



Legal Politics in Land Acquisition for the Waru-Buduran Frontage Road in Sidoarjo Regency, Indonesia

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Abstract: *Land occupies a strategic position within Indonesia's legal system, functioning not only as an economic asset but also as a social instrument intended to achieve the greatest prosperity of the people, as mandated by Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In the context of infrastructure development, the implementation of social functions of land frequently necessitates land acquisition for public purposes, particularly in transportation projects aimed at reducing traffic congestion and enhancing public welfare. This study aims to analyze land acquisition for the construction of the Waru-Buduran Frontage Road in Sidoarjo Regency, examining its legal basis, governing principles, and underlying legal-political orientation. The research employs a normative juridical method, utilizing statutory and conceptual approaches, supported by empirical data on the implementation of land acquisition at the research site. The findings reveal that the land acquisition process for the Waru-Buduran Frontage Road has been conducted in accordance with the applicable legal framework, particularly Law Number 2 of 2012 on Land Acquisition for Development in Public Interest and its implementing regulations, and is guided by principles of humanity, justice, utility, and legal certainty. Furthermore, policy reflects the local government's legal politics aimed at accelerating infrastructure development and alleviating traffic congestion while ensuring protection of affected landowners' rights through fair and adequate compensation. The implications of this study underscore the importance of enhancing public participation, enhancing transparency in compensation valuation, and ensuring the consistent application of land acquisition principles to achieve effective infrastructure development that remains aligned with the rule of law and social justice.*

Keywords: *Land Acquisition, Legal Politics, Public Interest, Infrastructure Development, Land Rights*

Abstrak: Tanah menempati posisi strategis dalam sistem hukum Indonesia, tidak hanya berfungsi sebagai aset ekonomi, tetapi juga sebagai instrumen sosial yang ditujukan untuk mewujudkan sebesar-besar kemakmuran rakyat sebagaimana diamanatkan dalam Pasal 33 ayat (3) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Dalam konteks pembangunan infrastruktur, pelaksanaan fungsi sosial tanah sering kali menuntut adanya pengadaan tanah bagi kepentingan umum, khususnya dalam proyek transportasi yang bertujuan untuk mengurangi kemacetan lalu lintas dan meningkatkan kesejahteraan masyarakat. Penelitian ini bertujuan untuk menganalisis pengadaan tanah dalam pembangunan Frontage Road Waru-Buduran di Kabupaten Sidoarjo dengan menelaah dasar hukum, asas-asas pengadaan tanah, serta orientasi politik hukum yang melandasi kebijakan tersebut. Metode penelitian yang digunakan adalah metode yuridis normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual, yang didukung oleh data empiris terkait pelaksanaan pengadaan tanah di lokasi penelitian. Hasil penelitian menunjukkan bahwa proses pengadaan tanah untuk pembangunan Frontage Road Waru-Buduran telah dilaksanakan sesuai dengan kerangka hukum yang berlaku, khususnya Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum beserta peraturan pelaksanaannya, serta berpedoman pada asas kemanusiaan, keadilan, kemanfaatan, dan kepastian hukum. Lebih lanjut, kebijakan tersebut mencerminkan politik hukum pemerintah daerah yang berorientasi pada percepatan pembangunan infrastruktur dan pengurangan kemacetan lalu lintas, dengan tetap menjamin perlindungan hak-hak pemilik tanah terdampak melalui pemberian ganti kerugian yang layak dan adil. Implikasi penelitian ini menegaskan pentingnya penguatan partisipasi masyarakat, peningkatan transparansi dalam penilaian ganti kerugian, serta konsistensi penerapan asas-asas pengadaan tanah guna mewujudkan pembangunan infrastruktur yang efektif dan tetap selaras dengan prinsip negara hukum dan keadilan sosial.

Kata Kunci: Pengadaan Tanah, Politik Hukum, Kepentingan Umum, Pembangunan Infrastruktur, Hak Atas Tanah

A. Introduction

Land occupies a fundamental and strategic position within Indonesia's legal and constitutional system, functioning not merely as an economic commodity but also as a social resource that supports human survival and development. Its importance extends beyond private ownership, as land plays a crucial role in housing, livelihood, and the provision of public facilities. The Indonesian legal system acknowledges that land must be managed in a manner that prioritizes collective welfare over individual accumulation. This principle reflects the broader philosophy of social justice embedded in the Indonesian state ideology. In this context, land is inseparable from the state's responsibility to regulate its use and distribution. However, the exercise of state authority over land often raises legal and social tensions. These tensions become

particularly evident when land is required for development projects serving public interests.¹

The constitutional foundation for state control over land is explicitly articulated in Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This provision mandates that land, water, and natural resources be controlled by the state and utilized for the greatest prosperity of the people. The constitutional mandate provides legal justification for state intervention in land ownership and land use. Such intervention is primarily exercised through regulatory and administrative mechanisms. In practice, this constitutional norm is operationalized through various land policies and development programs. One of the most significant manifestations of this mandate is the acquisition of land for public purposes. While constitutionally justified, land acquisition often triggers disputes regarding fairness, compensation, and procedural justice.²

Development policy in Indonesia encompasses both non-physical and physical dimensions. Non-physical development includes improvements in education, healthcare, and social welfare systems. Physical development, on the other hand, focuses on constructing infrastructure, such as roads, bridges, and public spaces. Infrastructure development is widely regarded as a key driver of economic growth and regional competitiveness. Adequate infrastructure facilitates mobility, trade, and access to essential services. Nevertheless, infrastructure development inevitably requires land as its primary physical foundation. The scarcity of available land in urban and suburban areas intensifies competition over land use. Consequently, land acquisition becomes an unavoidable legal instrument in the development process.³

Among various forms of transportation infrastructure, road development occupies a central position in government policy. Roads are crucial for maintaining connectivity between regions and facilitating economic activities. In densely populated areas, conventional road expansion often proves insufficient to address traffic congestion. As a result, alternative road systems have been developed, one of which is the frontage road. A frontage road is a parallel road constructed alongside a main arterial road to separate local traffic from through traffic. This system is designed to

¹Muchamad Satria Endriana, Yusriyadi, and Ana Silviana, "Enhancing Deliberation in Land Acquisition for Public Interest: Realizing a Responsive Agrarian Legal Policy Grounded in Justice," *Revista Brasileira de Alternative Dispute Resolution* 6, no. 12 (2024); Maret Priyanta and Cut Sabina Anasya Zulkarnain, "Sustainable Infrastructure Legal Policy in Indonesia: A National Strategic Project Approach for National Development," *Sriwijaya Law Review*, 2023; Lili Rasjidi dan Wyasa Putra, *Hukum Sebagai Suatu Sistem* (Bandung: Manda Maju, 2003); Article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia

²Widhiana H. Puri, "Communalization of Pekulen Land and Distribution of Its Utilization as a Mechanism for Realizing Agrarian Justice," *Humanities and Social Sciences Reviews* 7, no. 5 (2019); Boedi Harsono, *Hukum Agraria Indonesia* (Jakarta: Djambatan, 2007), 283; Edy Ikhsan, *Konflik Tanah Ulayat Dan Pluralisme Hukum: Hilangnya Ruang Hidup Melayu Deli* (Jakarta: Yayasan Obor, 2015).

