

The Meaning of Land Acquisition Compensation and its Utilization Strategy in Affected Communities in the Pejagan-Pemalang Toll Road Construction

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Abstract

The process of negotiation and compensation in land acquisition is often accompanied by dramatic actions between the community and the management and the government. However, this phenomenon did not arise in the case of land acquisition that occurred in the construction of the Pejagan-Pemalang toll road. The purpose of this study is to uncover and thoroughly describe how people interpret the compensation payments for the land they receive and how they use the compensation for their lives. Qualitatively the research data was collected through interviews, observations, FGDs and documentation, aimed at several informants both the affected communities and the project management of the toll road. Henceforth the data will be analyzed interactively by paying attention to the validity of the data using triangulation. The results showed there was a shift in the meaning of compensation money in the Kalimati village community from "ganti rugi" changed to "ganti untung". Whereas the strategy in utilizing the compensation money is patterned accumulation, consolidation and survival based on rational, instrumental, affective and value-oriented actions.

Keywords

compensation; land acquisition; meaning, toll road construction; utilization strategy

INTRODUCTION

Indonesia is currently incessant in doing development, especially in the infrastructure sector. Not only concentrated in the capital town, but now infrastructure development is trying to enter district areas to remote locations in Indonesia. Equitable distribution and elimination of inter-regional economic disparities are the two fundamental reasons for implementing massive infrastructure development from 2014 until now. In carrying out an infrastructure development requires land, so often the land acquisition is often encountered, because the land used in

the development project is the land that has been occupied by residents. The process of land acquisition takes place gradually, land that has the potential for development and public access will more quickly experience land acquisition, the situation is different from land that is in the initial and constant administrative area (Li, et.al, 2018). According to Ghimire, et al (2017) land always has an important role in human life and is the

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basis for human existence and also limited resources. Land plays an important role as a financial asset. Investment in infrastructure development such as airports, roads, railways, hydroelectric power, irrigation and urban development for public use is very important for the development of any country and any infrastructure development requires large amounts of land. Although in its implementation the procurement of public land by the state has not been fully achieved, because in reality public access to these land assets is still far away. The procedure of the procurement process and the purpose of public land acquisition has been contained in the law, but it seems that it is still far from the ideal side of reality (Akingbehin, et.al, 2016).

Various studies show that with the development of infrastructure, it will have a positive impact on economic stretching. One of the things that concerns the government in infrastructure development is road construction. Sukwika (2018) road infrastructure has a positive effect on economic growth and spatially investment and road infrastructure also show a positive effect on economic growth. Good road infrastructure will reduce logistics costs and will increase the competitiveness of Indonesian products and facilitate traffic from one region to another that has developed so that it can also develop. One of the toll road projects that has just been completed by the government is the construction of the Pejagan-Pemalang toll road starting in 2014 with a ground breaking or laying of the first stone, with a total investment of Rp 4.8 trillion. Based on data from the Ministry of Public Works and Public Housing Pejagan Pemalang toll road is divided into 4 sections, namely: Section I (Pejagan - West Brebes) length 14.20 km, Section II (West Brebes - East Brebes) length 6.00 km, Section III (East Brebes - Tegal) 10.40 km long and Section IV (Tegal - Pemalang) length 26.90 km.

The infrastructure development in Indonesia are often found cases of rejection from community landowners. Anshori and Ahsan (2015) in land acquisition activities there is always turmoil caused by a lot of

the negotiation process for compensation. This is indicated by various phenomena in the community such as skeptical attitude of the community, the perception that land acquisition is an opportunity to sell land at the highest price so that it triggers the emergence of land speculators / brokers. Ablo and Asamoah (2018) involvement of farmers in the process of determining compensation for the sale of their land is very limited. Farmers are in an inferior position so that they feel that their rights are deprived because the compensation money provided is insufficient to continue their new livelihoods and generation inheritance. Therefore it is necessary for government intervention to actively engage with community members and traditional authorities in helping to provide new planting areas. Although in general the process of land acquisition is carried out in accordance with proper legal procedures, it is not uncommon for positive legal procedures to conflict with customary legal procedures. So that there is often an unequal relationship between the customary land owner and the company taking over the land, consequently the landowner community is always disadvantaged and become a victim. To minimize this conflict in the formulation of agrarian laws, it is necessary to include customary law so that relations can run in balance (Martina, 2016).

