

LAND ACQUISITION ANALYSIS FOR PUBLIC INTEREST IN SORONG SPECIAL ECONOMIC ZONE (KEK) SOUTHWEST PAPUA PROVINCE

Rahful A. Madaul^{1)*} Umami Hanifah M.¹⁾, Hilmi Hilmansyah¹⁾
Universitas Muhammadiyah Sorong, Indonesia¹⁾
*Email: rafulahmad@gmail.com**

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Abstract

The potential of the Sorong Special Economic Zone (KEK Sorong) extends beyond merely creating jobs and attracting investment. It also opens doors for infrastructure development, improved connectivity, and enhanced human resource quality in the region. By integrating key sectors such as fisheries, agro-industry, and logistics, KEK Sorong is expected to establish a sustainable economic ecosystem and bring positive impacts to the local community. Land acquisition in KEK Sorong is crucial to address these disparities. This research employs qualitative methods. Data analysis in this research is qualitative analysis. The findings of this study are: (a) Land ownership in KEK Sorong includes four existing business entities that were established before it was designated as a KEK, namely PT. Semen Indonesia (Persero) Tbk, PT. Henrison Inti Persada, PT. Perahu Catamaran Papua, and PT. Satu Suku Pertanian; (b) The land area planned, based on the cumulative results of delineation of land ownership maps, the planned location for land acquisition in the Sorong Special Economic Zone (KEK) covers 2,205,000 m² or 208.5 Ha, which is under the customary land ownership of the Kami Clan; (c) The land acquisition location for KEK Sorong in Southwest Papua Province, based on an overlay with the Sorong Regency Spatial Plan (RTRW), shows that most of KEK Sorong is designated as an industrial area with a total area of 291.7 Ha; (d) Land use in KEK Sorong includes utilization for plant growth and corporate activities, as well as a port; (e) The social impact of land acquisition activities includes both social impacts and individual and family impacts.

Keywords: Land Acquisition, Public Interest, Special Economic Zone

A. INTRODUCTION

Land acquisition has become a crucial factor amidst the government's efforts in relocating the new capital city (Putra et al., 2023). The takeover of land by the government for public interest projects is known as land acquisition (Lestari, 2020). The Basic Agrarian Law provides a legal framework for land acquisition, stipulating that for public interests, including national and communal interests, land rights can be revoked, with fair compensation given according to the law (Sutedi, A., 2020). Every development effort that utilizes space inevitably requires land (Darman, 2019). Therefore, land plays a very important role and can even determine the success of a development project (Apriyani et al., 2022).

Currently, the government has planned the establishment of Special Economic Zones (SEZs) (Ramdani, 2020). SEZs are designated areas within the jurisdiction of the Republic of Indonesia

intended to carry out specific economic functions. The main goals of developing SEZs are to stimulate economic growth, distribute development more evenly, and enhance national competitiveness (Perdana et al., 2023). SEZs are developed by preparing areas with geo-economic and geo-strategic advantages and serve to accommodate industrial, export, import, and other high-value and internationally competitive economic activities (Sushanti et al., 2021). The presence of SEZs is expected to build economic capabilities and competitiveness at the national level through value-added industries and tourism (Hidayat & Bustami, 2022).

Sorong SEZ is the first Special Economic Zone in Papua. The establishment of Sorong SEZ is expected to become a new economic growth center in eastern Indonesia, aligning with one of the Nawacita principles, which is to build Indonesia from the periphery (Wurarah et al., 2020). Located in Arar Village, Mayamuk District, Sorong SEZ is built on an area of 523.7 hectares and is strategically situated on the international trade route between Asia Pacific and Australia. (Pemerintah RI, 2016).

Sorong SEZ, located in the Sele Strait, offers geo-economic advantages in the fisheries and maritime sectors. This location is also highly strategic for the development of logistics, agro-industry, and mining industries. Based on its potential, Sorong SEZ is being developed with a focus on shipyard industries, agro-industries, mining industries, and logistics. Sorong SEZ is projected to attract investments amounting to IDR 32.2 trillion and is expected to create employment for 15,024 workers by 2025. (Supardi et al., 2022); (Kanwil Ditjen Perbendaharaan Provinsi Papua Barat, 2019).

