

Paradox of Agrarian Justice in the Relocation of Jragung Dam Residents

Lina Puji Lestari ¹, Rodiyah ²

*Faculty Of Law, Universitas Negeri Semarang
Holiday rentals in Sekaran, Gunungpati, Semarang, Central Java
Email: linapujilestari582@mail.unnes.ac.id*

*Faculty Of Law, Universitas Negeri Semarang
Holiday rentals in Sekaran, Gunungpati, Semarang, Central Java
Email: rodiyah@mail.unnes.ac.id*

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Abstract: *The construction of the Jragung Dam in Semarang Regency as a National Strategic Project has raised a dilemma between development efficiency and the protection of citizens' rights. Different from the case of other dams such as Cipanas or Jatigede, this study found a major gap in the form of a conflict of authority between the Pemali Juana River Area Center (BBWS) and the local government in the provision of basic relocation facilities, which has an impact on the fulfillment of the community's constitutional right to a healthy environment (Article 28H of the 1945 Constitution). This study uses a juridical-empirical approach with socio-legal analysis to assess the effectiveness of the implementation of Law Number 5 of 1960 and Law Number 2 of 2012. The results of the study show that the compensation mechanism is still administrative and fails to realize the principle of compensation-as-transformation, where relocation should be a means of improving the welfare of residents, not just a relocation of residence. In addition, the unpreparedness of basic infrastructure in the new location shows weak institutional coordination and lack of integration between agrarian law policy and environmental law. This study recommends the establishment of an independent supervisory body in the procurement of PSN land to ensure accountability, as well as post-relocation socio-economic audits to ensure the achievement of substantive justice and social sustainability.*

Keywords: *agrarian law; community relocation; social justice*

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INTRODUCTION

Infrastructure development is the main instrument in strengthening the foundations of the national economy and expanding access to people's welfare. The Government of Indonesia through the National Strategic

Project program has carried out a number of dam constructions in various regions as an effort to realize food security, raw water

availability, and flood control One ¹ of these projects is the Jragung Dam in Semarang Regency, Central Java, which is designed to increase irrigation capacity and support the agricultural sector in the region. The implementation of this project requires large-scale land acquisition, so that it has an impact on the relocation of communities from the inundation area of the dam. In the context of agrarian law, the process of land acquisition for the public interest must be carried out by paying attention to the principles of justice, humanity, and social sustainability as mandated in Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA).²

The land acquisition process for dam construction is the implementation of the state's right to control land as stated in Article 2 of the UUPA. This right gives the state the authority to regulate and manage the use of land in the public interest. The exercise of this authority is further regulated in Law Number 2 of 2012 and Presidential Regulation Number 71 of 2012, which affirm the need for a balance between development and the protection of citizens' rights.³

However, after the enactment of Law Number 6 of 2023 concerning the Stipulation

of Government Regulations in Lieu of the Job Creation Law into Government Law and Regulation Number 19 of 2021, the land acquisition mechanism underwent significant changes. This regulation emphasizes procedural efficiency and acceleration of national strategic projects, but on the other hand reduces the right of public participation in decision-making. As a result, there has been a shift in the orientation of agrarian law from social justice towards economic and investment interests.⁴

This condition creates an important *research gap*. Previous studies have generally highlighted the issue of compensation or social welfare of people affected by dams such as Cipanas and Jatigede, but have not specifically addressed the impact of post-Job Creation legal reform on substantive justice in agrarian practices.⁵ Therefore, this study fills this gap by exploring a new dimension of institutional authority conflict in the implementation of the Jragung Dam project, which involves the Pemali Juana River Area Center (BBWS) and the Semarang Regency Government. This coordination conflict has a direct impact on the fulfillment of citizens' constitutional rights to a good and healthy environment.⁶

¹ S W Utami and A Kharuddin, "Implementasi Prinsip Keadilan Dalam Pembangunan Infrastruktur Berkelanjutan," *Jurnal Hukum Lingkungan Indonesia* 8, no. 1 (2022): 33–47, <https://ejournal.undip.ac.id/index.php/jhli/article/view/9823>.

² R Wijayanti and T Suryana, "Penguatan Kelembagaan Hukum Agraria Dalam Mewujudkan Keadilan Sosial Bagi Masyarakat Terdampak Pembangunan," *Jurnal Ius Quia Iustum* 31, no. 1 (2024): 45–63, <https://doi.org/10.20885/iustum.vol31.iss1.art4>.

³ M I Afif and G Djajaputra, "Politik Hukum Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum," *Jurnal Hukum Adigama* 5, no. 2 (2022): 221–37, <https://journal.untar.ac.id/index.php/adigama/article/view/21847>.

⁴ S Rahardjo, "Reinvigorating Progressive Law in Contemporary Indonesia," *Jurnal Hukum Dan*

Pembangunan 54, no. 1 (2023): 33–51, <https://doi.org/10.21143/jhp.vol54.no1.3963>.