It is not uncommon for land acquisition laws to be used for political purposes, which were initially intended for the public interest and instead turned to the business interests of housing developers (Parwez, 2016). To eliminate various problems in the process of land acquisition negotiations, efforts need to be made to rebuild the principles, objectives, standards and compensation procedures in land acquisition (Jing, 2015). In addition to socio-economic issues, rejection cases occur because the acquisition process often violates land acquisition management procedures. Among them because the land is a conservation area and cultural preservation area, water catchment area and ecological balance, green area and so forth. Obviously the area if hit by it will have an impact on ecological damage, the

environment and the availability of water sources (Kundu, et.al, 2017). Urban development often sacrifices the countryside, eliminating green areas and village settlements. Therefore it is necessary to restructure villages by adhering to urbanization strategy policies (Liu, et.al, 2017). Land acquisition often makes residents lose their living assets, yard, shops, and business warehouses. It is natural that some people refuse to acquire their land, even though negotiations at the beginning of the land acquisition process carried out by the company and the government are aimed at the public interest and improvement of the community's economy (Sholihah and Shoujun, 2018).

However, this phenomenon does not appear in the Kalimati village community. The land acquisition process ran smoothly and did not cause resistance from residents. In 2016 an agreement was reached on land acquisition after the village government conducted socialization and negotiations with residents. At the end of 2016 residents were given compensation money for land affected by the toll road construction project. Assessment of the value of compensation is carried out per plot of land, including 1) land, 2) space above ground and underground, 3) buildings, 4) plants, 5) objects related to land, and / or 6) other losses that can be valued (Law No. 2 of 2012). Nevertheless the process of land acquisition brings impacts and consequences both positive and negative that arise in the community. The smooth process of negotiation in land acquisition is very much determined by the community's response in interpreting the compensation obtained for land acquisition actions that have been carried out and of course the negotiation techniques that are played by the developer and the government with the land owner. How do people interpret the compensation money and how the actions taken to survive with the compensation money. Next will be discussed in this paper with the perspective of the theory of Mead's meaning and Weber's social action.

METHODS

This study uses qualitative research methods with a case study approach. This research was conducted in Kalimati Village, Adiwerna District. The study was conducted from 28 August 2018-23 June 2019. Data sources used in this study consisted of primary data sources obtained directly by researchers through interviews, observations and documentation on 6 key informants (land owners directly affected by land acquisition) and 5 supporting informants (the developer, the village government, and the surrounding community). While secondary data is obtained indirectly through document archives, photographs related to the research theme. The obstacle experienced in this study is that the community is less open about compensation documents. And the limitations of compensation documents from the village and from the community. The validity of the data used in this study is a data triangulation technique that is by comparing the results of one informant interview with the results of other informant interviews, comparing the results of interviews with observations, and comparing the results of interviews with documentation.

RESULT AND DISCUSSION

Pejagan-Pemalang Toll Road Construction in Kalimati Village

The Pejagan-Pemalang toll road is part of the Trans Java toll road network. News about the existence of the Pejagan-Pemalang toll road construction in Kalimati Village has been heard to the ears of residents since 2008. However, this information is still uncertain because during the planning process there were several changes to the planned relocation of the Toll Gate (GT) construction site from Kalimati village to Ujung Rusi village or Balamoa village. This is due to the consideration by the Tegal regency government related to traffic analysis in the area of Kalimati Village and its surroundings, which is expected to cause severe congestion when going home *Mudik Lebaran*. In addition, there was also a concern that the

Gung river overflowing in Kalimati Village was flooding. This had caused disappointment for residents, because if the Toll Gate was moved the Kalimati village would not be passed by the toll road.



