

The Rights of Non-Landowner Communities in the National Strategic Project of Bener Dam (Case Study of Wadas Village, Purworejo, Central Java)

Analisis Hak Masyarakat Terdampak dalam Proyek Strategis Nasional Pembangunan bendungan Bener (Studi Warga Non-Pemilik Lahan di Desa Wadas)

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Abstract

Infrastructure development through the National Strategic Project (PSN) in Indonesia often presents challenges related to the protection of the rights of affected communities, especially non-landowner groups. This study examines the rights of affected communities involved in andesite mining activities in Wadas Village, Purworejo, as part of the Bener Dam construction, and evaluates the representation of non-landowner residents in the decision-making process. The



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research method employed is empirical juridical with normative and sociological approaches, including interviews with residents and analysis of relevant regulations. Findings indicate that although the legal framework regulates land rights, a healthy environment, and compensation, the implementation on the ground is often non-transparent and lacks substantive public participation, particularly for non-landowner residents who are socially and environmentally impacted. Conflicts and structural exclusion arise due to regulatory limitations that recognize only landowners as stakeholders. The study recommends revising land acquisition regulations, strengthening inclusive participation mechanisms, and implementing the Free, Prior, and Informed Consent (FPIC) principle to ensure social justice and sustainable development. This study contributes to the understanding of marginalized communities' rights in the context of national development and provides a policy basis for more equitable rights protection.

KEYWORDS *Non-landowner, Public Participation, National Strategic Project, Wadas Viilage*

Pembangunan infrastruktur melalui Proyek Strategis Nasional (PSN) di Indonesia sering kali menghadirkan tantangan terkait perlindungan hak masyarakat terdampak, khususnya kelompok non-pemilik lahan. Studi ini mengkaji hak-hak masyarakat terdampak dalam kegiatan penambangan batuan andesit di Desa Wadas, Purworejo, sebagai bagian dari pembangunan Bendungan Bener, serta mengevaluasi keterwakilan warga non-pemilik lahan dalam proses pengambilan keputusan. Metode penelitian yang digunakan adalah empiris yuridis dengan pendekatan normatif dan sosiologis, termasuk wawancara dengan warga dan analisis regulasi terkait. Temuan menunjukkan bahwa meskipun kerangka hukum telah mengatur hak atas tanah, lingkungan sehat, dan kompensasi, implementasi di lapangan seringkali tidak transparan dan partisipasi masyarakat kurang substantif, terutama bagi warga non-pemilik lahan yang terdampak sosial dan lingkungan. Konflik dan eksklusi struktural muncul akibat keterbatasan

regulasi yang hanya mengakui pemilik lahan sebagai pemangku kepentingan. Rekomendasi penelitian menekankan perlunya revisi regulasi pengadaan tanah, penguatan mekanisme partisipasi inklusif, dan penerapan prinsip *Free, Prior, and Informed Consent* (FPIC) untuk memastikan keadilan sosial dan keberlanjutan pembangunan. Studi ini berkontribusi pada pemahaman hak masyarakat marginal dalam konteks pembangunan nasional dan memberikan dasar kebijakan untuk perlindungan hak yang lebih adil.

KATA KUNCI *Non Pemilik Lahan, Partisipasi Publik, Proyek Strategis Nasional, Desa Wadas*

Introduction

Over the past decade, the Indonesian government has consistently accelerated infrastructure development as a cornerstone of its national development agenda aimed at boosting economic growth and enhancing public welfare. Infrastructure is considered an essential foundation that not only supports interregional connectivity but also opens new economic access, expands markets, and increases the nation's competitiveness on the global stage. As part of this grand strategy, the National Strategic Projects (Proyek Strategis Nasional, PSN) were introduced as a macro policy instrument designed to integrate various sectors and regions simultaneously.¹ PSN aims not only to strengthen physical connectivity across regions but also to reduce developmental disparities—a long-standing issue in Indonesia characterized by its archipelagic geography and high social diversity. According to Presidential Regulation No. 3 of 2016, amended by Presidential Regulation No. 109 of 2020, PSN comprises more than 200 strategic projects distributed throughout Indonesia, covering key sectors such as energy, transportation, agriculture, and telecommunications. With a total investment value estimated to exceed IDR 6,000 trillion, PSN is expected to be a primary driver in achieving Indonesia's medium- and long-term development vision. However, behind its large scale and

¹ Ramelan et al., "Konflik Wadas Dalam Perspektif Konflik Sosial Strukturalisme."

ambitious goals, the implementation of PSN also presents various complex social challenges and dynamics that require serious attention to ensure development proceeds not only swiftly but also justly.²

Although PSN projects project narratives of growth and modernization at the macro level, their local-level implementation is often fraught with intricate socio-political issues, particularly concerning the participatory rights of affected communities. In practice, acceleration and efficiency become the foremost priorities, often accompanied by bureaucratic simplification and broad discretionary powers granted to field officers. This technocratic approach, which emphasizes output targets while minimizing public deliberation, creates tensions between the government and citizens who feel their rights are overlooked. Presidential Instruction No. 1 of 2016, which directs regional leaders to "overcome project obstacles," has frequently been interpreted as a mandate to suppress or even repress citizen resistance that impedes project progress. Rather than fostering meaningful dialogue and consultation, the practice often tends to be formalistic and symbolic, where public consultation mechanisms are viewed merely as administrative procedures instead of substantive participatory processes.³ This situation engenders a sharp power imbalance between the state and society, resulting in citizens who should be the subjects of development experiencing marginalization and losing their effective voice to advocate their interests.