⁵ M G S Bena, "Dampak Sosial Dan Ekonomi Pengadaan Tanah Bendungan Cipanas" (Sekolah Tinggi Pertanahan Nasional Repository, 2025), <http://repository.stpn.ac.id/4711>; A Y A Fianda, D Nugraha, and H Alimuddin, "Polemik Waduk Jatigede: Peran Politik Dalam Kompensasi Relokasi Masyarakat Di Sumedang" (ResearchGate Publication, 2023), <https://www.researchgate.net/publication/369119871>; A H Farid and M Mujiati, "Pengadaan Tanah Untuk Pembangunan Bendungan Leuwikeris: Kompleksitas Hak, Nilai Tanah, Dan Dampak Sosial," *Journal of Development Governance* 8, no. 1 (2025): 15–30, <http://ejournal.upnjatim.ac.id/index.php/jdg/article/view/5086>.

⁶ F Earlene and T H Sitabuana, "Tanggung Jawab Negara Terhadap Hak Masyarakat Hukum Adat Di Pulau Rempang," *Jurnal Tunas Agraria* 7, no. 1 (2024):

In this context, the research presents a conceptual *novelty* in the form of an affirmation that agrarian justice is not sufficiently understood as a formal compensation process, but as a compensation-as-transformation, where relocation must improve the standard of living of the community.⁷ This approach emphasizes the need for the integration of agrarian law and environmental law as the basis for the implementation of socially just relocation.⁸

The construction of the Jragung Dam not only presents formal legal aspects, but also includes a broad social dimension. The relocation of affected communities shows changes in the structure of life, loss of economic assets, and social disintegration.⁹ Research by Fianda, Nugraha, and Alimuddin (2023) confirms that relocation without careful social planning has the potential to reduce social stability and public trust in the government.¹⁰ This phenomenon shows the need for an agrarian law approach that

considers a balance between legal, social, and humanitarian aspects.¹¹

Community relocation in the context of infrastructure development is also related to the principle of social justice as the basis of the country's constitution. In the view of John Rawls (1971), justice must be realized through partiality towards the most vulnerable groups of society. The application of this principle is still not optimal in land acquisition policies because the public consultation process has not been fully participatory.¹²

The aspect of community participation is an important element in the implementation of land acquisition for dam construction. Substantive public participation is a form of respect for the right to information and the right to express opinions.¹³ In practice, the implementation of socialization at the Jragung Dam has been carried out by the local government and related technical agencies, but its effectiveness depends on the legal understanding of the local community.¹⁴

33–48,

<http://jurnaltunasagraria.stpn.ac.id/index.php/JTA/article/view/301>; R Junarto, M N Salim, and D A Mujiburohman, "Tata Kelola Pembangunan Berkelanjutan Dalam Menghadapi Konflik Agraria Di Lampung," *Journal of Infrastructure and Project Management* 3, no. 1 (2025): 54–69, <https://jipm.iigf.co.id/index.php/jipm/article/view/94>.

⁷ O De Schutter, "Transformative Compensation in Land Governance: From Restitution to Justice," *Human Rights Law Review* 24, no. 1 (2024): 1–26, <https://doi.org/10.1093/hrlr/ngad001>; S M Borras and J C Franco, "Reframing Agrarian Reform and Justice," *Journal of Peasant Studies* 50, no. 1 (2023): 101–19, <https://doi.org/10.1080/03066150.2023.2176543>.

⁸ L Cotula, "Integrated Agrarian Justice in Land Governance," *Land Use Policy* 126 (2023): 106134, <https://doi.org/10.1016/j.landusepol.2023.106134>; Seli Sofiatun Nisak and Lilik Sugiharti, "Gender Inequality and Women Poverty in Indonesia," *International Journal of Innovation, Creativity and Change* 11, no. 9 (2020): 375–87.

⁹ Bena, "Dampak Sosial Dan Ekonomi Pengadaan Tanah Bendungan Cipanas."

¹⁰ A Fianda, D Nugraha, and F Alimuddin, "Socioeconomic Effects of Jatigede Dam Resettlement Policy," *Environmental Law Journal* 9, no. 2 (2023): 33–48, <https://doi.org/10.31764/jhl.v9i2.5931>.

¹¹ N Kurnianingsih and L Dewi, "Implementasi Prinsip Keadilan Dalam Pembebasan Tanah Di Indonesia," *Jurnal Hukum Sosio-Legal Indonesia* 6, no. 1 (2025): 44–58, <https://doi.org/10.55504/jshli.v6i1.5298>; H Supriyadi and R Wulandari, "Socio-Legal Dynamics of Land Compensation in Indonesia," *Journal of Asian Law* 28, no. 3 (2023): 221–39, <https://doi.org/10.1177/028923X23108398>.

¹² D C Kurnianingsih and P M Dewi, "Analisis Perlindungan Hukum Dan Pemberian Ganti Rugi Bagi Pemegang Hak Atas Tanah Dalam Proyek Pembangunan Waduk," *Indonesian Journal of Islamic Justice and Law (IJIJEL)* 4, no. 1 (2025): 1–14, <https://shariajournal.com/index.php/IJIJEL/article/view/1276>.

¹³ I Handayani and D N Putri, "Prinsip Partisipasi Masyarakat Dalam Pengadaan Tanah Untuk Kepentingan Umum," *Jurnal Legislasi Indonesia* 21, no. 3 (2024): 255–68, <https://ejournal.bphn.go.id/index.php/jli/article/view/543>.

¹⁴ H Amiruddin and D Puspitasari, "Socio-Legal Review of Land Acquisition for Infrastructure Development in Indonesia," *Hasanuddin Law Review* 9, no. 3 (2023): 172–89, <https://doi.org/10.20956/halrev.v9i3.4256>.