The potential of the Sorong SEZ goes beyond merely creating jobs and attracting investments. It also opens doors for infrastructure development, improved connectivity, and the enhancement of human resource quality in the region. (Kementerian Ketenagakerjaan Republik Indonesia, 2023). By integrating key sectors such as fisheries, agro-industry, and logistics, the Sorong SEZ is expected to create a sustainable economic ecosystem and positively impact the local community (Supardi et al., 2022; Nasution, 2022). The development of the Sorong SEZ is not merely an economic project but a strategic step in supporting the national development vision. By leveraging its geo-economic potential and strategic location, the Sorong SEZ has the potential to become a major pillar in driving Indonesia's economic wheel, not only in Papua but also more broadly in eastern Indonesia. Moving forward, the Sorong SEZ is expected to serve as a catalyst for sustainable and inclusive economic growth, bringing various positive benefits to the community, government, and business actors throughout the region (Aggarwal, 2022).

With comprehensive and structured land acquisition planning, the land acquisition process is expected to proceed efficiently, fairly, and transparently, minimizing potential risks and conflicts that may arise. This land acquisition planning will guide the land acquisition team and related stakeholders in implementing land acquisition steps in accordance with applicable laws and regulations (Maharani, 2020).

B. LITERATURE REVIEW

The mechanism for land acquisition for public development is carried out through the process of land acquisition by releasing or transferring rights in accordance with Article 9 paragraph (1) of Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest. It states, "The implementation of land acquisition for public interest takes into account the balance between development interests and community interests." Furthermore, paragraph

(2) explains, "Land acquisition for public interest is carried out by providing fair and proper compensation." Therefore, it requires the community's understanding and agreement on the development for public interest that requires their land. This necessitates coordination with 35 districts/cities or with vertical agencies responsible for land acquisition.

In the implementation of land acquisition stages, especially in the preparation stage, an information application for land acquisition management is needed to facilitate agencies requiring land to prepare land acquisition planning documents that comply with land acquisition regulations. Coordination and harmonization of perceptions/sharing of issues related to Land Acquisition for Public Interest with various regions across the country are necessary (Muliawan, 2018).

Therefore, land acquisition must be conducted and planned based on the provisions of Law No. 12 of 2012 on Land Acquisition for Public Development and its derivative regulations, which subsequently serve as a reference for fulfilling the requirements for such land acquisition (Isnandar et al., 2021).

C. RESEARCH METHODOLOGY

This research was conducted over a period of 2 months, from May to July 2024, in the Sorong Special Economic Zone (KEK Sorong) in Southwest Papua Province. The aim of this research is to understand the land acquisition mechanism in KEK Sorong. This research employs a qualitative research method, with data analysis being conducted qualitatively.

D. RESULT AND DISCUSSION

Control, Ownership, Use, and Utilization of Land

Land Control

Control and dominance (of land) can be understood in both physical and legal terms, encompassing both civil and public aspects (Oriza et al., 2022). Legal control refers to control that is based on rights and protected by law, generally giving the rights holder the authority to physically control the land they own (Sam et al., 2020). Landowners use or benefit from the land they control without transferring it to others.

Physical control focuses on the relationship between humans and land concerning its use. Physical control does not necessarily coincide with legal control; for example, someone who legally owns land might transfer its use to another person through an agreement or specific conditions. Additionally, there is also legal control that does not grant the authority to physically control the land in question (Salam, 2023).

In KEK Sorong, there are 4 existing business operators who were present before the area was designated as a KEK. The largest is PT. Semen Indonesia (Persero) Tbk, which is engaged in cement packaging. Next is PT. Henrison Inti Persada, which has shipped CPO ranging from 500 – 2000 mT via ships docked at Pelabuhan Arar. PT. Henrison Inti Persada has also benefited from the access provided by the area through Pelabuhan Arar. Additionally, there are several new business operators that are either operational or in the construction phase, including PT. Perahu Catamaran Papua from the Netherlands and PT. Satu Suku Pertanian from the United States.

