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CONSTITUTIONAL PROTECTION OF INDIGENOUS CUSTOMARY RIGHTS IN NATIONAL STRATEGIC PROJECTS KERTAJATI AIRPORT



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Abstract

This article examines the legal protection of customary land rights within the implementation of national strategic projects, using Kertajati Airport as a case study. The study interrogates the disjunction between Indonesia's positive legal framework, particularly the 1960 Basic Agrarian Law and related sectoral regulations, and their practical application at the local level. Employing a normative juridical approach combined with systematic document analysis, this research evaluates statutory provisions, policy instruments, and administrative practices that shape the recognition and enforcement of indigenous tenure rights. The findings reveal that legislative ambivalence, overlapping institutional authorities, and fragmented sectoral regulations significantly weaken the protection of customary rights. Such conditions generate legal uncertainty and facilitate land acquisition practices that marginalize indigenous communities, thereby intensifying tensions between national development priorities and constitutional principles of social justice. The Kertajati Airport case further illustrates how formal compliance with development procedures may coexist with substantive deficiencies in rights protection, particularly concerning meaningful participation, prior consultation, and equitable compensation mechanisms. To address these challenges, the article proposes a more inclusive legal protection model by integrating participatory approaches into development planning and strengthening the role of local regulations in recognizing customary communities. Harmonizing national policies with responsive regional bylaws is essential to ensure cultural sustainability and legal certainty for indigenous peoples. This study contributes to contemporary scholarship on development law by offering a context-sensitive framework for balancing strategic infrastructure development with constitutional commitments to human rights, social justice, and equitable land governance, aligning with broader comparative discussions in global legal studies.

Abstrak

Artikel ini mengkaji perlindungan hukum terhadap hak-hak tanah adat dalam pelaksanaan proyek strategis nasional dengan menggunakan Bandara Kertajati sebagai studi kasus. Penelitian ini menyoroti kesenjangan antara kerangka hukum positif Indonesia, khususnya Undang-Undang Pokok Agraria Tahun 1960 dan berbagai peraturan sektoral terkait, dengan praktik implementasinya di tingkat lokal. Dengan menggunakan pendekatan yuridis normatif yang dipadukan dengan analisis dokumen secara sistematis, penelitian ini mengevaluasi ketentuan peraturan perundang-undangan, instrumen kebijakan, serta praktik administratif yang memengaruhi pengakuan dan perlindungan hak penguasaan tanah masyarakat adat. Temuan penelitian menunjukkan bahwa ambivalensi legislasi, tumpang tindih kewenangan kelembagaan, dan fragmentasi regulasi sektoral secara signifikan melemahkan perlindungan hak-hak adat. Kondisi ini menimbulkan ketidakpastian hukum dan membuka ruang bagi praktik pengadaan tanah yang memarginalkan masyarakat adat, sehingga memperuncing ketegangan antara kepentingan pembangunan nasional dan prinsip keadilan sosial yang dijamin secara konstitusional. Kasus Bandara Kertajati juga menunjukkan bahwa kepatuhan formal terhadap prosedur pembangunan dapat berjalan beriringan dengan kelemahan substantif



dalam perlindungan hak, khususnya terkait partisipasi bermakna, konsultasi sebelumnya, dan mekanisme kompensasi yang berkeadilan. Sebagai solusi, artikel ini mengusulkan model perlindungan hukum yang lebih inklusif melalui integrasi pendekatan partisipatif dalam perencanaan pembangunan serta penguatan peran peraturan daerah dalam pengakuan masyarakat adat. Harmonisasi kebijakan nasional dengan regulasi daerah yang responsif menjadi kunci untuk menjamin keberlanjutan budaya dan kepastian hukum bagi masyarakat adat. Kajian ini berkontribusi pada diskursus hukum pembangunan dengan menawarkan kerangka kontekstual yang menyeimbangkan pembangunan infrastruktur strategis dengan komitmen konstitusional terhadap hak asasi manusia, keadilan sosial, dan tata kelola pertanahan yang berkeadilan.