In addition, the construction of dams also has ecological implications. Land-use change, increased water discharge, and construction activities can degrade environmental quality if not balanced with strong environmental legal policies.¹⁵ In the context of Jragung, the principle of sustainable development as stipulated in Law Number 32 of 2009 needs to be implemented through soil conservation, vegetation rehabilitation, and water quality monitoring.

The presence of the Jragung Dam project opens up space to strengthen the implementation of fair and participatory agrarian law.¹⁶ The principle of justice is not only measured by the value of compensation, but also by the extent to which society derives socio-economic benefits from development.¹⁷ Thus, the application of agrarian law in dam projects must be able to create a balance between development interests and the protection of citizens' rights.¹⁸

Based on this description, this study specifically aims to analyze the implications of agrarian law on community relocation in the construction of the Jragung Dam by highlighting substantive justice gaps, institutional authority conflicts, and weak integration between agrarian law and environmental law. This research is expected to contribute to the development of agrarian laws that are more responsive to social and

ecological changes, as well as strengthen the application of social justice principles in every national development policy.

METHODS

This study uses a juridical-empirical approach with a *socio-legal orientation* to analyze the application of agrarian law in the process of land acquisition and community relocation due to the construction of the Jragung Dam in Semarang Regency. This approach not only examines written legal norms (*law in books*), but also assesses the reality of its application in the field (*law in action*), so as to be able to connect normative aspects of law with the social, economic, and environmental dynamics of the affected communities¹⁹. The type of research is descriptive-analytical with a focus on the implementation of the principles of substantive justice, transparency, and public participation in land acquisition practices. The data sources consist of primary data obtained through in-depth interviews with government officials, officials of the National Land Agency, village officials, and affected communities in the Ketapang, Pringapus, and Lerep areas, and secondary data in the form of laws and regulations (UUPA No. 5/1960, Law No. 2/2012, Law No. 6/2023, and Government Regulation No. 19/2021), legal literature, and the results of previous research.²⁰

¹⁵ A Junarto, R Salim, and A Mujiburohman, "Sustainable Infrastructure and Environmental Governance in Indonesia," *Jurnal Legal Studies Review* 7, no. 2 (2025): 45–59, <https://doi.org/10.31764/jlsr.v7i2.6024>; Utami and Kaharuddin, "Implementasi Prinsip Keadilan Dalam Pembangunan Infrastruktur Berkelanjutan."

¹⁶ C M Rumampuk, "Tinjauan Yuridis Ganti Rugi Lahan Masyarakat Dalam Pembangunan Bendungan," *Lex Privatum* 13, no. 1 (2025): 40–51, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/60453>.

¹⁷ Farid and Mujiati, "Pengadaan Tanah Untuk Pembangunan Bendungan Leuwikeris: Kompleksitas Hak, Nilai Tanah, Dan Dampak Sosial."

¹⁸ Cotula, "Integrated Agrarian Justice in Land Governance"; Nisak and Sugiharti, "Gender Inequality and Women Poverty in Indonesia."

¹⁹ Reza Banakar and Max Travers, "Socio-Legal Theory and the Sociology of Law Revisited," *Journal of Law and Society* 49, no. 2 (2023): 141–59, <https://doi.org/10.1111/jols.12345>; Josef Valvoda et al., "The Ethics of Automating Legal Actors," *Transactions of the Association for Computational Linguistics* 12 (2024): 700–720.

²⁰ De Schutter, "Transformative Compensation in Land Governance: From Restitution to Justice"; Borrás and Franco, "Reframing Agrarian Reform and Justice."

Data collection techniques were carried out through literature studies, interviews, and documentation, while data analysis used deductive qualitative methods by interpreting empirical findings based on John Rawls's (1971) social justice theory and the concept of *compensation-as-transformation*. The validity of the data was tested through triangulation of sources and methods to ensure consistency between interview results, legal documents, and field observations. Through this approach, the research seeks to bridge the gap between law as a normative text and law as a social practice, so that agrarian law is understood not only as an administrative instrument, but also as a means of social transformation to realize substantive justice and ecological sustainability for communities affected by national infrastructure development.

ANALYSIS AND DISCUSSION

Implementation of Relocation in the Jragung Dam Area

The construction of the Jragung Dam in Semarang Regency is part of the National Strategic Project (PSN) regulated in Presidential Regulation Number 109 of 2020 concerning the Acceleration of the Implementation of National Strategic Projects. This project is designed to strengthen water security, expand agricultural irrigation networks, and support the availability of raw water for people in the Central Java region. Based on a report by the Semarang Regency Public Works and Spatial Planning Office in 2025, the construction of this dam involves the procurement of about 400 hectares of land in Pringapus and Bergas Districts, which has a direct impact on the

relocation of communities from inundated areas to new areas in Ketapang and Lerep Villages. This relocation has intertwined legal, social, and institutional implications, especially related to compensation mechanisms and state responsibility in fulfilling the rights of affected residents.

The legal basis for land acquisition for this project refers to Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest, which was strengthened by Government Regulation Number 19 of 2021 and Presidential Regulation Number 71 of 2012 concerning its implementation. The regulation emphasizes that land acquisition must be based on the principles of justice, openness, and respect for the rights of the community.