One prominent case that exemplifies the complexity and disparity in PSN implementation in Indonesia is the construction of the Bener Dam. This project is one of the central government's initiatives under President Joko Widodo's administration, included in the National Strategic Projects list by Presidential Regulation No. 56 of 2018. Its implementation involves synergy between central and regional governments as well as strategic enterprises such as the Ministry of Public

² Sinta and Amalia Putri Yoesvizar, "Merajut Konflik: Memahami Dinamika Pembangunan Di Wadas Melalui Perspektif Hukum Dan Masyarakat."

³ Widyantari, "Komunikasi Pemerintah Dan Masyarakat Di Desa Wadas Dalam Perspektif Islam."

Works and Public Housing (PUPR), the principal executing agency.⁴ According to PUPR's Director General Jarot Wiyono, the Bener Dam aims strategically to irrigate more than 15,000 hectares of agricultural land, directly enhancing agricultural productivity in surrounding areas. Beyond irrigation, the dam is designed to supply raw water at a rate of 1,500 liters per second to meet the domestic, urban, and industrial needs of three regencies: Purworejo, Kebumen, and Kulon Progo. Furthermore, the dam supports critical infrastructure like the New Yogyakarta International Airport (NYIA), which requires a stable water supply for its operations. Hence, the Bener Dam is regarded as a vital project pivotal to economic and infrastructural development in Central Java and its environs.

However, the dam's construction presents substantial challenges related to land acquisition, notably the need for land for open-pit mining of andesite stone used as the main construction material. According to analyses by the Central Java Provincial Energy and Mineral Resources Office (ESDM) in collaboration with the Serayu Opak River Basin Authority (BBWS), Wadas Village, located near the dam site, has considerable potential as an open-pit andesite mining area. Since its designation as a National Strategic Project in 2017, the government planned and proposed open-pit mining activities in this village as part of material preparations for the dam's construction. Nevertheless, this plan sparked significant controversy among the Wadas residents. In 2019, local communities strongly opposed the mining plan, leading to social conflict and tension. Their opposition stems from deep concerns about the environmental impacts that mining activities may inflict, fearing damage to the environment that sustains their livelihoods, such as farming and clean water sources. On the other hand, government officials and project executors assert that mining is solely for dam construction purposes and that the mining site will be rehabilitated after completion. However, these reclamation promises are perceived as unreliable by the residents, due to unclear

⁴ Mandela and Johan Kusuma, "Konflik Negara Dan Masyarakat : Isu Wadas Dalam Prespektif Politik Kewargaan."

mechanisms and previous unsatisfactory experiences in similar projects.⁵

The situation deteriorated further due to the security approach adopted during the project's implementation. In February 2022, the National Land Agency (BPN) conducted land measurements for the andesite mining site, escorted by approximately 1,200 combined security personnel, including police, the Indonesian National Armed Forces (TNI), and special units. The heavy armed presence created a highly intimidating and oppressive atmosphere for Wadas residents, especially vulnerable groups such as women and the elderly.⁶ Reports from the National Commission on Human Rights (Komnas HAM) indicate that many residents suffered severe psychological pressure, prolonged anxiety, and even trauma due to the armed forces' presence in their residential areas. What was intended as a project to bring welfare and progress ironically generated fear and a loss of control over their living space, which has been their home and source of livelihood. This condition reveals that behind the ambitious national development claims lies a complex and often overlooked social reality: the conflict of interests between developmental needs and the fair and humane protection of affected communities' rights.

The situation becomes more complex when considering the affected group of non-landowners—residents living around the mining area who are excluded from decision-making regarding the establishment of the andesite mining activities. This group is often not recognized as legitimate stakeholders in planning, decision-making, or compensation processes because Indonesian positive law remains oriented toward legal ownership. Consequently, non-landowning residents become a vulnerable group, invisible in legal terms yet most socially impacted. This disparity raises fundamental questions about substantive justice and the principle of inclusive participation in national development.

As a comparative example, a similar situation occurred in the Rempang Eco City project in Batam, also part of the PSN.

⁵ Sefani et al., "Konflik Agraria Dan Keterlibatan Rezim Lokal Pada Konflik Desa Wadas."

⁶ Ramelan et al., "Konflik Wadas Dalam Perspektif Konflik Sosial Strukturalisme."

On September 7, 2024, over 1,000 security personnel were deployed to Rempang Island to open access to land designated for industrial and residential development. This action triggered clashes between security forces and residents, resulting in arbitrary arrests of at least 30 people. Amnesty International's 2023 report highlighted violations of rights to freedom of assembly, expression, and protection of vulnerable groups, including women, children, and the elderly. Komnas HAM confirmed not only physical violence but also collective trauma experienced by the community due to lack of transparency, limited participatory space, and the repressive approach adopted by the state in managing the project. This recurring pattern indicates that exclusion and violence against non-landowning residents are not isolated cases but systemic failures in human rights-based development regulations⁷.

These findings clearly show that the implementation of National Strategic Projects in various regions, instead of serving as a vehicle for inclusive development, actually entrenches exclusionary practices against vulnerable groups, particularly non-landowning communities. Meanwhile, Indonesia's national legal system constitutionally guarantees public participation rights through Article 28D paragraph (1) of the 1945 Constitution, which states that everyone has the right to recognition, guarantee, protection, and fair legal certainty.⁸ This right is reinforced by Law No. 25 of 2004 on the National Development Planning System, emphasizing the importance of involving communities at every stage of development planning, from drafting to evaluation.

