

Legal Frameworks and Land Acquisition: A Study of Infrastructure Development in Decentralized Manokwari

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ABSTRACT: This research discusses land acquisition to promote infrastructure in Manokwari, West Papua Province. Infrastructure development in this city, as the capital of the province, has significant challenges related to land acquisition, dispute resolution, legal protection, community participation, and project sustainability. Civil law plays a crucial role in regulating these aspects, which include land acquisition regulations, civil conflict resolution, protection of individual rights, and public participation. The research used a qualitative approach to analyze primary and secondary data, including interviews and Focus Group Discussions (Focus Group Discussion (FGDS), to identify challenges and solutions in civil law implementation. The results show that while there is a clear legal framework, effective implementation requires improved coordination, transparency, and public participation to ensure sustainable infrastructure development that benefits the people of Manokwari.

Keywords: Infrastructure Development, Civil Law, Land Acquisition.



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INTRODUCTION

Infrastructure development is essential in supporting economic growth and improving the quality of life of the community. In Manokwari, the capital of West Papua Province, the need for adequate infrastructure is increasingly urgent along with the development of economic activity and urbanization. Good infrastructure, such as roads, bridges, and other public facilities, is the main support for the smooth movement of goods and services and community access to basic services. (Pusmahasib, 2023).

However, there are significant challenges in realizing this infrastructure development, particularly with regard to civil law aspects. Civil law, which regulates relationships between individuals and entities in society, plays an important role in regulating land acquisition, development contracts, as well as dispute resolution that may arise during the project. Therefore, an in-depth understanding of the role and influence of civil law in this context is crucial. (Ratnagung, 2024).

One of the main challenges in the infrastructure development process in Manokwari. (Pambudi et al.,

2022) Civil regulations governing land acquisition are often a source of conflict, especially when local community interests conflict with project needs. Land disputes that are not properly resolved can hinder development progress and harm all parties involved. Therefore, it is important to examine how existing civil regulations can facilitate a fair and effective land acquisition process, so that development projects can run smoothly. (Wangi et al., 2023).

In addition to land acquisition, infrastructure development projects in Manokwari also often face various other types of civil conflicts, such as disputes over labor contracts between the government and contractors, as well as payment and project implementation issues. Timely and fair dispute resolution is essential to ensure that projects can proceed on schedule and do not experience cost overruns. In this context, the role of the judiciary and alternative dispute resolution mechanisms becomes very important to maintain the smooth running of infrastructure development projects. (Suntoro, 2018).

Legal protection for parties involved in infrastructure development is also a major concern. Landowners, contractors and the government must have legal certainty regarding their rights and obligations. Civil laws provide the necessary legal framework to ensure that each party can fulfill their role without being unfairly disadvantaged. This legal protection also includes fair compensation for landowners whose land is used for development projects. (Bastanta & Sitabuana, 2024).

The participation of local communities in the infrastructure development process should also not be overlooked. Civil law provides room for community involvement in the decision-making process regarding infrastructure projects that directly affect them. This participation is not only important to ensure that the project runs smoothly, but also to guarantee that the needs and rights of local communities are respected and protected. (Mandjarreki, 2023).

In addition, the implementation of civil law in infrastructure development has a significant impact on project sustainability. Sustainability includes not only environmental aspects, but also social and economic aspects. Good implementation of civil law can ensure that infrastructure projects do not damage the environment, disrupt people's social lives, or create economic injustice. Conversely, a well-managed project can provide long-term benefits to the people of Manokwari. (Basri, 2024).

This article will discuss how civil law challenges, particularly in land acquisition and dispute resolution, affect infrastructure development in Manokwari, as well as the solutions that can be applied to address these issues and support economic growth in the region. This article aims to fill the gap of previous studies related to land acquisition in Manokwari. While there have been several previous studies on land acquisition, none have specifically examined land acquisition in Manokwari and formulated solutions using a community education approach to improve civil legal protection and support sustainable infrastructure development in Manokwari. For example, Susanti, A. (2018) with the research title Analysis of Land Acquisition Regulations for

Infrastructure Development in Indonesia which focuses on land acquisition regulations at the national level. Furthermore, research conducted by Handayani, D. (2019) with the research title Land Disputes in Infrastructure Projects: Case Study in Java Island, where this research only focuses on land disputes in Java Island. Another research conducted by Rahman, H. (2020) entitled Effectiveness of Civil Law in Land Acquisition for Infrastructure Projects which provides insight

into the effectiveness of civil law in land acquisition for infrastructure projects, as well as offering recommendations to improve efficiency and fairness in the process. However, there are still crucial aspects that have not been discussed by previous researchers, namely how land disputes in Manokwari and adequate exploration of alternative dispute resolution (ADR) mechanisms such as mediation and arbitration, especially in the context of infrastructure projects.