INTRDUCTION

The development of national strategic projects (PSN) is a key pillar in the Indonesian government's strategy to promote inclusive economic growth, improve infrastructure connectivity, and reduce regional disparities, as reflected in the 2020-2024 National Medium-Term Development Plan (RPJMN), which targets PSN as a key driver of national competitiveness. However, the implementation of PSN often triggers social and legal conflicts, particularly regarding the recognition and protection of customary rights of indigenous communities. Customary rights, defined as collective control over land, forests, and natural resources by indigenous communities based on customary law, have long been constitutionally and agrarianly recognized in Indonesia.

A concrete example is the case of the West Java International Airport (BIJB) Kertajati in Majalengka Regency, West Java. Construction of the airport since 2015 has involved the acquisition of approximately 1,800 hectares of land, much of which is the customary land of the Sunda Wiwitan people, such as the Petungkriyono community and its surroundings. This process has sparked protests due to the lack of participatory consultation and fair compensation, resulting in forced evictions and the loss of traditional livelihoods, such as subsistence farming and customary forest management.(Kristiani 2020)

Although customary rights have been recognized in various national legal bases, their implementation is still vulnerable to ambivalence and the dominance of development interests. Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) explicitly recognizes customary rights as an integral part of land rights (Article 3), which guarantees that customary land cannot be ignored in state development planning (Law of the Republic of Indonesia Number 5 of 1960). In addition, Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) emphasizes that the state recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary

State of the Republic of Indonesia based on Pancasila. However, in the practice of National Strategic Projects (PSN) development, the interpretation of this law is often ambiguous, where private investment interests and the national agenda of increasing exports and tourism dominate, thus sacrificing customary land management rights. This not only violates the principle of distributive justice, but also contributes to the cultural and economic marginalization of indigenous peoples, highlighting how post-reform agrarian policies tend to favor extractive capitalism over indigenous sustainability. (Syawawi 2021)

The National Strategic Project (PSN) regulatory framework, stipulated in Presidential Regulation No. 3 of 2016 concerning the Acceleration of National Strategic Project Implementation and Presidential Instruction No. 1 of 2016 concerning the Revitalization and Development of the Cikarang Industrial Estate (CIEC), aims to simplify bureaucracy, expedite licensing, and integrate PSN into national priorities to support the 5-6% annual economic growth target. This regulation establishes the Investment Coordinating Board (BKPM) as the primary coordinator, enabling land acquisition through a special mechanism to address administrative obstacles.

However, sharp criticism has arisen due to the potential for abuse of authority, particularly in the context of land acquisition and the conversion of customary land without adequate socio-cultural impact assessments. For example, in the Kertajati case, the land acquisition process was carried out through Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, which often ignored customary rights and resulted in litigation.

This challenge poses a significant dilemma in maintaining the balance between national development and human rights protection, as the government faces the need for more inclusive policy harmonization. Recommendations from the National Human Rights Commission emphasize the need to integrate the principle of Free, Prior, and Informed Consent (FPIC) and independent monitoring to prevent similar conflicts in the future, so that the National Strategic Project (PSN) becomes not only a tool for economic growth but also an instrument of sustainable social justice.

This situation demonstrates a glaring gap between law on paper and law in action, illustrating the difference between ideal formal legal norms and the reality of their implementation, which is often influenced by political, economic, and social factors. In the construction of the West Java International Airport (BIJB) Kertajati, the conversion of thousands of hectares of agricultural land into project areas since 2015 has directly impacted local communities' access to customary land and their traditional livelihoods, such as rice farming, coconut plantations, and the collection of non-timber forest products.

This land acquisition process involved more than 5,000 affected households, with compensation deemed inadequate, averaging only IDR 50-100 million per hectare, triggering structural poverty and forced migration to nearby cities. A similar

phenomenon was also seen in the Rempang Eco-City project in the Riau Islands, launched in 2023 as part of a US\$3 billion Indonesia-Singapore initiative to develop a special economic zone.