Figure 1. Pejagan-Pemalang Toll Road in Kalimati Village Area
(Source : Documentation of Research, April 6th 2019)

Kalimati Village is a village located in Adiwerna District, Tegal Regency, Central Java Province. Kalimati Village is 6 km south of Tegal City. The location of Kalimati Village itself can be said to be quite strategically located in the connecting lane between the government center of Tegal Regency and Tegal City. Kalimati Village itself consists of 1 Subdistrict, namely Hamlet Kalimati and consists of 3 RW and 21 RT. The total area of Kalimati village is 49,045 m². The total population of Kalimati village is 6,766 people, consisting of 3,404 inhabitants of the male population and 3,362 inhabitants of the female population. The livelihoods of the Kalimati villagers themselves are diverse, but what dominates more is the people who work in the trade and metal industries.

Life challenges are increasingly heavy, limited job openings, low levels of education, minimal agricultural land, lack of expertise in the community, as well as dense population in rural areas, then rural communities are trying to change their economic lives by trading. This was done by the Kalimati villagers where many of them chose to work as metal craft traders. According to Irianto (2014) the increasingly uncontrolled economic burden of the community resulted in the community finding their own

jobs by entering the informal sector because the government was unable to overcome this. These buying and selling activities were expected to help rural communities in earning income and meeting their daily needs. and encourage them to connect and interact with the outside world. The large number of metal craftsmen encountered in the village of Kalimati made Kalimati village earned the nickname as “Japan of Indonesia”.

Based on community land ownership certificates in Kalimati village, they use 3 types of land ownership certificates, namely Petuk C / Letter C, Deed, and Certificate. Petuk C / Letter C is a land certificate issued by the Village, usually a land certificate using the C / Letter C is inherited land, then the ownership certificate is in the form of a deed issued from the sub-district, in addition there is a land ownership certificate in the form of a certificate issued by the local land agency.

Based on considerations from the government and related parties as well as protests from residents so that in 2016 the construction of the Pejagan-Pemalang toll road in the village of Kalimati continues to be carried out, starting with the data collection of affected residents, the process of land acquisition to the construction of the toll road. Furthermore, several socialization sessions were conducted to the community members as set out in the following Table 1.

The land acquisition carried out in Kalimati Village left a separate consequence that must be faced not only by the affected communities, namely where they had to lose their homes and businesses, but it turned out for the Kalimati villagers living around the Pejagan-Pemalang toll road construction site where they feel the noise disturbance due to heavy equipment work, dust generated from toll road work, floods due to toll road construction, damage to residents' homes due to heavy equipment work. This of course brings social and economic change. In addition, to restart their business, residents must find a strategic business location than before so as not to lose customers. Other problems encountered regarding the nominal compensation that is large enough

Table 1. The process of socialization to the community

No	Stages	Venue	Activity	Time
1	1st social-ization	Kalimati vil-lage building	Presentation of the Pejagan-Pemalang toll road program and information of land and building acquisition	November 2015
2	Mapping land and buildings	Kalimati vil-lage building	Measure how much land, buildings and plants affected by the project are released	February-May 2016
3	2nd social-ization and negotiation	Kalimati vil-lage building	Exposure of land and buildings affected by the acquisition includes the price of the land and buildings themselves to the affected residents	August 2016
4	3rd social-ization and compensation	Kalimati vil-lage building	The compensation mechanism as well as the implementation of them through the Bank	October 2016

Suource: Interview with Bapak Rizal, April 17th 2019

to cause a culture shock this occurs because of the receipt of substantial compensation money by the community which caused social jealousy among residents. According to Amila and Elly (2016) states that conflicts arising from a development lead to vertical conflicts and horizontal conflicts. Vertical conflict occurs between the government and the community. Meanwhile, horizontal conflicts occur among the community itself. Both conflicts occur due to differences in compensation money provided by the government to the community so that, causing injustice, anxiety, helplessness, rootedness, and doubt which all lead to hostility which ultimately lead to conflict.