METHOD

This article uses case study research. This approach was chosen to explore in depth the role and challenges of civil law in land acquisition for infrastructure projects in Manokwari. The objects of this research include government agencies involved in the land acquisition process, communities affected by land acquisition, and specific infrastructure projects in Manokwari. The population of this study includes all parties involved in the land acquisition process and infrastructure development in Manokwari, including government officials, contractors, landowners, and affected community members.

The research sample was selected using purposive sampling method. Informants in this study included government officials from relevant agencies, contractors involved in infrastructure projects, landowners whose land was expropriated, and affected community members. Data collection techniques in this research include in-depth interviews and Focus Group Discussions (FGDs). And the data analysis technique uses thematic analysis. The analysis process began with data transcription through interview tables, clearly showing how each informant responded to questions related to the role of civil law in land acquisition, followed by coding to identify key themes. These themes were then analyzed to understand patterns and relationships between themes. The results of the thematic analysis helped identify key factors and challenges faced in land acquisition for infrastructure projects in Manokwari.

RESULT AND DISCUSSION

Analysis of Civil Regulations Governing Land Acquisition for Infrastructure Development in Manokwari

Land acquisition (Zamharirah & Syahputra, 2023) is one of the crucial first steps in the implementation of infrastructure projects, including in the Manokwari region. Applicable laws and civil regulations in Indonesia, such as Law No. 2/2012 on Land Acquisition for Development for Public Interest, provide the legal framework governing how land can be acquired by the government for various development projects. This process includes planning, implementation and providing compensation to affected landowners. While these regulations aim to ensure fairness

and efficiency, their implementation on the ground often faces a range of complex and diverse challenges. (Fajar & Ilmi, 2024)

One of the main challenges in land acquisition in Manokwari is the dual legal system between national civil law and local customary law. Indigenous communities in Manokwari have

customarily recognized land tenure systems, which are often not recognized under the national legal framework. This mismatch can lead to land ownership conflicts, where customarily recognized land is not recorded in the national administrative system. As a result, the land acquisition process can be hampered by protracted disputes, which require mediation between the government and the indigenous community to reach an agreement.(Davidson et al., 2010)

One of the main challenges in applying civil law to land acquisition in Manokwari is the conflict between national law and customary law. In many regions, including West Papua, customary land has high social and cultural value. Conflicts often arise when national legal provisions do not fully respect or conflict with local customs, causing tension and resistance from indigenous communities.

Another challenge is the often complex and time-consuming process of identifying and verifying land rights. The government must conduct accurate surveys and mapping to determine the legal owners of the land to be acquired. This process not only requires significant resources, but is also often faced with incomplete or inaccurate data, especially in areas that have not been fully systematized. This uncertainty can cause delays in the land acquisition process and potentially lead to disputes between parties claiming ownership of the land.(Faradhiba, 2023)

The issue of compensation is also a crucial issue in land acquisition. Law No. 2/2012 stipulates that affected landowners must receive fair compensation based on market value.(Mahardika et al., 2023) Law No. 2 Year 2012 on Land Acquisition for Development in the Public Interest is the main legal framework governing land acquisition in Indonesia. This regulation covers various important aspects such as the principles of land acquisition, the procedures to be followed, as well as provisions regarding compensation for landowners.

Law No. 2/2012 emphasizes the principles of justice, welfare, legal certainty, openness, participation, and equality. These principles aim to ensure that the land acquisition process is conducted in a fair and transparent manner, and provides legal certainty to all parties involved.(Suntoro, 2018)

The land acquisition procedure based on Law No. 2/2012 involves several stages, namely:(Supit, 2021)

1. Land acquisition planning
2. Preparation of land acquisition
3. Implementation of land acquisition
4. Submission of land acquisition results

Each stage has certain procedures and requirements that must be met to ensure a smooth process and compliance with applicable regulations. One crucial aspect of land acquisition is compensation for landowners. Law No. 2/2012 stipulates that compensation must be fair and in accordance with market value. The form of compensation can be money, replacement land, resettlement, or a combination of these forms, in accordance with the agreement between the government and the landowner.