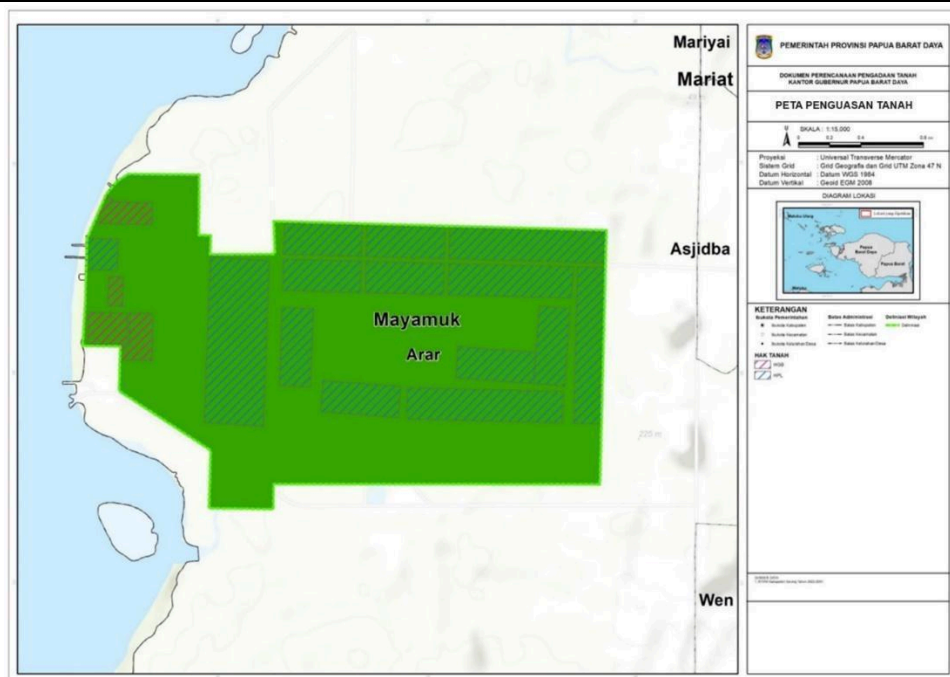


Figure 1: Land Control in the Land Acquisition Location of KEK Sorong

Land Ownership

Land Ownership refers to the effective control of land. It explains that land ownership is the effective control of one's own land, with a legal relationship established through a Land Right between the subject and object, evidenced by a land certificate (Saifuddin & Qamariyanti, 2022). The right to own land is the most important right that citizens can have over a piece of land. This right allows the holder to utilize the land for their benefit, but this control over the land must not conflict with existing legal regulations (Sam et al., 2020).

The land area planned based on the accumulated results of land control map delineation, for the Special Economic Zone (KEK) Sorong, with an area of 2,205,000 m² or 208.5 hectares, is controlled by the customary land owned by the Marga Kami. The status of land ownership is unregistered land (customary/ulayat land), with the main representative of Marga Kami being Piter Kami.

Table 1. Land Ownership in the Planned Land Acquisition for the West Papua Police Headquarters Office

| No. | Land Ownership | Field of Affected Land (Ha) | Number of Land Parcels | Percentage (%) |
|-----|---------------------|-----------------------------|------------------------|----------------|
| 1 | Ownership Rights | 208,5 | 1 | 100 |
| 2 | State Land | - | - | - |
| 3 | Building Use Rights | - | - | - |

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| 4 | Business Use Rights | - | - | - |
| 5 | Waqf Land | - | - | - |

Source: Analysis Results, 2024

Land Use

According to Article 1, item (3) of Government Regulation No. 16 of 2004 concerning Land Use Planning (PP No. 16 of 2004), land use is the form of earth surface coverage, whether natural or man-made. The usage of land has specific limits, which are only as needed for interests directly related to the land use, within the boundaries set by law (UUPA) (Sam et al., 2020).