The Meaning of Land Acquisition Compensation Money for the Community

The affected communities by land acquisition (direct) and surrounding communities (indirectly affected) have their own meaning of the compensation money obtained. The meaning arises due to the amount of compensation money received which has a high nominal amount (change in profit) and is accompanied by a consumptive pattern of society which is also getting higher which is then called new rich people "OKB" (Orang Kaya Baru). The amount of compensation money that is not small, for example, an area of 168m², received compensation money of

Rp. 2,100,000,000 in the midst of a sluggish business, large amounts of compensation were then used by the community to buy houses, daily necessities and buy a new car.

In the assessment of compensation money given to the affected community there is a criterion to determine the nominal amount to be given to the community, one of which is the criteria for land ownership certificates. Land ownership certificates are divided into 3, namely: Deed issued from the sub-district, Letter C issued by the vil-lage, and land certificate. The ownership of this letter affects the valuation of land prices. The amount of compensation money received by the public is determined based on Article 32 paragraph (1) of Law No. 2 of 2012 concerning Valuation of Compensation Value by the Appraiser. Some criteria used in determining the amount of compensation include; 1) type, function, location and area of land (price per / meter Rp.3,000,000.00 higher than NJOP land in Tegal district), 2) upper and underground space, 3) type and function of building above ground, 4) plants above ground level, 5) objects related to the land, 6) and other assessed / non material losses (length of stay at the location, emotional loss of profession) and losses due to indirect impacts (air pollution, noise, damage to houses and flood). These criteria are used by considering the ability and benchmark of the lowest and highest prices. The

Table 2. Criteria for solatium in compensation assessment

Criteria Solatium	RT-1A	RT-2A	RT-1B	RT-2B
Length of stay < 3 years	5% from physical loss value	5% from physical loss value	5% from physical loss value	5% from physical loss value
Length of stay 4-9 years	10%	10%	10%	10%
Length of stay 10-19 years	15%	15%	15%	15%
Length of stay 20-29 years	20%	20%	20%	20%
Length of stay >30 years	30%	30%	30%	30%

(Source: Data KPPSI from Bapak Rizal, April 17th 2019)

following details solatium (emotional loss due to land acquisition):

The term less compensation “ganti rugi” is also commonly used in land acquisition by the government. Initially there is only the term less compensation or “ganti rugi”, then “ganti untung” appears. Lately, profit changes are being used more and more frequently. As a result, the use of less compensation “ganti rugi” and profit compensation “ganti untung” to compete in the community. Profit compensation “ganti untung” is an unofficial term used by the government as a counter term for compensation. This term was raised because many residents felt that the loss due to money paid for land acquisition was of low value or was not in accordance with the fair price, but currently the provision of compensation to affected communities considered all matters relating to the land owned by the people affected by the land acquisition.

In obtaining compensation with a nominal that according to the community is suitable, according to Rongiyati (2012) the value of compensation becomes very important for holders of land rights because land is a resource which in addition has economic value as well as social, political value, even for Indonesian people the land also has association with religious values. With this new interpretation of land acquisition compensation money, the community made various efforts to get the compensation money. The community made an effort to get the maximum compensation value from the price offered by the P2T, in this case the re-

searchers found an effort from the community carried out including 1) approaching the government, 2) making certificates, and 3) raising assets when in do a survey by P2T (Land Registrar).

Although at the planning stage for the acquisition of P2T land, the location and plotting of the land affected by the Pejangan-Pemalang toll road have been determined, but the facts on the ground are that there are approaches by communities affected by land acquisition where not all land is involved in one plot of land. affected by land use change. In cases like this residents approach the village government so that all of their land can be counted in compensation. The approach to the village government is carried out by the residents because they feel the village government has a close relationship with the residents and according to the villagers the government can help approach the Waskita (Developer) so that the rest of the residents' land can be counted as a form of loss.

Land acquisition for toll road construction makes this momentum as a place to reap profits from compensation money given to land affected by toll road construction. Many criteria are used as valuation of compensation, including economic losses and social losses arising from the acquisition of land is also a consideration of compensation assessment. This is what is then used by the community to get maximum compensation money, namely by bringing up assets that can be used as an excuse to get the value of compensation.