One relevant international standard in the context of development and community rights is the principle of Free, Prior, and Informed Consent (FPIC). This principle emphasizes that communities must be given the space to provide consent freely, without coercion, with sufficient time, and with adequate information before a development project is undertaken. Although FPIC is often applied in the context of indigenous peoples, it substantially also applies to communities directly

⁷ Suhanto and Martini, "Dinamika Konflik Pertambangan Dan Pelanggaran HAM: Studi Kasus Konflik Tambang Di Desa Wadas Kabupaten Purworejo Tahun 2015-2023."

⁸ Indonesia, Perubahan Keempat Undang-Undang Dasar (UUD) Tahun 1945.

impacted by development policies, including non-landowners. Unfortunately, there is no explicit legal mechanism in Indonesia that adopts the FPIC principle in land acquisition for public interest purposes. Moreover, in PSN practices, communities often are not only denied the space to express consent but also unrecognized as parties entitled to be involved in consultation processes. This situation illustrates a clear power imbalance between the state as authority holder and citizens as subjects of development.

In this context, it becomes crucial to critically reassess the meaning of community participation within the development framework. Participation should not be merely understood as formal legitimacy of decisions predetermined by the state. If community involvement stops at one-way socialization processes without meaningful and equal dialogue, such processes are more aptly described as political mobilization rather than genuine participation. Substantive participation reflects recognition of citizens' capacity as equal stakeholders and legal subjects entitled to voice their concerns. In a democratic development framework, citizen involvement is not merely procedural but part of power distribution and social justice processes. Such participation enriches policy-making and builds a shared sense of ownership over development directions⁹. Keadilan sosial sebagian besar hanya dapat diusahakan oleh negara karena kebijaksanaan-kebijaksanaan yang diambil negara mempunyai dampak paling besar terhadap perkembangan struktur-struktur yang relevan bagi proses-proses politik, ekonomis, sosial, budaya dan ideologis¹⁰

Unfortunately, legal studies specifically addressing the position of non-landowning groups within the land acquisition legal framework remain very limited. Available literature generally focuses on conflicts between the government and landowners without delving deeper into how socially and

⁹ Aditya Irfan, Maryano, and Yani, "Kepastian Hukum Dalam Pengadaan Tanah Untuk Pembangunan Proyek Strategis Nasional Terkait Ganti Kerugian Bagi Masyarakat Yang Terdampak."

¹⁰ Ramli, Asmarani. 2012. "Telaah Atas Reforma Agraria Untuk Keadilan Dan Kesejahteraan Dalam Tataran Teori Kebenaran." *Jurnal Ilmu Hukum Amanna Gappa* 20(1):50.

economically impacted groups without land certificates are marginalized from participatory processes.

This gap is important to be examined further as part of an evaluation of a legal system that does not yet fully guarantee substantive justice. This article aims to analyze the legal position of non-landowning communities within the context of PSN as regulated (or not regulated) under Indonesian legislation and how they experience limited access to public participation and protection of their fundamental rights. The case study of Wadas Village is chosen to illustrate how this structural exclusion unfolds in practice.

Several previous studies have addressed various aspects related to the impact of strategic national development projects on local communities, particularly regarding land conflicts, community participation, and protection of the rights of affected residents. These studies provide important insights into the social and legal dynamics that arise in the context of infrastructure development in Indonesia. The previous studies relevant to this research are as follows:

1. Article by Muhammad Irfan Aditya, et al., 2023 (SENTRI: Jurnal Riset Ilmiah) entitled "Kepastian Hukum dalam Pengadaan Tanah untuk Pembangunan Proyek Strategis Nasional Terkait Ganti Kerugian bagi Masyarakat yang Terdampak". This study discusses legal certainty regarding the land acquisition process and compensation provision in strategic national projects in Indonesia. It focuses on regulatory aspects and implementation, as well as obstacles arising in the compensation process. Actual cases such as the Cisumdawu and Cibitung-Cilincing toll roads are used to illustrate legal challenges and uncertainty in compensation leading to social conflicts. The study uses a normative juridical approach with analysis of legislation and cases. Its main emphasis is the need for legal certainty so that the rights of affected communities in land acquisition are protected fairly.
2. Article by Hasban Mukmin, et al., 2023 (Administratio: Jurnal Ilmiah Ilmu Administrasi Negara) entitled "Partisipasi Masyarakat dalam Pembebasan Tanah Untuk Pembangunan Infrastruktur Jalan di Kabupaten Buton

Tengah.” This research focuses on the level and forms of community participation in the land acquisition process for road infrastructure development. The methodology employed is qualitative, involving interviews, observations, and documentation. The study reviews community participation levels based on Arnstein’s “Ladder of Participation” theory and factors influencing participation, both internal (awareness, education) and external (leadership, facilities). A key finding is that although community participation is high, decision-making processes remain dominated by the government, and public participation tends to be tokenistic or formal. This study provides insights into the dynamics of public participation in the context of road infrastructure development.

