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The Hidden Costs of Infrastructure Development: A Human Rights Perspective

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ABSTRACT

The right to development, recognized as a human right for all citizens, is meant to be implemented to enhance the population's welfare. However, welfare is not merely defined by economic development indicators; it also encompasses human-centric development, where human rights are central. Over decades, the scale and intensity of infrastructure development projects in Indonesia have been associated with significant agrarian conflicts and numerous alleged human rights violations, as reported by the National Commission on Human Rights of Indonesia. The development project has often prioritized economic growth at the expense of human rights principles and norms. This research explores the impact of Indonesia's extensive infrastructure development projects on the fundamental human rights of its citizens. The study highlights the strong correlation between the aggressive pursuit of infrastructure development and the rise in agrarian conflicts, which stem from the neglect of human rights principles and norms in the planning and execution stages of these projects. Employing a qualitative approach and descriptive analysis, the research addresses the critical question of how such development activities can infringe upon the rights of the people. The findings underscore the necessity of integrating human rights principles and norms into every phase of infrastructure development, from planning to implementation. Focusing solely on economic indicators without considering human rights can result in violations that undermine the population's welfare. Therefore, a balanced approach that integrates human-centric development with economic growth is essential to safeguard the fundamental rights and well-being of all citizens.

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1. INTRODUCTION

The Indonesian government's commitment to human rights has been evident since the establishment of the State of the Republic of Indonesia. The human rights norms and

principles are implicitly reflected in the nation's foundational philosophy, called Pancasila, particularly in its second and fifth principles. This commitment is also articulated in the constitution. In the original text of the 1945 Constitution, the founders of the nation recognized the values and principles of human rights, including sovereign choice (Preamble, Paragraph I); the right to citizenship (Article 26); equal treatment under the law and the right to a decent job and livelihood (Article 27); freedom of association, assembly, and expression (Article 28); the right to practice and worship according to one's beliefs (Article 29); the right to education (Article 31); and social welfare (Article 33). Notably, these clauses and acknowledgments of human rights were established prior to the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. The Indonesian government's commitment to human rights was further strengthened through its approval of the UDHR and by formally adopting two major international human rights agreements: first, the International Covenant on Economic, Social and Cultural Rights (CESCR) and second, the International Covenant on Civil and Political Rights (CCPR) ratified in 2006, along with six other thematic international agreements, including:

1. Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1984
2. Convention on the Rights of the Child, ratified in 1990
3. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1998
4. International Convention on the Elimination of All Forms of Racial Discrimination, ratified in 1999
5. Convention on the Rights of Persons with Disabilities, ratified in 2011
6. Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified in 2012 (United Nations, 2024)

The ratification and incorporation of human rights norms from international human rights instruments into national law demonstrate the Indonesian government's commitment to respect, protect, and fulfill human rights. The Indonesian Government's commitment to human rights must be reflected in national development policies to achieve the nation's objectives and ensure the respect, protect, and fulfill the human rights. In Indonesia, development policies are intrinsically linked to the overarching framework of development planning, as outlined in Law Number 25 year 2004 concerning the National Development Planning System. This legal instrument specifies the general direction of development in Indonesia, the guiding principles, stages of development planning, systems and mechanisms of development planning, as well as the processes for monitoring and evaluation. Development planning in Indonesia is structured into three planning terms: the Long Term Development Plan (RPJP/20 years); the Medium-Term Development Plan (RPJM/5 years); and the Annual Development Plan or Government Work Plan (RKP).

During the Jokowi-JK administration, which continued into the Jokowi-Ma'ruf Amin era, one of the key focuses of Indonesia's development has been the expansion of infrastructure to bolster economic growth. According to the 2015-2019 National Medium-Term Development Plan (RPJMN) document, a primary challenge identified during this period

was The shortage of infrastructure necessary for economic development, necessitating significant improvements (Government of Indonesia, 2015a). The 2020-2024 RPJMN document further emphasizes infrastructure development as one of the president's five primary directives (Government of Indonesia, 2020). Infrastructure development serves as a catalyst for economic growth, regional development, and national integration. Within the human rights framework, it is essential for realizing economic, social, and cultural rights by providing access to education, healthcare, and utilities. Similarly, civil and political rights, including the right to freedom of expression, rely on strong democratic institutions and well-developed infrastructure.. Thus, infrastructure and human rights should work together to support comprehensive societal progress.

