

# Nawacita in Victimology Studies: a Case Study of the Development of West Java International Airport (BIJB)

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**Abstract**— Nawacita is programs promised by Joko Widodo and Jusuf Kalla in their regime which one of them is to continue and integrate Masterplan for Acceleration and Expansion of Indonesia Economic Development (MP3EI) into it. The Masterplan for Acceleration and Expansion of Indonesia's Economic Development (MP3EI) is an economic development strategy of Indonesia, with a goal to established economy of the nation. This is a consequence of third world countries including Indonesia that involved in the dynamics of the global free market. On the other hand MP3EI is very strong inhibition of capitalism, and in practice cause problems, especially land issues and farmers as landowners. One of the cases written in this paper is the project of West Java International Airport in Sukamulya, Kertajati, Majalengka which discussed from victimology perspective and studied this issue using the Report of the 8th United Nations Congress as parameter, that development it can be both criminogenic and victimogenic. The study concludes that the project of West Java International Airport fulfill the development with criminogenic and victimogenic category. The project of West Java International Airport had administrative flaws related to the Environmental Impact Assessment that means the project categorized as not rationally planned and unbalanced / inadequately planned. The project of West Java International Airport also commit Human Rights violation and this development-related regulation is inadequate in protecting the welfare of the people in the name of development, so the project of West Java International Airport is a development that disregarded cultural and moral values and did not include integrated social defence strategies.

**Keywords**—*Development, Victimology, Administration, Human Rights*

## I. INTRODUCTION

Chapter 1 on the Introduction of the President of the Republic Indonesia Regulation number 32 of 2011 about Masterplan for Acceleration and Expansion of Indonesia Economic Development 2011 - 2025 described:

“During the history of Indonesian independence for more than six decades, Indonesia has experienced various advances in the field of economic development. Starting from a country whose economy is based on traditional

agricultural activities, Indonesia has now become a country with a larger proportion of manufacturing and service industries. Economic progress has also led to an increase in the welfare of the people, which is reflected not only in increasing per capita income but also in the improvement of other social and economic indicators including the Human Development Index (HDI). In the period 1980 and 2010, the Human Development Index increased from 0.39 to 0.60.

Indonesia also plays a large role in the global economy. Indonesia currently ranks 17th largest economy in the world. Indonesia's involvement is also expected in various global and regional forums such as ASEAN, APEC, G-20 and other bilateral cooperation. The success of Indonesia through the global economic crisis of 2008, received a positive appreciation from various international institutions. This is reflected in the improvement of Indonesia's debt rating as the ratings of other countries decline.

On the other hand, the challenges ahead of Indonesia's economic development are not easy to resolve. Domestic and global economic dynamics require Indonesia to be ready for change. The existence of Indonesia in the new center of global economic gravity, namely East Asia and Southeast Asia, requires Indonesia to prepare better to accelerate the realization of a developed country with the results of development and prosperity that can be enjoyed equally by the entire community.

In this context President Susilo Bambang Yudhoyono realized of the need to prepare the Master Plan for the Acceleration and Expansion of Indonesian Economic Development (MP3EI) to provide the direction of Indonesia's economic development until 2025. Through the acceleration and expansion of economic development, the realization of the quality of Human Development Indonesia as a developed nation not only through income and purchasing power, but also by improved equity and quality of life for the whole nation.

Be in accordance with the vision of national development as described in Law Of The Republic Indonesia number 17 of 2007 regarding the National Long-Term Development Plan 2005-2025, the vision of the Acceleration and Expansion of Indonesia's Economic Development is Creating

an Independent, Advanced, Fair and Prosperous Indonesian Community”.

The Master Plan for the Acceleration and Expansion of Indonesia's Economic Development (MP3EI) is Indonesia's economic development strategy, with a target of the nation's economic well-established. This is a consequence of third world countries including Indonesia involved in the dynamics of the free market.

From the statement in the introduction of the MP3EI document, the President (Susilo Bambang Yudhoyono) claim that "this business is not like the usual business, it is a remarkable business", therefore it can not the government realize itself, the government should involve the private sector, and private identical with profit. Then the government realizes that the domestic private sector is not very strong, so the solution is to rely on the private sector from abroad. This was allegedly from a meeting of SBY with 200 Australian businessmen [1], making an investment exhibition at the New York Stock Exchange Euronext [2], an exhibition in Berlin on Economic Development theme [3], and meeting with David Cameroon, British Prime Minister [4]. The Superpowers are trying to be included for the management of this MP3EI. The existence of MP3EI can not be separated also from the role of countries and international financial institutions. such as the International Monetary Fund (IMF), the World Bank, and the Asian Development Bank (ADB), which also provide substantial funds for MP3EI infrastructure [5].

