

## Land Conflicts in Wadas: Perspectives from Islamic Law

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### Abstract

The Wadas case refers to a dispute over land that has arisen between a local community and the government in Wadas Village, Bener District, Purworejo, Central Java, as a direct outcome of a large-scale construction project. Since 2018, when an environmental permit was given by the governor stating that Wadas was included in the location of the impact of the construction of the Bener dam, the conflict has been ongoing. The governor's permit said that Wadas will be impacted by the construction of the dam. The construction of dam infrastructure brought up the conflict because locals were afraid that it would harm natural ecosystems and sources of livelihood in the area. After the apparatus launched oppressive activities, the disagreement escalated and became a national issue. This prompted NU and Muhammadiyah, the two largest community organizations in Indonesia, to take a stance on the matter. This investigation's objective is to ascertain the Islamic worldview with regard to the preservation of natural habitats and land in the context of wadas. The research method that was employed was looking through books in libraries, and the major data that was used was LBH Yogyakarta's findings from their investigation. The findings of the study lead one to the conclusion that the dispute over property in Wadas is not in line with the Islamic perspective on the importance of preserving the environment.

**Keywords:** Wadas, land conflict, nature and Islam.

### Abstract

*Kasus Wadas mengacu pada sengketa tanah yang timbul antara masyarakat setempat dengan pemerintah di Desa Wadas, Kabupaten Bener, Purworejo, Jawa Tengah, sebagai akibat langsung dari proyek konstruksi skala besar. Sejak 2018, saat izin lingkungan diberikan gubernur yang menyatakan bahwa Wadas masuk dalam lokasi dampak pembangunan bendungan Bener, konflik terus berlangsung. Di dalam izin yang dikeluarkan oleh Gubernur Jawa Tengah Ganjar Pranowo menyebutkan, Wadas akan terkena dampak pembangunan bendungan tersebut. Pembangunan infrastruktur bendungan memunculkan konflik karena warga khawatir akan merusak ekosistem alam*



dan sumber penghidupan di daerah tersebut. Setelah aparat melancarkan aktivitas penindasan, ketidaksepakatan meningkat dan menjadi isu nasional. Hal itu mendorong NU dan Muhammadiyah, dua ormas terbesar di Indonesia, mengambil sikap soal itu. Tujuan investigasi ini adalah untuk mengetahui pandangan Islam tentang pelestarian habitat alam dan lahan dalam konteks wadas. Metode penelitian yang digunakan adalah mencari melalui buku-buku di perpustakaan, dan data utama yang digunakan adalah temuan-temuan LBH Yogyakarta dari penyelidikan mereka. Temuan penelitian ini membawa pada kesimpulan bahwa sengketa harta benda di Wadas tidak sejalan dengan perspektif Islam tentang pentingnya menjaga kelestarian lingkungan.

**Keywords:** *Wadas, konflik lahan, alam dan Islam*

## INTRODUCTION

The rapid pace of industrialization and the construction of infrastructure frequently yield adverse effects on society. Negative impacts can arise from environmental damage, soil degradation, and the loss of livelihoods. Environmental damage can manifest in the occurrence of floods caused by clogged waterways, as was witnessed in Kadu Village, Curug Sub-district, Tangerang Regency, in February 2021. This flood is considered the most severe since 2007 (*Sebut Banjir Dampak Pembangunan Tol, Warga Kadu Siap Tuntut Pengembang - Suara Banten*, n.d.). Tensions frequently emerge within communities affected by construction policies, encompassing economic challenges experienced by local residents, the loss of land ownership and livelihoods. This is particularly significant in Indonesia, in which a majority of the population relies on land for their livelihoods and economic activities (Kapital et al., 2022). On the other hand, The construction of infrastructure is an integral part of efforts towards a progressive nation, fostering a just, prosperous, and well-off society.

The on-going conflict between the common people and the ruling elite is an ironic predicament that has persisted for an extended period. Throughout the history of capitalist societies, the bourgeoisie has often been associated with offering meagre wages to labourers in exchange for their work in cultivating their land. There has been no significant shift in this regard, despite the transformation of capitalists into modern capitalists. Modern capitalism is closely associated with the concept of industry, wherein the proletariat invests their capital into industries, while simultaneously assuming the role of industrial labourers who often receive comparatively low wages (Jones et al., 2016). In Marxist theory, inequality and disparity leading to conflict are central topics. Conflict arises when one party attempts to harm or destroy another party.

Numerous studies have been carried out focusing on conflicts within communities affected by projects. For example, the research conducted by Ahmad Sopianudin on land conflicts was affected by the construction of Kulon Progo International Airport. The findings of this study indicate that the phenomenon of land use conversion in the Temon area, Kulon-Progo Regency, due to the implementation of a new airport construction policy, has led to several social consequences. These factors encompass the transformation of

agricultural land into an airport, the loss of agricultural land as a source of livelihood for the surrounding community, the emergence of pro and contra viewpoints within the community, and the occurrence of social conflicts. One of the conflicts that have emerged involves both internal disagreements within the local community and tensions between the community and the local government of Kulon Progo. This conflict can be categorized as horizontal conflict, characterized by differing perspectives and arguments within the community, as well as vertical conflict, where the community expresses opposition towards the local government. The opposing community is organized under the group Wahana Tri Tunggal. The opposition from the community arises due to concerns about the potential loss of agricultural land, which serves as the main source of livelihood for both land-owning farmers and agricultural laborers. Meanwhile, the pro-community primarily consists of landowners and cultivators. The pro-airport expansion has presented a number of demands, which encompass land compensation and PAG land compensation, labor issues, and cost-free relocation (Universitas Negeri Yogyakarta, 2016).