3. Article by Suhanto & Martini, 2024, entitled “Dinamika Konflik dan Pelanggaran HAM dalam Proyek Tambang di Desa Wadas.” This study empirically examines the conflict surrounding the andesite mining project in Desa Wadas, Purworejo, which has lasted for nearly a decade. The main focus is on how government policies and the implementation of strategic national projects have caused human rights violations (HRVs) against local communities, including economic, social, cultural rights as well as civil and political rights. This qualitative study uses in-depth interviews with village residents, NGOs, and government officials. The findings reveal that the conflict was triggered by government regulations that inadequately considered the aspirations and rights of residents, resulting in repressive practices by authorities that caused trauma and marginalization. The state is held responsible for the HRVs and needs to conduct fair conflict resolution that does not disadvantage the community.

Unlike the three previous studies, this article introduces a novelty in legal studies on development by focusing the analysis on the group of non-land-owning communities affected by the andesite mining project as part of the Bendungan Bener Strategic National Project (PSN). While Aditya et al. emphasize

legal certainty and compensation for formal landowners, and Mukmin et al. discuss community participation in the general land acquisition process, this article highlights those legally excluded from the land acquisition scheme but directly experiencing social and psychological impacts. Whereas Suhanto & Martini focus on human rights violations in the Wadas conflict context, this research integrates normative legal analysis with empirical data from direct interviews to reveal how the absence of explicit regulations exacerbates the exclusion of this vulnerable group. This approach fills a gap in legal literature that has yet to adequately discuss the representation of non-land-owning residents in strategic national projects, while also proposing regulatory improvements based on social justice and human rights principles.

The research questions is what are the rights of the communities affected by the andesite mining activities in Wadas Village as part of the National Strategic Project for the construction of Bener Dam? How is the representation of non-landowner residents in the decision-making process related to the andesite mining for the Bener Dam construction? And The research objectives is to identify and analyze the rights of communities affected by the andesite mining activities in Wadas Village as part of the National Strategic Project for the construction of Bener Dam; To examine and analyze the involvement and representation of non-landowner residents in the decision-making process concerning the mining activities.

Method

This study employs an empirical juridical method combining normative and sociological approaches to analyze the rights and participation of non-landowner communities in the National Strategic Project of Bener Dam in Wadas Village, Purworejo, Central Java. The normative approach involves a literature review of laws and regulations, legal doctrines, and relevant literature on land acquisition and public participation, serving as the theoretical and legal foundation.

Empirical data were collected through semi-structured

interviews with residents of Wadas Village, both landowners and non-landowners, as well as village officials and local government representatives. The interviews aimed to obtain insights into their experiences and perspectives regarding their involvement in the project.

The interview data were then analyzed qualitatively by organizing and interpreting the information to identify patterns related to the recognition, protection, and exclusion of non-landowner communities in the project implementation. This approach allows the study to integrate normative legal analysis with empirical social data to provide a comprehensive understanding of the issues investigated.¹¹

Result & Discussion

A. Impacted Community Rights in Andesite Mining Activities in Wadas Village

Infrastructure development and natural resource exploitation have been key drivers in Indonesia's national development agenda over the past several decades. Major projects including road construction, dams, mining operations, and other public facilities are undertaken with the aim of improving public welfare and strengthening the national economy. However, alongside these advances, the development process often causes adverse impacts on the rights of local communities living near project sites. These impacts encompass not only land loss and livelihood disruption but also environmental degradation, health disturbances, and social marginalization experienced by the affected communities. Although Indonesia has a fairly comprehensive legal framework designed to protect these rights including regulations on environmental protection, land rights, and obligations for compensation the reality on the ground frequently reveals a gap between normative regulations and practical implementation at the local level.

One of the primary legal foundations governing community rights protection related to the environment is Law

¹¹ Creswell, *Penelitian Kualitatif & Desain Riset*.

Number 32 of 2009 concerning Environmental Protection and Management. This law affirms that every citizen has the right to a healthy and sustainable environment as part of fundamental human rights, which must be safeguarded and fulfilled by the state.¹² Furthermore, Law Number 2 of 2012 on Land Acquisition for Public Purposes regulates the mechanisms of land acquisition that must be conducted with principles of justice and fair compensation to the affected landowners. These legal principles aim to ensure that development does not solely pursue economic objectives but also respects the social and environmental rights of impacted communities.¹³

Nevertheless, in many cases including in Wadas Village, Purworejo Regency, the enforcement of these regulations faces significant obstacles and challenges. Conflicts between development interests and community rights often arise due to a lack of transparency, minimal community participation in decision-making, and inequitable access to information and procedural justice. In the case of andesite mining to support the Bener Dam construction, local residents face risks of losing livelihoods, environmental damage, and alienation from decision-making processes that directly affect their lives. This indicates a disconnect between the ideal legal norms and the complex, dynamic socio-political realities on the ground.

The rights of impacted communities in the development context refer to a set of legal and moral principles intended to protect individuals or groups who lose access to natural resources, land, or a healthy environment due to infrastructure or mining projects. These rights include the right to land as a source of livelihood and social identity, the right to a healthy environment as part of human rights, and the right to fair and adequate compensation as restitution for losses incurred. Constitutionally, Article 28H paragraph (1) of the 1945 Constitution explicitly guarantees every citizen the right to enjoy a prosperous life physically and spiritually, including the right to

¹² Indonesia, Undang-undang (UU) Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.