Article 1 Paragraph 2 of the President of the Republic of Indonesia Regulation number 32 of 2011 describe that MP3EI is a strategic direction in accelerating and expanding Indonesia's economic development for the fifteen year period from 2011 to 2025 in the framework of the implementation of the 2005-2025 National Long Term Development Plan, (Law Of The Republic Indonesia Number 25 of 2004 on National Development Planning System, Law Of The Republic Indonesia number 17 of 2003 regarding State Finances, and related documents). To support the reinforcement of MP3EI, the Government has established Blueprint for National Logistics System Development, which among others organizes program strategy, guidance map, and action plan in improving Indonesia's logistics performance as regulated in President of the Republic of Indonesia Regulation number 26 of 2012.

The MP3EI policy illustrates the liberal character of Indonesia's economic development and the privatization of various sectors, making the development orientation of the state capitalistic and profit oriented so that it is far from the spirit of realizing the people's welfare, furthermore realizing a just social order. The Ministry of State-owned Enterprises (SOEs) revealed that the allocation of funds for the MP3EI project until the end of 2011 reached IDR 192,010 trillion [6]. The funds used will be realized for infrastructure development in new lands, empty lands, and also community managed lands. The lands will be destroyed and spent by the state so that the future will be many victims of this MP3EI.

It takes about IDR 4,500,000 trillion by the government to realize MP3EI and 35% of which are obtained from private parties. In return, the government makes regulations to make it easier for private investors to invest. The making of such regulations is necessary because the implementation of MP3EI is hampered by several regulations, licensing issues, land availability, and spatial plans. The regulations on

land, forestry, and spatial planning are considered to be an obstacle. The President of the Republic of Indonesia Regulation number 32 of 2011 mandates the improvement of twenty-eight regulations that are considered to hinder the implementation of MP3EI and create new regulations to accelerate and expand investment. The regulation must consist of seven Acts, seven Government of Republic of Indonesia Regulations, six President of Republic of Indonesia Regulations, Presidential Decrees and Presidential Instructions, and nine Ministerial Regulations, and are targeted to be completed by the end of 2011. One of the rules made is Law No. 2 of 2012 on Land Procurement for Development for Public Interest. MP3EI and its accompanying policies have implications for the environment, especially in Java [7].

After the election of Joko Widodo and Jusuf Kalla as president and vice president does not mean the MP3EI project is over. The MP3EI Mega Project was continued and integrated into the program promised by Joko Widodo and Jusuf Kalla during the campaign period called "Nawacita" [8].

In Joko Widodo and Jusuf Kalla Governments, there are at least five development projects and airport expansion that led to agrarian conflicts with citizens. For the land where the airport will be built is agricultural productive land. The agrarian conflicts between government and the peasants also led to the criminalization of the peasants who defended the land and the repression to the people [9].

Based on the National Development Medium-Term Plan 2015-2019, the Joko Widodo and Jusuf Kalla Governments intend to carry out ambitious infrastructure development, which is to construct 30 new reservoirs, 33 Wind Power Plants, new 2,600 km road, along 1,000 km toll road, 15 new airports, 24 new ports, 3,200 km of new railway lines and an expansion of oil palm plantations to support the use of 15% biofuels in every liter of diesel, 36 Coal-powered Electric Power Plant with 20,000 MW as part of a 35,000 MW development plan, dozens of new industrial zones and Special Economic Zones.

The project, which resulted in land grabbing is also supported by a political decision in the form of President of Republic of Indonesia Regulation number 30 of 2015 on Land Procurement for Public Interest (Infrastructure) and Government of Republic of Indonesia Regulation number 3 of 2016 on Acceleration of Implementation of National Strategic Project which contains 225 national projects [10].

In this paper, the author restrict to one of the many negative excesses of the implementation of Nawacita in Java. One of the most ambitious mega-projects among the 225 national project plans is West Java International Airport (BIJB) in Sukamulya Village, Kertajati, Majalengka, West Java, Indonesia.

Sukamulya Village is a fertile village with abundant natural resources, has a population of about 5,500 citizens with an area of 740 hectares of which from the total area of 700 hectares of rice fields and residential area of 40 Ha.

The majority of residents of Sukamulya Village are farmers, the village has a very fertile agricultural land, in a season of planting produce around 6-8 tons of rice every hectare of fields. However, the development of West Java International Airport (BIJB) ignore the livelihood of its citizens. The fertile village of Sukamulya is threatened to perish.

Based on the introduction that has been described above the author specify the problem as follows: Did the establishment of West Java International Airport (BIJB) legally justified in a victimology perspective?