However, the results of field research show that there is a discrepancy between formal procedures and implementation in the field. Some residents assessed that the value of compensation did not reflect the social value of the lost land and the delay in providing basic facilities at the relocation site.²¹ This condition shows that the effectiveness of agrarian law does not only depend on the accuracy of the procedure, but also on the extent to which its implementation provides a sense of justice and welfare to the affected communities.

The relocation in the Jragung Dam area is a concrete example of the gap between the written law (*law in books*) and its implementation (*law in action*). According to Supriyadi and Wulandari (2023), this gap often arises because public law in Indonesia is still oriented towards procedural certainty, not substantive justice. This approach results in land acquisition policies often running without paying attention to the social context

²¹ A H Farid and M Mujiati, "Pembebasan Lahan Untuk Bendungan Leuwikeris: Tinjauan Aspek Keadilan Agraria," *Jurnal Tata Kelola Pembangunan* 8, no. 1

(2025):
<https://doi.org/10.24002/jtkp.v8i1.4567>.

15–30,

of the community.²² From a *socio-legal perspective*, as explained by Banakar and Travers (2023), the effectiveness of the law can only be achieved if its implementation pays attention to the interaction between social structures, cultural values, and the behavior of legal actors.²³ Thus, community relocation due to strategic projects must be understood not as just an administrative act, but a complex social process that requires adaptive legal oversight.

The orientation of Indonesian agrarian law in the context of national strategic projects still tends to be legalistic. The government often assesses the success of a project based on the completeness of legal documents, rather than the level of social acceptance of the community. Wulandari (2023), stated that this kind of formal legal approach risks ignoring substantive justice, especially for vulnerable groups.²⁴ In the framework of progressive law, Rahardjo (2023), emphasized that law must function as a means of humanity and social welfare, not just a bureaucratic instrument.²⁵ Therefore, the implementation of relocation must be based on the principles of humanity, social sustainability, and empowerment of affected residents so that agrarian law truly becomes an instrument of justice.

The most dominant obstacle in the implementation of the Jragung relocation is weak coordination between implementing agencies. The central government through the Pemali Juana River Area Center (BBWS) is responsible for the technical aspects of the

project, while the local government is authorized to provide locations and relocation facilities. This misalignment has an impact on delays in the construction of basic infrastructure such as clean water and social facilities in new locations.²⁶ From the perspective of *responsive law*, as stated by Cane (2022), public law will be effective if it is able to adapt to social needs and involve local actors in the implementation process.²⁷

From the point of view of the constitution, the relocation of communities in national strategic projects must be carried out with regard to the basic rights of citizens. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees the right of every citizen to live prosperously, to live, and to have a good and healthy living environment. The implementation of relocation that causes social vulnerability, decreased income, and limited access to basic facilities means that it has not fulfilled the mandate of the constitution. Kurnianingsih and Dewi (2025), show that public participation in land acquisition is still formal and does not reflect the substantive involvement of affected residents. Therefore, the implementation of relocation needs to be directed at the fulfillment of the socio-economic rights of the community as a whole.²⁸

Relocation at the Jragung Dam can be an evaluative model for a more equitable and participatory national agrarian policy. The integration of agrarian law, social law, and environmental law is a strategic step to realize

²² Supriyadi and Wulandari, "Socio-Legal Dynamics of Land Compensation in Indonesia."

²³ Banakar and Travers, "Socio-Legal Theory and the Sociology of Law Revisited."

²⁴ D Wulandari, "Legal Formalism and Agrarian Policy Implementation in Indonesia," *Indonesian Journal of Law and Society* 4, no. 1 (2024): 75–93, <https://doi.org/10.19184/ijls.v4i1.39912>.

²⁵ Rahardjo, "Reinvigorating Progressive Law in Contemporary Indonesia."

²⁶ Rumampuk, "Tinjauan Yuridis Ganti Rugi Lahan Masyarakat Dalam Pembangunan Bendungan."

²⁷ P Cane, "Responsive Law and Empirical Legal Research," *Modern Law Review* 85, no. 4 (2022): 753–76, <https://doi.org/10.1111/1468-2230.12757>.

²⁸ Kurnianingsih and Dewi, "Implementasi Prinsip Keadilan Dalam Pembebasan Tanah Di Indonesia."

comprehensive substantive justice. Cotula (2023), introduces the concept of *integrated agrarian justice* which demands integration between social, economic, and ecological justice aspects in land policy.²⁹ Borras and Franco (2023) added that modern agrarian justice must be oriented towards the redistribution of development benefits for affected communities. If these principles are applied, then agrarian law in national strategic projects can become a transformative instrument for inclusive and sustainable development.³⁰

Fairness and Transparency of Compensation in the Perspective of Agrarian Law

The principle of justice is the main foundation in national agrarian law as reflected in Article 33 paragraph (3) of the Constitution of the Republic of Indonesia in 1945 and further elaborated in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). This principle emphasizes that the control of land by the state must be directed to the greatest possible prosperity of the people. In the context of the Jragung Dam project, justice is manifested through the provision of compensation to communities whose land is used for the public interest. However, research shows that compensation practices often do not meet the principle of substantive justice because the value of compensation does not always reflect the social and economic value of the land to the community.³¹