Another research by Hasbi Hassan's focuses on the construction of the Batang Semarang toll road. This research aims to explore the conflict management strategies employed by the government in resolving land issues affected by the Batang Semarang toll road project. The construction of the Batang-Semarang toll road, spanning 74.5 kilometers, is widely recognized as one of the Trans Java toll road initiatives implemented during the tenure of President Joko Widodo. In the Batang-Semarang toll road project, there are 598 land plots owned by the local community who have declined to purchase the toll road project. However, through increased proactive efforts and a better understanding of the community, as well as enhanced transparency with the public about the prices determined by the Appraisal team, conflicts within community have been successfully minimized. (Hassan, 2018). The Wadas case is the latest case of a legal dispute arising from the construction of infrastructure. The Wadas case emerged from the construction project of the Bener Dam, which is part of the 2018 national infrastructure acceleration program overseen by the Ministry of Public Works and People's Housing (*Bener Dam - KPPIP*, n.d.). The mega project of Bener Dam is located in the Purworejo regency of the Central Java province. The proposed project aims to have a total capacity of 100.94 cubic meters, which will be capable of irrigating an area spanning 15,069 hectares, reducing flood discharge by 210 cubic meters per second, providing raw water supply of 1.60 cubic meters per second, and generating 6.00 megawatts of electricity (*Bener Dam - KPPIP*, n.d.).

The Wadas conflict began when, for the implementation of a project, andesite stones were obtained from the lands of Wadas Village accordance with the decree issue by the Governor of Central Java. Residents in the Wadas village are expressing their rejection due to concerns about the potential damage to the local natural ecosystem. The Wadas community perceives all the procedures occurring in Wadas, including the Environmental Impact Assessment (EIA) process and the granting of Location Permits (LP), as legally deficient (Yogyakarta, 2022). The Wadas conflict has also led to the involvement of two

prominent Islamic organizations, Nahdlatul Ulama and Muhammadiyah, to take a stance. The stance of the two largest organizations emerged following the repressive actions of the police towards the residents of Wadas Village. The statement released by Muhammadiyah on February 8, 2022 explicitly condemns the repressive actions of the police, while NU, through a statement released on February 9, 2022, supports a humanistic and humanitarian approach, upholding the principle of consensus through deliberation (PBNU Keluarkan 5 Poin Pernyataan Sikap Terkait Konflik Wadas, n.d. ). In the case of Wadas, a phenomenon arises where underprivileged communities face challenges in safeguarding their land and forests as vital sources of economic sustenance. The Wadas community sustains their livelihood by engaging in agriculture and utilizing the resources of the surrounding forests. Nevertheless, their tranquility is being disrupted by the plan to establish a quarry for andesite stones, which would be utilized as construction materials for infrastructure projects (Yogyakarta, 2022).

This article aims to analyze the phenomenon of land cases affected by the construction of infrastructure projects from the perspective of Islamic teachings. Islam is the most widely practiced religion among Indonesia population. The teachings of Islam, derived from the holy book of the Quran, extensively address the topic of the environment, as seen in Surah Ar-Rum, verse 41, which describes the destruction of the environment on Earth. The study of nature and its management procedures is also examined in a separate sub-chapter within the literature of Islamic jurisprudence (fiqh/Islamic law). This can be observed in the chapter titled "Ihya al-Mawat" (the procedure for regulating ownerless land), as authored by Syamsuddin Muhammad bin Ahmad Asy-Syarbini Al-Khatib (d. 977 H). Syamsuddin Muhammad bin Asy-Syarbini strives to address societal phenomena that require answers with a religious basis, including issues related to nature, such as the proper use of water, the government's role in managing water and land issues, and the safeguarding of mineral resources (Bujairomi, 2007). By utilizing the study of fiqh and Islamic law, it is hoped that there will be awareness among stakeholders and the community to collectively manage the environment by considering the positive and negative impacts it produces.

## DISCUSSION

### Islam and the Defence of the Proletariat

Islam is a religion that upholds justice and advocates for the rights of the underprivileged or proletariat. The terms "weaker class" and "proletariat" are often mentioned in the Quran. The Qur'an uses several terms to describe the proletariat, including *mustadz'afin* (المُسْتَضْعَفِينَ), *roqobah* (رَقَبَة), and *ibad* (عِبَاد). *Mustadz'afin*, according to the rules of the Arabic language, is derived from the word **ضعف** which means weak. It is subsequently combined with the letters *alif*, *sin*, and *ta`* to form *istadz'afa* and *mustadz'afin*. The transformation into *istadz'afa* represents the expression of weakness (*lil wujudan 'ala as sifat*), referring to individuals who possess physically weak. The classification of the underprivileged is determined by their physical condition

rather than their gender. *Mustadz'afin* is defined as a lower caste community within a society. The issue of liberation and support for the oppressed is explicitly mentioned word for word in the Quran, specifically in verse 75 of Surah An-Nisa. The term *Mustadz'afin* mentioned in Surah An-Nisa, verse 75, refers to the oppressed and suffering residents of Makkah. The suffering of the Makah experts is as they find themselves in a marginalized position with limited access to any form of power. In time of despair, prayer becomes the only weapon to seek justice and divine assistance in the given situation. God granted this request through the event of the conquest of Mecca. True independence was attained when Makah ruled over Atab ibn Usayyib (Abu Muhammad Al Husen Ibnu Mas'ud Al B, 1997).

Quraish Shihab, a contemporary *mufassir*, provides an interpretation of the term "*mustadz'afin*," which literally means "the weak" in the sense of those who are considered powerless within society, reaching a point of extreme powerlessness, as indicated by the addition of the letters *ta* and *sin*. There are also interpretations that propose that the *mustadz'afin* are not only considered powerless but they are actually disempowered. Human powerlessness can occur due to systems, impacting individuals at any time, wherever they may be, regardless of the name of the disempowering system. The understanding of general sentence structure is not confined to its original context, but extends to encompass anyone and anywhere. This verse also emphasizes the obligation to fight for the defense of the weak and oppressed, particularly those who have resided in close proximity geographically (Shihab, n.d.). In his further comments, Quraish Shihab further explains that within human beings, there is an instinct to defend respected possessions, such as family, honor, home, and more. This aligns with the inherent nature of humanity. However, a defense can only be considered praiseworthy if it is founded on principle of rights and for the sake of truth. It can also be deemed reprehensible if it leads to a life of misery, violates human rights, and propagates falsehood (Shihab, n.d.)

