to come to the Jombang Regency hall to meet with Nyono Suharli. But instead of being met by the regent, hundreds of the mobs were even expelled by the police on the pretext that there was no permit to demonstrate to the regent's pavilion.

In its action, the residents claimed to be disappointed that until now the land affected by the Jombang-Mojokerto Toll Road project has not been paid for by the government. During this time, residents deliberately refused to buy land that was done unilaterally, because the price set by the government was too low. According to him, their land is only valued at Rp 50,000 per square meter. According to residents, the price is not human and cannot be used to buy replacement land. Residents urged the Jombang Regent to immediately meet with them and discuss the matter. Hundreds of residents were finally willing to dissolve themselves after the Jombang Police Chief AKBP Tri Bisono promised to bring together residents with the Jombang Regent. But if the promise is not fulfilled, residents threaten to block the location of the toll road construction again.

So that on June 19, 2015 East Java Governor Soekarwo issued a decree of the Governor of East Java Number 188/455 / KPTS / 013/2015 stipulating, first; the amount of compensation for land rights for the construction of the Kertosono-Mojokerto toll road on behalf of you Paidi Cs. In the village of Watudakon, Kesamben Subdistrict, Jombang Regency, East Java Province; Amount of compensation for land rights as the first dictum, as stated in the appendix, third; the amount of compensation for land rights as referred to in the second dictum, is used as the basis for payment of compensation to holders of land rights, fourth; if there is an agreement between the government of the Republic of Indonesia Cq. The Ministry of Public with holders of land rights, then the evidence of the ruler of the land in the form of the release of rights made before the Jombang Regency land acquisition committee (P2T), was determined in Surabaya. (interview with Mr. Madenan as Secretary of Watudakon). for more details, see the discussion on compensation.

3.4. Court Line Dispute Resolution

A court forum is an option for resolving disputes chosen by disputing parties to achieve their objectives. Courts are a place for people to ask for protection if they feel their rights and interests are violated by the authorities and by all members of the community.

In the case of land disputes on the Jombang toll road which had previously been mediated by the government, the land acquisition plan for the interests of the construction of the Kertosono Mojokerto toll road which began from 2007 delayed until 2016 ended in the Jombang District Court, PT Marga Harja Infrastruktur (MHI) filed a lawsuit for the release of the construction of the Kertosono Mojokerto toll road to residents of land rights that were affected by the land acquisition point in the Tembelang, Kesamben, Sumobito Subdistricts, and Peterongan districts, finally obtaining maximum results. The Registrar of the Jombang District Court read out the execution decision Number 16 / Pdt.Eks.LL / 2016 / PN.Jbg which was submitted by the toll road construction executor, PT Marga Harjaya Infrastruktur, as the applicant or plaintiff. Presented by Mr. Suja'i as the registrar of PN Jombang July 16 2018:

"That the toll road implementing party has gone through a consignment process and compensation money has been paid and deposited to the court, the execution process is in accordance with Government Regulation No. 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest. "We have also submitted a notification letter before execution."

From the court's decision, the execution of the land will definitely be carried out, it turned out to be a strong response from the residents. A number of residents in the name of Jombang Toll Road Victims (JKPT), Mojokerto rallied to the Jombang District Court. They demanded that the Jombang District Court submit their proposal to the government to delay the execution which will be held on Wednesday (08/31/2016).

Their insistence on asking for justice as the owner of the land is also more emphasized by the coffin of the bodies they carry. The demands of the delay are due to the process of determining land compensation not in accordance with the rules. This happened because residents were never invited to consult while based on PP No. 71 of 2012 article 68-73 it was mentioned if the committee had to hold deliberations fairly and transparently.

Residents who rallied from 2 subdistricts (Sumobito and Kesamben) included Watudakon, Blimbing, Kedungmlati, and Kendalsari Villages. Their land is located on the side of the Jombang - Mojokerto toll road section 2. The information was conveyed by the field coordinator, Nurul Chakim. Chakim said that if the compensation price of the land is very low, IDR 100 thousand / square meter. Whereas residents demand Rp 1.2 million / square meter.

From the court clerk PN Jombang Suja'i said that the execution would still be carried out, because the entire administration was complete, even the minutes of the meeting were also attached. For the Jombang-Mojokerto toll road section 2 itself, it will take an area of 19.9 km starting from Tembelang District to Pagerluyung Village, Gedek District, Mojokerto.

One of the Poniah residents said he resigned and asked for the demolition of his house in an orderly manner. Presented by Ponia: "I asked that the building materials that could still be used be collected, not immediately dismantled," I also asked the residents who were secured by the police to be released. "I asked the one who was arrested was released". Based on this decision, finally one by one the houses were dismantled by mobilizing workers. Workers first lower the tiles and remove doors and windows. After all parts of the house are removed, the officer will destroy the walls of the house with heavy equipment that has been alerted.

In Watudakon Village, 19 houses were demolished and included in the Kertosono-Mojokerto toll road section 2. The execution was part of the execution in five sub-districts, namely Kesamben District, Sumobito, Tembelang, Peterongan, and Bandarkedungmulyo. In Kesamben Subdistrict covering 46 plots of land in Kedungmlati Village, 39 fields in Watudakon Village, 21 fields in Blimbing Village, and three fields in Carangrejo Village. In addition, there are also 54 fields in Kendalsari Village, Sumobito District; five fields in Kedunglosari Village, Tembelang District; one field in Tenganan Village, Peterongan District; and three fields in Brodot Village, Bandarkedungmulyo District.

