

**LEGAL ANALYSIS OF HUMAN RIGHTS VIOLATIONS IN  
STRATEGIC INFRASTRUCTURE DEVELOPMENT IN WADAS  
VILLAGE, PURWOREJO**

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**ABSTRACT;** *This study aims to analyze the forms of human rights violations in the case of Wadas Village and evaluate the state's responsibility based on Law Number 39 of 1999 concerning Human Rights. The focus of the study includes the right to security, land ownership, freedom of expression, and community participation in national strategic development projects. The approach used is qualitative, juridical-sociological, with secondary data collection from legal documents, official reports, journal publications, and media reports. The analysis was conducted using descriptive-thematic and deductive-inductive methods. The findings revealed clear violations, including arrests without warrants, restrictions on citizen participation, and non-compliance with legal procedures by officials. These results emphasize the importance of human rights-based due diligence mechanisms and active community involvement to ensure equitable development.*

**Keywords;** Human Rights; Mining Conflicts; Community Participation; Legal Protection; Freedom of Expression

## **INTRODUCTION**

Indonesia has a strong legal commitment to the protection of human rights, as stipulated in Law No. 39 of 1999 on Human Rights. However, the implementation of human rights principles in national development practices, particularly in strategic projects, often faces serious challenges. One prominent case is the incident in Wadas Village, Central Java, where plans to mine andesite for the construction of the Bener Dam sparked conflict between state officials and the local community. The designation of Wadas Village as a land measurement location by the National Land Agency (BPN) and the actions of the police, who entered the village en masse, carried out arrests and searches without warrants, and removed protest banners, indicate potential violations of the right to security, the right to land ownership, and

the right of citizens to participate in public decision-making (Tempo.co, 2022). This situation has become a starting point for examining forms of human rights violations and the state's responsibility to protect citizens in affected areas.

From an academic perspective, the concept of human rights related to land, the environment, and public participation has been widely discussed. Amrianto et al. (2025) highlight that the mining sector in Indonesia often fails to protect human rights systematically due to weak state oversight of corporate activities. Fahmi (2022) emphasizes the importance of protecting the collective rights of communities over land, as neglecting these rights can lead to structural inequality and prolonged agrarian conflicts.<sup>1</sup> Other studies emphasize the importance of active community participation in development; the study *Public Participation in Social Impact Assessment* (2025) highlights that public participation mechanisms in Social Impact Assessment (SIA) and environmental assessments can minimize violations of citizens' social, economic, and cultural rights.<sup>2</sup>

Although much literature discusses land rights, the environment, and community participation, the Wadas case shows that there are significant gaps in the implementation of human rights practices in the field, particularly in relation to freedom of expression, the right to participation, and the right to security. Previous studies have emphasized environmental aspects and land rights in general (Bustomi et al., 2025; Sodikin, 2023; Amrianto et al., 2025), but this study adds a new dimension by highlighting the limitations of citizens' participation rights and freedom of expression in the context of national strategic development projects. This approach emphasizes the importance of a holistic perspective in protecting human rights, which includes economic, social, civil, political, and environmental aspects.

Therefore, this study has significant relevance from both an academic and practical perspective. From an academic perspective, this research expands the current literature on human rights and development by highlighting the aspects of community participation and freedom of expression in the context of strategic infrastructure development. Meanwhile, from a practical standpoint, these findings provide a basis for formulating policy recommendations

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<sup>1</sup> Chairul Fahmi, "Protecting Indigenous Collective Land Property in Indonesia under International Human Rights Norms" 6, no. June (2022): 1–25, <https://doi.org/10.19184/jseahr.V6i1.30242>.

<sup>2</sup> Yoan Barbara Runtunuwu et al., "InteRuntunuwu, Yoan Barbara, Ronny A Maramis, Emma V T Senewe, and Dani R Pinasang. 'International Journal of Social Science Research and Review Legal Protection of Community Social Rights Related to Mining Activities' 6, No. 5 (2023): 573–79. Rnational Jo" 6, no. 5 (2023): 573–79.

that can ensure national strategic projects proceed without infringing on the rights of local residents, while also strengthening the implementation of human rights-based due diligence mechanisms, expanding community involvement, and effectively improving corporate accountability.