Prophet Muhammad, on several occasions during the Isha prayer, after the final *raka'ah* and following the bowing position (*rukuk*), also recited a supplication known as Qunut Nazilah. This supplication consisted of a plea for the protection and defence of the oppressed. With the wording:

اللَّهُمَّ أَنْجِ عِيَاشَ بْنَ أَبِي رَبِيعَةَ اللَّهُمَّ أَنْجِ الْوَلِيدَ اللَّهُمَّ أَنْجِ سَلْمَةَ بْنَ هِشَامٍ اللَّهُمَّ أَنْجِ  
المستضعفين من المؤمنين اللهم اشدّد وطأتك على مضر، اللهم اجعلها سنين كسني يوسف

(Abu Muhammad Al Husen Ibnu Mas'ud Al B, 1997).

“Oh Allah, Save 'Iyas ibn Abi Robi'ah, Oh Allah, Save Al Walid Oh God, Save Salamah bin Hisyam, Oh God, save the weak communities among the believers. Oh God, may you bring tension upon those who cause harm or injustice. Oh God, make the years that follow resemble the years of Prophet Yusuf.”

The *Qunut* prayer proves that Muhammad's mission to eradicate oppression on Earth did not come to an end. Muhammad endeavored to establish a society that promotes equality, respecting the dignity and value of every individual through various means, including physical efforts through diplomacy and spiritual endeavors through prayers in ceremonies. *Qunut nazilah* is a prayer recited during times of severe situation or state of emergency. The addition of the words "save the weak believers" in the supplication of *Qunut* highlights the urgency of aiding *mustadz`afin* in the present time. The concepts of *Roqobah* and *Ibad* or *Abd* also receive serious attention in Islam. In classical times, *Roqobah* and *ibad* were individuals who did not have the right to freedom or were considered slaves. *Roqobah* is a term used to refer to extremely low-class female slaves who serve their masters without receiving any payment. *Ibad* or *abd* is a male slave. The child at that time was only working, without receiving any wages.

Meanwhile, efforts to liberate enslaved women can be found in Surah An-Nisa, verse 92, and Al-Mujadilah, verse 3. Sanctions for unintentional murder and sanctions for invoking the oath of *dzihar* (comparing a wife to a woman who are forbidden to marry) all include the option of emancipating a female slave as an alternative penalty (*diyat*) (Muhajir, 2020). The sanction of emancipating slaves is an Islamic approach aimed to eradicate the system of slavery that was prevalent in that era. Prophet Muhammad is known to have emancipated slaves on multiple times, a notable instance being Bilal bin Rab`ah, as mentioned in numerous hadiths. The Prophet also made promises and rewards for those who emancipated slaves, one of which is narrated in a hadith by Ibn Majah:

حَدَّثَنَا أَبُو كُرَيْبٍ حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ عَنْ عَمْرِو بْنِ مَرْثَةَ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ عَنْ شُرْحَبِيلِ بْنِ السَّمِطِ قَالَ قُلْتُ لِكَعْبِ يَا كَعْبُ بْنُ مَرْثَةَ حَدَّثَنَا عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَاحْتَدَرَ قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ مَنْ أَعْتَقَ امْرَأً مُسْلِمًا كَانَ فِكَاهَهُ مِنَ النَّارِ يُجْزَى كُلُّ عَظْمٍ مِنْهُ بِكُلِّ عَظْمٍ مِنْهُ وَمَنْ أَعْتَقَ امْرَأَتَيْنِ مُسْلِمَتَيْنِ كَانَتْمَا فِكَاهَهُ مِنَ النَّارِ يُجْزَى بِكُلِّ عَظْمَيْنِ مِنْهُمَا عَظْمٌ مِنْهُ

The meaning: "It has been narrated to us [Abu Kuraib], it has been narrated to us [Abu Mu'awiyah] from [Al 'Amasy] from [Amru bin Murrah] from [Salim bin Abul Ja'd] from [Syurahbil bin As Simth], he said; "I said to [Ka'b], 'O Ka'b bin Murrah! Tell us about the Prophet Muhammad, peace be upon him, and be cautious. Syurahbil stated, "I heard the Prophet Muhammad, peace be upon him, saying: 'Whoever emancipates a Muslim slave, then he becomes free from the fire of Hell.' Every bone and joint of the servant will give a reward for their actions toward that individual. And whoever emancipates two enslaved Muslim women, and then both of them will be able to free him from the fire of Hell. Each bone from both of them will reciprocate the good deeds of that individual."

## Islam and Environmental Conservation

Land in Islamic studies is considered a prioritized aspect. In the holy book of the Quran the word "ardhu" is mentioned 446 times. Humans live on Earth and even become *khalifah fi al-ardz* (stewards of the earth). Directly, the earth, along with its elements, serves as the main medium for sustaining life, as mentioned in verse 15 of Surah Al-Mulk. The verse clearly explains that the earth serves as a means of human life and should be cared for. However, within the realm of fiqh the issues related to land and the environment have only been addressed in specific chapters. For example, environmental issues such as water, land, and natural resources are discussed in the chapters on *taharah* (purification) and *ihya'al mawat* (the preservation of land). In the chapter of *taharah*, there is a moral lesson is conveyed through a prohibition against urinating and defecating in stagnant water or beneath fruit trees. Although the prohibition is not strictly forbidden, it is generally regarded *makruh* or merely advised through the wording of *ijtana*. This is primarily due to concerns of water damage or the potential damage to trees. However, it is a significant breakthrough in the environmental conservation, clean water, and maintaining the quality of fruits produced by trees (Bujairomi, 2007).

*Ihya' al mawat* is a possible study of fiqh that, in written form, serves as a codification of land ownership and the utilization of its resources. The concept of *Ihya' al mawat* has been present since the time of the Prophet, as evidenced by numerous hadiths that explain the issue of *Ihya' al mawat*, such as the narration of Bukhari 2167.

حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ حَدَّثَنَا اللَّيْثُ عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ عُرْوَةَ  
عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ أَعْمَرَ أَرْضًا لَيْسَتْ لِأَحَدٍ فَهُوَ  
أَحَقُّ قَالَ عُرْوَةُ قَضَى بِهِ عُمَرُ رَضِيَ اللَّهُ عَنْهُ فِي خِلَافَتِهِ

The meaning: It has been narrated to us [Yahya bin Bukair] it has been narrated to us [Al Laits] from [Ubaidullah bin Abi Ja'far] from [Muhammad bin 'Abdurrahman] from [Urwah] from [Aisyah radiallahu 'anha] from the Prophet shallallahu 'alaihi wasallam, who said: "Whoever utilizes land that has no owner (unclaimed land), then that person is the most authority over it." Urwah stated that Umar, may Allah be pleased with him, implemented it during his caliphate.

*Ihya' al mawat* is an effort to enliven or utilize unowned lands. "*Ihya al mawat*" translates to revitalizing the land for agricultural purposes, plantations, or residential constructing. Afifuddin Muhajir, Fath Mujib al Qorib (Situbondo: Ibrahimy Pers, 2020). In the literary work "*Ihya al-Mawat*," there are conditions for ownership that must be fulfilled. Firstly, the *muhyi* (landowner) must be a Muslim if the land is located in a Muslim country. There is no need for permission from the local ruler unless the land is

required for national interests, such as security purposes. Secondly, it is imperative that the land must truly have no existing owner. Muhajir.

In addition to the requirements of ownership and land conditions, the land management process also receives significant attention in the study of *ihya'*. There are two crucial factors in land management and utilization, including *'adah* (العادة) or local customs and the availability of water resources. The approach to land management differs from one place to another. The characteristic of *'adah* in land management is "the manager provides land according to their needs". One instance of a customary practice in land management is the requirement for all essential components of a house to be fulfilled when the land is utilized for housing purposes (Bujairomi, 2007). The principle of *'adah* aims to restrict the excessive utilization of land, discouraging its use for non-essential purposes.

Water availability is a crucial aspect of land management. Access to clean and reliable water is an essential requirement that must be ensured both presently and in the future. Water availability is of utmost importance due to its status as the fundamental source of life. The absence of water can lead to the occurrence of disasters (Bujairomi, 2007). The management of land is expected to involve planting vegetation around springs to ensure the sustainability of life.

In Islamic tradition, the elements of water, trees, and fire are regarded as resources that should not be controlled exclusively by any individual or group, including those in positions of leadership. Bujairomi, Bujairomi 'ala Al Khotib. These three elements are sources of livelihood hence they are all social in nature and should be accessible to all members of a community residing in a particular area. The hadith narrated by Sahih Ibn Majah that serves as the basis for the establishment of this law.

حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ يَزِيدَ حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزِّنَادِ عَنِ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ ثَلَاثٌ لَا يُمْتَنَعَنَّ الْمَاءُ وَالْكَأُ وَالنَّارُ

The meaning: It has been narrated to us [Muhammad bin Abdullah bin Yazid] it has been narrated to us [Sufyan] from [Abu Az Zinad] from [Al A'raj] from [Abu Hurairah] that Rasulullah (peace be upon him) said: "Three things should not be monopolized: water, grass, and fire."

Besides water, the issue of mineral resources (referred to as "*ma'dan*" in fiqh literature) also receives attention in the study of *ihya' mawat*. *Ma'dan* is one of the land commodities that have high economic value. The management of *ma'dan*, according to Syamsuddin Muhammad bin Ahmad Asy Syarbini al Khatib, is the right of the landowner where the *ma'dan* is located. However, Syamsuddin Muhammad bin Ahmad Asy Syarbini al Khatib also provides limitations on the use of *ma'dan* for its owners, which is the prohibition of utilizing the main resources of *ma'dan*, such as mining materials (*al buq'ah*). *Al Buq'ah* is a geographical feature that consists of a land formation



containing water, mineral resources, or other valuable land assets. The prohibition of destruction in *al buq'ah* is due to its negative potential environmental impact.

The utilization of land is something that is essential, fundamental, and crucial for life. According to Jaser Audah, human needs are divided into three categories: *ad daruriyat* (necessities), *al hajiyyat* (needs), and *at tahsiniyah* (luxuries). *Ad darury* is a must, essential thing for human life. *Ad daruriyat* are the targets behind Allah's law. The concept of "*ad daruri*" can be divided into five aspects: *hifz ad addin* (maintaining religion), *hifz a nafs* (maintaining life), *hifz al mal* (maintaining wealth), *hifz al aqli* (maintaining intellect), and *hifz a nasl* (maintaining lineage). *Al-Hajiyyat* (needs) is dimensions of human life that are not necessities. *Al-Hajiyyat* serves as shields and protectors for *ad-Doruri*. *At tahsiniyyah* (luxuries) is all about enhancing one's life with extravagant elements (Audah, 2013).

On the Earth's surface, there exist vital sources of life and sustenance that are crucial for humanity. Trees are a vital resource for humans as they grow from the ground, offering essential sustenance, medicinal properties, and a variety of fruits throughout the year. Oxygen, being an essential life-sustaining element, can be generated by trees. It is not incorrect to assert that safeguarding land is among the objectives of religion.

## The Wadas Village Mining Project

### 1. Chronology of the Wadas Incident according to LBH Yogyakarta's data

According to data released by the Legal Aid Institute of Yogyakarta as the legal representative of the Wadas community, the chronology of the Wadas incident began on March 8, 2018, when the Governor issued an Environmental Permit. In the Environmental Permit, the village of Wadas is listed as one of the villages affected by the construction of the Bener Dam. Since the beginning, the Wadas community has never been involved in the process of drafting the Environmental Document, which includes receiving criticism, suggestions, and opinions from the community (Yogyakarta, 2022).

The incident continued on March 27, 2018, when the Serayu Opak River Basin Authority (*Badan Pengelolaan Sumber Daya Air - Sungai Ogan/BBWS-SO*) held a land acquisition procedure socialization at Wadas Village Hall. During this socialization, the majority of the topics discussed revolve around providing an explanation of the Benner dam construction plan, rather than specifically explaining the plan for andesite mining. However, it should be noted that land clearance in Wadas Village will also be undertaken for the construction of the Benner Dam. Residents stage a walkout from the forum as a means of expressing the protest (Yogyakarta, 2022).