¹³ Indonesia, Undang-undang (UU) Nomor 12 Tahun 2005 tentang Pengesahan International Covenant on Civil and Political Rights (Kovenan Internasional Tentang Hak-Hak Sipil dan Politik).

a good and healthy environment. In the mining context, Law Number 41 of 1999 on Forestry mandates the involvement of local communities in forest management, although in practice, mining companies often dominate and limit community participation. Additionally, Law Number 32 of 2009 on Environmental Protection and Management serves as the primary basis to uphold the principles of prudence and public participation in environmental decision-making.

Meanwhile, Law Number 2 of 2012 provides detailed regulation on land acquisition for public purposes, including compensation procedures to be conducted through deliberation between landowners and acquisition officials, as well as legal remedies in case of disputes. Although this law theoretically protects affected communities, its implementation often confronts various real challenges. For example, in Wadas, although land acquisition compensation has reached billions of rupiah, some residents initially rejected the process due to dissatisfaction with negotiation mechanisms perceived as non-transparent and insufficiently inclusive.

According to Law Number 2 of 2012, compensation for land acquisition must be provided fairly and adequately through deliberation involving landowners, land acquisition committees, and authorized parties. This compensation principle aligns with John Rawls' theory of distributive justice, which emphasizes the necessity of resource distribution prioritizing the most vulnerable and affected groups.¹⁴ However, in the Wadas case, despite 576 land parcels having been acquired with total compensation amounting to hundreds of billions of rupiah, initial acquisition processes faced rejection due to unclear compensation amounts and limited community participation. Data from the Central Java Provincial Government indicates that 92% of compensation payments have been completed, totaling approximately IDR 335 billion paid to 233 affected residents. Although this figure suggests administrative progress, media reports reveal that acceptance of compensation by some residents occurred under social pressure and with very limited alternatives available. For

¹⁴ Christian, Nabilah, and Ajie, "Teori Keadilan Menurut Jhon Rawls."

instance, a resident named Khoirul Riza admitted initially opposing the project but eventually accepted a compensation of IDR 3 billion after participating in a deliberation process deemed insufficiently transparent. This phenomenon illustrates that compensation mechanisms in this case are more centralized and top-down, contradicting the principle of Free, Prior, and Informed Consent (FPIC) as mandated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which requires free, prior, and informed consent from affected communities.¹⁵

Andesite mining activities in Wadas Village potentially cause significant environmental impacts, such as air pollution from mining dust, noise disturbance affecting residents' comfort and health, and ecosystem damage threatening local flora and fauna habitats. According to Law Number 32 of 2009 on Environmental Protection and Management, all development projects must conduct an Environmental Impact Assessment (AMDAL) to identify and anticipate possible environmental risks. However, in practice, AMDAL implementation at many sites, including Wadas, is often suboptimal and ineffective in ensuring environmental sustainability. Mining activities generally can cause long-term environmental damage, such as declining groundwater quality due to mining waste contamination and increased respiratory disease risks from airborne particulate matter. Although specific data on andesite mining impacts in Wadas are unavailable, similar patterns of negative effects are expected in the area, directly threatening residents' right to health as protected under Article 28H of the 1945 Constitution.¹⁶

Social justice theory, notably developed by John Rawls, emphasizes the equitable distribution of resources and opportunities within society, particularly prioritizing the most vulnerable and marginalized groups. Social justice extends beyond mere formal equality to address distributive fairness that mitigates social and economic disparities while safeguarding social and economic rights. Concurrently, human

¹⁵ Firamadhina and Fauzi, "Rekomendasi Resolusi Konflik Di Desa Wadas Menggunakan Metode Tinjauan Pustaka."

¹⁶ Hartono et al., *Dampak Proyek Strategis Nasional Terhadap Hak Asasi Manusia*.

rights theory underlines the inherent, inalienable rights of every individual, including the right to a healthy environment, decent livelihoods, and meaningful participation in decision-making processes affecting their lives. This theoretical framework asserts that development projects must uphold and protect these rights as part of the state's obligation to ensure human dignity and equitable treatment. In the context of andesite mining activities in Wadas Village, the principles of social justice remain unfulfilled, particularly in the unfair distribution of benefits and compensation perceived by the affected residents.

The unequal access to information and the lack of substantive participation. Furthermore, the environmental degradation and psychological distress experienced by the community, caused by forced land acquisition and state security interventions, represent violations of fundamental human rights. Accordingly, the state and project implementers bear the responsibility to guarantee the protection of these rights by ensuring meaningful public participation and equitable benefit-sharing, aligned with the principles of social justice and human rights that underpin sustainable development.

Violations of environmental rights not only affect ecological aspects but also encroach on fundamental human rights, such as the right to a decent life, adequate health, and sustainable livelihoods. In various official reports, the National Commission on Human Rights (Komnas HAM) emphasizes that infrastructure projects ignoring AMDAL obligations and meaningful community participation can be classified as structural human rights violations. Although no official Komnas HAM reports exist specifically on Wadas, community protests and rejection during the early project stages reflect deep dissatisfaction and concerns about potential environmental and social impacts from mining activities.¹⁷

The concept of Free, Prior, and Informed Consent (FPIC) underscores the importance of open involvement of affected communities from the planning to implementation phases of development projects. This principle demands that communities be given the space to provide consent freely,

¹⁷ Hidajat, "Kasus Desa Wadas Pembangunan Bendungan Bener Pespektif SDG's Desa."

without coercion, based on complete information, and within sufficient time before project execution. Nationally, Law Number 25 of 2004 on the National Development Planning System regulates public participation as a crucial element in development planning. However, in practice, public participation mechanisms often remain merely formalities, providing minimal genuine dialogue opportunities for affected communities. In Wadas, despite several deliberations having been held, many residents reported insufficient comprehensive information about the long-term impacts of the andesite mining project.