By the end of the Joko Widodo–Jusuf Kalla government term, significant infrastructure achievements were recorded: 3,194 kilometers of border roads, 1,387 kilometers of toll roads, 811.89 kilometers of railways, 136 ports, 15 airports, and 65 dams. These developments contributed to an economic growth rate of 5.06% (Government of Indonesia, 2015b). Under the leadership of President Joko Widodo and Vice President Ma'ruf Amin, 42 dams have been completed, providing irrigation for 1.2 million hectares of agricultural land. Additionally, 2,143 kilometers of toll roads, 5,700 kilometers of national roads, 8.2 million housing units under the One Million Houses Program, and several cross-border posts (PLBN) have been established. These infrastructure developments have contributed to Indonesia's improvement in the IMD Global Competitiveness Index in the infrastructure sector, with the country's ranking rising from 54 in 2014 to 51 currently (Humas Sekretariat Kabinet Republik Indonesia, 2023).

Concluding the success of infrastructure development solely based on economic growth figures is both unwise and premature. The impressive economic growth contrasts sharply with the issues reflected in the National Human Rights Commission (Komnas HAM) complaint data. This massive development is not comply with the human rights perspective, throughout 2017, the Monitoring and Investigation Sub-Commission of Komnas HAM conducted data collection and handled cases of agrarian conflicts. Komnas HAM reported 33 agrarian conflicts in 2017, attributed to the expansion of infrastructure development. The data is detailed and categorized into several types of infrastructure development, as follows:

Table 1. Komnas HAM Infrastructure Cases of Conflicts and Human Rights Violations

Type of Infrastructures	Locations
Steam Power Plant (PLTU), Micro Hydro Power Plant (PLTMH), Hydroelectric Power Plant (PLTA), and Electricity Transmission Network	PLTU Patrol dan PLTU Kanci (West Java); PLTU Karo dan Electricity Transmission Network (North Sumatera); PLTA Seko (South Sulawesi); PLTA Pamona Utara (Central Sulawesi); PLTMH Katngan (Central Kalimantan)
Dam and Reservoir	Paselloreng Dam (South Sulawesi); Lambo Reservoir (East Nusa Tenggara); Kedung Ombo dan Cacaban Reservoirs (Central Jawa)
Airport	Komodo International Airport (East Nusa Tenggara); Sultan Hasanuddin International Airport (South Sulawesi); Mopah Airport (Papua); Kulon Progo International Airport (DI. Yogyakarta)
Port	Wokam Island Port (Maluku)
Road and Bridge	Pandaan-Malang Toll Road (East Java); Cisandawu Toll Road, Cinere Toll Road, dan Kutatandingan Highway (West Java); Dusun Lamerang Highway (Maluku); Bahteramas Bridge (Southeast Sulawesi); Makassar Toll Road (South Sulawesi)
Fast Track Train	Fast Track Train (West Java)
Rivers Normalization and Irrigation Channels	Citayam Irrigation Channel (West Java); East Banjir Kanal Normalizaiton (DKI Jakarta)
Government Offices and Infrastructures	Sumedang Local Government Office (West Java); Biak Indonesia National Armed Forces (West Papua).
Reklamation	Kendari (Southeast Sulawesi); Teluk Bena (Bali).
City Expansion	Bima (West Nusa Tenggara).

Source: Suntoro, 2018

In 2018, Komnas HAM recorded 67 complaint files related to infrastructure development projects. These complaints encompassed various issues, including inadequate

compensation, land disputes, arbitrary actions, development carried out without proper socialization, and the failure to ensure clean water guarantees.