Due to the initial rejection by the residents during the first socialization, a mediation forum was convened between BBWS-SO and the residents was held again

ten days later. However, the residents of Wadas Village continue to reject the mediation of the mining plan. Despite encountering rejection from residents during mediation, BBWS-SO went ahead with its public consultation agenda for land acquisition on April 26, 2018. The implementation of Public Consultation only involves the gathering and verifying the names of residents who might be affected and is far from resembling a discussion between the residents and BBWS-SO. In this forum, residents keep going to express their disagreement with the mining plan in Wadas. The BBWS-SO promises to follow up on residents' rejection. Referring to Law No. 2 of 2012 on Land Procurement, if there is a contrast among residents during a public consultation, the governor ought to establish a team to assess residents' objections and rejections (Yogyakarta, 2022).

Ignoring public rejection of the mining plan, on June 7, 2018, the Governor of Central Java issued Governor's Decree No. 590/41 of 2018 concerning Approving the Determination of Land Procurement Locations for the Construction of Bener Dam in Purworejo Regency and Wonosobo Regency, Central Java Province, for a period of 2 (two) years. The areas mentioned in the SK as the Bener dam area encompasses several villages including Nglaris, Limbangan, Guntur, Kemiri, Bener, Burat, Gadingrejo, Bener, Karang Sari, Kedungloteng, and Wadas. In this case, Wadas has been designated as the location for andesite mining to supply raw materials for the Bener Dam. Recently, it has been revealed that the attendance register signature during the public consultation forum held on April 26, 2018, was utilized by BBWS-SO as a consent form from residents regarding the land acquisition and mining plan in Wadas (Yogyakarta, 2022).

On June 5, 2020, the Decree of the Governor of Central Java Number 590/41 of 2018 came to an end. In response, the Governor of Central Java issued the Decree of the Governor of Central Java Number 539/29 of 2020 Regarding the Extension of the Determination of Land Procurement Locations for the Construction of Bener Dam in Purworejo Regency and Wonosobo Regency, Central Java Province within a period of 1 (one) year. On October 24, 2020, residents of Wadas came to the office of BBWS-SO as an expression of protest against the announcement made by the Governor of Central Java, Number 539/29 Year 2020. This protest also signifies the dissatisfaction of the residents towards the government and BBWS-SO for disregarding their rejection of the mining plan in Wadas Village (Yogyakarta, 2022).

Due to a perceived legal anomaly, residents of Wadas, along with the Legal Aid Institute of Yogyakarta, have reported the Governor of Central Java to the Indonesian Ombudsman. The report alleges smuggling of the law in relation to the issuance of the Governor's Decree on the Extension of the Permit for the Determination of the Bener Dam Location. Protests were taken out by several representatives of Wadas residents through a demonstration by sending a letter of

rejection and protest to the Purworejo Land Office regarding the planned inventory and identification of subjects and objects of land procurement in Wadas Village on February 11, 2021. The subsequent action was taken by the representatives of the women of Wadas, who held an audience with the Chief of Police of Purworejo on March 4, 2021. The audience is intended for the Purworejo Police Resortis urged to maintain a neutral stance and avoid resorting violent actions against citizens who are advocating for the preservation and environmental conservation in Wadas Village (Yogyakarta, 2022).

The actions and protests continued on April 8, 2021, when several representatives of the citizens held an audience with BBWS-SO. This audience is intended to emphasize the residents' rejection and remind BBWS-SO to stop the land acquisition process in Wadas Village. In this forum, BBWS-SO promises to seriously consider the objections and concerns of residents (Yogyakarta, 2022).

On April 23, 2021, BBWS-SO planned to socialize the installation of boundary markers in Wadas Village. The plan for socialization was rejected by the residents who crowded the entrance of Wadas Village while praying and reciting *Salawat*. Around 11:00 AM local time, hundreds of fully armed police officers arrived in Wadas. Citizens then attempted to ward off the police by sitting in prayer and reciting prayers to the prophet. However, the police instead resorted to shooting, hitting, kicking, and pushing the individuals sitting in the front rows, particularly women. Several citizens are trying to assist the women being handled by the police. Amidst the turmoil, the police repeatedly fired tear gas, causing residents to scatter in order to avoid the tear gas blasts (Yogyakarta, 2022).

Around 12.00 PM local time, 8 residents, 2 lawyers, and 1 solidarity activist from Wadas were arrested and subjected to repressive actions by the police. The 11 individuals who were arrested were taken to the Purworejo Police Station. On the way to the Purworejo Police Station, several residents once again experienced acts of violence. In Purworejo Police Station, 11 individuals were compelled to delete photos and videos depicting police violence from their mobile phones. Around 14:30 WIB, accompanied by several lawyers from the Legal Aid Institute of Yogyakarta, the 11 individuals who were arrested were finally released. As a result, residents of Wadas have reported the repressive actions carried out by the Purworejo Regional Police to the Central Java Regional Police. However, there has been no follow-up from the Central Java Police regarding the report (Yogyakarta, 2022).

Before the expiration of the Bener Dam Location Permit (IPL) extension, which will end on June 5, 2021, several representatives of Wadas residents submitted a letter of rejection. Subsequently, a petition was filed, which was signed by over 18,000 people on June 3, 2021. However, on June 7, 2021, the Governor of Central Java issued Governor's Decree Number 590/20 of 2021 regarding the Renewal of the Determination of Land Procurement Locations for the Construction

of Bener Dam in Purworejo Regency and Wonosobo Regency, Central Java Province, for a period of 2 (two) years. In a form of protest against the issuance of Decree No. 590/20/2021, on July 15, 2021, residents of Wadas, together with the Coalition of Lawyers for Justice GEMPADEWA, filed a lawsuit against the Governor of Central Java's Decree No. 590/20/2021 at the Semarang District Court under case number 68/G/PU/2021/PTUN.SMG (Yogyakarta, 2022).