The essence of symbolic interactionism according to Mead in Ritzer (2012) is a human activity in the form of communication or exchange of symbols that are given meaning. Symbolic interactions draw attention to the way humans use symbols as the simplest form of communication used to express what they mean and to communicate with one another. Next comes the interpretation or meaning of the symbol. There are 4 stages until the community emerges meaning; impulse, perception, manipulation, consumption.

At the impulse stage the Kalimati villagers responded spontaneously through their five senses to information on the existence of toll road construction (around their area) which had consequences for land acquisition from rumors to the stage of socialization carried out by various parties. Furthermore, the community conducted further investigations by seeking more detailed information from various parties, especially through the government / village apparatus as the closest agent to the community in developing perception. The information obtained is related to the process of land acquisition and compensation provided. Based on the detailed information obtained, the community develops manipulation to achieve goals that are considered beneficial for themselves and their lives. Namely by planning various ways so that the land where he lives in the land acquisition section. As the final stage, consumerism is the realization of various plans that are considered to bring great benefits to them using various approaches to satisfy the true impulse.

Strategy for Utilizing Compensation Money

According to Rohmaidah and Diyah (2016) the use of compensation money is a rational process in choosing consumption commodities. Consumption itself is a process of consuming the use value of goods or services. In the contemporary era, consumption is not only limited to satisfying my passions, but consumption is also full of meaning. The granting of compensation money by the government at the time

then gave rise to new meanings for the affected communities, such as the emergence of the terms “OKB” and “Ganti Untung” in the affected communities and surrounding communities. Receiving compensation money with a large nominal at the same time turned out to cause a culture shock to the residents, both in the affected community and from the community around the house of the affected community. According to local residents there was a change in consumption patterns in the affected community after receiving compensation money from the Pejagan-Pemalang toll road construction project in Kalimati Village.

“sing kena gusur tah pada seneng mba mesti, olih duit akeh langsung nggo pada tuku emas karo mobil anyar. Ora moni pimen-pimen ya mba, genah katon mata nemen. Kas gena gusur langsung pada plesiran, ana maning sing langsung tuku mobil.”

“Those who are definitely affected by the pleasure Sis, get a lot of money directly to buy gold and a new car. Instead of doing it, Sis, you can see the eyes. After being directly evicted, there were also those who immediately bought a car.” (interview with Ms. LS on May 10, 2019)

Changes in consumption patterns that occur where affected people try to use the compensation money that can be used for personal needs in improving their standard of living. There are three strategic patterns carried out by the community, namely the accumulative, consolidated and survival strategies. The three patterns are adopted by the community by adjusting the amount of compensation money and the socio-economic conditions of each. Various types of strategies in utilizing compensation money to continue community livelihoods are strongly influenced by land tenure processes, community education levels, skills possessed, access to business capital and location access by roads and markets / centers / crowds (Khatiwada, et.al, 2017). Particularly for the lower class, the emphasis is on land size, livestock size, sex of household heads, mass media, market distance, total annual

household income, and urban relations (Yizengaw, et.al, 2015). The livelihood development strategy is more appropriate to do with thinking about the sustainability of the environment and their future. therefore an interesting strategy developed is that which is in harmony with nature, safe and provides guarantees. Even though this condition is very difficult to be carried out by people whose full livelihood still depends on the government (Diniz, et.al, 2015). The community uses compensation money to buy a house, business capital, meet daily family needs, for children's needs, save money and use it for religious purposes (umrah / hajj).

The compensation money received by the affected community must be able to be utilized as well as possible by the affected community, especially for people whose livelihoods are also affected by land acquisition for toll roads. As a form of strategy in the use of compensation money by the community, they use the money for the purpose of buying a new home, for people who have lost their livelihoods from selling metal crafts, they use the money to start a new business by utilizing the compensation money obtained. There are 4 types of actions that arise in society in utilizing compensation money, namely rational, instrumental, affective and value-oriented actions in Weber in Ritzer (2012).