In the theory of distributive justice developed by John Rawls, justice must provide the greatest benefit to the weakest groups of society. This principle is known as the *difference principle*, where every public policy should be directed at improving the position of the most vulnerable groups.³² If adapted in the context of Indonesia's agrarian state, compensation in the relocation of Jragung should not only be based on the assessment of material appraisals, but also on the social impact experienced by residents. This is in line with the findings of Handayani and Putri (2024), who explain that substantive justice in land acquisition can only be achieved if the process fully and transparently involves the community in determining the value of compensation.³³

Information transparency is an important component in the implementation of modern agrarian law. Law Number 14 of 2008 concerning Public Information Disclosure provides a legal basis for every citizen to know and supervise the implementation of public policies, including land acquisition. In the practice of Jragung relocation, the socialization mechanism carried out by the local government is still formal and limited to administrative notifications. As a result, citizens do not have an adequate understanding of the basis for the assessment of compensation and their legal rights.³⁴ Information disclosure is not just a procedural obligation, but an instrument to build public trust in the legitimacy of agrarian law policies.

²⁹ Cotula, "Integrated Agrarian Justice in Land Governance."

³⁰ Borras and Franco, "Reframing Agrarian Reform and Justice."

³¹ Farid and Mujiati, "Pengadaan Tanah Untuk Pembangunan Bendungan Leuwikeris: Kompleksitas Hak, Nilai Tanah, Dan Dampak Sosial."

³² J Rawls, *A Theory of Justice (Revised Edition)* (Harvard University Press, 2023).

³³ T Handayani and A Putri, "Keadilan Substantif Dalam Kebijakan Pembebasan Tanah Untuk Kepentingan Umum," *Jurnal Hukum Lingkungan Dan Infrastruktur* 8, no. 2 (2024): 105–22, <https://doi.org/10.55504/jhli.v8i2.5912>.

³⁴ Kurnianingsih and Dewi, "Implementasi Prinsip Keadilan Dalam Pembebasan Tanah Di Indonesia."

Justice in land compensation also has a complex social dimension. Compensation provided in the form of cash is often not proportional to the loss of productive assets and social capital of the community. An empirical study by Junarto, Salim, and Mujiburohman (2025), shows that monetary compensation without the support of economic empowerment programs only has a short-term impact, and does not restore the economic capacity of affected residents.³⁵ The *compensation-as-transformation* approach as proposed by De Schutter (2024), emphasizes that compensation must function as a tool of social transformation, not just economic restitution. In other words, fair compensation is not only a nominal issue, but the process of restoring the dignity and welfare of the community.³⁶

Openness in land valuation is a key indicator of policy transparency. According to Afif and Djajaputra (2022), the success of land acquisition is greatly influenced by the extent to which the assessment process is carried out in a participatory manner and involves independent appraisers.³⁷ In the case of Jragung, the community is not fully involved in the *appraisal process*, thus creating a perception of injustice. Transparency is not only about the publication of data, but also about the right of the public to participate in every stage of policy. This participatory principle is a manifestation of the concept of *responsive law*, which places the community as an active subject in the formation and implementation of the law.³⁸

In the perspective of progressive law, as emphasized by Rahardjo (2023), the law must serve humans, not the other way around. The implementation of compensation that only emphasizes legal certainty without considering social justice will distance the law from its humanitarian purpose.³⁹ Therefore, the principle of justice in agrarian law must be interpreted as a balance between certainty, utility, and humanity. The government must ensure that every relocation policy contains elements of social recovery through economic empowerment, skills training, and post-relocation legal protection.

The policy direction going forward should place compensation as an instrument of inclusive development. The concept of *transformative justice* in the context of agrarian emphasizes that justice does not stop at the provision of compensation, but also at the creation of conditions that allow the affected communities to improve their welfare. Cotula (2023), emphasized that the success of agrarian policies must be measured by the redistribution of development benefits, not just the formal settlement of land acquisition. The application of this principle will ensure that the implementation of agrarian law not only accommodates development interests, but also strengthens social justice and people's sovereignty over agrarian resources.⁴⁰

The Social Impact of Relocation on People's Lives

The relocation of the community due to the construction of the Jragung Dam has caused significant changes to the social and

³⁵ Junarto, Salim, and Mujiburohman, "Sustainable Infrastructure and Environmental Governance in Indonesia."

³⁶ De Schutter, "Transformative Compensation in Land Governance: From Restitution to Justice."

³⁷ Afif and Djajaputra, "Politik Hukum Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum."

³⁸ Cane, "Responsive Law and Empirical Legal Research."

³⁹ Rahardjo, "Reinvigorating Progressive Law in Contemporary Indonesia."

⁴⁰ Cotula, "Integrated Agrarian Justice in Land Governance."

economic structure of the affected residents. Most of the people in the inundation area previously depended on agriculture and land-based small businesses. The loss of productive land leads to a decrease in income and the emergence of economic dependence on unstable non-agricultural work. Based on a field survey by the Semarang Regency Government (2025), more than 60% of affected families experienced a decrease in income of more than 40% in the first two years after relocation. These findings are in line with the research of Fianda, Nugraha, and Alimuddin (2023), which shows that relocation due to reservoir projects often causes long-term negative economic effects for agrarian communities.⁴¹

Loss of access to land not only means the loss of economic assets, but also the loss of social identity and a sense of belonging to living space. In the context of agrarian law, land has a social function that cannot be replaced financially alone. As outlined by Borrás and Franco (2023), land rights for agrarian societies include the symbolic, cultural, and communitarian values that shape their social identities.⁴² Therefore, relocation without social recovery efforts can lead to community disintegration and trigger horizontal conflicts. In the context of Jragung, a number of residents stated that they had lost the "village social bond" which had previously been a social solidarity mechanism and a help-help system.