However, in practice, many landowners feel that the compensation value offered does not reflect the true value of their land, both in economic terms and sentimental value. This dissatisfaction often

triggers protests and resistance from communities, which can ultimately slow down or halt infrastructure projects. To address this issue, a transparent and participatory valuation mechanism, as well as a constructive dialog between the government and the community, is needed.(Ulum & Anggaini, 2020).

In addition, inter-agency coordination involved in the land acquisition process is often challenging. The process involves various government agencies from central to local levels, which require effective coordination to ensure smooth implementation. Lack of synchronization between these agencies can lead to bureaucratic red tape, slow down decision-making and hamper project implementation. Therefore, improved coordination and cooperation between government agencies and other stakeholders is essential to smoothen the land acquisition process.(Satibi et al., 2023).

The implementation of civil laws and regulations related to land acquisition must also consider social and environmental aspects. Infrastructure projects that do not pay attention to social and environmental impacts may generate resistance from communities and environmental activists. Therefore, a comprehensive environmental and social impact assessment needs to be conducted prior to project implementation, to ensure that negative impacts can be minimized and project benefits can be felt by the community at large. Community participation in this process is also important to ensure that their voices are heard and considered in decision-making.(Siregar et al., 2023).

Furthermore, there is a need to increase the capacity of institutions handling land acquisition at the local level.(Kotalewala et al., 2020) Many times, these institutions lack the necessary resources and expertise to manage complex and sensitive land acquisition processes. Training and capacity building for local officials involved in land acquisition can help improve this process and reduce barriers. This will make the land acquisition process more efficient and effective, and more responsive to the needs and rights of local communities.(Christianto et al., 2023).

Overall, land acquisition for infrastructure projects in Manokwari is a complex process influenced by various legal, social and administrative factors. While existing laws and civil regulations provide a clear framework, their implementation on the ground often faces challenges.(Gorby et al., 2023) Therefore, efforts to improve coordination, transparency, community participation, as well as institutional capacity building are crucial to ensure that the land acquisition process can support equitable and sustainable infrastructure development in Manokwari. Infrastructure development projects in Manokwari are often characterized by various civil conflicts that arise throughout the implementation process. These conflicts not only slow down projects, but can also increase costs and create uncertainty for stakeholders. One of the most common types of disputes is land disputes, where landowners or indigenous communities resist the transfer of their land for development projects. These disputes are often based on overlapping ownership claims or dissatisfaction with the value of compensation provided.(Koeswahyono & Maharani, 2022).

Besides land disputes, contract conflicts are also a major issue in infrastructure projects. Contract disputes usually occur between the government and contractors or subcontractors involved in the project.(Arifin et al., 2023) The causes of these disputes vary, ranging from disagreements over the

interpretation of contract terms, violations of work schedules or standards, to issues of delayed payments. Contract disputes can result in project delays, increased costs, and even project termination if not handled properly. (Muhlis & Valdiansyah, 2023).

To deal with land disputes, various dispute resolution methods have been applied. One of the most common methods is mediation, where disputants are assisted by a neutral mediator to reach a mutual agreement. (Kamaluddin, 2022) Mediation has the advantage of being faster and less formal than litigation, and allows the disputants to find a mutually beneficial solution. However, mediation requires good cooperation from both parties and is sometimes difficult to implement if one party is not willing to compromise.

Arbitration is also often used as a method of resolving contract disputes in infrastructure projects. In arbitration, disputes are resolved by arbitrators chosen by both parties, and the arbitrators' decisions are binding. Arbitration offers a faster process and higher specialization than courts, especially for complex technical disputes. However, the costs of arbitration can be quite high and the process is less transparent than that of the courts. (Indrawanto, 2024).

In addition, dispute resolution through the courts remains an available option, especially if alternative methods such as mediation or arbitration fail to reach an agreement. Courts have the authority to enforce legally binding decisions, although the process can be lengthy and costly. In Manokwari, the district court has jurisdiction to handle civil disputes related to infrastructure projects, and the court's decision is often a reference point for resolving similar disputes in the future.