The gap between ideal participatory theory and field reality is one of the primary triggers for community distrust toward land acquisition and compensation processes. The ensuing conflict was further aggravated by disagreements over compensation amounts and acquisition procedures perceived as lacking transparency. Before compensation fund disbursement, the community group Gerakan Masyarakat Peduli Wadas (Gempadewa) actively protested the project. Although most residents eventually accepted compensation, the conflict reflects governmental failure to ensure openness, transparency, and procedural justice in implementing this national strategic project.¹⁸

To prevent recurrence of similar conflicts in the future, various strategic steps are necessary from the government and other stakeholders. First, community grievance mechanisms must be strengthened so residents can effectively express complaints and aspirations and receive adequate responses. Second, transparency in determining compensation amounts should be enhanced by involving independent parties to ensure fairness and objectivity. Third, independent third parties should participate in negotiation and mediation processes as an official procedure to better mediate government and community interests. Additionally, the Environmental Impact Assessment (AMDAL) implementation must be strictly supervised to guarantee ecological sustainability and community health are truly protected.

¹⁸ Kusniati, "Free, Prior, and Informed Consent Principles as Indigenous Peoples' Right: Soft Law or Hard Law?"

The complex case of Wadas shows that although Indonesia's legal framework is adequate, field implementation still faces obstacles such as lack of transparency, inauthentic participation, and structural pressures on communities. Therefore, policy reforms emphasizing environmental justice principles, genuine public participation, and consistent law enforcement are urgently needed. Further studies and evaluations are essential to understand the long-term impacts of the mining project on community health and ecosystem sustainability in Wadas.¹⁹

To understand the full extent of the andesite mining project's social and environmental consequences, it is essential to identify the affected villages and the nature of the impacts experienced. Although the project primarily focuses on land acquisition in Wadas Village, nearby areas such as Bener Village are also exposed to indirect effects due to the construction of the Bener Dam.

Table 1. Overview of Affected Village from Andesit Mining Project

No.	Village Name	Type of Impact	Description of Impact
1	Desa Wadas	Social, Economic, and Environmental	Land conflict, loss of livelihood, environmental degradation (dust, water pollution), health risks.
2	Desa Bener	Social and Economic	Community relocation, livelihood structure, so due to dam construction
3	Desa Guntur, Desa Kedunglonteng, Desa	Environmental, Spatial Risk	Fragmentation of land and ecosystems due to hauling road construction; noise

¹⁹ Fatimah et al., "Dinamika Konflik Pembangunan Bendungan Bener Di Desa Wadas: Analisis Video Dokumenter 'Wadas Waras.'"

	Karangsari		and dust during transport operations.
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Sources: Authors, 2025

These findings underscore the multifaceted nature of the impacts caused by the andesite mining and dam construction project. While Wadas Village bears the brunt of direct extraction and land acquisition, surrounding villages such as Guntur, Kedunglonteng, and Karangsari also face secondary impacts including environmental disruption, infrastructural strain, and social distress. This table provides an empirical overview to inform policy evaluation and inclusive mitigation strategies.

Following the discussion on the rights of impacted communities in the context of andesite mining activities in Wadas Village, it is important to highlight another crucial aspect, namely the representation of non-landowner residents in the decision-making process related to the project. While compensation rights and environmental protection are key issues, the presence of non-landowner groups is often overlooked in public participation mechanisms. This situation leads to structural exclusion and injustice in the implementation of national strategic projects. Therefore, the following discussion will focus on how non-landowner residents experience limitations in access and influence over decision-making processes affecting their lives.

Using the frameworks of social justice and human rights theories, it can be concluded that the land acquisition process and andesite mining activities in Wadas Village have yet to fully comply with principles of fair distribution and respect for the fundamental rights of the affected communities. This underscores the need for regulatory reform and strengthening of substantive participation mechanisms in future national strategic projects.

B. Representation of Non - Landowner Residents in the Decision-Making

Infrastructure development and land acquisition for public purposes in Indonesia frequently neglect the participation of community groups without formal land ownership certificates.

Non-landowner residents, although directly impacted by development projects, often experience marginalization in decision-making processes related to their own fate. This is due to legal frameworks and administrative practices that prioritize the rights of formally registered landowners. Consequently, the voices and interests of non-landowners receive insufficient attention during consultations and negotiations related to national strategic projects.

This phenomenon is vividly illustrated by the controversial case of andesite mining in Wadas Village, Purworejo, where residents living near the mining site but lacking legal land certificates are meaningfully excluded from policy consultations and decision-making. This situation creates regulatory gaps that lead to social exclusion and have the potential to trigger prolonged conflicts. Therefore, this study critically analyzes these regulatory gaps, the exclusionary impacts experienced by non-landowner residents, and proposes strategies to strengthen the representation of these vulnerable groups within legislative and national development processes.

Conceptually, representation in public participation refers to the ability and opportunity of communities to influence public policy through both formal and substantive participatory mechanisms. Law Number 13 of 2022 defines public participation as the active involvement of society in all stages of regulatory formation, from planning, implementation, monitoring, to evaluation. In practice, public participation divides into two main forms: formal participation, typically fulfilled by physical presence in meetings, and substantive participation, which demands meaningful dialogue, exchange of ideas, constructive criticism, and the integration of community aspirations into resulting policies.

