



Violence in Wadas

The Loss of Human Rights in Indonesia

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Abstract. Violence against human rights often occurs in Indonesia, especially among the lower middle class. The conflict in Wadas Village was caused by some residents who rejected the plan for andesite mining activities. In this case, the enforcement of human rights by fully armed officers to the community is forgotten. For this reason, the researcher wants to study further by using juridical-normative techniques by descriptively explaining the existing problems. This study uses a statutory approach and a conceptual approach. The results show a lack of socialization from the government and proponents about the project plan and its impacts. The absence of comprehensive community participation triggers tensions between citizens and citizens and the government. There is a neglect of citizens' rights to protect their environment and lives. Therefore, it is necessary to have a legal umbrella related to more effective and efficient handling, namely the role of the government and the apparatus in upholding human rights. This study aims to examine in depth and conceptually regarding the neglect of the right to obtain justice and the right to a sense of security in society as well as the role of the government and the apparatus in upholding human rights.

Keywords: Violence · Wadas Case · Human Rights

1 Introduction

The controversy that occurred in Wadas was motivated by the mining of andesite stone used in the construction of the Bener Dam, which is one of the national Strategic Projects (PSN) which will supply most of the water needs to Yogyakarta International Airport (YIA) in Kulon Progo Regency, Yogyakarta [1]. In the process of constructing the Bener Dam itself, there were problems that triggered friction between the pro and contra residents, as well as the residents and the police. Due to the andesite mining process using explosives which can cause damage to the natural environment and can cut off the livelihoods of the Wadas village community. In addition, in the land survey carried out by the government accompanied by the police, there were arrests by the police against residents who were against the land measurement [2]. This triggered the alleged violation of Human Rights (or for short with HAM) that occurred in the case of the construction of the Bener Dam in Wadas village. In this case, the researcher wants to study further about the violations of human rights or human rights that occurred in Wadas village.

Human rights are rights that humans have simply because they are human. Humanity has it not because it was given to it by society or based on positive law, but solely based on its dignity as a human being [3]. In the Law of the Republic of Indonesia No. 39 of 1999 concerning Human Rights, what is meant by human rights are a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld, and protected by the State, law, government, and everyone for the honor and protection of human dignity [4]. In a study conducted by Zawarki et al., concluded that in the enforcement of human rights it is not enough just to be a regulation or policy, but the practice must also be good and in accordance with the rules themselves [5]. The strength of this research lies in the theoretical concept used in viewing the point of view of human rights violations that occurred in Wadas. Meanwhile, the drawback of this research is that the point of view used only focuses on the people, nor is there a solution or input for the government. Based on the problems and previous research, the researcher wants to examine from a different point of view the human rights violations that occurred in Wadas.

The purpose of this research is to answer three main questions. First, how the form of violence that occurred in Wadas. Second, what factors influence the occurrence of violence in Wadas. Third, what is the human rights perspective on the government's attitude in resolving cases of human rights violations that occurred in Wadas.

This paper is based on the weak handling of acts of human rights violence in Indonesia by the state apparatus. Although the constitution has established institutions and their enforcement, it does not guarantee that human rights have been implemented as regulated in the constitution. In the field of law, there are still law enforcement agencies, many officials who violate the law are difficult to touch with the law, but when the violation is committed by small people, the grip is strong. The law becomes weak when it is collided with small people, inversely when faced with the oligarchy and law enforcement itself.

2 Methods

2.1 Type of Research

The type of research used in this article is juridical-normative, which describes descriptively related to existing problems by linking the laws and regulations on human rights and then analyzed into problems related to human rights violations in Wadas which come from both primary and secondary sources.

2.2 Object of Study

Violence, the Wadas Case and Human Rights Violations in Indonesia. The three causes are due to acts of violence in the handling of human rights. This has triggered friction between the residents and the state apparatus in Wadas village.

2.3 Research Process

The research process used in this article is the statutory approach and the conceptual approach. Researchers collect research materials by reading, studying, and understanding

and analyzing both from journals and literature or from the internet that are in accordance with the topic of discussion, then proceed with taking or quoting parts of things that are important.