Rational social action

For example, Mrs. Nurjanah bought a house in Kalimati village RT 09, where the location of her house is now some distance from the highway in the village of Kalimati. Nurjanah for family needs. He chose to buy a house with a location that is some distance from the highway of the village of Kalimati is a rational act in which he thought to save costs incurred to buy a house. In addition, because Nurjanah is the owner of a metal home industry with the construction of the Pejagan-Pemalang toll road requiring that Nurjanah's stores and business warehouses be converted, with the compensation money then Nurjanah opens a new business in Cirebon so that trade competition is not too tight. This is influenced by Max Weber's

rational social action where social action is based on consideration and conscious choice in achieving its goals with consideration of the availability of tools to achieve the goal.

Affective social action

Based on the actions taken by Mr. Jaenudin and Mrs. Ajizah in utilizing the compensation money that was given by Mr. Jaenudin and Mrs. Ajizah used it for the needs of school children and also built houses for her children because after marriage her mother's mother Ajizah still could not have her own house so she had to live together with Mrs. Ajizah, because of the feeling that is owned by a mother, finally Ajizah's mother decided to build a house from the compensation money she got. In this type of affective social action carried out in the form of reflexes without any prior or unconscious consideration. This action is usually spontaneous, irrational and is an emotional expression of the individual.

Instrumental social action

For people who have a place of business, the existence of the Pejagan-Pemalang toll road causes the shop or warehouse to be affected by the conversion of land. According to Budiarti, et al (2014) The profession as a trader is not an easy profession to achieve welfare. Uncertainty of the amount of income each day and the absence of collateral in the old days by profession as traders can affect the psychological well-being they have. As experienced by Mr. Ali Sahreri, where he worked as a trader of metal crafts for motorcycle modification. Mr. Ali Sahreri's daily income is only from his shop, while Mr. Ali Sahreri is the head of the family who has a wife and 3 children aged 6 years, 9 years and 15 years. According to Amalia (2014) the motivation of informal workers is to obtain sufficient income just to survive. As long as the business place owned by Mr. Ali Sahreri has not been able to operate as before, to meet the daily needs of Mr. Ali Sahreri and his wife used the compensation money obtained in advance, while Mr. Ali Sahreri restructured the business he owned. Mr. Urmanto made use of the compensation received for savings at the bank. Besides,

Mr. Urmanto also used the money for Umrah with his wife while waiting for the departure of the pilgrimage in 2021, which made Mr. Urmanto determined to save the remaining money from compensation is obtained.

Rational actions are value oriented

Actions taken by Mr. Ali Sahrori where he as the head of the family must be responsible for his duty to support the family, before Mr. Ali Sahrori can run his business again, while in meeting the family needs of Mr. Ali Sahrori decided to use the compensation money first, and Mr. Urmanto also chose to use his compensation money to perform the Umrah worship and according to Max Weber as belonging to the Rational Value social act, this action was carried out with value considerations. This means that individuals who act prioritize what is considered good, natural, natural or correct in society above individual goals. What is considered good can come from ethics, religion, or other forms of value sources.

CONCLUSION

The construction of the Pejagan-Pemalang toll road in Kalimati village, Adiwerna sub-district not only provides an opportunity for affected residents to get a high compensation money, but also has a negative impact on the residents of Kalimati village, which is located close to the toll road such as noise disturbance and damage to houses due to heavy equipment work, floods that struck the village of Kalimati, as well as dust from the toll road project that polluted people's homes. Nevertheless, the community interpreted the provision of compensation money to affected communities by mentioning the OKB and replacing the mention of less compensation "ganti rugi" with a new term, namely profit compensation "ganti untung". Consequences of the meaning of the community to manipulate and consumptive to realize their desires. The socio-economic strategy of the community in utilizing the compensation money provided is by developing a strategy of accumulation, consolidation and survival with the ideal type of

action that is conditional, value, affective, instrumental and rational. In response to these findings, there needs to be an understanding back to the community not to be too profit oriented. As long as the land occupied can still be inhabited and managed properly the act of manipulation to get compensation money from land acquisition is an act that is not necessary.

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