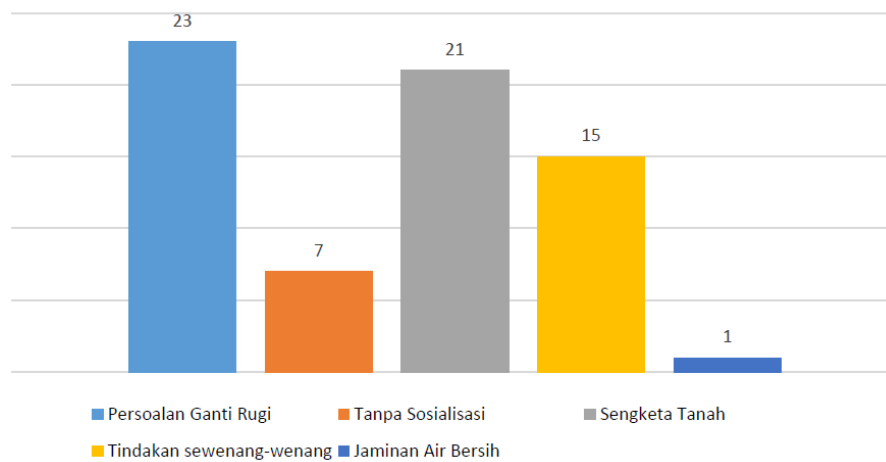


Figure 1. Infrastructure Complaints Graph, year 2018

Source: Komnas HAM Complaint Division, 2019, further processes by researcher

Data from Komnas HAM's complaint and case handling reveal a range of human rights issues that have arisen from the infrastructure development process, which has not consistently adhered to human rights principles and values. In reality, respecting, protecting, and fulfilling human rights should be an ongoing and sustainable effort by all responsible parties across various aspects of national and state activities, including infrastructure development. Ideally, such development should be grounded in human rights values and principles. Consequently, the evaluation of development should not be based solely on per capita figures but also consider the processes of participation, support for vulnerable groups, equality, democracy, and human rights values. Therefore, Komnas HAM finds it necessary to examine and assess the infrastructure development process from a human rights perspective.

The right to development is an inalienable human right, and the state is therefore obligated to fulfill this right for its citizens. The extensive infrastructure development carried out over the past decade has primarily aimed to enhance productivity and support economic growth. From an economic perspective, infrastructure development has indeed been shown to increase the effectiveness and productivity of the Indonesian economy, thereby positively impacting the fulfillment of citizens' economic rights. However, this massive infrastructure development has also been accompanied by a rise in agrarian conflict cases, as well as allegations of various forms of violations and neglect of human rights values and principles in the development process. This may be attributed to infrastructure development planning that does not fully incorporate human rights values and principles. Consequently, this study seeks to address the emerging questions and problems, specifically: How is Infrastructure Development Planning aligned with the Framework of Human Rights?.

2. RESEARCH METHODS

Descriptive method with qualitative approach is considered appropriate to answer the research question “how” and explain the phenomenon of development planning that has been implemented in Indonesia, especially in infrastructure development and national strategic projects. After describing the development planning that has been implemented in Indonesia, it is then compared to the concept and normative level of human rights-based development planning, so that gaps are found that will be covered so that empirical conditions become ideal.

In the implementation of the excavation and collection of information, data, and facts relevant to this study, the researcher collected 2 types of data that became sources of information in this study, namely primary data and secondary data. Primary data were collected through interviews and focus group discussions, as well as field observations to complete the data collection. In addition to collecting primary data, the research team also collected secondary data in the form of previous research manuscripts, scientific books, and other relevant documents to support the information and facts needed in this study.

The data and information that has been collected, then sorted and reduced to take the most relevant and most likely to support the search for answers to research questions. This data and information is also used in problem finding and problem identification. In addition to data reduction, the data analysis technique used is comparative analysis. Data from various respondents will be compared and contrasted with each other until the researcher is absolutely sure that no new problems will arise, or the data and information are saturated and no longer change.

3. RESULTS & DISCUSSION

3.1.1. Indonesia Development Planning in Human Rights Perspective

Development planning in Indonesia is intrinsically linked to the nation's constitution, which encapsulates the foundational ideals behind the establishment of the Unitary State of the Republic of Indonesia. Key dimensions such as the state foundation, economic system, politics, and governance significantly shape the development planning model. The principles embedded in the state foundation and the Preamble to the 1945 Constitution must serve as a guiding reference and be actualized in the design of development strategies aimed at advancing the nation's future. These constitutional values align with and complement the principles of human rights, as articulated in the Universal Declaration of Human Rights (UDHR). This alignment is evidenced by the Indonesian government's commitment to the UDHR, as demonstrated by its endorsement of each clause therein and the integration of UDHR norms into the constitutional framework guiding national development.

Since the Proclamation of Independence in August 1945, Indonesia has prioritized development planning as a fundamental component of both state governance and national progress. The magnitude of the task of nation-building in Indonesia necessitates a

comprehensive grand design and roadmap, reflecting a consensus among all elements of the nation. This serves as a guide to ensure the consistency and continuity of the overarching objective: the prosperity of the nation (Bappenas, 2012). The need for a grand design for development planning is stipulated in a Law Number 25 of 2004 concerning the National Development Planning System (SPPN).