The Kertosono-Mojokerto toll road is divided into four sections with a total length of 40.5 kilometers. Section 1 along 14.7 kilometers has been operated since October 2014. Section 2 along the 19.9 kilometers stretched from Tembelang, Jombang District, to Pagerluyung Village, Gedeg Sub-District, Mojokerto, and still the process of land acquisition and physical construction.

3.5. Compensation Payment

The central government and regional government must provide standard replacement of objects related to the land acquired. Like the plant problem, the central government level is based on a decree of the minister of agriculture for the regional level, the Agriculture Office. As for other objects, in determining the amount of compensation will be determined by the relevant agency.

The standard price of changing the price of objects is indeed difficult. Because the price of goods is always fluctuating or volatile. In accordance with Law number 2 of 2012 and Presidential Regulation number 71 of 2012 all will be arranged by the appraisal team, this team will determine the standard, with uncertain standard references, and will refer to market prices. Substitution of compensation can take various forms including:

- a. Form of Money
- b. Form of substitute soil
- c. Forms of resettlement
- d. Form of shares
- e. Another form
- f. Special Form and
- g. Court decision.

The amount of compensation is paid in accordance with the agreement of the parties and is not subject to deduction fees with any argument, because all forms of committee fees have been budgeted directly in accordance with Minister of Finance regulation number 13 / PMK.02 / 2013 concerning operational costs and supporting costs for the implementation of land acquisition for development for the public interest sourced from the state's income and expenditure budget. The committee fee includes tax or precisely called the land acquisition and building rights (BPHTB).

The amount of compensation that has been decided at the Jombang District Court has been known to the residents of Watudakon Village, Kesamben District, Jombang Regency based on the decision of the East Java Governor number 188/455 / KPTS / 013/2015 on June 19, 2015 of Rp. 7,766,479,000, - consisting of 46 holders of land rights in accordance with the area of land affected by the toll road and the fair value per m². Total integrity of 46 people Rp. 7,766,479,000, - gradually has been taken by the mechanism of collecting land document documents and the identity of holders of land rights as compensation recipients. Then the consultation to the BPN was carried out to verify the existence of documents on land documents by the officers, then submitted to the Jombang district court for recommendation to the BRI branch of Jombang.

The amount of funds deposited at the Jombang branch of BRI by PT MHI was in accordance with the East Java Governor's decision, but not all of the total was channeled to the residents. It turns out that there are still obstacles as stated by Mr. Suja'i July 15, 2018:

"There is still a lot of compensation for taking compensation, because there are still many people (holders of land rights) who have not been able to show original land documents. So that there are obstacles to the level of verification at the BPN. This is due firstly, their land certificates are still partly secured at the bank as collateral for accounts payable, secondly, there are those who intentionally refuse to take compensation as a form of protest against price mismatches, thirdly, the incomplete existence of heirs from land ownership status ".

From the description above, the researcher can conclude in accordance with the data on the receipt of compensation, the amount of money until July 2018, which is still around Rp. 4,516,905,000 consisting of 3 land owners. Paidi has 5 plots of land with a reasonable total replacement of Rp. 2,419,456,000, Muslikha 4 plots of land with a reasonable total replacement of Rp. 2,046,000 and Dewi Kasiati 1 piece of land with a total replacement of Rp. 51,067,000.

It is unique to analyze, that compensation recipients to this day have not yet taken funds for land affected by the toll road, they still maintain their assumption that they feel they have not received the land price decision, from the three people who want to increase the fair value of the replacement value set at PN Jombang. The Secretary of Watudakon said:

"That the Paidi Cs family is a prominent person in the village, belonging to the middle to upper economy. Those who gentol demanded an increase in land compensation at the time of land acquisition conducted by P2T from 2007 to 2016. Their efforts had been fulfilled by the P2T even though not all were received, from the price of 50,000 up to the price of 200,000 and 300,000 per meter. They should have accepted the decision issued by the regional and provincial governments "

In accordance with the above data, the compensation process that has not been absorbed as a whole has resulted in the restructuring of the name transfer process or the change of certificate of land rights by PT Marga Harja Infrastruktur (Astra Infra Toll Road Jombang-Mojokerto). For land that has been released / purchased by the government through PT. MHI is not directly behind the name, but the rest of the land which is slaughtered by the government will be given to the land owner according to the size or the remaining land. For land that has been released / purchased by the government through PT. MHI is not directly behind the name, but the rest of the land which is slaughtered by the government will be given to the land owner according to the size or the remaining land. For land that has not been certified or is still dotted, D will be measured until the exit NIB (Field Identification

number) is then made a measurement for compensation calculation to be done according to the land area without waiting for the balikhnama certificate process.

4. Conclusion

The potential for conflict that grows and develops in the village of Watudakon does start with the process of determining compensation after they approve their land to be released for public use. This fact often makes land one of the factors that causes less smooth implementation of physical development.

Projects that have been targeted by PT MHI as project executors have not run optimally because in the process of construction work there have been protests of toll road construction carried out by residents. PT Marga Harja Infrastuktur (MHI) filed a lawsuit for the release of the construction of the Kertosono Mojokerto toll road to residents of land rights that were affected by land acquisition points in the Tembelang, Kesamben, Sumobito Subdistricts, and Peterongan districts, finally obtaining maximum results. The Registrar of the Jombang District Court read out the execution decision Number 16 / Pdt.Eks.LL / 2016 / PN.Jbg submitted by the toll road construction implementer.

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