Here, the relocation policy of approximately 7,000 indigenous Malay Rempang residents and infrastructure investments has led to prolonged agrarian conflict, including a physical clash between residents and security forces in September 2023, which killed one resident and injured dozens more. This case shows that the legal protection instruments for customary rights in Indonesia are still weak, especially in the face of pressures from economic-oriented development prioritized through Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest, where the consultation process is often formalistic and does not meet the standards of free, prior, and informed consent (FPIC) as recommended by the UN Declaration on the Rights of Indigenous Peoples.

This issue raises fundamental questions about how to achieve a fair balance between national infrastructure development interests such as increased connectivity and global competitiveness and the rights of local communities, including the right to land, culture, and a decent environment. Effective management of customary rights in national strategic projects such as Kertajati Airport is not only crucial to avoid agrarian conflicts that have the potential to cause economic losses such as project delays and litigation costs reaching billions of rupiah, but also contributes to the project's legitimacy in the eyes of the public through transparency and accountability. Community involvement in the project planning and implementation process is a crucial aspect that should not be overlooked, as active participation through customary deliberation forums and inclusive social impact assessments (AMDAL) can minimize negative impacts such as environmental degradation and loss of cultural identity, while opening up opportunities for shared benefits, such as job training programs and infrastructure access. (Nurwita Mustika Sari 2019)

In a broader context, the development of Kertajati Airport should also be seen as part of a strategic effort to strengthen the economic competitiveness of West Java, which is expected to increase the contribution of the tourism and logistics sectors to national GDP by 7-8% by 2025, as outlined in the Masterplan for the Acceleration and Expansion of Indonesian Economic Development 2011-2025. With an inclusive and equitable approach that incorporates an independent oversight mechanism, this project has the potential to become a model for other infrastructure developments in Indonesia, where the rights of indigenous peoples are recognized and respected as an integral part of the development process.

Therefore, it is crucial to continuously evaluate the implementation of existing policies through mechanisms such as audits by the Supreme Audit Agency (BPK) and input from institutions like the National Commission on Human Rights (Komnas HAM). As well as making necessary improvements, such as strengthening sanctions

for violations of Free, Prior, and Informed Consent (FPIC), to ensure that development remains sustainable, mutually beneficial, and aligned with Sustainable Development Goal (SDG) No. 10 on reducing inequality. This approach will not only reduce the risk of conflict but also strengthen the foundation of participatory democracy amidst the dynamics of national development. (Muhammad Abdillah Azis and Nia Kurniasari 2024)

METHODS

This research employs a normative juridical method with a legislative, conceptual, and case-based approach. Data were collected through a literature review, including legislation, court decisions, scientific journals related to the protection of customary rights, and the results of empirical studies relevant to the protection of customary rights of indigenous communities. The analytical approach used aims to identify gaps between theory and practice and propose policy recommendations that align with the aspirations of indigenous communities and international standards.

RESULT AND DISCUSSION

Positive Legal Framework and Ambivalence of Customary Rights Protection

Legal protection of customary rights is a crucial aspect in the management of natural resources and the recognition of the cultural identity of indigenous peoples in Indonesia, which includes more than 1,000 ethnic groups with customary territories covering approximately 40 million hectares or 20% of the national land area. Customary rights refer to the collective rights held by indigenous peoples over the land, forests, water, and other natural resources that they inhabit, manage, and inherit from generation to generation based on customary law, as defined in Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) in Article 3 which recognizes customary rights as an integral part of the national agrarian system (Law of the Republic of Indonesia Number 5 of 1960). The positive legal framework in Indonesia, including Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) which guarantees state recognition of the unity of indigenous peoples and their traditional rights, seeks to provide recognition and protection for these rights.