In the context of land acquisition, substantive participation ideally involves not only formal landowners but also residents socially, economically, or environmentally impacted around the project site. For example, residents near the andesite mining site may not receive compensation for land, yet they experience direct impacts such as noise pollution, road damage due to mining activities, or deterioration of water quality critical to their livelihoods. Unfortunately, the

representation of this group is often neglected due to existing regulations, such as Law Number 2 of 2012 on Land Acquisition for Public Purposes, which only recognizes certificate holders as entitled to compensation and participation in acquisition processes. The concept of "public interest" in development should be broadened to include protection of non-property rights, such as health, welfare, and the sustainability of communities surrounding development projects.²⁰

Interviews conducted by the author on Tuesday, May 6, 2025, revealed that several residents reported never being invited to any socialization, dialogue, or discussions regarding the planning of andesite mining.

"We, who do not own land, have never been invited to any socialization by the government. Actually, we are afraid because of environmental impacts such as flooding, landslides, or even just noise from mining activities. Just recently, there was flooding because the water drainage system was not yet completed. We were informed by LBH Yogyakarta, which is involved in handling this case, that the government promised compensation also to the surrounding community who do not own land, due to environmental damages such as the noise" said Sumardi, a non-landowner resident. Residents who do not own land that is part of the andesite mining area are excluded from public consultations because only those whose land will be compensated by the government are involved." said Asruri, a village apparatus.

Despite the lack of formal agreements such as landowners' compensation, they feel the government has neglected its promises once compensation for landowners was secured.

Indonesian land acquisition regulations, particularly Law Number 2 of 2012, explicitly limit participation in land acquisition processes to landowners officially recorded in ownership documents. Article 1 number 4 defines "right holders" as individuals or legal entities holding valid land ownership

²⁰ Indonesia, Undang-undang (UU) Nomor 2 Tahun 2012 tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum.

certificates. This definition indirectly excludes communities who control land customarily or reside on state land without formal ownership. Consequently, in the Wadas case, communities who have lived for decades and depend on the land around the mining area are not considered legitimate stakeholders in decision-making processes, despite the mining project significantly impacting their livelihoods and the environmental sustainability they rely on daily.

This limitation is exacerbated by bureaucratic practices prioritizing administrative efficiency and speeding up land acquisition processes. Public consultations often only involve certificate holders to expedite compensation negotiations, thereby marginalizing and disregarding the voices and aspirations of non-landowner residents in development dialogues. Inclusive policy stakeholder analysis should at least cover three important aspects: identifying impacted community groups, assessing their position and interests regarding policies, and evaluating their resources and capacity to influence decision-making. Without such inclusive and participatory frameworks, land acquisition policies risk deepening social inequality and triggering protracted conflicts that may hinder sustainable development.²¹

The conflict in Wadas vividly illustrates the systemic impact of excluding vulnerable community participation. Residents near the andesite mining site have never had the opportunity to attend or contribute to coordination meetings involving the government and mining companies. The information they receive is one-sided and limited, leaving no room for them to express concerns or objections regarding potential environmental impacts such as soil erosion, flood risks, water contamination, and public health hazards. Research and findings from the National Human Rights Commission (Komnas HAM) in 2023 revealed that approximately 78% of non-landowner residents in mining areas suffer serious psychological stress due to uncertainty about the fate of their settlements. Additionally, 65% have lost access to agricultural

²¹ Widyantari, "Komunikasi Pemerintah Dan Masyarakat Di Desa Wadas Dalam Perspektif Islam."

land, which constitutes their primary source of livelihood and family income.²²

The economic impacts felt by non-landowners are also significant; without ownership certificates, they are ineligible for relocation programs or compensation for property damages caused by mining activities. This situation not only widens social and economic disparities but also triggers resistance and opposition to development projects.²³ Moreover, the lack of inclusive participation erodes public trust in the government, reflected in declining voter turnout and increasing skepticism in regions experiencing land acquisition conflicts.²⁴

The principle of Free, Prior, and Informed Consent (FPIC), enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), asserts that affected communities have the right to give free, prior, and informed consent before development projects commence. This principle emphasizes respecting the community's rights to control and make decisions regarding natural resources and territories they inhabit or depend upon. Although Indonesia has yet to officially ratify UNDRIP, the principles of FPIC substantially align with Article 28I of the 1945 Constitution, which guarantees the right to a good and healthy environment as part of fundamental human rights. Additionally, the International Covenant on Civil and Political Rights (ICCPR), ratified by Indonesia through Law Number 12 of 2005, mandates the state to protect citizens' rights to participate in public affairs without discrimination.²⁵

In the context of land acquisition and development, FPIC application needs to be modified and extended beyond indigenous peoples to include non-landowner residents impacted socially, economically, and environmentally. For example, public consultation processes should provide transparent and comprehensive information about

²² Hartono et al., *Dampak Proyek Strategis Nasional Terhadap Hak Asasi Manusia*.

²³ Hartono et al.

²⁴ Kurniawan, Erowati, and Astuti, "Gerakan Menolak Tambang Batu Andesit Di Desa Wadas Tahun 2018-2023 (Studi Gerakan Perlawanan Masyarakat Terhadap Perampasan Lahan)."