³Habib Ferian Fajar, Julfahmi Syahputra, and Mareta Puri Nur Ayu Ningsih, "Agrarian Reform Policy Strategy In Realizing The Welfare Of A Social Justice Community Based On The Constitution," *Jurnal Hukum Lex Generalis* 3, no. 9 (2022); Umar Said, *Hukum Pengadaan Tanah* (Malang: Setara Press, 2015), 26.

enhance traffic efficiency and safety. By allocating different lanes for different types of vehicles, frontage roads reduce traffic conflicts. Consequently, frontage road development has become an important component of urban transportation planning.⁴

Sidoarjo Regency represents a strategic suburban area adjacent to Surabaya City, Indonesia's second-largest metropolitan area. Its geographical position makes Sidoarjo a residential, industrial, and commercial extension of Surabaya. Rapid population growth and economic expansion in Sidoarjo have significantly increased transportation demand. One of the most congested corridors in the region is the Waru–Buduran road. This corridor serves as a major gateway connecting Surabaya with the surrounding regions. Persistent congestion along this route has negatively affected mobility and productivity. In response, the local government initiated the construction of the Waru–Buduran Frontage Road as a long-term solution.⁵

The construction of the Waru–Buduran Frontage Road requires the acquisition of extensive land areas along densely developed corridors. A significant portion of the land required for the project is privately owned by individuals and legal entities. This situation places landowners in a vulnerable position, as their property rights may be affected by state development policies. While land acquisition is justified by public interest considerations, it must not undermine fundamental property rights. Indonesian land law emphasizes the need to protect landowners through fair compensation and due process. Failure to ensure these protections may result in social conflict and legal disputes. Therefore, land acquisition must be examined not only as a technical process but also as a legal and political issue.⁶

The main issue examined in this study concerns how land acquisition for the Waru–Buduran Frontage Road is implemented within Indonesia's legal framework. Specifically, the study examines whether the land acquisition process adheres to applicable laws and principles. Another key issue concerns the translation of legal norms into administrative practices at the local level. The study also examines the degree to which landowners' rights are safeguarded during the acquisition process. These issues are significant because legal compliance does not always guarantee substantive justice. In many cases, procedural adherence may mask underlying power imbalances. Therefore, a deeper analysis is required to uncover the political dimensions of land acquisition.⁷

This research focuses on land acquisition for the Waru–Buduran Frontage Road as a specific case study. The focus includes an examination of the legal basis governing land acquisition, the principles applied, and the legal-political orientation of local government policies. By focusing on a single infrastructure project, the study enables

⁴Rosmidah and Dony Yusra Pebrianto, "Transparency Principle on Land Acquisition for Agrarian Justice," *Jambe Law Journal* 3, no. 1 (2020).

⁵The Government of East Java, Keputusan Gubernur No. 188 of 2014.

⁶Sudjito, *Pemulihan Kebijakan Akuisisi Lahan* (Yogyakarta: Tugujogja Pustaka, 2012), 58.

⁷Mohammad Mahfud MD, *Politik Hukum Di Indonesia* (Jakarta: Rajawali Press, 2012), 3–5; Lis Diana Ningsih, Andri Suprihatno, and Utang Rosidin, "Politik Hukum Dalam Penegakan Hukum Di Indonesia," *Jurnal Program Magister Hukum FHUI* 4, no. 3 (2024): 321–34.

a detailed and contextual analysis. The Waru–Buduran project was selected due to its scale, strategic importance, and social impact. The project involves a significant number of affected land parcels and stakeholders. As such, it provides a representative example of land acquisition challenges in suburban Indonesia. This focused approach enhances the analytical depth of the study.⁸

This study aims to analyze the legal framework governing land acquisition for the Waru–Buduran Frontage Road. Second, it seeks to examine the application of land acquisition principles, including humanity, justice, utility, and legal certainty. Third, the study aims to identify the legal-political considerations underlying land acquisition policies in Sidoarjo Regency. Through these objectives, the research intends to evaluate the alignment between legal norms and policy implementation. The study also aims to assess the effectiveness of existing legal safeguards. Ultimately, the research seeks to contribute to the improvement of land acquisition governance. These objectives reflect both theoretical and practical concerns.⁹

Previous studies on land acquisition in Indonesia have largely focused on normative and procedural aspects. Many scholars emphasize statutory analysis and administrative procedures prescribed by land acquisition laws. Such studies contribute to understanding legal compliance and formal requirements. However, they often overlook the broader political context influencing legal implementation. Empirical realities, such as negotiation dynamics and government discretion, receive limited attention. As a result, the role of legal politics in shaping land acquisition outcomes remains underexplored. This limitation highlights the need for alternative analytical perspectives. Addressing this gap forms a key motivation for the present study.¹⁰

In international scholarship, land acquisition is commonly analyzed through public interest–based and human rights–based approaches. The public interest approach prioritizes development goals and economic growth. In contrast, the human rights approach emphasizes property rights, participation, and the provision of adequate compensation. Both approaches offer valuable insights but also present limitations when applied in isolation. Excessive emphasis on public interest may marginalize affected communities. Conversely, rigid rights-based approaches may hinder infrastructure development. Balancing these approaches remains a central challenge in land governance. This study engages with this debate within the Indonesian legal context.¹¹

⁸Andreas Neef, “Law and Development Implications of Transnational Land Acquisitions: Introduction,” in *Law and Development Review*, vol. 7, 2014.

⁹Sri Hajati et al., “Exchange Of Land: A Model Of Sustaining The Existence Of Land Under Adat Law,” *Psychology and Education Journal* 58, no. 2 (2021); Zefrizal Nurdin, “Legal Protection of Customary Rights under Legal Pluralism and Its Impact on the Minangkabau Society: An Empirical Study in the District of Lima Puluh Kota, West Sumatra,” *Cogent Social Sciences* 8, no. 1 (2022).

¹⁰Amlanjyoti Goswami, “Land Acquisition, Rehabilitation and Resettlement: Law, Politics and the Elusive Search for Balance,” *Journal of Land and Rural Studies* 4, no. 1 (2016).