### **Problem**

Based on the background described above, the formulation of the problem in this study focuses on identifying forms of human rights violations that occurred in the Wadas incident and examining how the state's responsibility to protect the rights of citizens is regulated under Law No. 39 of 1999 on Human Rights.

### **Research Methods**

This study uses a qualitative juridical-sociological approach to analyze human rights violations in the case of Wadas Village. Data was obtained from legal documents, laws, official reports, court decisions, scientific journal publications related to human rights and development, as well as media reports documenting the Wadas conflict.

The analysis was conducted using descriptive qualitative methods, involving data reduction, thematic presentation, and verification of findings through comparison with previous literature. A deductive-inductive approach was used to assess the compatibility of development practices with human rights principles and community involvement.

Limitations of the study include: the lack of field interviews, meaning that some of the data comes from secondary sources; and the broader economic and political dimensions have not been analyzed in depth. Nevertheless, this method allows for the identification of human rights violations and highlights the importance of citizen participation and legal protection in the development of national strategic infrastructure.

## **Discussion**

The concept of human rights is a fundamental and universal issue that has developed throughout human civilization. Since ancient times, the idea of protecting human dignity and justice has existed, as reflected in the Jewish struggle against slavery in Egypt, the Code of Hammurabi in Babylon, and the philosophical thoughts of Socrates, Plato, and Aristotle, who linked justice and virtue with the moral obligations of the state. This historical development continued through important milestones such as the American Declaration of Independence (1776) and the French Revolution (1789), which emphasized the values of liberty, equality, and fraternity as the moral foundation for modern human rights.

In Indonesia, the spirit of human rights is also deeply rooted in the nation's history of struggle against colonialism. From the National Awakening (1908) to the Proclamation of Independence (1945), the Indonesian people fought not only for political freedom, but also for the recognition of human dignity. This spirit was then institutionalized through Pancasila and the 1945 Constitution, which explicitly affirmed the principle that independence is the right of all nations and that humanity must be treated fairly and civilly.

The Indonesian government's commitment to human rights is reaffirmed in MPR Decree No. XVII/MPR/1998 on Human Rights and through Law No. 39 of 1999 on Human Rights, which serves as a positive legal instrument to guarantee the protection of citizens' rights. Among the main provisions are protection against arbitrary deprivation of property (Article 36 paragraph (2)), the right to express opinions and submit complaints to the government (Article 44), and the state's obligation to respect, protect, enforce, and promote human rights (Articles 71–72). However, in practice, the implementation of these commitments still faces various challenges in the field, one of which is evident in the agrarian conflict that occurred in Wadas Village, Central Java.<sup>3</sup>

According to Tempo.co (2022), prior to the siege and arrest of residents, Wadas Village had been designated as a land measurement site by the National Land Agency (BPN) in preparation for an andesite mining project to be used as material for the construction of the Bener Dam. The measurement process, which was heavily guarded by police, covered nearly

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<sup>3</sup> Sri Rahayu Wilujeng Fakultas Ilmu Budaya Universitas Diponegoro, "HAK ASASI MANUSIA: TINJAUAN DARI ASPEK HISTORIS DAN YURIDIS," n.d.

a quarter of the village's total area. Tensions escalated when many residents rejected the surveying activities because they were considered a threat to their living space and livelihoods.

Plans to clear land for andesite mining have been the main trigger for conflict between state officials and local residents. Andesite from Wadas is planned to be used for the construction of the main structure of the Bener Dam, located about 12 kilometers from the site, with an estimated volume of tens of millions of cubic meters. However, this development policy has raised serious concerns regarding human rights violations, particularly the right to security, the right to land, and the right to participate in decision-making processes related to development.

There has been a violation of the right to security and the right to property. The actions of the police, who entered Wadas Village en masse, carried out arrests and searches without warrants, and removed banners protesting the mine, constitute a violation of Article 36(2) of Law No. 39 of 1999 on Human Rights, which states that “no one shall be arbitrarily or unlawfully deprived of their property.” These actions also violate Article 28G paragraph (1) of the 1945 Constitution, which guarantees the right to security and protection from threats and fear.