## II. RESEARCH METHODS

Legal research is a process of finding the rule of law, principles of law, and the legal doctrines in order to get solution of the legal issues [11, p. 35]. This is consistent with the prescriptive character of, legal research conducted to produce arguments, theories or new concepts as a prescription to solve problems [11, p. 22]. If descriptive study expected answers are true or false, the expected response in legal research is right, appropriate, inappropriate, or wrong. thus it can be said that the results obtained in the study of law already contains values.

Based on definition above, normative research is trying to study and explore and find answers about what should be on every issue. In contrast to the descriptive study that only describes what is true, and what is false of any problems, and any factors that influence it .

The approaches used are statute approach and conceptual approach. Statute approach is examining all act and regulations relevant to the legal issues. Conceptual approach is examining notions and doctrines of the experts that developed in the jurisprudence. By studying notions and doctrines in the science of law, researcher would find the ideas that build notions of law, legal concepts, and principles of law that are relevant to the issues faced. An understanding of notions and doctrines is a foundation for researchers in building a legal argument in solving the issues faced [11, p. 95].

## III. RESULT AND DISCUSSION

Victimology, derived from the latin *victima* meaning sacrifice and *logos* which means science. Terminologically, victimology means a study that studies the victims of the cause of the victim and the consequences of victimization which is a human problem as a social reality [12, p. 43]. Victimology is a scientific knowledge/study that studies a (criminal) victimization as a human problem which is a social reality [12, p. 43].

The definition of victimology undergoes three phases of development. In the beginning, victimology only studied crime victims only. This phase is called penal or special victimology. In the second phase, victimology not only examine the problem of crime victims but include casualties. This phase is called general victimology. The third phase, victimology has grown even more broadly is to examine the problems of victims of abuse of power and human rights, this phase is called new victimology [12, pp. 44–45].

New victimology is a study of victims especially those related to victims of abuse of power and violations of human rights. The criticism that form new victimology is derived from the definition of a crime that is a person breaking the norm, and this definition tends to consider the class in law (no natural law and no class-oriented). Criminology and orthodox victimology which the mobilizers are technocrats, experts and advisers in court tend to subdue themselves to the interests of the state. The rule of law acting through its apparatus defines the law as inclined to the its interests of the

class or its group rather than the interests of the public, thus victims of human rights violations or victims of the abuse of power committed by the rulers are invisible. Victims become visible after it's formulated in law or discourse.

United Nations (UN) gives attention in this issue through congresses, including the United Nations VIII Congress in Havana, Cuba, which insists that social policies are basically policies or rational efforts to achieve community prosperity. So it's synonymous with the policy or planning of national development which covers a wide variety of aspects of development. The handling or policy of these various aspects of development is very important because it is pointed out in various UN Congresses on The Prevention of Crime and the Treatment of Offenders that development itself can be criminogenic and victimogenic if [13, p. 50]:

1. The development was not planned rationally (it was not rationally planned); or planned unilaterally, unbalanced/inadequately planned;
2. Ignoring cultural and moral values (disregarded cultural and moral values); and
3. Does not include comprehensive social protection strategies (not included integrated social defenses strategies).

In the case of the construction of West Java International Airport (BIJB) reflect points mentioned above. Based on the spirit described in the President of Republic of Indonesia Regulation number 3 of 2016 on the Acceleration of the Implementation of National Strategic Projects, the development of West Java International Airport (BIJB), which is a national strategic project, does not follow general development procedures and required in development. As mentioned in Article 22 of Law Of The Republic Indonesia number 32 of 2009 regarding Environmental Protection and Management, any business and / or activity having a significant impact on the environment shall have an Environmental Impact Assessment (EIA).

Environmental Impact Assessment (EIA), as a study of the significant impacts of an environmentally planned business and / or activity required for the decision-making process of business and / or activity, is required in mitigating environmental and social impacts using the Sustainable Development approach, whereby in order to meet the economic growth must also consider the aspects of environmental and social risks in order to achieve sustainable growth. Environmental Impact Assessment (EIA) has a very important position in environmental conservation. The Environmental Impact Assessment (EIA) is also an important instrument in issuing other necessary licenses. In Article 6 paragraphs 1 and 2 of the President of Republic Indonesia Regulation number 71 of 2012 mention The Document of Land Procurement Planning, as referred to Article 5 paragraph 1, is prepared based on a feasibility study that includes:

1. socioeconomic survey;
2. location eligibility;
3. analysis of development costs and benefits for regions and communities;
4. estimated value of land;
5. environmental impacts and possible social impacts arising from Land Acquisition and development; and
6. Other studies are needed.