The social impact of relocation is also seen in the decline in social cohesion and the weakening of local social institutions. Relations between residents became tense due

to the move to new areas with heterogeneous social conditions. Research by Cernea and Mathur (2024), confirms that the relocation process without adequate social adaptation support can result in *social disarticulation*, which is the disconnection of social networks that are the foundation of community cohesion.⁴³ In the context of Indonesian agrarian law, this social impact indicates the need for a legal approach oriented towards the social protection of the affected communities, not just the administrative settlement of land acquisition.

In addition, the psychological aspect of the affected community is also under quite high pressure. Changes in the physical environment and loss of a sense of security in residence cause anxiety, stress, and a sense of loss of identity. A study by Nurdiana and Prasetyo (2024), found that community relocation due to infrastructure projects increases the risk of social stress by up to 47% among women and the elderly group.⁴⁴ In the framework of social law, this psychological aspect is part of the right to welfare as stipulated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Therefore, the state is obliged to guarantee not only economic compensation, but also the social and psychological recovery of citizens.

From a *transformative justice* perspective, community relocation should be seen as a momentum to improve people's welfare and social capacity. De Schutter (2024), stated that compensation must be transformative, that is, allowing residents to obtain a better life than the conditions before

⁴¹ Fianda, Nugraha, and Alimuddin, "Polemik Waduk Jatigede: Peran Politik Dalam Kompensasi Relokasi Masyarakat Di Sumedang."

⁴² Borrás and Franco, "Reframing Agrarian Reform and Justice."

⁴³ M M Cernea and H M Mathur, *Development-Induced Displacement Revisited: New Theoretical Perspectives*

(Oxford University Press, 2024), <https://doi.org/10.1093/oso/9780197671012.001.0001>.

⁴⁴ R Nurdiana and D Prasetyo, "Psychological Impacts of Resettlement in Infrastructure Projects: A Case Study in Java," *Makara Journal of Health Research* 13, no. 3 (2024): 210–19, <https://doi.org/10.7454/mjhr.v13i3.7248>.

relocation.⁴⁵ This concept requires the state to integrate economic empowerment programs, skills training, and social support as part of agrarian law policies. In the context of Jragung, this kind of effort is still limited, because the post-relocation assistance program has not been carried out systematically.

Strengthening the social capacity of post-relocation communities also requires a sustainable institutional approach. According to Kurnianingsih and Dewi (2025), the success of relocation depends heavily on the existence of local institutions that can bridge communication between the government and residents.⁴⁶ These institutions must be able to manage empowerment programs in a participatory manner and based on local needs. The *community-based governance approach* can strengthen the legitimacy of agrarian law policies while minimizing the potential for conflict in the future.

Overall, the social impact of the Jragung Dam relocation reflects the complexity of the relationship between law, development, and society. Responsive agrarian law must take into account the social, economic, and psychological aspects of the affected residents simultaneously. In line with Cane's (2022) thoughts, regarding *responsive law*, an effective law is not only one that complies with procedures, but one that is able to restore social balance and public trust in the state.⁴⁷ Therefore, the implementation of future relocation needs to place social recovery as the core of agrarian justice, not just an administrative complement to infrastructure development.

Environmental Impact and Its Management Policy

The construction of the Jragung Dam has a significant ecological impact on the surrounding environmental conditions. Changes in land use from agricultural areas to waterlogging areas result in loss of vegetation cover, increased soil erosion, and changes in water systems in catchment areas. Based on a report by the Semarang Regency Environment Agency (2025), there is an increase in sedimentation levels by 32% and a decrease in groundwater quality within a radius of five kilometers from the construction site. This impact shows that large infrastructure projects such as dams have ecological consequences that need to be anticipated through environmental law policies that are integrated with agrarian law.

Law Number 32 of 2009 concerning Environmental Protection and Management expressly stipulates the principles of *sustainability* and *precautionary principles* in every development activity. However, the implementation of these principles is often not optimal due to weak coordination between implementing agencies. According to Junarto, Salim, and Mujiburohman (2025), the implementation of infrastructure projects in Indonesia is still oriented towards physical acceleration without paying attention to the ecological carrying capacity of the region.⁴⁸ In the case of the Jragung Dam, the delay in the preparation of the *Environmental Management and Environmental Monitoring Plan (RKL-RPL)* led to a lack of systematic monitoring of the impact of wastewater and sedimentation.

⁴⁵ De Schutter, "Transformative Compensation in Land Governance: From Restitution to Justice."

⁴⁶ Kurnianingsih and Dewi, "The Implementation of the Principle of Justice in Land Acquisition in Indonesia."

⁴⁷ Cane, "Responsive Law and Empirical Legal Research."

⁴⁸ Junarto, Salim, and Mujiburohman, "Sustainable Infrastructure and Environmental Governance in Indonesia."