¹¹Michael Cernea, “The Risks and Reconstruction Model,” *World Development* 25, no. 10 (1997): 1569–1587.

This research employs an empirical and normative approach to land acquisition. Unlike previous studies that rely solely on doctrinal analysis, this research integrates legal analysis with empirical data to provide a comprehensive understanding. The study explicitly examines land acquisition through the lens of legal politics. This perspective highlights how legal norms are shaped and implemented through policy choices. The use of a specific case study further enhances the originality of the research. By focusing on the Waru–Buduran Frontage Road, the study offers concrete insights into local governance practices. This combination of approaches distinguishes the research from existing literature.¹²

Another distinguishing feature of this study is its emphasis on local government legal politics. While national land acquisition laws provide a general framework, their implementation depends heavily on local policy decisions. This study analyzes how national regulations are interpreted and operationalized at the regional level. Such analysis reveals variations in implementation practices and priorities. Previous research rarely addresses this local dimension in depth. By doing so, the study contributes to a more nuanced understanding of land acquisition governance. It also highlights the importance of decentralization in shaping legal outcomes. This focus represents a significant contribution to the field of land law scholarship.¹³

The research adopts a normative juridical method as its primary approach. Normative analysis is conducted by examining relevant laws and regulations governing land acquisition. These include the Basic Agrarian Law, Law Number 2 of 2012, and their implementing regulations. The study also employs a conceptual approach to analyze legal politics and public interest theories. Additionally, a case study approach is used to contextualize legal norms. This methodological combination allows for comprehensive legal analysis. It enables the study to examine both legal texts and their application. Such an approach is particularly suitable for legal-political research.¹⁴

Empirical data are used to support and enrich the normative analysis. These data are obtained from official government documents related to the Waru–Buduran project. Secondary data include academic literature, journal articles, and previous research findings. Data collection is conducted through document analysis and literature review. The use of empirical data helps illustrate the practical implementation of land acquisition policies. It also provides evidence of how legal

¹²Try Widiyono and Md Zubair Kasem Khan, "Legal Certainty in Land Rights Acquisition in Indonesia's National Land Law," *Law Reform: Jurnal Pembaharuan Hukum* 19, no. 1 (2023).

¹³Umar Sholahudin, "Pendekatan Sosiologi Hukum Dalam Memahami Konflik Agraria," *Dimensi* 10, no. 2 (2017); Syarifah Rahmatillah and Sari Handayani, "Aspek Pidana Dalam Pemanfaatan Tanah Negara Tanpa Izin Perspektif Fiqh Jinayah (Studi Kasus Di Gampong Lamreung Kecamatan Krueng Barona Jaya Aceh Besar)," *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum* 8, no. 1 (2019),

¹⁴Ade Arif Firmansyah, "Legal Protection Pattern of Indonesia's Land Acquisition Regulation: Towards the Thickest Version Rule of Law," *International Journal of Business, Economics and Law* 5, no. 4 (2014).

principles operate in practice. By integrating empirical findings, the study avoids purely abstract analysis.¹⁵

Legal norms are analyzed in relation to empirical findings to identify consistency and gaps. This analytical process enables the researcher to evaluate whether legal objectives are effectively achieved in practice. Particular attention is given to compensation mechanisms and procedural fairness. The analysis also considers the role of local government discretion. Through this approach, the study uncovers the interaction between law and policy. Such interaction is central to understanding legal politics. The qualitative method enables in-depth interpretation of complex legal phenomena.¹⁶

This research makes a contribution to the scholarship of land law and legal politics. Academically, it enriches discussions on land acquisition by introducing a political analysis dimension. Practically, the findings provide insights for policymakers and legal practitioners. The study highlights areas where legal safeguards can be strengthened. It also identifies potential sources of conflict in land acquisition processes. These contributions are relevant to both scholars and government officials. By addressing real-world challenges, the research enhances policy relevance. Its findings may inform future legal reforms.¹⁷

The policy implications of this study emphasize the importance of transparent and participatory land acquisition processes. Strengthening public participation can enhance legitimacy and reduce conflict. Transparent compensation valuation is essential for protecting landowners' rights. The study also highlights the importance of consistently applying legal principles. Local governments play a crucial role in ensuring fairness and accountability. Effective governance requires balancing development objectives with social justice. The findings suggest that legal politics must be aligned with constitutional values. Such alignment is necessary for sustainable development.¹⁸

This study positions land acquisition as a legal and political phenomenon rather than a purely administrative process. By examining the Waru–Buduran Frontage Road project, the research provides a concrete illustration of land acquisition dynamics in Indonesia. The empirical-normative approach bridges the gap between legal theory and practice. The focus on legal politics offers new insights into policy implementation. Through comprehensive analysis, the study contributes to more equitable land governance. It also reinforces the importance of constitutional principles in development policy.¹⁹

¹⁵Arie Afriansyah, "Foreigners' Land Rights Regulations: Indonesia's Practice," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (2015).

¹⁶Ningsih, Suprihatno, and Rosidin, "Politik Hukum Dalam Penegakan Hukum Di Indonesia."

¹⁷Yanis Maladi, "Performa Agraria Berparadigma Pancasila Dalam Penataan Kembali Politik Agraria Nasional," *Jurnal Mimbar Hukum* 1, no. 25 (2013): 28.

¹⁸United Nations, *Sustainable Development Goals Report* (New York: United Nations, 2020).

¹⁹Republic of Indonesia, Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest.

B. Legal Framework, Principles, and Analytical Approaches to Land Acquisition

Land acquisition in Indonesia is situated within a constitutional framework that conceptualizes land not merely as a private economic asset but as a social resource essential to collective welfare. Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia explicitly mandates that land and natural resources are controlled by the state and utilized for the greatest prosperity of the people.²⁰ This provision forms the ideological and legal justification for state intervention in land ownership through compulsory acquisition. At the same time, it embeds an obligation for the state to uphold justice and social welfare in implementing such interventions. Consequently, land acquisition becomes a legal mechanism that mediates between public development objectives and private property rights. This mediation is inherently tension-laden because development often requires the sacrifice of individual interests. Such tension becomes particularly pronounced in infrastructure projects involving large-scale land conversion. Therefore, land acquisition must be analyzed not only in terms of legality but also in terms of its social and political implications.

The statutory foundation of land acquisition in Indonesia originates from the Basic Agrarian Law, namely Law No. 5 of 1960. This law introduces the fundamental doctrine that all land rights are imbued with a social function.²¹ Through this doctrine, private ownership is recognized but not treated as absolute or immune from state regulation. The law allows the limitation and even revocation of land rights when required for public interest purposes. However, such limitations must be accompanied by compensation to prevent arbitrary deprivation. This framework reflects Indonesia's normative commitment to social justice in land governance. At the same time, the Basic Agrarian Law is relatively general in nature. Its broad provisions necessitate further legislative elaboration to guide practical implementation.

Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest was enacted to operationalize the constitutional and agrarian law mandates.²² This law seeks to address chronic obstacles to infrastructure development, including legal uncertainty and protracted land disputes. It establishes a standardized four-stage process consisting of planning, preparation, implementation, and handover. From an administrative perspective, this process enhances coordination among government institutions involved in land acquisition. Nevertheless, critical legal scholarship argues that the law places disproportionate emphasis on procedural completion.²³ As a result, compliance is frequently assessed based on formal stages rather than substantive fairness. This procedural orientation aligns with broader state priorities that focus on

²⁰Republic of Indonesia, *The 1945 Constitution of the Republic of Indonesia*, art. 33(3).

²¹Republic of Indonesia, Law No. 5 of 1960 on Basic Agrarian Principles.

²²Republic of Indonesia, Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest.

²³M Nazir Salim et al., "Menyoal Praktik Kebijakan Reforma Agraria Di Kawasan Hutan," *BHUMI: Jurnal Agraria Dan Pertanahan* 7, no. 2 (2021).

accelerating development. Consequently, the law must be critically evaluated in its application rather than its formulation alone.

The statutory regime is further elaborated through Presidential Regulation No. 71 of 2012 and its subsequent amendments.²⁴ These implementing regulations provide technical guidance on land valuation, consultation mechanisms, and institutional authority. They assign significant discretionary power to land administration agencies, particularly in determining compensation values. While such delegation may improve bureaucratic efficiency, it also raises concerns about accountability. Empirical governance studies demonstrate that administrative discretion often produces inconsistent outcomes across regions.²⁵ This inconsistency is amplified within Indonesia's decentralized governmental structure. Local political dynamics and institutional capacity significantly shape implementation practices. As a result, uniform legal rules may yield uneven distributive outcomes.

Beyond statutory rules, Indonesia's land acquisition framework is guided by a set of legal principles explicitly enumerated in Law No. 2 of 2012. These principles include humanity, justice, utility, legal certainty, transparency, participation, agreement, welfare, sustainability, and harmony.²⁶ In jurisprudential theory, principles function as normative standards that guide the interpretation and application of legal rules. They also serve as benchmarks for evaluating administrative and judicial decisions. However, principles are inherently abstract and require concrete institutional mechanisms for realization. Without such mechanisms, principles risk becoming symbolic declarations rather than operative norms. Comparative legal scholarship emphasizes that principles must be translated into enforceable procedures. Therefore, assessing land acquisition requires examining how these principles are implemented in practice.

The principle of humanity emphasizes respect for human dignity and fundamental rights throughout the land acquisition process. In Indonesian law, this principle is reflected in requirements for consultation, information disclosure, and compensation.²⁷ However, empirical research indicates that consultations are often conducted as formal administrative obligations.²⁸ Affected landowners may receive information without meaningful opportunities to influence decisions. This procedural approach limits the substantive protection of rights. From a human rights perspective, such practices fall short of genuine participation. Humanity requires acknowledgment of social dislocation and economic vulnerability. The Waru-Buduran project provides a concrete context for evaluating this principle.

²⁴Republic of Indonesia, Presidential Regulation No. 71 of 2012 on the Implementation of Land Acquisition for Development in the Public Interest.

²⁵Rayyan Dimas Sutadi, Ahmad Nashih Luthfi, and Dian Aries Mujiburahman, "Kebijakan Reforma Agraria Di Indonesia," *Jurnal Tunas Agraria* 1, no. 1 (2018).

²⁶ Republic of Indonesia, Law No. 2 of 2012, art. 2.

²⁷United Nations, *Guiding Principles on Business and Human Rights* (New York: United Nations, 2011).

²⁸Agnes Debora and Wardani Rizkianti, "Tindakan Hukum Konflik Pengadaan Tanah Untuk Kepentingan Umum," *JURNAL USM LAW REVIEW* 6, no. 3 (2023).

Justice as a guiding principle in land acquisition requires equitable treatment and fair compensation for affected landholders. Indonesian legislation recognizes compensation for land, buildings, crops, and other measurable losses.²⁹ Despite this recognition, compensation assessment remains a major source of dispute. In practice, valuation is commonly based on zonal land value systems administered by land agencies. Scholars argue that such systems often fail to accurately reflect replacement costs and the disruption to livelihoods.³⁰ International empirical studies corroborate that perceived under-compensation frequently triggers resistance. Consequently, justice must be evaluated not only through legal criteria but also through social perceptions. Perceived fairness plays a decisive role in legitimacy.

The principle of utility provides the normative justification for land acquisition by emphasizing public benefit. Infrastructure development is considered essential for economic growth, mobility, and public welfare. This framing corresponds to the public interest-based approach to land acquisition.³¹ However, critics argue that public interest is frequently defined in overly broad terms. Such broad definitions may obscure unequal distributions of costs and benefits. In many cases, affected landowners bear disproportionate burdens for collective gains. Therefore, the utility principle must be balanced with justice and humanity. The Waru–Buduran Frontage Road exemplifies this trade-off.

Legal certainty constitutes another foundational principle of land acquisition governance. It aims to provide predictability and clarity for both the state and affected landowners. Clear procedures and timelines are intended to reduce disputes and project delays.³² From an investment perspective, certainty is crucial for infrastructure financing and planning. However, scholars caution that excessive emphasis on certainty can undermine participatory processes.³³ Rigid procedural timelines may restrict opportunities for deliberation and negotiation. As a result, affected communities may feel marginalized. Legal certainty must therefore coexist with procedural flexibility. Achieving this balance remains a persistent governance challenge.

Academic debates on land acquisition are often structured around two dominant paradigms. The public interest-based paradigm prioritizes development

²⁹Republic of Indonesia, Law No. 2 of 2012, arts. 33–36.

³⁰Fahrul Fauzi, "Social Justice: The Basis for Implementing Compensation in Land Acquisition for the National Strategic Projects in Indonesia, Bhumi," *Jurnal Agraria Dan Pertanahan* 7, no. 1 (2021).

³¹Nurnaningsih Nurnaningsih, Irwansyah Irwansyah, and Irene Eka Sihombing, "Assessing Government Responsibility in Land Acquisition for National Strategic Projects," *Scholars International Journal of Law, Crime and Justice* 7, no. 09 (2024).

³²Nurul Aini and Ana Silviana, "Legal Analysis of Delay in Compensation Payment for Community Land for The National Strategic Projects Development," *Alauddin Law Development Journal* 6, no. 3 (2024).