Restrictions on the rights to freedom of expression and citizen participation are also evident. Residents of Wadas Village who oppose the mining project are not given the opportunity to express their opinions openly. Authorities even removed protest banners and arrested residents who peacefully voiced their aspirations. These actions violate Article 44 of Law No. 39 of 1999, which guarantees that everyone has the right to express their opinions, submit requests, or convey complaints to the government, either verbally or in writing.

The government has also failed to fulfill its constitutional obligation to protect human rights. The state should respect, protect, uphold, and promote human rights as stipulated in Articles 71 and 72 of Law No. 39 of 1999. However, in the Wadas incident, the actions of the authorities have caused fear and trauma among the community. This situation reflects the weak role of the state in carrying out its obligation to guarantee the protection of human rights at the local level.

Furthermore, the principle of lawful restrictions on human rights has also not been fulfilled. Based on Article 73 of Law Number 39 of 1999, restrictions on rights and freedoms can only

be imposed by law and solely to guarantee the recognition and respect for the rights and freedoms of others, morality, public order, and national interests. The arrest of citizens and repressive actions by the authorities are not based on valid legal grounds, and therefore cannot be considered legitimate constitutional restrictions.<sup>4</sup>

In the study “Legal Analysis Regarding Human Rights Violations on Wadas Land” (Bustomi et al., 2025), it was found that the environmental licensing procedure (AMDAL) was considered flawed both substantively and procedurally. Conflicts over land rights and livelihoods have also exacerbated human rights violations in the region (International Journal of Multicultural and Multireligious Understanding).<sup>5</sup>

The study “Protection and Fulfillment of the Right to a Good and Healthy Environment in Wadas Communities” (Sodikin, 2023) confirms that the right to a good environment has not been fulfilled through existing legal mechanisms. This shows a gap between ideal legal norms and implementation in the field (Valley International Journal).<sup>6</sup>

Meanwhile, research entitled “The Existence of Communities' Human Rights in Mining Areas” (Amrianto et al., 2025) shows that the mining sector often fails to systematically protect human rights. The authors emphasize that “the state is primarily obligated to protect and respect human rights ... mining ... often associated with environmental degradation” (OJS UAJY).<sup>7</sup>

Based on this comparison, this study reinforces previous findings by adding a new dimension, namely the aspect of citizen participation and freedom of expression, which is specifically limited in the case of Wadas, something that has not been discussed in depth in previous research. While previous studies have focused more on environmental rights and land rights in general, this study shows that the rights to freedom of expression, participation, and security have also been violated. These results confirm that the framework for the protection of human rights in the context of national strategic infrastructure development needs to be

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<sup>4</sup> Republik Indonesia, “Presiden Republik Indonesia,” 1999.

<sup>5</sup> Yazidil Bustomi et al., “International Journal of Multicultural and Multireligious Understanding Legal Analysis Regarding Human Rights Violations on Wadas Land,” 2025, 594–600.

<sup>6</sup> Universitas Muhammadiyah Jakarta, “Protection and Fulfillment of the Right to a Good and Healthy Environment in Wadas Communities” 10, no. 01 (2023): 7650–59, <https://doi.org/10.18535/ijsshi/v10i01.09>.

<sup>7</sup> Andika Dwi Amrianto, Muhammad Ramdan, and Tsaniya Yusmi, “THE EXISTENCE OF COMMUNIT IES ’ HUMAN RIGHTS,” 2025.

expanded to include not only environmental and land aspects, but also the civil and political rights of citizens.

Thus, these scientific findings are consistent with previous literature, but at the same time expand the scope of analysis of the rights to participation and freedom of expression. In concrete cases such as Wadas, a holistic approach to human rights is needed that encompasses economic, social, civil, political, and environmental dimensions so that the protection of citizens can truly be realized in a comprehensive and equitable manner.

These findings indicate that human rights violations in the Wadas case are not isolated incidents, but rather reflect a structural pattern in national development policies that fail to adequately address the principles of public participation and environmental justice. Amrianto et al. (2025) highlight that the mining sector in Indonesia often fails to provide systematic protection of human rights due to weak state oversight and accountability of corporate activities. In a similar context, Fahmi (2022) emphasizes the importance of protecting the collective rights of communities over land in accordance with international human rights norms, as neglecting these rights can lead to structural inequality and prolonged agrarian conflicts.