2.4 Data Collection

Data collection was obtained with primary legal materials, namely the laws and regulations governing human rights. Secondary materials include books, journals, previous research as well as scientific works pertaining to existing human rights regulations in Indonesia.

2.5 Data Analysis

At the data analysis stage, the author wants to use the method of analyzing a case with data interpretation and as much as possible linking the strengths and weaknesses that have not been studied in depth in the community. After analyzing the data, this article will refer to the formulation of the problem, objectives, and discussion. The data analysis technique used was by analyzing the research data obtained. This research is qualitative in nature, therefore it is possible to provide a broad and general description of human rights in Wadas with descriptive technical analysis. After collecting information, then using the induction method, namely from general to specific, pouring and analyzing research results in the form of data and descriptions, so that they can draw results and draw conclusions.

3 Results

Human rights violations found in Wadas Village, Purworejo Regency, Central Java, were carried out by law enforcement officers in the form of forcibly depriving Wadas residents of their rights which resulted in trauma to women and children. Of course, what the law enforcement officers did violated the National Police Chief Regulation Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of the Duties of the Indonesian National Police and Law Number 39 of 1999 concerning Human Rights. Thus it deserves more attention by the government and human rights to follow up on this by reviewing the nature of human rights and their implementation in all spheres (society, government, law enforcement officers).

3.1 Violence in Wadas

What is the form of violence in Wadas? Meanwhile, YLBHI recorded nine alleged human rights violations by police officers during the monitoring of mining land measurements in Wadas Village, Purworejo Regency, Central Java, last February 8–10. The nine allegations of human rights violations were derived from 13 points of fact finding of police actions in these activities. YLBHI assessed that the assigned police also violated the National Police Chief Regulation Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of the Duties of the

Indonesian National Police. The nine allegations of human rights violations in Wadas Village include, among others, the right of everyone to live, defend life and life. Then, the right to recognition, guarantee, protection and fair legal certainty. The right not to be tortured, the right to associate, assemble and express opinions. Then, the right to a sense of security and peace and protection against the threat of fear to do or not do something. In addition, the right to be free from torture or treatment that degrades human dignity. The right to have private property rights and should not be taken arbitrarily. Then the right to seek, obtain, possess, store, process and convey information by using all types of available means. Lastly, the right not to be arrested, detained, forced, excluded, exiled or arbitrarily disposed of. The officers were also judged to have committed violence by hitting, squeezing and forcibly pulling residents. Then, it was also found that officers entered the residents' homes without permission. In addition, YLBHI highlighted the confiscation of residents' cellphones and accused them of publishing Wadas' conditions with provocative narratives. The arrests of residents were carried out without a clear legal basis. It was found that the police were on patrol around Wadas Village with weapons, shields and sniffer dogs. They allegedly made announcements to residents to submit SPPT and KK at night with loudspeakers. YLBHI stated that this effort was carried out by force. Approximately, there are about 10 police personnel who come to every resident's house to come up with a mining project approval letter. Residents feel snooped through several posts made. As a result of this action, residents were traumatized and afraid. The situation is also said to be tense so that residents do not dare to carry out daily activities [6].

Not only that, Komnas HAM RI found allegations of violence by police officers against residents of Wadas Village, Bener District, Purworejo Regency, Central Java. The violence occurred when hundreds of joint police and military officers visited Wadas Village, Tuesday (8/2/2022). This was discovered after Komnas HAM dispatched a team to Wadas Village to dig up information and find facts related to the incident that led to the arrest of dozens of villagers. Komnas HAM commissioner, Beka Ulung Hapsara told Kompas.com, Monday (14/2/2022) that there were kicks in the legs, back, and were hit in the head. Apart from violence by the apparatus, Komnas HAM stated that several residents had not returned to their homes since the clashes occurred. Not only that, Beka revealed, many Wadas residents aged adults and children were traumatized. Because, as a result of the incident, there are residents who are still afraid to go home [2].