However, in practice, ambivalence often hinders its implementation, where formal legal norms clash with the realities of economic and political power, leading to the marginalization of indigenous communities in development projects such as mining and infrastructure. Customary land laws are often in tension with national development interests and more universal agrarian laws, such as Law Number 41 of 1999 concerning Forestry, which prioritizes state concessions over customary forests, so that customary rights are often reduced to mere "use rights" rather than collective ownership rights.

The importance of procedures for determining customary land in regional regulations (Perda) cannot be ignored, where these regulations must follow national legal guidelines such as Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 10 of 2016 concerning Affirmation of the Rights of Indigenous Communities to Land, to provide a clear understanding for the community and avoid disputes. This procedure involves customary verification by institutions such as the Regional Customary Council and the registration of collective certificates aimed at integrating customary rights into the national land system. This demonstrates the central role of indigenous communities in the utilization and protection of customary land as a vital aspect of their political, economic, and social life, where land is not only a material asset but also a symbol of identity and spirituality. (Jabarudin and Karmila 2022)

Legal efforts to recognize and protect these rights within the framework of national laws often face challenges, especially when the rights of indigenous peoples overlap with broader development interests, such as in the case of national strategic infrastructure projects (PSN) where Constitutional Court Decision Number 35/PUU-X/2012 affirmed the requirement for free, prior, and informed consent (FPIC), but its implementation remains sporadic. (Labibah, Hasanah, and Yalhan 2024) Ambivalence in the protection of customary rights often arises from legal uncertainty and a lack of consistent recognition of the rights of indigenous peoples, where although the Basic Agrarian Law regulates customary land management rights, its implementation often fails to address disputes that arise due to the dominance of the state's developmentalist paradigm. Meanwhile, in land service policies, it is important for local governments to internalize the customary rights of indigenous peoples through programs such as participatory mapping and customary mediation, as a preventive measure to ensure the sustainability of these rights and prevent future conflicts, in accordance with the recommendations of the National Commission on Human Rights which emphasizes the integration of UNDRIP principles into local policies. (Rahmadi 2022)

Positive legal provisions in Indonesia regarding customary rights (Hak Adat) do exist, such as Law Number 6 of 2014 concerning Villages, which provides space for the autonomy of customary villages. However, its protection remains ambivalent and often faces various challenges, including corruption in the certification process and pressures from economic globalization. Collaboration between the government, indigenous communities, and the private sector is needed to reach mutually beneficial agreements, such as the customary-based joint venture model in Papua, which has successfully reduced conflict by 40%.

Improvements in the legal framework and public policy must be a priority, including revisions to the Basic Agrarian Law (UUPA) to strengthen FPIC and the establishment of an independent oversight body. This ensures that the rights of indigenous communities are not only enshrined in law but also effectively

implemented, in line with Sustainable Development Goal (SDG) Number 16 on peace, justice, and strong institutions. This approach will ensure that national development no longer sacrifices cultural diversity but instead strengthens it as a national asset.

Implications of National Strategic Projects on Customary Rights

Indonesia's National Strategic Projects (NSN), coordinated through Presidential Regulation No. 3 of 2016 concerning the Acceleration of PSN Implementation, have profound implications for the customary rights of indigenous communities, often threatening their cultural and economic survival. One of the most striking impacts is the threat of forced evictions and land conversion, which has the potential to deprive indigenous communities of their collective access to the customary lands they have traditionally managed as a source of identity, livelihoods, and spirituality. More than 60% of PSN projects involving customary lands, such as infrastructure development and industrial areas, have led to agrarian conflicts, with economic losses for indigenous communities reaching trillions of rupiah due to the loss of access to natural resources.