Furthermore, recent studies confirm that community participation is an important element in sustainable development and respect for human rights. The study *Public Participation in Social Impact Assessment* (2025) emphasizes the importance of public participation mechanisms in Social Impact Assessment (SIA) and the environment, to ensure that development policies do not harm the community and are in line with human rights principles.<sup>8</sup> In line with this, the study *The Importance of Participatory Communication in Development Planning Deliberation* (2024) shows that participatory communication in development planning in agritourism villages in Central Java can democratize the development process and prevent social inequality.<sup>9</sup> Based on these two studies, it can be concluded that active community involvement in every stage of development not only increases the legitimacy of the

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<sup>8</sup> Nur Atheefa et al., "Public Participation in Social Impact Assessment : Comparative Human Rights Legal Approaches in Malaysia and Indonesia" 21, no. 2 (2025): 419–43.

<sup>9</sup> Irene Kartika Eka, "The Importance of Participatory Communication in Development Planning Deliberations for Agritourism Village Enhancement" 24, no. 1 (2024): 144–60.

project, but also reduces the potential for violations of the social, economic, and cultural rights of citizens.

Based on the findings described above, concrete steps are needed from various parties to ensure the protection of human rights in every development project, especially those classified as National Strategic Projects (PSN). The central and regional governments need to strengthen human rights-based due diligence mechanisms in every stage of project planning and implementation, including in the Environmental Impact Assessment (EIA) process and public consultations. Institutions such as the National Human Rights Commission (Komnas HAM) and the Ombudsman must also expand their supervisory functions by monitoring potential violations of citizens' rights in areas affected by projects, as well as providing easily accessible complaint channels for the community.

In addition, project implementing companies are required to apply the principles of corporate social responsibility (CSR) by ensuring transparency, accountability, and active community participation in decision-making. Universities and research institutions can also play a role by providing evidence-based studies to assist the government in designing socially and ecologically equitable development policies. On the civil society side, non-governmental organizations and local communities need to continue to strengthen their advocacy and legal literacy capacities so that they can fight for their rights through legal channels and social dialogue.

With these steps, it is hoped that in the future development will not only be oriented towards economic growth, but will also place people and the environment at the center of public policy. This collaborative approach based on human rights can serve as a model for resolving agrarian conflicts and sustainable development in Indonesia.

This study has several limitations that need to be acknowledged academically. First, the data used is mostly sourced from secondary reports and media publications, so there are limitations in directly describing the social and psychological dynamics of the Wadas community. Second, the scope of the analysis focuses on aspects of land rights, freedom of expression, and public participation, while broader economic-political dimensions, such as the influence of investment policies and the relationship between the government and corporations, have not been discussed in depth.

In addition, this study did not involve an empirical legal study approach through field interviews or direct observation, which could have strengthened the validity of the data and provided a more authentic perspective from residents. In the future, further studies are expected to integrate a multidisciplinary approach involving law, environment, sociology, and economics so that the analysis of human rights violations in the context of development in Indonesia becomes more comprehensive and has an impact on policy.

## **Conclusion**

Based on the objectives of the study to analyze forms of human rights violations in Wadas Village and evaluate the state's responsibility in accordance with Law No. 39 of 1999 on Human Rights, several conclusions can be drawn. First, there have been clear violations of citizens' rights, including the right to security, land ownership rights, freedom of expression, and public participation. The findings show that actions by officials such as arrests without warrants, searches, and restrictions on citizen participation reflect the weak implementation of human rights principles in national strategic development projects.

Second, human rights protection mechanisms at the local level are not yet effective, resulting in very limited community participation and legal oversight. This is reinforced by previous literature analysis emphasizing the importance of active citizen involvement in every stage of development and the need for human rights-based due diligence.

Based on these findings, the recommendations proposed include: strengthening public consultation mechanisms and community participation in project planning; implementing transparent and accountable corporate social responsibility (CSR) principles; enhancing the supervisory functions of the National Human Rights Commission and the Ombudsman; and integrating legal and social studies into every stage of development. With these measures, national strategic development can proceed in harmony with the protection of human rights, social justice, and environmental sustainability.

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