As citizens continue to file lawsuits with the Administrative Court in Semarang, throughout the entire month of July 2021, the Purworejo Land Office, accompanied by police officers, has conducted two illegal crop measurement and calculation operations on residents' land. The aforementioned operations occurred on July 15th and July 21st, 2021. The land measurement was unsuccessful due to being rejected by residents through a blockade action. Afterwards the rejection, between July and August 2021, six residents of Wadas were called upon by the Purworejo Police Resort to provide statements regarding the incident of land measurement rejection. Three individuals were called on July 26, while the other three were called on August 4, 2021. The reason behind the calls is primarily due to the fact that individuals were found carrying weapons during the period of blockade. Although it is generally known that residents always carry sharp weapons while engaging in gardening activities. Furthermore, the residents are deemed to have posed a threat to the land survey officers (Yogyakarta, 2022).

On August 30, 2021, the Semarang State Administrative Court issued a verdict rejecting the request of Wadas residents. On September 14, 2021, residents of Wadas and the Coalition of Advocates for Justice GEMPADEWA filed an appeal against the ruling of the Semarang Administrative Court. In addition to the appeal, on September 16, 2021, residents of Wadas filed a complaint alleging human rights violations in the form of repressive actions by the police, terror, and intimidation against the residents, to the National Commission on Human Rights (*Komnas HAM*) (Yogyakarta, 2022).

Since September 20, 2021, the police have been coming to Wadas Village almost every day. There are indications that the police aim to terrorize and intimidate citizens. Several police officers carried long-barreled weapons and arrogantly displayed them in front of a crowd. The reasons vary from patrols, distribution of masks, and distribution of basic necessities, to home visits to residents. However, the police force was unable to prove the completeness of patrol administration including patrol work schedules, patrol schedules and plans, patrol assignments, patrol duty letters, firearm possession permits, and other patrol administrative requirements as stipulated in the Indonesian National Police Regulation Number 1 of 2017 concerning Patrols (Yogyakarta, 2022).

On January 6, 2022, hundreds of residents of Wadas staged a demonstration in front of the Purworejo Land Office and the BBWS-SO Office. This

demonstration is a response to the land acquisition implementation team's plan to conduct survey of the land and estimate the potential for plant growth in the mining area. The residents held a meeting with the BBWS-SO, but it was unsuccessful, and the BBWS-SO decided to terminate the meeting (Yogyakarta, 2022).

On January 15, 2022, several residents of Wadas received threats via WhatsApp messages from an individual claiming to be an intelligence officer from the Central Java Regional Police. The essence of the message states that individuals who obstruct security personnel and land acquisition officers in carrying out their duties will be apprehended. There are also posters with the logo of the Central Java Regional Police that have been installed in several locations in Wadas Village. These posters contain several articles of the Indonesian Penal Code (KUHP) that will be applied to the residents of Wadas who attempt to protect their land from the planned land survey and measurement by the team (Yogyakarta, 2022).

On February 7, 2022, residents received news that there would be a land measurement process, which would be closely guarded by units of the Indonesian National Armed Forces (TNI), the Police, and the Public Order Agency (Satpol-PP). On February 8, 2022, at 10:00 AM, a joint force of authorities arrived in Wadas Village. Residents witnessed hundreds of combined forces and unidentified individuals in civilian attire (thugs) heading toward Wadas Village. In response to the gathering of citizens conducting istighosah (supplication) to Allah at Krajan Mosque in Wadas Village, authorities soon arrived and began arresting and assaulting the citizens who were engaged in istighosah. A total of 65 citizens, including legal representatives and solidarity networks supporting the struggle of Wadas residents, have been taken by the police (Yogyakarta, 2022).

## **2. Violations in the Wadas Case according to LBH of Yogyakarta**

Based on the data and chronology of the case, there are several indications of violations committed in the land acquisition process.

- a. The Land Procurement Plan in Wadas Village has been manipulated since the beginning.

The issue of manipulation arises due to the fact that residents of Wadas have been rejecting the plan for Andesite Stone mining for the construction materials supply of Bener Dam since the early stages of public socialization and consultation. In addition to expressing their rejection directly during socialization forums and public consultations, residents have also submitted numerous letters of objection to the mining plan in Wadas to BBWS-SO and the Governor of Central Java (Yogyakarta, 2022).

In accordance with Article 20 of Law Number 2 of 2012 concerning Land Procurement for Construction for Public Interest, in the legal framework, if

there are parties who object to the land acquisition plan during a public consultation, another phase of public consultation must be accomplished. Furthermore, if the second phase of public consultation also reaches a deadlock, in accordance with Article 21 of Law Number 2 of 2012, it stipulates that the governor should conduct an investigation into the objections raised by residents at the project area. After the assessment conducted by the governor, there is still rejection and objection to utilizing the land, the agency in need of the land should propose an alternative location for the construction. However, according to the LBH of Yogyakarta, in the dispute over the issues in Wadas, the Governor of Central Java and BBWS-SO have never conducted a public consultation and assessment regarding the residents' objections and concerns regarding the land acquisition plan. That happened instead of the Governor of Central Java engaged in manipulation and violated the law by granting a Location Determination Permit for the Bener Dam, despite the resident's rejection and objections (Yogyakarta, 2022).

The next issue of manipulation raised by the LBH of Yogyakarta pertains to data on Environmental Impact Assessment (EIA/AMDAL). According to LBH Yogyakarta's record, the Environmental Impact Analysis (EIA) document for the Bener Dam Construction, in Chapter II, page 191, point 6 regarding the Community Response to the Quarry Area plan, it is mentioned that 86.05% of the community expressed willingness to have their land used for Andesite Mining purposes. The remaining individuals were unwilling (0%), did not respond (4.65%), and were unable to answer (9.30%) (Yogyakarta, 2022).

The statement in the EIA document is deemed inconsistent with the existing reality, as stated by the LBH Yogyakarta during a public consultation and socialization forum on land acquisition. All residents of Wadas have rejected the mining activity (Yogyakarta, 2022).

b. Mining is not Development for the Public Interest.