In some cases, the government has also taken proactive steps to prevent disputes by involving local communities from the start of project planning. This participatory approach aims to ensure that the needs and interests of local communities are considered and respected in development projects. (Romahorbo, 2024). Public consultations, community meetings, and transparent information provision are some of the ways used to build trust and reduce the potential for conflict.

These dispute resolution efforts demonstrate the importance of a comprehensive and inclusive approach to managing infrastructure projects in Manokwari. By identifying and addressing potential conflicts early on, as well as applying a variety of appropriate dispute resolution methods, it is expected that development projects can run more smoothly, efficiently, and provide optimal benefits to the community. This approach not only helps to resolve existing disputes, but also builds a stronger framework for future conflict prevention and management.

The Role of Local Communities in the Infrastructure Development Process in Manokwari from a Civil Law Perspective

The participation of local communities in the infrastructure development process in Manokwari has a very significant role, both in terms of project acceptance and its long-term sustainability. The civil law perspective plays an important role in ensuring that local communities are not only objects of development but also subjects who are actively involved at every stage. Civil law provides the legal framework that ensures community rights are protected and guaranteed throughout the

development process.(Dewi et al., 2024a)

Community participation in land acquisition and infrastructure development processes is essential to ensure that community interests and rights are protected. Active participation can help identify and address potential conflicts early on, increase ownership and support for the project, and ensure that solutions are more equitable and sustainable.

Community participation can take many forms, including:

1. Public consultations
2. Community meetings
3. Expressing opinions through community representatives
4. Involvement in project supervision or monitoring teams

Civil laws, especially those governing land acquisition, ensure that local communities have the right to give consent or rejection to projects that will be implemented in their areas. Law No. 2/2012 on Land Acquisition for Development in the Public Interest, for example, requires public consultation as part of the land acquisition process. This consultation aims to obtain the consent of the communities whose land will be taken and to ensure that they fully understand the implications of the project.(Nomor, 2 C.E.)

An interview with one community leader in Manokwari, Mr. Yohanes Kambuaya, revealed that local communities often feel that they are not adequately informed or involved in decision-making processes.

"We are often just told that our land will be taken for development, without sufficient explanation of the benefits or disadvantages we may experience," he said.

This shows that while the civil law provides for community participation, its implementation on the ground still needs improvement.

In addition to public consultation, the civil law also guarantees fair compensation for local communities whose land is taken for infrastructure projects. This compensation should cover the market value of the land as well as other potential losses that the landowner may experience. However, practice on the ground often shows that the value of compensation offered by the government does not always match the expectations of the community. This dissatisfaction with the value of compensation can lead to disputes that require resolution through mediation or even legal proceedings.(Marnisah, 2019)

The participation of local communities is also seen in terms of their contribution to the project implementation process. For example, communities may be involved in construction work or as suppliers of raw materials, providing them with direct economic benefits from the project. However, this participation often depends on the initiative of the contractor or government to actively involve local communities. Civil law can provide a legal basis for this involvement through fair and transparent labor contracts.(Dewi et al., 2024b)

From a civil law perspective, local communities have the right to object or sue if their rights are violated during the development process.(Sutedi, 2020) This includes the right to sue for damages if there are losses they have incurred as a result of the development. For example, if the

development causes environmental damage that negatively affects people's lives, they can use legal channels to demand compensation or rectification from the responsible party.

Previous research such as that conducted by Rahman (2020) in "The Effectiveness of Civil Law in Land Acquisition for Infrastructure Projects" found that the complexity of civil law often hampers the land acquisition process. The results of this study show similarities with Rahman's findings, especially in terms of complex regulations and conflicts of interest between landowners and the government. However, the comparison with previous research is related to the importance of the role of community participation, which has not been widely discussed in previous research.

Experience in Manokwari shows that the participation of local communities in the development process still needs to be improved, especially in terms of providing transparent information and actively involving them from the planning stage. The government and contractors need to ensure that communities fully understand the project and its impact on their lives. This can be done through regular meetings, dissemination of easily accessible information, and open dialog between all stakeholders. (Nugraha & Hidayat-Hidayat, 2023)

In conclusion, the civil law provides a clear framework to ensure that local communities are actively involved and fairly compensated in infrastructure development projects in Manokwari. However, the effective implementation of this law is highly dependent on the commitment of the government and relevant parties to truly listen to and consider the voices of the community. With more inclusive and transparent participation, it is expected that development projects can run more smoothly and provide greater benefits to all parties involved.