In this article, environmental documents are one of the Environmental Impact Assessment (EIA) documents. So

clearly as stipulated in the rules, the land acquisition planning document must also include Environmental Impact Assessment (EIA). The land acquisition document becomes the basis for the Governor to issues Location Assignment Permit. The Environmental Impact Assessment (EIA) reaffirmed its existence before the Location Assignment Permission is contained in the Minister of Environment Decree number B4718 / MENLH / 09/2003 dated September 24, 2003 on Environmental Impact Assessment (EIA) and Location Permits addressed to the Regent / Mayor mentioned that the Environmental Impact Assessment (EIA) study results as a requirement in the issuance of location permit.

In the case of the development of West Java International Airport (BIJB) there is a mismatch between the Environmental Impact Assessment (EIA) and the actual conditions. Within the Environmental Impact Assessment (EIA) frame of reference, Sukamulya Village land is claimed as unproductive land. Sukamulya only produce six quintal of rice in a hectare [14]. In fact, in Sukamulya Village the agricultural land produces 6-8 tons of rice. So there is a mistake, intentional or not, listed in the Environmental Impact Assessment (EIA). The neglect made by the official of the State Administrative Decision maker makes the process of land procurement become an administrative flaw so that the process of land procurement should null and void.

The development of West Java International Airport (BIJB) is not only administratively flaw, but also commits Human Rights violation which the development seizes the land of the Sukamulya Village farmers, which means seizing the farmers' production equipment and being forced to switch professions and roles. Land grabbing is a logical consequence of servitude to capitalism which is already the basic character of capitalism itself. The essence of capitalism is the accumulation of capital in a few people who are often referred to as primitive accumulation [15, p. 49]. As already mentioned at the beginning of the discussion that the new victimology study is based on criticism of the state's alignment of a particular class, in this case is the capitalist class (capitalist). If linked to the case of West Java International Airport (BIJB) development, the land of Sukamulya Village farmers is productive agricultural land will be noticed as a commodity and farmers who initially as producers of land (production equipment) owners are forced to become proletariat as the second class whose position is more inferior than the capital class, because they already have nothing but the ability to work and can be a wage worker only [16, p. 86].

The problem of land grabbing of Sukamulya Village farmers does not stop at the capitalistic mindset that the land is noticed as a commodity but also breaks the "sacred" relationship between the local community (Sukamulya Village farmer) and the land where they live. It can be inferred from the Sukamulya Village land grabbing that there has been a change in the social function of the land, from means of subsistence to capital and the alienation of the role of citizens, from producers of crops in their own land to laborers in other fields of work. The previously farmed Sukamulya Village farmers were suddenly deprived of their livelihoods, and systematically forced to "prostitute" into the labor market. Their abilities during farming are not fit in the labor market, so for those who have difficulty adapting to the labor market will be alienated. In addition, the process of land grabbing only appreciates the citizens's land as a

tradable commodity and ignores the socio-cultural values of the land that occupies a central position as a source of life in the social realities of the Sukamulya Village farmers. On the basis of such understanding can be concluded that the compensation given for the sacrifice of Sukamulya Village farmers can not be said to be sufficient. Although the rules of community protection have been made to avoid such things in land grabbing, they do not provide local people (Sukamulya Village farmers) bargaining positions so that compensation negotiations are merely formality, as development interests will always be the winners. Thus, it can be said that the development of West Java International Airport (BIJB) is a project of capitalism which alienates society from their right to the living space, regardless of the welfare of local people (Sukamulya Village farmers). At least this has violated the Human Rights mandated in Article 28A of the 1945 Constitution of the Republic Indonesia on the guarantee of basic human rights for life.

#### IV. CONCLUSION

Based on the discussion above it can be concluded that, firstly, there has been administrative flaw related to Environmental Impact Assessment (EIA) which is very important in West Java International Airport (BIJB) development process so that development can be categorized as criminogen and viktimogen development according to the UN VIII Congress in Havana, Cuba as an unplanned development rationally (it was not rationally planned); or planned unilaterally, unbalanced / inadequately planned. Second, that the construction of West Java International Airport (BIJB) has violated the Human Rights of Sukamulya Village farmers who forced to release the bonds of socio-cultural value that land as a means of production and force to change their profession and "sell themselves" to the labor market where they can not necessarily adapt and survive. Meanwhile the regulations related to this problem is not sufficient in protecting the welfare of the community in the name of development, the development of West Java International Airport (BIJB) ignores the cultural and moral values (disregarded cultural and moral values); and does not include an integrated social defense strategy. Thus, the construction of West Java International Airport (BIJB) is legally defect and Nawacita should be reviewed.

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