²⁵ Indonesia, Undang-undang (UU) Nomor 12 Tahun 2005 tentang Pengesahan International Covenant on Civil and Political Rights (Kovenan Internasional Tentang Hak-Hak Sipil dan Politik).

environmental and social impacts of proposed projects, involving independent institutions to facilitate dialogue and ensure all community groups' voices are heard and accommodated.²⁶ Unfortunately, these standards are yet to be fully reflected in the implementation of Law Number 2 of 2012 on Land Acquisition for Public Purposes, which still emphasizes legalistic aspects of land ownership rather than substantive participation rights of affected communities.²⁷

To address this participation imbalance, several key strategies can be implemented by government and relevant stakeholders. First, revising land acquisition regulations is urgent to expand the definition of "stakeholders" in Law Number 2 of 2012 to include non-landowner residents directly affected by development projects. Participation criteria should not only be based on land certificate ownership but also consider geographical factors, such as proximity of residence to project sites, and the social and economic impacts experienced by surrounding communities. Second, inclusive participation mechanisms should be widely adopted, such as implementing Public Hearing models commonly used in legislative processes, which open space for communities to submit inputs and aspirations openly without discrimination based on land ownership status. Additionally, involving academics and NGOs as mediators is crucial to ensure objectivity, transparency, and sustainability of dialogues between government, companies, and affected communities. Third, local governments need to conduct comprehensive data collection through participatory surveys involving non-landowner residents to map their interests, needs, and vulnerabilities. This data can serve as the basis for designing targeted and sustainable non-monetary compensation policies such as skills training programs, healthcare services, capital access, and other social support.²⁸

²⁶ Rahman, Suhartiwi, and Savitri, "Dinamika Rent Seeking: Aktivitas Perusahaan Tambang Batu Andesit Di Desa Wadas Kabupaten Purworejo Jawa Tengah."

²⁷ Kusniati, "Free, Prior, and Informed Consent Principles as Indigenous Peoples' Right: Soft Law or Hard Law?"

²⁸ Balebat and Akbar, "Peran Pemerintah Provinsi Jawa Tengah Dalam Meresolusi Konflik Proyek Strategis Nasional Di Desa Wadas."

International practices provide many exemplary models that can inspire and be adopted in the context of land acquisition management and community participation in Indonesia. A prominent example is Canada's Community Development Agreements (CDA), which are formal agreements between companies and affected communities. These agreements allocate a portion of project benefits directly to local infrastructure development, social programs, skills training, and community capacity building. This approach not only distributes economic benefits more equitably but also strengthens relationships between companies and communities, thereby reducing potential conflicts. Similar approaches have been successfully implemented in several mining operations in South Africa, where all community layers are involved in decision-making through inclusive mechanisms that ensure their aspirations and needs are accommodated. The success of these models demonstrates that authentic participation based on mutual agreements is key to sustainable and harmonious development.

The exclusion of non-landowner residents in land acquisition processes reflects the failure of truly inclusive and just public participation systems. The inability of the system to involve all affected community groups not only exacerbates social inequalities but also risks prolonged conflicts detrimental to all parties. Therefore, reforming regulations and public consultation practices must be a priority to ensure substantive justice principles are realized in national development processes. Integrating international standards such as the Free, Prior, and Informed Consent (FPIC) principle and expanding the definition of stakeholders in national legal frameworks are strategic steps of vital importance. Through these measures, Indonesia can build a development model that is more sustainable, equitable, and responsive to the rights of marginalized groups, while strengthening the legitimacy and sustainability of national development projects.

In the context of the representation of non-landowner residents in decision-making processes related to national development projects, John Rawls' theory of social justice is highly relevant for analysis. Rawls emphasizes the importance

of a fair distribution of resources and opportunities, particularly for the most vulnerable and marginalized groups in society. In this regard, non-landowner residents who are socially and ecologically affected should be regarded as part of the vulnerable population entitled to protection and recognition within development processes. Their absence in decision-making and compensation mechanisms reveals an imbalance in the distribution of power and resources, violating the principles of distributive justice, thereby potentially exacerbating social inequalities and triggering conflicts.

Thus, linking the discussion on the representation of non-landowner residents to social justice and human rights theories not only strengthens a critical analysis of existing regulations and practices but also underscores the urgent need for policy reform to ensure that national development proceeds inclusively, fairly, and sustainably.

Conclusion

The analysis of the Wadas Village case highlights the structural exclusion experienced by non-landowner residents in land acquisition and andesite mining projects under the framework of national strategic development. Although Indonesia has established a comprehensive legal framework aimed at protecting community rights, including environmental sustainability and fair compensation, the practical implementation of these policies often falls short. Both the principles of social justice and human rights, emphasizing equity, meaningful participation, and the protection of vulnerable groups are insufficiently realized in the processes that have taken place in Wadas and surrounding villages.

This article shows that while landowners received monetary compensation, non-landowner residents, who suffer social, economic, and psychological consequences from the development project, remain underrepresented and excluded from decision-making processes. The failure to uphold Free, Prior, and Informed Consent (FPIC) and the narrow legal definition of "right holders" significantly contribute to this exclusion.

To achieve more inclusive and sustainable development, it is imperative for policymakers to reform regulatory frameworks by expanding stakeholder definitions, improving participatory mechanisms, and institutionalizing community safeguards. A participatory approach that includes both landowners and non-landowners is essential to ensure that development projects reflect the values of equity, justice, and human dignity. Only through such inclusive governance can Indonesia truly align its national development goals with the constitutional mandate to protect the rights and well-being of all its citizens.

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