Although the text of the National Development Planning System (SPPN) Law does not explicitly mention human rights (HAM), the principles and norms of human rights are nevertheless implicitly embedded within it. A closer examination of the articles in the SPPN Law reveals that national development is guided by democratic values, with principles of inclusivity, sustainability, environmental awareness, justice, and independence, while simultaneously seeking to balance progress with national unity. These principles, although not explicitly framed as human rights, inherently reflect human rights values. Therefore, it is crucial to affirm and establish a clear legal foundation that explicitly incorporates human rights principles and values as a core framework in the formulation of the national development planning system.

3.1.2. The Weakness of Public Participation

The acceleration of infrastructure development appears to have marginalized the aspirations of affected communities. The public consultation process often functions merely as a means of informing communities about the inevitable reality that they will need to relinquish their land for infrastructure projects. For instance, in Labolewa Village, Nagekeo, the dissemination of information was conducted unilaterally, failing to prioritize community input and transparency. This lack of engagement led to resistance against the proposed reservoir construction by the Nagekeo government. Despite the community's proposal for an alternative site, the government persisted in its decision, deeming Lawose the most suitable location. In 2016, complaints were lodged with the Komnas HAM by the Labo Indigenous Community Alliance (AMAL), representing 91 residents who formally opposed the reservoir construction.

A similar pattern of inadequate planning and community engagement was evident in the development of West Java International Airport. The socialization and consultation process, which involved only the village head as the residents' representative, resulted in insufficient information reaching the broader community. The vital role of public consultation as a conduit between the government and the community was diminished to mere formalities, allowing the airport construction to proceed without adequately addressing community concerns.

3.1.3. Vulnerability In Consignment

The socialization process, which often meaningless and operates unilaterally, coupled with inadequate compensation and a consignment process that does not prioritize the affected community, are indicative of a broader issue where the community is not regarded as a priority in development initiatives. Such conditions render the community vulnerable to fulfill their human rights. In 2018, according to a report by the National Commission on

Human Rights (Komnas HAM), approximately 66% of complaints related to infrastructure development concerned land disputes and compensation issues.

For instance, residents affected by the construction of West Java International Airport faced significant challenges regarding the compensation provided by the government. In response to the difficult compensation process, the government resorted to consignment measures. Additionally, it was reported that there was a reduction of approximately 50-60% in the compensation amount that affected residents were supposed to receive. This chaotic planning process underscores the long-term impact on the vulnerability of the affected communities during the land acquisition phase.

The never-ending agreement between the government and the community, eventually brought the compensation process to the realm of consignment whose handling was handed over to the district court. The consignment process is considered the most effective way out by the government. Because after the appraisal team assesses and determines the compensation, the community is directed to accept the price set by the appraisal team. The compensation assessment places the community in a weak position that cannot refuse if the government needs land, whether they like it or not, the community is obliged to hand over their land to the government, the community must accept and leave the environment where they grew up, lose their memories and memories of their place of residence (Triono, 2017).

3.1.4. Transparency and Accountability

Human rights-based development requires active participation in development as a manifestation of the right to take part in the implementation of public activities. In this participation process, the principle of accountability becomes the last stage in the participation process as a step in monitoring and assessing the success or failure of a policy. Accountability procedures are mechanisms and means for duty bearers (the State) to answer for their actions accountable and omissions related to the tasks they are entrusted with. (Firdaus et al., 2013). Furthermore, accountability procedures provide an opportunity for rights holder (citizens) to understand how duty bearer carry out their obligations and provide an opportunity for them to provide an explanation of their actions.

The principle of transparency is essential to good governance and accountability, ensuring that individuals and the public have access to clear, accurate, and timely information about government operations. It encompasses not only information on policies but also the processes behind their formulation, implementation, and results. Transparency fosters trust between the government and citizens, enabling informed public participation and holding authorities accountable for their actions. When upheld, it promotes openness, responsiveness, and accountability, contributing to a more just and equitable society (Febrianingsih, 2012). This means that the principle of transparency is the guarantee of openness of information for the community, including development plans. The community as the main stakeholder in national development has the right to know about every development plan. Access to information on development planning for a project must be immediately known by the community around the development location. This is considered

necessary to give the community time to prepare themselves and other things to anticipate the impact of development. A transparent planning process opens up a wide space for participation for the community to provide opinions and responses to development planning so that ultimately infrastructure development will have a positive impact on all parties. Weak transparency leads to weak accountability. This causes the process of restoring the rights of affected communities to be hampered (OHCHR, 2017). Transparent and accountable infrastructure development planning can minimize the potential for problems or conflicts between the community and the government.