The construction plan of Bener Dam, located in Wadas Village, is set to be transformed into a mining area for Andesite Stone in order to supply the construction materials needed for the Bener Dam project. However, the mining activities planned to be carried out in Wadas Village are included in the Determination of the Bener Dam Location Permit through the Governor's Decree, which has undergone several extensions, specifically Governor of Central Java Decree Number 590/41 of 2018, Governor of Central Java Decree Number 539/29 of 2020, and Governor of Central Java Decree Number 590/20 of 2021 (Yogyakarta, 2022).

In the aforementioned regulation, Wadas is included in the location for the construction of the dam, not the location for the procurement of dam

materials. However, in reality, Wadas is projected as a location for andesite stone mining, merely as a material extraction site for the dam construction project, and will be abandoned once the dam project is completed. If Wadas is the subject of material extraction and mining activities, the applicable law should be Law Number 4 of 2009 concerning Mineral and Coal Mining and Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, as well as its implementing regulations, rather than Law Number 2 of 2012 concerning Land Procurement for Construction for Public Interest (Yogyakarta, 2022).

c. Threats of Environmental Damage due to Mining.

The issue of the Wadas mining plan continues remains to be a subject of debate and resistance among local residents. Environmental impact, pollution, and economic consequences will arise as residents lose their sources of livelihood. The extraction of quarry materials in Wadas Village is being portrayed by the concerned parties as a concept that strongly favors the interests of the local community. The excavation of materials for the construction of the Bener Dam will involve the process of land acquisition. The Bener Dam is also included in the National Strategic Project (NSP). This project is focused on enhancing the economy and promoting equitable construction in Indonesia. The Bener Dam is projected to have a capacity of 1500 liters per second and will be divided into three locations to supply water. Firstly, a supply of 300 liters per second is provided to Kebumen. Secondly, 500 to Purworejo. Thirdly, 700 liters per second are directed to Kulon Progo. For the supply of 700 liters per second to Kulon Progo for the needs of the New Yogyakarta International Airport and the construction of the Kulon Progo Aerocity and its surrounding areas. This area has become an integral part of the Borobudur National Strategic Tourism Area (NSTA) (Yogyakarta, 2022).

Given such a large water supply, it is evident that can observe how all the supporting infrastructure projects are only directed towards projects that do not truly address the primary needs of the citizens, such as food security needs. Furthermore, strategic constructon such as the Kulon Progo airport, which was built amidst the cries of the local residents whose land was seized under the pretext of NSP deserve special attention. Now, with the same retionale, the extraction of quarry materials in Wadas for the requirement of the Bener Dam, which is also included in the NSP. Therefore, with this evidence, all projects launched in Wadas will seize the lands of the residents and result in the loss of livelihood sources, including water sources and other food security, which have been the primary needs for the local population of Wadas (Yogyakarta, 2022).

According to a survey on the economic and food potential conducted by the Wadas Village Environmental Care Movement (Gempa Dewa) in collaboration with the Yogyakarta Environmental Forum (WALHI), the Yogyakarta Legal Aid Institute (LBH), and the Street Library, all cultivated plants that contribute to food security in Wadas have a high annual accumulated value. Durian is priced at Rp 1.24 billion/ year, cloves at 64.4 million/ year, cardamom at 156 million/month, 1.35 billion/year, chili at 75.6 million/month, coconut at 707 million/month, sengon at 2.09/5 years, bananas at 202.1 million/month, palm sugar at 2.6 billion/day, stink beans at 241.3 million/year, vanilla at 266.5 million/year, rubber at 131.8 million/day, teak at 1.173 billion/5 years, kelung at 258 million/year, acacia at 45.7 million/5 years, mahogany at 1.56 billion/5 years (Yogyakarta, 2022).

Walhi, an environmental activist organization, explains on its website the environmental damage caused by mining activities. The disruptive mining operation in Wadas Village is a quarry or open-pit mining (excavated without leaving any residue) that is planned to run for 30 months. The process involves drilling, excavation, and blasting using 5,300 tons of dynamite or 5,280,210 kilograms, reaching a depth of 40 meters. The quarry mining of andesite rocks in Wadas Village aims to produce 15.53 million cubic meters of andesite materials for the construction of the Bener Dam, with an annual production capacity of 400,000 cubic meters (*Sikap WALHI Atas Kekerasan Di Wadas Purworejo* | WALHI, n.d.). In further explanation, if mining continues to occur, the community will lose its natural landscape and it is no different from forcing residents to live with ecosystem damage (*Sikap WALHI Atas Kekerasan Di Wadas Purworejo* | WALHI, n.d.).

In another explanation, Walhi also revealed that there are 27 clean water springs around Wadas that will be affected by the project. Although the government claims that the water source is not located at the mining site, the fact remains that the water source is situated around the planned mining area. If the natural landscape changes, it will have an impact on the water source (*Ungkap Potensi Kekayaan Desa Wadas, Walhi: 27 Mata Air Bersih Terancam Tercemar Akibat Aktivitas Tambang*, n.d.).

According to the Center for Agrarian Studies at IPB Bogor, the Environmental Impact Assessment (EIA) of the Bener Dam construction project has several weaknesses. The construction of Bener Dam and the andesite stone mining in Wadas Village, both located in Bener District, Purworejo, are included in a single Environmental Impact Assessment (EIA) document. Secondly, the specific impacts of the program are not mentioned in the environmental impact assessment (*Pusat Studi Agraria IPB Bongkar Kejanggalan AMDAL Penambangan Batuan Andesit Di Desa Wadas*, n.d.). The integration of



two activities in one EIA (AMDAL) can be done, however, the impacts of these two activities must be separated separately. The aim is to specifically describe the dynamics of potential impacts according to the activity region. However, in the Land Designation Permit issued by Governor Wadas in the IPL, it is designated as a mining location for material fulfillment, not as a dam location. Of course, Wadas will only serve as a source of materials and will be abandoned once the Bener dam project is completed (*Pusat Studi Agraria IPB Bongkar Kejanggalan AMDAL Penambangan Batuan Andesit Di Desa Wadas*, n.d.).

### **Case Analysis of Wadas from the Perspective of Syamsuddin Muhammad bin Asy Syarbini al Khatib**

In the Wadas case, there are two opposing groups, particularly the bourgeois group and the proletarian group. The bourgeois group or the powerful group refers to groups that possess both the authority to create regulations and the ability to enforce them. In this case, there are several parties that can be considered as holders of power, including the Governor, BBWS-SO, the Police Force, and the winning businessperson of the dam project tender.