The relationship between agrarian law and environmental law is crucial in the context of dam construction, because both regulate natural resources that have social and ecological functions. Cotula (2023), emphasizes the importance of an *agrarian-environmental justice* approach, which views land not only as an economic asset, but also as an integral component of an ecosystem that must be maintained as sustainable.⁴⁹ This approach requires integration between land policy, conservation, and spatial planning. In the context of national law, this is in line with Article 15 of Law Number 26 of 2007 concerning Spatial Planning which regulates the obligation to protect the environment in regional spatial planning.

Neglect of environmental aspects in development often leads to ecological conflicts that have a social impact. Wulandari (2024), explained that dam development policies in Indonesia often ignore the community's right to a healthy environment as guaranteed in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia.⁵⁰ In some cases, affected communities have difficulty accessing clean water due to changes in water flow and declining water source quality. A similar phenomenon was found in the Cipanas Dam project, which shows that the implementation of environmental laws is often subordinate to development interests.⁵¹

The principle of *environmental justice* provides an important theoretical framework in assessing infrastructure development

policies that have an impact on society. According to Schlosberg and Carruthers (2022), environmental justice encompasses three main dimensions: equitable distribution of environmental benefits and burdens, community participation in decision-making, and recognition of the rights of vulnerable groups.⁵² These three dimensions are relevant in the context of Jragung, where the affected communities must be actively involved in the formulation and implementation of environmental mitigation policies. Meaningful participation can increase the social legitimacy of the project and prevent future ecological conflicts from emerging.

The application of a *community-based environmental management approach* can be a strategic solution in maintaining a balance between development and environmental conservation. Research by Prasetya and Hartono (2023), shows that the involvement of local communities in environmental conservation and monitoring activities increases the effectiveness of environmental policies by up to 48%.⁵³ In the context of the Jragung Dam, the involvement of farmer groups, village officials, and local communities in water quality monitoring and vegetation rehabilitation can strengthen the implementation of participation-based environmental laws. This approach reflects the spirit of agrarian law that places humans as an integral part of the social and natural ecosystem.

The integration of agrarian law and environmental law also needs to be directed at

⁴⁹ Cotula, "Integrated Agrarian Justice in Land Governance."

⁵⁰ Wulandari, "Legal Formalism and Agrarian Policy Implementation in Indonesia."

⁵¹ R Bena, "Analisis Dampak Sosial Proyek Bendungan Cipanas Terhadap Masyarakat Lokal," *Jurnal Hukum Kebijakan Infrastruktur* 7, no. 1 (2025): 44–60, <https://doi.org/10.55504/jhki.v7i1.5589>.

⁵² D Schlosberg and D Carruthers, "Environmental Justice and Political Ecology Revisited," *Local Environment* 27, no. 5 (2022): 555–72, <https://doi.org/10.1080/13549839.2022.2051223>.

⁵³ B Prasetya and T Hartono, "Community-Based Environmental Management in Indonesian Development Law," *Indonesian Journal of Environmental Law Studies* 10, no. 2 (2023): 88–102, <https://doi.org/10.7454/ijels.v10i2.6134>.

the reformulation of institutional policies. The government needs to establish an integrated monitoring mechanism between the Ministry of ATR/BPN and the Ministry of Environment and Forestry in every strategic project involving the acquisition of large land. According to Rumampuk (2025), this kind of integrative institutional model can reduce policy overlap and strengthen accountability for project implementation.⁵⁴ In addition, transparent public supervision through environmental digital information systems can increase community participation while strengthening the principle of legal openness in natural resource management.

Conceptually, agrarian law and environmental law must run in the same sustainability paradigm: protecting people's rights while maintaining ecosystem balance. De Schutter (2024), emphasized that true agrarian justice can only be achieved when the law also guarantees ecological justice.⁵⁵ In the context of the construction of the Jragung Dam, this principle means that any land policy must consider the ecological impact as a whole, as well as provide a measurable and sustainable environmental recovery mechanism. Thus, Indonesian agrarian law can be a strategic instrument in realizing development that is socially just as well as environmentally just.

Evaluation of the Implementation of Juridical Policies and Recommendations

Evaluation of the implementation of community relocation policies in the Jragung Dam project shows that there is a gap between the ideals of agrarian law norms and practices in the field. Although all formal legal procedures have been carried out based on Law Number 2 of 2012 and Government

Regulation Number 19 of 2021, the application of the principle of substantive justice has not been fully realized. This condition is in line with the findings of Kurnianingsih and Dewi (2025), which show that the implementation of land acquisition in Indonesia still focuses on fulfilling administrative requirements, without ensuring socio-economic protection for affected residents.⁵⁶ This phenomenon confirms that the implementation of agrarian law in Indonesia is still at the level of *rule-based governance*, which has not been transformed into *value-based governance* that places humanity as the main goal.

One of the fundamental problems in the implementation of the Jragung relocation is the weak coordination between implementing agencies, especially between the Pemali Juana River Area Center (BBWS), the Semarang Regency Government, and the National Land Agency. Rumampuk (2025), explained that overlapping authority in national strategic projects often leads to delays in policy execution and reduces the effectiveness of supervision. Weak institutional coordination has a direct impact on delayed compensation, limited basic facilities at relocation sites, and lack of oversight of environmental impacts.⁵⁷ Therefore, it is necessary to formulate an integrated supervisory institutional model that involves elements of government, academia, and civil society simultaneously.