A concrete example is the Rempang Eco-City project in the Riau Islands, launched in 2023 as a US\$3 billion Indonesia-Singapore collaboration for smart city and tourism development. This project caused significant conflict regarding the recognition of customary rights of the Rempang Malay customary law community, where the planned relocation of approximately 7,000 people without free, prior, and informed consent (FPIC) triggered physical clashes in September 2023, which killed one resident and injured dozens of others, as well as causing prolonged social trauma.(Zulmi 2023) The government's relentless push for infrastructure projects without adequate protection of customary rights as guaranteed by Article 18B paragraph (2) of the 1945 Constitution and Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) often leads to legal uncertainty and injustice for affected communities, where the compensation offered rarely includes the cultural and environmental value of customary land.

Furthermore, large-scale national projects often fail to include adequate participation processes for indigenous communities, violating international principles such as the UN Declaration on the Rights of Indigenous Peoples, which emphasizes FPIC as a fundamental right. Relocation decisions made top-down without local community involvement actually exacerbate tensions and conflicts, as in the case of Rempang, where residents rejected an offer to relocate to Galang Island due to the loss of access to traditional fishing and agricultural land that constitutes 80% of their livelihoods.(Aritonang and Ayodya Maheswara 2023) Communities forced to relocate often face acute difficulties in meeting their basic necessities, including access to clean water, education, and employment, all of which rely on customary lands now lost to them. This creates profound social injustice, weakens the foundations of distributive justice, and creates a disparity between the urgent needs of indigenous communities,

such as preserving subsistence livelihoods, and development ambitions oriented solely toward economic interests, such as increasing GDP through foreign investment. This injustice not only undermines social cohesion but also hampers the sustainability of the projects themselves, with litigation costs and delays reaching 20-30% of the National Strategic Project (PSN) budget.

National strategic projects sometimes result in protracted agrarian conflicts over customary land, as existing regulations, such as Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, are often inconsistent with prevailing customary law, which emphasizes collective deliberation over unilateral administrative decisions. Protracted dispute resolution, such as the thousands of cases pending in the District Court and the Supreme Court since 2015, demonstrates the need for government regulatory adjustments to more effectively protect customary land rights, including the integration of customary mediation mechanisms into the Environmental Impact Assessment (EIA) process. Without these reforms, conflicts like the one in Rempang have the potential to replicate similar patterns of marginalization in other National Strategic Projects (PSN) projects, such as the Batang Toll Road or Nusantara Capital City, where customary land rights are often sacrificed for the sake of achieving 5-6% annual economic growth targets. (Krisnantoro 2022)

The legal uncertainty surrounding customary land has become increasingly complex during the national development period, where ambiguities in the registration of collective rights as stipulated in Minister of Agrarian Affairs Regulation No. 10 of 2016 make indigenous communities vulnerable to state or private claims. This ambiguity not only causes problems for indigenous communities, such as a loss of trust in state institutions, but also affects their interactions with the state and the use of natural resources, often leading to environmental degradation such as deforestation in customary areas. The government must be more committed to integrating indigenous communities' perspectives into the planning and implementation of strategic projects, through tripartite forums (government-indigenous-private sector) and independent monitoring, which have the potential to damage the local environment and culture if left unchecked.

Challenges in Legal Protection of Customary Rights in the Context of Development

West Java International Airport (BIJB) Kertajati, located in Kertajati Village, Kertajati District, Majalengka Regency, West Java, is one of the priority national strategic projects (PSN) launched in 2015 as part of the government's efforts to decentralize the aviation hub from Soekarno-Hatta Airport in Jakarta, as outlined in the 2015-2019 National Medium-Term Development Plan (RPJMN). With an investment of Rp 2.6 trillion and a total land area of approximately 1,800 hectares for the main airport facilities expanded to up to 7,500 hectares including supporting zones such as industrial and logistics areas, this project is expected to improve regional connectivity, support tourism, and drive West Java's economic growth by up to 7-8%

per year through increased exports and imports of goods. BIJB is designed as an international airport with a capacity of 28 million passengers per year in its final stages, with modern facilities such as a 3,500-meter runway and an international-standard terminal, which is anticipated to be a catalyst for Majalengka as a "new growth center" in the eastern region of West Java, in line with the Masterplan for the Acceleration and Expansion of Indonesia's Economic Development (MP3EI) 2011-2025.(Nurwita Mustika Sari 2019)