The initial fact found by Komnas HAM was that there was violence by the police in measuring the land of residents who had agreed. Komnas HAM also found the fact that there had been a rift in social relations between residents who agreed and rejected andesite mining. Information was found from Komnas HAM, several women and children who were still traumatized after the incident with the deployment of hundreds of police officers to Wadas Village [7].

3.2 Factors Affecting Violence in Wadas

With the mining of andesite stone used in the construction of the Bener Dam, which is one of the national Strategic Projects (PSN) which will supply most of the water needs to Yogyakarta International Airport (YIA) in Kulon Progo Regency, Yogyakarta [8]. Previously, there was a clash incident in Wadas Village on Tuesday (8/2/2022), when 250

joint military and police officers visited the village, located in Bener District, Purworejo Regency, Central Java. The officers arrived to assist 70 officers from the National Land Agency (BPN) and the Agriculture Service who carried out land measurements. The land measurement activities are related to land acquisition for the purposes of the Bener Dam construction project in the area. The project requires a supply of andesite rock for construction materials. By the government, the need for andesite is taken from Wadas Village. Some residents agreed to acquire their land, others refused. Residents refused because they were worried that the mining of andesite would damage the Wadas spring.

3.3 Human Rights Viewpoint on the Government's Attitude in Efforts to Settle Violations Cases in Wadas

Responding to human rights violations committed by security forces against the refusal by Wadas villagers, of course, violates the existing rules in the Indonesian Law relating to the Police No. 2 of 2002, which is contained in Article 4, which clearly emphasizes that the duty of the police is to protect, enforce justice, protect, and protect the people. And violates the Regulation of the National Police Chief Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of the Duties of the Indonesian National Police [9].

The refusal made by the residents of the wadas village community does not violate government regulations, in fact they have the right to express opinions, as stated in the Law of the Republic of Indonesia No. 39 of 1999 concerning Human Rights in Article 25 and also the Law clearly affirms the Right to Security (HRM), as stated in Article 31 No (2) states "Traveling on or entering a yard or residence of another person who is not desired by the owner who occupies the place". And it is only allowed in certain cases as stipulated in the law book. So the actions taken by members of the security forces, let alone hitting, entering the residence without the owner's permission, of course have violated existing norms [4].

Various efforts to protect human rights that have been initiated and are currently underway need to be appreciated. Human rights in Indonesia, which was once chaotic and even considered the toughest in the history of the Indonesian nation's journey compared to current developments, are certainly very far apart. Protection of human rights can be realized in various activities, namely: a) learning activities together, discussing to understand the meaning of human rights, b) studying laws and regulations regarding human rights, c) studying the role of institutions protecting human rights, d) promoting the importance of understanding and implementing Human rights so that common life becomes orderly, peaceful, and prosperous for each other's environment, e) Respecting the rights of others, Complying with applicable regulations, f) Various activities to encourage the state to prevent anti-pluralism, g) Encouraging law enforcement officials to act fairly. Efforts to protect human rights emphasize various enforcement actions against human rights violations. Human rights protection mainly through the establishment of human rights instruments and institutions. It can also be done through various factors related to human rights prevention efforts carried out by individuals, society and the state. Even though in Indonesia there are constitutional guarantees and institutions for their enforcement, there is no guarantee that human rights are implemented in everyday life. In the field of law, there are still law enforcement agencies, many officials who

violate the law are difficult to touch with the law, but when the violation is committed by small people, the grip is strong. In addition, in society there are still many clashes or conflicts about SARA. However, the government has made every effort to protect its citizens against human rights as mentioned above, with the hope that the implementation and protection of human rights will be better in the future [10].