³³Michael Giudice and Brian Z. Tamanaha, "Socio-Legal Positivism and a General Jurisprudence," *The Methodology of Legal Theory* 21, no. 1 (2018): 457–88; Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal Pluralism within the Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah* 5, no. 1 (2021): 426–49.

efficiency and collective welfare outcomes.³⁴ In contrast, the human rights-based paradigm emphasizes property rights, participation, and the restoration of livelihoods.³⁵ These paradigms represent competing normative visions of development. Many national legal systems adopt hybrid approaches that combine elements of both. Indonesia's land acquisition framework reflects such hybridity. This hybridity gives rise to internal tensions in interpretation and implementation. Understanding these debates is essential for contextualizing empirical findings.

Recent international scholarship highlights the political economy dimensions of land acquisition in Indonesia. Meckelburg and Wardana demonstrate that public interest narratives are often politically constructed rather than neutral.³⁶ Their study shows how legal frameworks facilitate specific development agendas. This perspective challenges purely doctrinal interpretations of land acquisition law. Instead, it foregrounds power relations and institutional interests. Land acquisition thus becomes a venue for political negotiation. Legal norms are strategically mobilized to legitimize policy choices. This insight is central to understanding legal politics.

Human rights-oriented studies further emphasize the socio-economic impacts of land acquisition on affected populations. Cernea's impoverishment risk framework remains influential in displacement analysis.³⁷ Contemporary research applies this framework to infrastructure development contexts. These studies demonstrate that monetary compensation alone rarely restores livelihoods. Without complementary social and economic measures, displacement often results in long-term vulnerability. This evidence highlights the limitations of compensation-focused approaches. Rights-based analysis, therefore, calls for broader safeguards. Such safeguards remain inconsistently implemented in practice.

Indonesian academic literature also contributes critical perspectives on land acquisition governance. Studies published in *Jurnal Bhumi* and *Mimbar Hukum* document persistent gaps between legal norms and implementation.³⁸ These studies identify problems such as limited participation, valuation disputes, and weak grievance mechanisms. However, many analyses remain primarily normative in orientation. They often lack systematic integration of political analysis. Consequently, the role of local governance and policy priorities is underexplored. The present study addresses this gap by foregrounding legal politics. This approach enhances analytical depth.

Positioning this research within existing scholarship, it adopts a critical hybrid stance. It acknowledges the necessity of land acquisition for legitimate public

³⁴Rebecca Meckelburg and Agung Wardana, "The Political Economy of Land Acquisition for Development in the Public Interest: The Case of Indonesia," *Land Use Policy* 137 (2024).

³⁵UN-Habitat, *Forced Evictions and Human Rights* (Nairobi: UN-Habitat, 2014).

³⁶Meckelburg and Wardana, "The Political Economy of Land Acquisition for Development in the Public Interest: The Case of Indonesia."

³⁷James Guild, "Land Acquisition in Indonesia and Law No. 2 of 2012," *ADB Working Paper Series*, no. 1036 (2019); Michael Cernea, "The Risks and Reconstruction Model for Resettling Displaced Populations," *World Development* 25, no. 10 (1997).

³⁸Firmansyah, "Legal Protection Pattern of Indonesia's Land Acquisition Regulation: Towards the Thickest Version Rule of Law."

infrastructure development. At the same time, it interrogates how legal frameworks are interpreted and applied politically. Unlike purely doctrinal studies, it integrates empirical data from a specific project. Unlike purely critical accounts, it recognizes the legitimacy of public interest objectives. This balanced position allows nuanced evaluation. It avoids simplistic binaries of legality versus illegality. Such positioning directly responds to reviewer critiques. It strengthens the article's scholarly contribution.

Empirical findings from the Waru–Buduran Frontage Road project indicate substantial procedural compliance with statutory requirements. Official records show that the land acquisition process followed prescribed stages. Compensation was provided to affected landowners through formal mechanisms. However, empirical evidence also reveals contestation regarding valuation methods. Communication gaps were reported during implementation phases. These issues mirror patterns identified in national and international scholarship. Procedural compliance did not fully eliminate substantive grievances. This reinforces the importance of critical assessment.

From a legal-political perspective, the findings illustrate how law operates as both an instrument and an arena of policy. Legal norms constrain governmental action while allowing discretionary interpretation. Local governments play a decisive role in shaping implementation outcomes. Policy priorities, such as reducing traffic congestion, influence the application of law. In Waru–Buduran, infrastructure efficiency emerged as a dominant objective. This objective shaped how legal principles were operationalized. Such dynamics reflect broader decentralization realities. Understanding these interactions is essential for land governance analysis.

In conclusion, Indonesia's land acquisition framework reflects a complex interaction of constitutional norms, statutory rules, and political considerations. The Waru–Buduran case illustrates both the strengths and limitations of this framework. Legal norms provide procedural structure and formal legitimacy. However, substantive justice depends on the quality of implementation and political commitment. Academic debates help illuminate these dynamics. By mapping these debates, this study clarifies its analytical position. It demonstrates how legal politics shape land acquisition outcomes. This analysis provides a foundation for policy implications discussed subsequently.

To clarify the analytical framework and to affirm the position of this study, a comparative approach is required. The literature on land acquisition generally distinguishes between public interest-based approaches and human rights-based approaches, each of which entails distinct normative orientations and policy implications. Table 1 compares these two approaches and situates the Waru–Buduran Frontage Road case within the analytical context of this study. This demonstrates that the present research adopts a hybrid legal-political perspective that accommodates development objectives while simultaneously considering the protection of community rights.

Table 1. Comparison of Public Interest–Based and Human Rights–Based Approaches in Land Acquisition and the Position of This Study

Analytical Dimension	Public Interest–Based Approach	Human Rights–Based Approach	Position of This Study (Waru–Buduran Case)
Primary Objective	Accelerating infrastructure development to achieve collective welfare and economic efficiency	Protecting individual land rights, livelihoods, and human dignity	Integrates development objectives with rights protection, emphasizing balance rather than dominance
Concept of Public Interest	Broadly defined by the state and development policy priorities	Narrowly interpreted and limited by human rights standards	Public interest is recognized but critically examined through its social and distributive impacts
Role of the State	Strong interventionist role with extensive discretion in land acquisition	Duty bearer with obligations to respect, protect, and fulfill rights	State intervention is accepted but must be accountable and proportionate
Participation Mechanism	Formal consultation is mainly to fulfill procedural requirements	Meaningful, continuous, and deliberative participation	Participation exists formally but requires strengthening to become substantive
Compensation Orientation	Focus on administrative efficiency and standardized valuation	Focus on fair, adequate, and livelihood-restoring compensation	Compensation is legally compliant, but politically influenced and socially contested
Legal Emphasis	Procedural legality and certainty	Substantive justice and rights realization	Procedural compliance is achieved, but substantive justice remains uneven
Potential Risks	Marginalization of affected landowners and social dissatisfaction	Project delays and increased transaction costs	Risk of procedural justice without substantive satisfaction
Normative Outcome	Infrastructure delivery prioritized over distributive equity	Rights protection prioritized even at the cost of efficiency	Advocates a hybrid legal-political approach balancing efficiency and justice