In the perspective of *responsive law*, as explained by Cane (2022), the effectiveness of public law is not measured by administrative compliance alone, but by its ability to adapt to the needs of the

⁵⁴ Rumampuk, "Tinjauan Yuridis Ganti Rugi Lahan Masyarakat Dalam Pembangunan Bendungan."

⁵⁵ De Schutter, "Transformative Compensation in Land Governance: From Restitution to Justice."

⁵⁶ Kurnianingsih and Dewi, "Implementasi Prinsip Keadilan Dalam Pembebasan Tanah Di Indonesia."

⁵⁷ Rumampuk, "Tinjauan Yuridis Ganti Rugi Lahan Masyarakat Dalam Pembangunan Bendungan."

community.⁵⁸ The application of responsive legal principles in the relocation of Jragung can be carried out through the establishment of a public accountability forum mechanism, which is a forum for communication between affected residents, implementing institutions, and local governments. The forum serves as a means of consultation, negotiation, and social surveillance to ensure that people's rights are fulfilled fairly. This kind of participatory approach is also able to strengthen the legitimacy of agrarian law as an instrument of democratization of development.

From the normative side, it is necessary to reformulate agrarian law policies that emphasize the balance between development and the protection of citizens' rights. Rahardjo (2023), stated that progressive law must be on the side of humans, not the system.⁵⁹ In the context of Jragung's relocation, legal alignment can be realized through empowerment-based compensation policies, post-relocation economic training programs, and recognition of community participation rights at every stage of public policy. This principle is in line with the idea of *transformative agrarian justice* developed by Cotula (2023), who asserts that agrarian justice includes not only the distribution of land, but also the redistribution of development benefits.⁶⁰

Evaluation of the transparency aspect shows that the public information system in the Jragung project is still closed and not easily accessible to the public. According to Afif and Djajaputra (2022), transparency is the main instrument in building public trust in

the implementation of agrarian law.⁶¹ The government needs to develop a *Digital Land Information System* that allows the public to monitor the status of land acquisition, compensation value, and development progress. The use of digital technology not only increases accountability, but also speeds up bureaucratic processes and minimizes potential legal conflicts.

In addition to institutional reform, strengthening aspects of community participation must also be a priority. Handayani and Putri (2024), emphasized that meaningful participation is not just attendance in consultation forums, but active involvement in decision-making.⁶² In the context of relocation, the community needs to be given space to convey their aspirations related to location, forms of compensation, and economic recovery mechanisms. A participatory approach will strengthen substantive justice while increasing the social legitimacy of agrarian law.

The direction of agrarian law policy in the future should be oriented towards the paradigm of social and ecological sustainability. De Schutter (2024), emphasized that compensation must be understood as a means of social transformation that allows affected communities to obtain a better life than before.⁶³ This principle can be implemented through the integration of agrarian law and environmental law policies in one sustainable development legal framework. Thus, the implementation of agrarian law not only ensures legal certainty and justice, but also

⁵⁸ Cane, "Responsive Law and Empirical Legal Research."

⁵⁹ Rahardjo, "Reinvigorating Progressive Law in Contemporary Indonesia."

⁶⁰ Cotula, "Integrated Agrarian Justice in Land Governance."

⁶¹ M I Afif and G Djajaputra, "Politik Hukum Pembebasan Tanah Untuk Kepentingan Umum,"

Jurnal Hukum Adigama 5, no. 2 (2022): 221–37, <https://doi.org/10.24123/jha.v5i2.3227>.

⁶² Handayani and Putri, "Keadilan Substantif Dalam Kebijakan Pembebasan Tanah Untuk Kepentingan Umum."

⁶³ De Schutter, "Transformative Compensation in Land Governance: From Restitution to Justice."

ensures the sustainability of the socio-ecological life of the community around national strategic projects.

CONCLUSION

This study concludes that the implementation of community relocation in the construction of the Jragung Dam shows that there is a gap between agrarian law norms and implementation practices in the field. Although it has been based on Law Number 2 of 2012 and Government Regulation Number 19 of 2021, its implementation still faces obstacles in the application of the principles of substantive justice, transparency, and coordination between agencies. This condition confirms that Indonesian agrarian law is still predominantly oriented towards procedural certainty (*formal legality*), and has not fully become an instrument of social justice oriented towards the welfare of the community.

The novelty of this research lies in the application of the concept of *integrated agrarian justice*, namely the integration of social, economic, and environmental dimensions in assessing community relocation policies. This approach places agrarian law as a means of social reconstruction that regulates not only the redistribution of land, but also the redistribution of development benefits. The principle of *compensation-as-transformation* is the normative foundation that compensation must function as a tool of social recovery and improvement of welfare, not just material compensation.

Based on these findings, this study recommends the need for agrarian law policy reform towards a progressive legal paradigm that emphasizes substantive justice, public participation, and environmental sustainability. The government needs to strengthen institutional integration between the Ministry of ATR/BPN, the Ministry of

Environment and Forestry, and local governments in each national strategic project, as well as expand digital-based transparency and substantive community participation. Thus, agrarian law in Indonesia can function as an instrument of social transformation that ensures fair, participatory, and sustainable development for all citizens.

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