4 Discussions

4.1 Violence in Wadas

In repressive law, people's criticism is considered as disobedience and can result in law violations. A number of people think that the incident of the arrest of dozens of residents of Wadas Village, Bener District, Purworejo Regency, Central Java, shows the operation of repressive laws. Residents who defended their rights were arrested, detained, and some were subjected to violence. The process of measuring people's land actually gets excessive control. This incident indicates that there are no reforms within the National Police that uphold human rights. The consistency of respect for human rights should be the main foundation of the National Police in carrying out their duties and functions that carry the precision of the National Police. As Coordinating Minister for Politics, Law and Security, Mahfud MD, said the government did not violate the law in the construction of the Bener dam and mining of andesite in Wadas Village. In his dissertation which was later published, Mahfud referred to the views of Philippe Nonet and Philip Selznick when discussing the relationship between law and oppression [11] Excerpted from his book *Politik Hukum di Indonesia* (1998), Mahfud said "the entry of the government into an oppressive pattern of power, through the law, is closely related to the problem of resource poverty in the government elite". The use of oppressive power is found in people who are still at the stage of forming a certain political order. Law is closely related to power because the legal system is always tied to the status quo. One of the characteristics of the oppressive type of law is that the law is subject to the politics of power [12].

4.2 Factors Affecting Violence in Wadas

Based on Soerjono Soekanto's theory, it can be analyzed as follows;

Differences in Opinion and Belief

Law Enforcement Officers

- Bener Dam is one of the objects of land acquisition for development in the public interest, which is stated in Article 10 letter c, while the andesite stone mining project in Wadas Village which is planned as a supporting project for the construction of the Bener Dam is not included as an object of land acquisition for development in the public interest. Several articles of the Limited Liability Company Law can provide an illustration that land acquisition for the public interest can only be carried out by the government to develop a predetermined public interest and benefit the community and the community whose land is taken for the public interest is given appropriate compensation.

- Mining of andesite stone used in the construction of the Bener Dam is one of the national Strategic Projects (PSN) which will supply most of the water needs to Yogyakarta International Airport (YIA) in Kulon Progo Regency, Yogyakarta.
- The government's objectives to maintain mining development are: (a) to become a means of supporting the construction of dams; (b) dams are one of the priority development programs; (c) the dam is planned to irrigate around 15,069 ha of rice fields; (d) the goal of this development is to achieve food security [8].

Wadas Villagers

- This wadas village is located in the district, Banar Kab. Purworejo, Central Java with the boundaries of the Kec. Banar and bordering the village of Kaliurip, the village is located on a hilly plain, with a height range of 213–258 m above sea level. With a village area of 405,820 hectares, of which 381,820 hectares are dry land and the other 24,000 hectares are rice fields. The area of Wadas village itself is divided by the Juweh River, along which residential areas flow. Wadas Village is known for its well-managed community. Records from 2017 show this, this village is also the first village to pay PBB (Earth & Development Tax). And also the children in this wades village, especially the elementary school level, they all get dependents provided by the government, especially from the Purworejo government [5].
- This village also has the potential for andesite stone, but also has a wealth of other natural resources, which can be utilized by the community as a livelihood for local residents. Several commodities from Wadas Village every year include sugar palm, bananas, coconuts, mahogany trees and others. Palm trees in Wadas Village are believed to have various benefits such as saving water needs, reducing the danger of landslides and strengthening soil structure. This is certainly very supportive of the terrain conditions of Wadas village which is in a highland area and prone to landslides. Therefore, Wadas residents see from the negative side that they reject the andesite mining process on the grounds that they use explosives which can cause damage to the natural environment and can cut off the livelihoods of the Wadas village community.
- In addition, for the Wadas people, protecting the land and the surrounding environment is part of their belief. In addition, the land in Wadas Village is fertile and many plants grow

Difference of Interest

Law Enforcement Officers

- The Bener Dam Project in Purworejo Regency is a national project and will be the tallest dam building in Indonesia with a reservoir height of about 150 m and a bottom width of about 290 m. The water in the dam will later be used to serve an irrigation area of 15,519 hectares and a raw water supply of 1500 L/second for Purworejo, Kebumen, and Kulonprogo Regencies.
- In addition, a Hydro Power Plant (PLTA) will also be used to supply 6 MW of electrical energy. The potential and benefits of the Bener Dam will also become a tourist location, fishery area and conservation of the upstream Bogowonto Watershed (DAS) [13].