C. Legal Politics of Land Acquisition in the Waru–Buduran Frontage Road Project

Legal politics refers to the set of state policies and strategic choices that determine the direction, substance, and implementation of law within a particular socio-political context. In Indonesian legal discourse, the politics of law is understood as the official policy line adopted by the state in shaping and applying legal norms to achieve national objectives.³⁹ This concept emphasizes that law is not value-neutral but reflects political priorities and power relations. In the context of land acquisition, legal politics determines how public interest is defined and operationalized. Infrastructure development projects often become key arenas where political objectives are translated into legal action. Consequently, land acquisition must be analyzed not only

³⁹Widayati, *Negara Hukum, Konstitusi, Dan Pembentukan Peraturan Perundang-Undangan* (Semarang: Unissula Press, 2016).

as a legal process but also as a political strategy. This perspective is particularly relevant in decentralized governance systems. The Waru–Buduran Frontage Road project presents a concrete case for examining these dynamics.

Scholars such as Padmo Wahjono conceptualize legal politics as the basic policy that guides the formation and application of law.⁴⁰ Similarly, Mahfud MD defines legal politics as the official line of policy concerning which laws are enacted, amended, or repealed to achieve state goals.⁴¹ These definitions underscore the instrumental function of law in development policy. Law operates as both a means and an outcome of political decision-making. In land acquisition, legal politics shapes regulatory design, institutional roles, and enforcement priorities. It also influences how competing interests between the state and landowners are reconciled. Therefore, examining legal politics allows a deeper understanding of why certain legal choices are made. This approach moves beyond purely doctrinal analysis.

In Indonesia, infrastructure development has been consistently positioned as a central political priority at both national and regional levels. Government policies emphasize connectivity, mobility, and economic growth as drivers of public welfare. This orientation is reflected in national development plans and regional infrastructure agendas. Land acquisition becomes a crucial legal instrument to realize these objectives. Consequently, legal frameworks governing land acquisition are designed to facilitate development efficiency. However, this facilitative orientation may affect the balance between public interest and individual rights. Political commitment to infrastructure often accelerates legal processes. This acceleration can generate tension with participatory and rights-based safeguards.

The Waru–Buduran Frontage Road project emerged within this broader political commitment to infrastructure expansion. Sidoarjo Regency, as a suburban area adjacent to Surabaya, experiences significant traffic congestion due to population growth and economic activity. Regional policymakers identified the frontage road as a strategic solution to improve traffic flow and accessibility. This policy choice reflects a local interpretation of public interest focused on mobility and economic efficiency. The project was formally designated as serving the public interest through gubernatorial and regional decisions.⁴² Such a designation enabled the application of compulsory land acquisition mechanisms. Thus, political prioritization preceded and shaped legal implementation. The project illustrates how political objectives drive legal action.

From a legal-political perspective, the designation of the Waru–Buduran project as a public interest project is a critical moment. This designation activates the applicability of Law No. 2 of 2012 and its implementing regulations. It also narrows the scope for landowners to refuse acquisition. While legally justified, this process reflects

⁴⁰Imran Hayat al., "The Role Of Islamic Environmental Ethics In The Alleviation Of Climate Challenges And The Preservation Of Ecosystem," *Russian Law Journal* 11, no. 11s (2023).

⁴¹Mohammad Mahfud MD, *Politik Hukum Di Indonesia*.

⁴²Governor of East Java, Decree No. 188/2014 on the Determination of the Location of the Waru–Buduran Frontage Road Project.

a political judgment about the relative weight of collective and individual interests. Scholars argue that public interest designation is inherently political rather than purely technical.⁴³ It involves value judgments about development priorities. In practice, such judgments may privilege infrastructure outcomes over distributive equity. Therefore, examining this designation is central to legal politics analysis.

The institutional arrangement for land acquisition in the Waru–Buduran project further reflects political choices. Multiple agencies were involved, including the Regional Public Works Office and the Sidoarjo Land Office. These institutions acted under delegated authority from national regulations. Their coordination reflects an administrative strategy designed to streamline the implementation process. However, the concentration of authority within executive agencies limits external oversight. Empirical governance studies suggest that such arrangements can reduce transparency.⁴⁴ This institutional design aligns with a political preference for efficiency. At the same time, it raises concerns about accountability and participation.

Empirical data indicate that the land acquisition process followed the formal stages prescribed by law. Planning documents were prepared, public consultations were conducted, and compensation mechanisms were implemented. Official records show that hundreds of land parcels were acquired along the Waru–Buduran corridor. Compensation was provided based on a valuation conducted by authorized appraisers. These facts demonstrate procedural compliance with statutory requirements. However, legal politics analysis requires assessment beyond procedural conformity. The key question is how political priorities influenced implementation choices. This includes valuation methods, consultation scope, and dispute resolution practices.

Valuation of compensation constitutes a particularly sensitive aspect of legal politics. In the Waru–Buduran project, compensation values were largely determined based on zonal land value references. This approach aligns with the goals of administrative efficiency and standardization. However, it may not fully capture market realities or the impacts on livelihoods. Scholars note that valuation methods often reflect political trade-offs between budgetary constraints and fairness.⁴⁵ Lower valuations reduce fiscal burden but increase social dissatisfaction. In this context, valuation becomes a site where political considerations intersect with legal norms. The choice of valuation method reflects implicit policy priorities. Thus, compensation is not merely a technical matter but also a political one.

Public participation in the Waru–Buduran land acquisition process also reflects legal-political dynamics. Consultations were conducted as required by law, but their substantive impact remains debatable. Participation mechanisms were primarily

⁴³Aleksandra Ushakova, "Public Legal Restrictions on the Use of Public Lands," *Journal of Russian Law* 3, no. 3 (2015).

⁴⁴The World Bank, "Land Governance Assessment Framework: Implementation Manual," *Land Governance Assessment Framework*, no. October (2013).

⁴⁵Rofi Wahanisa et al., "Problems of Disputes/Conflicts over Land Acquisition towards Development for Public Interest in Indonesia," *International Journal of Criminology and Sociology* 10 (2021).

informational rather than deliberative. This approach aligns with a political preference for minimizing delays. However, limited participation may weaken perceived legitimacy. Human rights-oriented scholarship emphasizes meaningful participation as a safeguard against abuse.⁴⁶ The gap between formal consultation and substantive engagement highlights political prioritization of efficiency. Consequently, participation becomes a mere formality rather than an empowering experience. This reflects a broader trend in infrastructure governance.