In the hierarchy of governance, a governor is the executive authority at the provincial level that holds full power over a specific territory. The governor has the authority to issue several decrees that are deemed beneficial for the progress of their operational working area. In the matter of irrigation, the governor has issued several decrees for the Wadas project. BBWS-SO is a field officer who serves as an implementer of policies, as well as a researcher conducting preliminary studies on the objects that serve as locations. The BBWS-SO has issued an EIA that does not comply with the procedures. There should be two EIAs, but only one EIA is present here. The police force is responsible for maintaining security and should ensure conducive-environment. Meanwhile entrepreneurs and winning bidders are certainly the parties that will benefit significantly from a project.

In the study of fiqh, the residents of Wadas are typically analogized to the weak or *mustadz'afin* who strives to sustain their livelihoods. The weak *mustadz'afin* is disempowered by systems such as Quraish Syihab's interpretation of Surah An-Nisa verse 72. Weak and disempowered by the system, the people are the lowest element in the prevailing system in the Wadas region. Despite the existence of regulations that require citizens to be involved in deliberations to achieve consensus, these deliberations can be manipulated. With the loss of the land and forests of Wadas village being transferred to the project, it is certain that the residents of Wadas will lose their livelihoods and give rise to new slaves in the modern world. The proletariat who are merely become servants to the landowners.

Throughout the long history of Islam, prophets have been defenders of the weak, incorporating elements of freeing slaves as one of the solutions in Islamic law. Prophet

Muhammad also made a significant promise of great rewards for those who freed slaves during that time. In every prayer, the prophet also mentions his defense of the weak and those who are disempowered by the system. Mining and land management, as explained in Islamic studies, fall under the purview of the *ihya al mawat* study. In the case of Wadas, there are several aspects that fall under the study of the fiqh of *ihya al mawat*, including:

1. *Muhyi* (the landowner) is a Muslim. The landowners in Wadas, from a cultural perspective, are Muslims. This can be observed when they engage in acts of protest, in which the community recites *sholawat* (prayers for the Prophet Muhammad) and *mujahadah* (spiritual struggle), which are traditions of the Islamic faith in facing various challenges. From a religious perspective and considering that the majority of the Wadas citizens are Muslim, it is merely reasonable that they have the right to own and manage the land they use.
2. *Adah* (the manager provides land according to their needs). The Wadas citizens have been utilizing the forest as a source of livelihood, by harnessing forest products such as durian, cardamom, and others. This is certainly in line with the principles found in fiqh of *ihya mawat*, only limited to survival, not for something excessive. Unlike mega quarry mines. The quarry manager is a businessperson who prioritizes financial gain above all else, without considering the local culture and customs. This can be seen from the Environmental Impact Assessment (EIA) results that violate procedures and disregard the customary land management practices carried out by the residents. Certainly, this is part of a profit projection that only benefits a few parties and undermines culture.
3. The Availability of Water is the Final Requirement for Land Management. Water should remain available at all times and in the future. The Wadas project, as studied by Walhi, is set to damage 27 water sources in the vicinity of Wadas. The residents of Wadas rely on natural springs as their source of livelihood, a practice that has been passed down through generations since centuries ago. Referring to the principles of fiqh in *Ihya al-Mawat*, the destruction of water sources is considered prohibited. Syamsuddin Muhammad bin Ahmad Asy Syarbini al-Khatib emphasizes that land managers are encouraged to plant trees around water sources to maintain soil fertility. However, the quarry mining project is contrary to the opinion of Syamsuddin Muhammad bin Ahmad Asy Syarbini al Khatib and other Islamic jurists.
4. Management of *Ma'dan*. The management of *Ma'dan* is a crucial aspect that requires careful attention and planning from the *fuqoha* community. In the matter of *ma'dan*, Syamsuddin Muhammad bin Ahmad Asy Syarbini al-Khatib stated that the landowner is the one who has the most rights to utilize it, and such utilization should not harm the fertility of the land. In the case of Wadas, the users of mining materials, in this case, andesite stones are people from outside of Wadas.

Consequently, the Wadas residents will not be able to gain anything at all. Moreover, the mining of andesite stones will affect the fertility of the soil, which is referred to as "*al baq'ah*" in fiqh. Damage to *Al-Baq'ah* is something that is prohibited. Syamsuddin Muhammad bin Ahmad Asy Syarbini al Khatib issued a stern warning, known as "*tanbih*," regarding this issue.

5. The utilization of land is something that is necessary, fundamental, and essential for life. The Wadas project, upon examination, does not fall into the category of necessity. The Wadas project is simply an extension of the Bener Dam project. Wadas is not a dam location, but only a quarry mining area. The use of andesite stones in Wadas is only for *tahsiniyah* matters in other regions. Certainly, this contradicts the principles of *maqasid syariah*, which prioritize *ad daruriyat*.

## CONCLUSION

The issue of Wadas mining in the perspective of Islamic law, especially the theory of Muhammad bin Ahmad Asy Syarbini, is considered inappropriate for several reasons. Firstly, the landowners are clearly entitled to their own land as Muslim individuals. Secondly, the use of land for dam construction contradicts the customary utilization of land and has the potential to cause environmental damage, such as the depletion of water sources, soil fertility, and loss of agricultural yields from these lands. However, all of these things are sources of human life. The issue of land exploitation and its environmental impacts will continue to occur constantly, in line with the rapid growth of the industrial world and the acceleration of construction. The approach of conflict management that prioritizes humanistic elements should be implemented by all parties involved. The protection of ecosystems and nature, as well as the preparedness and economic empowerment of affected communities, also need to be given attention. Specifically for the Bener Dam project, for the purpose of obtaining andesite material, it can be sourced from locations that are far from human settlements, even with the consequence of increased financing. However, prioritizing the element of benefit and eliminating harm is the essence of Islamic teachings. The priority should be given to essential needs, and not to prioritize secondary interests as the main objective.

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