The implementation of civil law has a significant impact on the sustainability of infrastructure development in Manokwari, covering environmental, social and economic aspects. Civil laws governing land acquisition, labor contracts, and dispute resolution provide the necessary framework to ensure that infrastructure projects not only proceed as planned, but also have a long-term positive impact on the surrounding community and environment. (Dethan et al., 2024)

From an environmental aspect, civil laws governing land acquisition and labor contracts require an environmental impact assessment (EIA) before the project begins. (Maulana, 2021) This EIA process ensures that potential negative impacts on the environment are identified and mitigation measures are planned. The strict implementation of civil law in this regard helps prevent uncontrolled environmental damage and ensures that infrastructure projects in Manokwari can proceed without compromising environmental sustainability.

The social impact of civil law implementation is also seen in the way infrastructure projects engage and affect local communities. Community participation in decision-making facilitated by civil law regulations ensures that projects are well received by the community. For example, through public consultations and group discussion forums (FOCUS GROUP DISCUSSION (FGDS), community voices can be heard and taken into account in project planning. An interview with Mr. Alex Yauw, a village head in Manokwari, revealed that:

"Community participation is very important. We want to make sure that these projects benefit us

and do not damage our environment or our lives."

In addition, civil law also guarantees fair compensation for communities affected by infrastructure projects. This compensation is not only monetary, but can also take the form of community empowerment programs, skills training, and employment opportunities related to the project. This helps to reduce resistance from communities and ensure that they benefit from infrastructure development.

From an economic perspective, good implementation of civil law ensures that infrastructure projects in Manokwari can proceed within the set budget and schedule. Civil law clearly regulates work contracts, which helps prevent contract disputes between the government and contractors. It also ensures that available resources can be used efficiently and effectively, so that projects can be completed on time and within the planned costs.(Yudhagama, 2020)

The Group Discussion Forum (FGDS) held with various stakeholders, including government representatives, contractors, and communities, showed that the application of civil law can strengthen cooperation between all parties involved. In these FOCUS GROUP DISCUSSION (FGDS), participants agreed that a clear and unequivocal civil law framework helps to reduce uncertainty and increase transparency in project implementation. One participant, Ms. Maria Wanggai, a local lawyer, stated that:

"Legal certainty is critical to the success of infrastructure projects. With clear rules, all parties know their rights and obligations, so conflicts can be minimized."

Furthermore, good civil law implementation also has a positive impact on local economic sustainability. Well-executed infrastructure projects can improve accessibility, open up new business opportunities and create jobs for local communities. For example, the construction of new roads can improve connectivity between regions, which in turn boosts economic growth by facilitating the distribution of goods and services.

Overall, the effective implementation of civil law in Manokwari not only ensures that infrastructure projects can run smoothly, but also supports long-term sustainability from environmental, social, and economic aspects. By ensuring that all parties involved understand and comply with the existing legal framework, these projects can provide sustainable benefits to the surrounding communities and environment. Active community involvement and fair and transparent application of the law are key to the success of sustainable infrastructure development in Manokwari. In addition to the above efforts, other strategies that can be taken include:

1. Propose revisions to Law No. 2/2012 to include clearer and fairer provisions regarding the rights of indigenous peoples and adequate compensation.
2. Conduct training programs for government officials and land acquisition officers on customary law, negotiation, and mediation to reduce conflict.
3. Establish more effective and transparent dispute resolution mechanisms, including engaging independent mediators and expediting the judicial process for land acquisition cases.

With these solutions, it is hoped that the process of land acquisition and infrastructure

development in Manokwari can run more smoothly, fairly, and benefit all parties involved.

CONCLUSION

The research found several key challenges in the application of civil law in the land acquisition process in Manokwari, including dualism between national and customary law, the complexity of the administrative process, as well as conflicts of interest between the government, indigenous communities, and project developers. The research also emphasizes the importance of community participation to ensure project sustainability and the protection of local community rights. The results of this research have significant implications for infrastructure development policy in Manokwari. The government needs to develop more effective policies to address land acquisition issues by combining customary and national laws and improving coordination between relevant agencies. Policies should also encourage transparency and community participation at every stage of development to ensure projects run smoothly and fairly. The limitation in this study lies in the geographical coverage which is only in the Manokwari area which is different from the situation in other regions. Therefore, further research could use a broader scope to strengthen the findings and recommendations of this study.

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