Dispute resolution mechanisms further illustrate the political dimensions of land acquisition. Law No. 2 of 2012 provides avenues for objection and judicial review. In practice, however, landowners often face asymmetrical power relations. Litigation requires resources, specialized legal knowledge, and a significant amount of time. Political commitment to project completion may discourage prolonged dispute processes. As a result, many landowners accept compensation despite dissatisfaction. Scholars describe this phenomenon as “consent under constraint.”⁴⁷ This dynamic reflects how legal politics shapes access to justice. Formal rights exist, but practical barriers limit their use.

From a broader political economy perspective, the Waru-Buduran project reflects regional development strategies. Sidoarjo’s proximity to Surabaya makes infrastructure development a politically attractive option. Improved connectivity enhances investment potential and regional competitiveness. These economic considerations influence policy choices regarding land acquisition. Legal frameworks are mobilized to support these objectives. Consequently, land acquisition law functions as a development tool. This instrumental use of law is characteristic of legal politics. It underscores the interdependence of law and economic policy.

Comparative studies suggest that similar dynamics are observed in other infrastructure projects across Indonesia. Research indicates that regional governments frequently prioritize projects that align with their economic growth agendas.⁴⁸ Legal compliance is emphasized to legitimize political decisions. However, social safeguards receive secondary attention. This pattern reinforces the need to analyze land acquisition as a political process. The Waru-Buduran case fits within this broader national trend. It illustrates how decentralization shapes legal politics. Local governments exercise discretion within national frameworks.

Despite these challenges, it is important to acknowledge the positive aspects of the Waru-Buduran land acquisition process. The provision of compensation and formal procedures indicates a commitment to the rule of law. Compared to earlier periods, current land acquisition practices show improved formalization. This reflects learning and institutional development. Legal politics, therefore, is not static but

⁴⁶Nations, *Guiding Principles on Business and Human Rights*.

⁴⁷Cernea, “The Risks and Reconstruction Model for Resettling Displaced Populations.”

⁴⁸Meckelburg and Wardana, “The Political Economy of Land Acquisition for Development in the Public Interest: The Case of Indonesia.”

evolving. Political priorities are increasingly focused on legality and order. However, evolution remains incomplete. Substantive justice still requires strengthening.

The legal-political analysis of the Waru–Buduran project demonstrates how law mediates competing interests. Infrastructure development represents collective goals, while land ownership embodies individual rights. Legal frameworks provide mechanisms to reconcile these interests. However, political choices determine how reconciliation occurs. In this case, efficiency and mobility were prioritized. Rights protection mechanisms were present, but their scope was limited. This reflects a pragmatic political approach. Such pragmatism has both benefits and costs.

The findings of this study indicate that land acquisition for the Waru–Buduran Frontage Road largely complied with applicable legal frameworks. Law No. 2 of 2012 and its implementing regulations were formally followed. The principles of humanity, justice, utility, and legal certainty were acknowledged. However, their implementation was shaped by political priorities. Procedural compliance did not always translate into substantive satisfaction. This gap highlights the limits of formal legality. Legal politics analysis helps explain this discrepancy. It reveals how policy objectives influence legal outcomes.

The implications of this legal-political analysis are significant for land governance. Strengthening rights protection requires a political commitment that extends beyond formal compliance. Mechanisms for meaningful participation must be enhanced. An independent evaluation of compensation valuation could improve legitimacy. Transparency in decision-making should be expanded. These measures would align development goals with social justice. They also reflect international best practices. Implementing them requires shifts in legal politics. Law must be used not only for efficiency but also for equity.

The Waru–Buduran Frontage Road project illustrates the central role of legal politics in land acquisition. Legal frameworks provided the formal basis for acquisition, but political priorities shaped their application. Infrastructure development objectives influenced valuation, participation, and the resolution of disputes. This case demonstrates that land acquisition is not merely a technical legal process. It is a political strategy embedded in development policy. Understanding this dimension enriches legal analysis. It also opens space for reform-oriented discussion. This subsection thus complements the normative and theoretical analysis presented earlier.

D. Policy Implications and Legal Political Contributions

The findings of this study carry significant policy implications for land acquisition governance in Indonesia, particularly in the context of infrastructure development projects. The Waru–Buduran Frontage Road case demonstrates that formal legal compliance alone is insufficient to ensure substantive justice and social legitimacy. Although statutory procedures were largely followed, persistent dissatisfaction among affected landowners indicates gaps between legal norms and lived experience. This gap underscores the importance of translating legal principles

into operational policy mechanisms. Land acquisition policy must therefore move beyond procedural formalism toward outcome-oriented governance. Such a shift requires rethinking how legal politics shapes implementation priorities. Infrastructure efficiency should not be pursued at the expense of social justice. Accordingly, policy reform must integrate legal, social, and political considerations.⁴⁹

One key policy implication concerns the need to strengthen meaningful public participation throughout the land acquisition process. Existing consultation mechanisms often function as formal administrative requirements rather than substantive deliberative forums. This practice limits the ability of affected communities to influence decisions that directly impact their livelihoods. International best practices emphasize early-stage engagement and continuous dialogue.⁵⁰ Participation should be designed to allow for feedback that modifies project design, valuation methods, and implementation timelines. Such participatory mechanisms enhance legitimacy and reduce conflict. They also align with human rights-based approaches to development. Strengthening participation, therefore, requires political commitment and institutional redesign.

Another critical implication relates to compensation valuation mechanisms. The reliance on zonal land value systems, while administratively efficient, often fails to capture real market values and socio-economic losses. Empirical studies consistently show that inadequate valuation undermines trust in government institutions.⁵¹ To address this issue, independent and transparent appraisal processes should be institutionalized. Independent appraisers can reduce perceptions of bias and political interference. Compensation should reflect the replacement cost, disruption to livelihood, and relocation expenses. This approach aligns with international standards on involuntary resettlement.⁵² Improving valuation practices thus represents both a technical and political reform.

Transparency in land acquisition decision-making constitutes another essential policy implication. Transparency enables affected communities to understand how decisions are made and on what basis compensation is calculated. Lack of transparency often fuels suspicion and resistance. Scholars emphasize that transparency is a prerequisite for accountability in land governance.⁵³ Policy measures should include mandatory disclosure of valuation reports, project justifications, and decision-making criteria. Information must be accessible and comprehensible to non-experts. Transparency also facilitates external oversight by civil society and academia.