Land use must be controlled, both in terms of policies and regulations, as well as in its implementation process. Excessive exploitation of land can lead to damage not only to the land itself but also to the surrounding environment. Although regulations clearly define the limits of land use, in practice, there are still various forms of illegal land use (Sam et al., 2020).

In the land acquisition location for KEK Sorong, West Papua Province, based on an overlay with the Sorong Regency Spatial Planning (RTRW), most of KEK Sorong is classified as industrial area, with a total area reaching 291.7 hectares. The land use of the KEK Sorong location based on the RTRW of Sorong Regency is presented in Table 2.

Table 2. Land Use Based on the Sorong Regency Spatial Plan (RTRW)

| No. | Object Name | Right | Area (Ha) |
|-------|--|-------|-----------|
| 1 | Water Body | - | 0.6 |
| 2 | Convertible Production Forest Area | - | 0.1 |
| 3 | Convertible Production Forest Area /Urban Residential Area | - | 3.2 |
| 4 | Convertible Production Forest Area / Industrial Area | - | 1.7 |
| 5 | Convertible Production Forest Area / Transportation Area | - | 0.0 |
| 6 | Rural Residential Area | - | 0.8 |
| 7 | Urban Residential Area | - | 2.3 |
| 8 | Industrial Area | - | 291.7 |
| 9 | Transportation Area | - | 8.3 |
| 10 | Convertible Production Forest Area/Transportation Area | HGB | 1.3 |
| 11 | Urban Residential Area | HGB | 0.2 |
| 12 | Industrial Area | HGB | 6.6 |
| 13 | Transportation Area | HGB | 8.7 |
| 14 | Urban Residential Area | HPL | 1.6 |
| 15 | Industrial Area | HPL | 192.7 |
| 16 | Transportation Area | HPL | 4.2 |
| Total | | | 523.7 |

Source: Analysis Results, 2024

In the Sorong Regency Spatial Plan (RTRW) for the KEK Sorong area, there are 16.8 hectares of land under Building Use Rights (HGB), of which 4 hectares have already been certified. Additionally, there are 198.1 hectares of land under State Land Rights (HPL). According to Table 2, the use of water bodies includes areas such as rivers, lakes, or other water sources that require special protection and management. The land use for urban residential areas

covers spaces designated for housing, public facilities, and other urban infrastructure in accordance with the spatial planning to support orderly urban growth and development. This reflects the overall land allocation according to the Sorong Regency RTRW, demonstrating the balance and planning applied to meet various needs, including natural resource conservation and urban development.

Land Utilization

Land utilization represents the activities related to the use of land, whether for agricultural or non-agricultural purposes, aimed at deriving benefits from the land to increase its value in accordance with its function, environment, community interests, and time, in the form of specific products or services (Sam et al., 2020). According to Article 1, item (4) of Government Regulation No. 16 of 2004, land utilization is defined as activities to add value without changing the physical form of land use. Land utilization can be enhanced provided that the land use remains unchanged and must consider land rights and community interests.

The Special Economic Zone (KEK) Sorong is an area with high potential for productive land utilization. One significant form of utilization is agricultural activities, particularly plantations for various types of crops. With a supportive climate and fertile land, KEK Sorong is an ideal location for the development of diverse agricultural sectors. Utilization of land can include plantation production (e.g., bananas) and shrubbery (all types of plants present in the KEK Sorong land acquisition area have been addressed).

Land utilization in KEK Sorong is not limited to agriculture alone. The area can also be used for industrial and infrastructure development supporting economic growth, such as PT. Semen Indonesia (Persero) Tbk, which operates in cement packaging. Additionally, PT. Henrison Inti Persada has shipped 500 – 2000 metric tons of Crude Palm Oil (CPO) through ships docked at Pelabuhan Arar. PT. Henrison Inti Persada has also benefited from the access provided by the area through Pelabuhan Arar. Furthermore, new businesses that have started operations and are under construction include PT. Perahu Catamaran Papua from the Netherlands and PT. Satu Suku Pertanian from the United States.