3.1.5. Non Discrimination and Vulnerable Groups

Vulnerable groups are part of society that, whether consciously or not and directly or indirectly, are often marginalized from being able to fully exercise their rights, including the right to development. The marginalization of vulnerable groups is mainly because they often receive unequal treatment and discrimination. They often lose access to participate and contribute, as well as in determining and maintaining decisions that will affect their lives. Moreover, they often have to lose their rights, which results in various obstacles or limitations to enjoying a decent standard of living. A human rights-based approach is a step to change this situation, by creating a legal-institutional framework so that vulnerable groups can be cared for, protected, and, more than that, empowered as part of society that is central to development (Firdaus et al., 2013).

The government's accelerated infrastructure development seems to ignore many things related to the interests of the affected community. Infrastructure development can also create a vulnerability context. The vulnerabilities that arise can be in the form of shocks of uncertainty and the possibility of disrupting the future of people's livelihoods in the form of human capital, natural resources, financial capital, social capital and infrastructure. The government must choose the right steps in approaching the affected community. This step not only considers economic aspects, but also looks at socio-cultural aspects, involves local communities, so as to minimize development bias towards vulnerable groups (Kustiningsih, 2017).

The dynamics that occur in the infrastructure development process show that the government is still lacking in its readiness to accommodate vulnerable groups. The government is required to not only be oriented towards the results achieved but also how each process of infrastructure development provides full fulfillment of rights. To minimize the occurrence of human rights violations, the government is expected to be able to identify vulnerable groups affected by infrastructure development early. Identification of vulnerable groups should not only be expressed in figures such as the percentage of the number of vulnerable groups in the population, but it must also be known who they are and

how vulnerable they are to infrastructure development in their area. So that the government can provide a solution appropriately.

4. CONCLUSION & SUGGESTION

The Right to Development is an inalienable human right, and every person is entitled to engage in, contribute towards, and benefit from economic, social, cultural, and political progress, in an environment where all human rights and fundamental liberties are fully upheld (United Nations General Assembly, 1986). One of the primary challenges faced by Indonesia in its development efforts is the shortage of infrastructure necessary for economic development, necessitating significant improvements in infrastructure provision (Government of Indonesia, 2015b). It recognizes that infrastructure development generally serves as a catalyst for economic growth, regional development, and the unification of the territory of the Republic of Indonesia. However, assessing the success of infrastructure development solely based on economic growth figures is unwise and premature. The impressive economic growth stands in stark contrast to the situation reflected in the complaint data of the Komnas HAM, which highlights the adverse impacts of the infrastructure development associated with the National Strategic Project.

The planning of the National Strategic Project has not adequately accounted for or identified the impacts, risk analysis, and management, nor has it provided sufficient protection and recovery mechanisms, particularly for those affected by development policies. The process of formulating development policies, which should uphold the principles of participation, accountability, and a focus on vulnerable groups, has not been effectively implemented. The development planning mechanism, from the Development Planning Deliberation (Musrenbang) at the sub-district level to the central level, has not reflected meaningful participation. Effective participation is primarily evident at the City/District Musrenbang level; however, at the Provincial and Central levels, various interests begin to influence development policy decisions. Consequently, it can be argued that the National Strategic Project does not yet reflect development planning based on the needs of affected communities and does not prioritize the fulfillment of human rights for vulnerable groups. The focus on vulnerable groups has not been mainstreamed into the development planning process at any level.

In the development planning process, there is a misalignment in the planning periods between the Central, Provincial, and City/Regency levels. This discrepancy in timeframes results in a situation where the development planning process is effectively "locking each other up" between central and regional authorities. This issue is less problematic when the vision and mission of the Regional Head closely align with those of the President. However, significant differences necessitate adjustments or revisions to regional development plans to ensure alignment with central-level planning. This approach tends to

emphasize a Top-Down development planning mechanism, often at the expense of the Bottom-Up mechanism.

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