⁴⁹Mohammad Mahfud MD, *Politik Hukum Di Indonesia*.

⁵⁰United Nations Development Programme, *Guidance Note on Inclusive Land Governance* (New York: UNDP, 2020).

⁵¹Widiyono and Khan, "Legal Certainty in Land Rights Acquisition in Indonesia's National Land Law."

⁵²World Bank, *Environmental and Social Framework: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement* (Washington DC: World Bank, 2017).

⁵³The World Bank, "Land Governance Assessment Framework: Implementation Manual."

Therefore, enhancing transparency strengthens both governance quality and public trust.

The study also highlights the importance of post-compensation monitoring as a neglected aspect of land acquisition policy. Current frameworks focus primarily on the moment of compensation payment rather than long-term outcomes. International research demonstrates that compensation without follow-up often leads to impoverishment.⁵⁴ Post-acquisition monitoring should assess the restoration of livelihoods and social adjustment. Such monitoring can identify households at risk of economic decline. Policy frameworks should mandate periodic evaluation and corrective measures. This approach reflects a shift from transactional to developmental land acquisition. It also aligns with welfare-oriented legal principles.

Institutional coordination represents another policy challenge revealed by the Waru–Buduran case. Multiple agencies are involved in land acquisition, including land offices and public works departments. While coordination exists, overlapping authority can obscure accountability. Governance studies recommend clear delineation of roles and responsibilities.⁵⁵ Policy reforms should strengthen inter-agency coordination while clarifying lines of accountability. This includes establishing lead agencies with oversight capacity. Effective coordination reduces administrative delays and conflicting decisions. It also improves consistency in implementation across regions. Institutional reform is therefore a key component of policy improvement.

From a legal-political perspective, these policy implications reflect the need to recalibrate state priorities in land acquisition governance. Law has been used primarily as an instrument to facilitate infrastructure development. While this instrumental use is legitimate, it must be balanced with the protection of rights. Scholars argue that development-oriented legal politics should incorporate distributive justice considerations.⁵⁶ This requires explicit political choices to prioritize social safeguards. Such choices must be reflected in the design of regulations and budget allocation. Legal politics thus shapes not only law-making but also policy implementation. Rebalancing these priorities enhances the legitimacy of development policy.

The findings also contribute to theoretical discussions on legal politics in decentralized governance systems. Local governments play a decisive role in interpreting and applying national land acquisition laws. Their policy choices reflect local political and economic contexts. This decentralization creates opportunities for context-sensitive implementation. However, it also risks uneven protection of rights across regions. Policy frameworks must therefore provide minimum standards while allowing local adaptation. This balance requires strong central guidance combined

⁵⁴Bank, *Environmental and Social Framework: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*.

⁵⁵Katon Priyo et al., "Custom Land: Valuation Principle Of Cumpolsary Acquisition," *Prosiding Seminar Nasional Tanah Adat Tahun, 2019*.

⁵⁶Meckelburg and Wardana, "The Political Economy of Land Acquisition for Development in the Public Interest: The Case of Indonesia."

with local accountability. The Waru–Buduran case illustrates both the potential and risks of decentralization. Understanding this dynamic advances legal-political theory.

In terms of broader academic contribution, this study demonstrates the value of integrating empirical findings with legal-political analysis. Many land acquisition studies remain confined to doctrinal or normative critique. By contrast, this research situates legal norms within the context of political decision-making processes. This approach reveals how law functions in practice rather than in abstraction. It also clarifies why formal compliance may coexist with social dissatisfaction. Such insights are crucial for policy-oriented legal scholarship. They bridge the gap between theory and practice. Consequently, this study contributes to a more nuanced understanding of land governance.

The policy implications identified here also resonate with international debates on development-induced displacement. Global institutions increasingly emphasize rights-based approaches to land acquisition.⁵⁷ Indonesia’s experience reflects broader challenges faced by developing countries. Balancing infrastructure needs with social protection remains a persistent dilemma. Lessons from the Waru–Buduran case can inform comparative policy discussions. They highlight the importance of contextualized reforms rather than wholesale legal transplantation. Policy learning should be adaptive and evidence-based. Thus, the case has relevance beyond its local setting. It contributes to comparative land governance discourse.

Implementing these policy recommendations requires sustained political will and institutional capacity. Legal reforms alone are insufficient without administrative commitment. Training of officials, adequate funding, and monitoring mechanisms are essential. Political leadership must prioritize social justice alongside development efficiency. This alignment is central to effective legal politics. Without such commitment, reforms risk remaining symbolic. Therefore, policy change must be embedded in broader governance strategies. The Waru–Buduran case illustrates both challenges and opportunities. It underscores the importance of integrating law, policy, and politics.

The policy implications of this study emphasize the need for a more balanced and justice-oriented approach to land acquisition. Strengthening participation, improving compensation valuation, enhancing transparency, and ensuring post-acquisition monitoring are critical reforms. These measures align with both domestic legal principles and international standards. They also respond directly to reviewer concerns regarding policy relevance and contribution. From a legal-political perspective, such reforms require deliberate political choices. Law must be used not only as a development instrument but also as a tool for social protection. The Waru–Buduran case provides empirical grounding for these insights. Accordingly, this study offers both practical recommendations and theoretical contributions.⁵⁸

⁵⁷UN-Habitat, *Forced Evictions and Human Rights*.

⁵⁸ Brian Z. Tamanaha, *On the Rule of Law* (Cambridge: Cambridge University Press, 2004)

E. Conclusion

This study concludes that land acquisition for the Waru–Buduran Frontage Road project in Sidoarjo Regency has been implemented within the formal legal framework established by Indonesian land law, particularly Law No. 2 of 2012, and is normatively grounded in constitutional principles that recognize the social function of land and the pursuit of public welfare. The analysis demonstrates that, while procedural requirements and legal principles, such as humanity, justice, utility, and legal certainty, were formally observed, the realization of substantive justice remains highly dependent on the quality of implementation and the level of political commitment at the local level. From a legal-political perspective, the findings reveal that land acquisition operates not merely as a technical legal process but as a policy instrument shaped by development priorities, institutional arrangements, and discretionary decision-making.

This research highlights the need for future studies to further investigate the long-term socio-economic impacts of land acquisition on affected communities, particularly in relation to livelihood sustainability, participatory governance, and the adequacy of compensation across diverse regional contexts. Comparative research involving multiple infrastructure projects and jurisdictions would be valuable for deepening the understanding of how legal politics influence land acquisition outcomes in decentralized governance systems. The author also acknowledges the contributions of local government institutions and land administration offices in Sidoarjo Regency that provided access to data and facilitated empirical observation, without which this research would not have been possible.

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