Social Impact of Land Acquisition Activities

Community Impact

The social impacts observed in KEK Sorong include unresolved compensation for the KEK Sorong road construction and outstanding payments for land acquisition of 100.3 Ha. Additionally, land within the HPL that was previously cleared is still occupied by residents for housing and various crops, affecting the community's livelihood. Some respondents expressed resignation to the development because they lacked the means to oppose it. The development has implications for changes in farmers' livelihoods and a decrease in wages for tenant farmers. For tenant farmers, land acquisition means losing their source of livelihood due to not receiving compensation as they do not own the land. On the other hand, landowners can use the compensation received as capital for business ventures or to purchase new farmland. Thus, tenant farmers can be categorized as a vulnerable group, though with varying degrees of vulnerability (Tjanta et al., 2021).

According to Law No. 2 of 2012, affected communities should have a standard of living at least equal to their condition before the land acquisition. Additionally, according to international regulations, if the agency requiring the land receives funding from the World Bank or the Asian Development Bank (ADB), the potential social impacts must be mapped and mitigated by the

land-requiring agency. Both regulations share a common philosophy that land acquisition and development in an area should ultimately benefit the community. To address these social impacts, recovery efforts are mandatory for the land-requiring agency. Such efforts can include various forms of assistance, training, and community empowerment to ensure that, post-land acquisition, the community enjoys a better quality of life (Rahmadani, 2022).

Dampak Individu dan Keluarga

The development of KEK Sorong has led to a reduction in farmland worked by local farmers, which has implications for both individual and family resilience. The area of farmland before and after the establishment of KEK Sorong indicates that the development has significantly impacted the income generated by these farmers. The loss or reduction of farmland means a loss of livelihood for the community. In response, many farmers have sought additional income through side jobs to sustain their families, while others have been forced to find new employment as their farmland has been taken over by the KEK Sorong project.

According to data from the Central Statistics Agency (BPS), the population of Mayamuk District in 2022 was 14,613 people, with an average livelihood derived from farming, fishing, self-employment, and other activities. The land acquisition for the Special Economic Zone (SEZ) industry has the potential to create significant social impacts. On one hand, there may be changes in the social structure of the area, including potential migration and shifts from traditional lifestyles. On the other hand, industrial infrastructure development can create new job opportunities, improve living standards, and support advancements in education and public health.

However, it is crucial to consider the potential for social conflicts and cultural changes that may arise from economic transformation and industrial development. Additionally, there may be conflicts between landowners affected by the acquisition and industrial developers due to differing understandings and interests. Increased industrial activity could also impact the surrounding environment through heightened air pollution and other negative effects on ecosystem balance.

Therefore, it is important for stakeholders to involve the community in decision-making processes, ensure transparency, and develop strategies for mitigating social impacts to achieve a balance between economic growth and social sustainability within the Special Economic Zone.

E. CONCLUSION

The conclusions of this research are as follows: (a) Land Control: In KEK Sorong, there are four existing business entities that were present before it was designated as a KEK, namely PT. Semen Indonesia (Persero) Tbk, PT. Henrison Inti Persada, PT. Perahu Catamaran Papua, and PT. Satu Suku Pertanian. (b) Land Area: Based on the results of land control map delineation, the proposed land acquisition site for the Special Economic Zone (KEK) Sorong covers an area of 2,205,000 m² or 208.5 Ha, which involves land ownership by Marga Kami. (c) Land Acquisition Location: For the land acquisition location in KEK Sorong, West Papua Province, based on the overlay with the Sorong District Spatial Plan (RTRW), most of KEK Sorong is classified as an industrial area with a total area of 291.7 Ha. (d) Land Utilization: Land utilization in KEK Sorong includes uses for crops, company activities, and port facilities. (e) Social Impact: The land acquisition activities in KEK Sorong have social impacts, affecting individuals and families, including changes in economic resilience and potential social conflicts.

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