- PSN itself is a form of implementation of the 2015–2019 National Medium Term Development Plan (RPJMN) which was prepared by Bapennas using the Technocratic Draft and guided by the 2005–2025 RPJPN. The 2015–2019 RPJMN is a guideline to ensure the achievement of the president’s vision and mission, the RPJM as well as to maintain the consistency of the direction of national development with the objectives in the 1945 Constitution and the 2005–2025 RPJPN [14].

Wadas Villagers

- Regarding the Bener Dam project, his party asked to re-evaluate the construction of the reservoir in Wadas Village because the land to be used for the construction of the dam is productive land that has been managed by farmers who have been around for a long time and earn a lot of money in certain months when harvesting, such as durian.
- The Bener Dam in the Wadas Village area turned out to be behind the benefit of having a very large impact on the environment, especially on environmental sustainability, agriculture, plantations, forests and mining (*quarry*) from the construction materials of the Bener Dam such as andesite by residents and the wider community. Preservation of flora and fauna such as eagles that are still abundant in the hilly areas of Wadas village.
- Mining of the Andesite *Quarry* has an impact on the environment taking material for the construction of the Bener Dam, by displacing people, destroying agricultural land that is inundated, and losing biodiversity [15].

4.3 Human Rights on the Government’s Attitude in Efforts to Settle Violations Cases in Wadas

Various efforts have been made by the government by the government ranging from a persuasive approach to socialization with local communities that have been carried out in resolving cases of human rights violations in Wadas. Especially related to socialization to residents who are against the construction of the Bener Dam. As explained by Mulyono, “the legal process has also been carried out by the people who are against it through the Administrative Court lawsuit to the Cassation. All decisions reject claims from parties who reject the construction of a dam and quarry project for Andesite stone in Wadas village” [16]. However, the presence of escorts during land surveying by police officers who use complete security attributes and weapons creates a negative stigma for the Wadas village community.

Chapter 28A of the 1945 Constitution explains that: “Everyone has the right to live and has the right to defend his life and life” [17]. In this case, people who protect the environment should not receive intervention in the form of violence from the police. As explained by Muhammad Rida Iswardhana in his book “Pendidikan Pancasila dan Kewarganegaraan” regarding the characteristics of Human Rights that: “The state, the rule of law, and every person are obliged to give respect and protection and may not violate basic human rights” [18]. Thus the security carried out by the police against the construction of the Bener Dam should pay attention to basic human rights.

5 Conclusion

Violence committed by law enforcement officers (police) certainly violates the nature of human rights and violates the National Police Chief Regulation Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of the Duties of the Indonesian National Police. The trigger for the conflict that arose between the police and Wadas residents was the difference in opinion and belief as well as differences in interests that did not want to give in, which resulted in the neglect of human rights by the police for women and children. To increase awareness of the importance of human rights so far this has not been realized because there are still many violations of human rights in law enforcement officers, such as discrimination, torture and even murder by law enforcement officers followed by the weakness of Komnas HAM in handling human rights cases. Thus, it is necessary for the government's attitude in efforts to resolve cases in Wadas with a persuasive approach to Wadas residents by the police towards the construction of the Bener Dam that still pays attention to basic human rights.

6 Suggestion

- As social beings we must be able to defend and fight for our own human rights. In addition, we must also be able to respect and protect the human rights of others, lest we commit human rights violations and do not let our human rights be violated and trampled on by others. So in maintaining human rights we must be able to harmonize and balance our human rights with the human rights of others
- We as good citizens, when we see and hear the occurrence of human rights violations, must have concern, even though the violations do not affect us or our families.
- The concern of all of us as Indonesian citizens towards the enforcement of human rights is a mandate from the values of Pancasila, namely a just and civilized humanity that we both uphold, because it will be able to deliver as a civilized nation.
- Law enforcement officers must be fair in handling legal cases between officials and small people (wong cilik).
- The need for discussion space between the government and the community in deliberation in determining the merits of a decision taken so that there is no abuse of power.

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