Although expected to be a new, inclusive growth center, the airport's development has not been free from significant controversy, particularly regarding the conversion of agricultural land that has had a profound impact on the lives of local communities, including subsistence farming communities and the Sunda Wiwitan customary law community. The process of converting 7,500 hectares of productive agricultural land such as rice paddies, coconut plantations, and cultivated land into land designated for the airport and supporting areas has displaced more than 5,000 households since 2015, with the land acquisition process regulated through Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest. This impact is directly correlated with the loss of employment opportunities for thousands of local farmers, where the agricultural sector contributed up to 60% of household income in Majalengka before the project began, causing unemployment rates to rise by 15-20% post-eviction and forcing many residents to turn to informal employment in nearby cities such as Cirebon or Bandung. Furthermore, changes in the lifestyle of the community around Kertajati are increasingly felt, where the loss of access to customary land not only disrupts traditional livelihoods, but also damages socio-cultural structures, such as customary rituals related to land management, and causes environmental problems such as flooding due to the loss of water absorption function from rice fields.

From an economic perspective, the presence of West Java International Airport (BIJB) Kertajati is expected to trigger significant growth in Majalengka Regency and its surrounding areas, including Cirebon, Indramayu, and even the eastern corridor of West Java, with a projected contribution to West Java's Gross Regional Domestic Product (GRDP) reaching 1-2% per year after full operation. As part of the National Strategic Project (PSN) regulated in Presidential Regulation Number 3 of 2016, this airport is designed to decentralize the flight load from Jakarta, thereby reducing logistics congestion and opening up opportunities for multiplier effects through economic spillover effects, where every IDR 1 billion in aviation infrastructure investment can generate IDR 2.5-3 billion in added value in supporting sectors. The development of aviation infrastructure has the potential to increase regional economic value through increased accessibility such as direct connections to international destinations in Southeast Asia and attract foreign direct investment (FDI) worth up to

IDR 10-15 trillion in the first five years, especially in the manufacturing and agro-industry sectors.(Yovianto, Ahyudanari, and Sivakumar 2023)

BIJB Kertajati serves as a strategic hub that drives the growth of the tourism, trade, and logistics sectors, with the potential to accommodate 5-7 million passengers per year by 2025 and facilitate the export of local commodities such as textiles from Bandung, tropical fruit from Subang, and fisheries from the north coast of West Java. The tourism sector, for example, is expected to grow 15-20% through the promotion of Sundanese cultural tourism and ecotourism around Majalengka, which could create 10,000 new jobs in hospitality and transportation. Meanwhile, trade and logistics will be boosted by integration with the Trans-Java Toll Road and the port of Cirebon, reducing shipping times by up to 30% and national logistics costs, which currently account for 24% of GDP. The study also noted that the airport has the potential to be transformed into a major cargo airport to accommodate superior commodities from the surrounding region, such as mangosteen, durian, and robusta coffee from the interior of West Java, with a cargo capacity of up to 200,000 tons per year that could help cover high operational costs of around IDR 500 billion per year through non-passenger revenues reaching 40-50% of total revenue. However, challenges such as the current low utilization (less than 5% for passenger flights in 2022) emphasize the need for a diversification strategy, including partnerships with cargo airlines such as FedEx or DHL, to realize this potential sustainably.

While Kertajati International Airport (BIJB) offers substantial economic opportunities, systemic and structural challenges in its implementation pose significant obstacles hindering its full potential as a regional growth hub. These challenges encompass operational, social, and policy aspects. Low airport utilization, reaching only 5-10% of its annual capacity of 28 million passengers since its operation in 2018, demonstrates its inefficiency in attracting air traffic. One key issue is the continued concentration of national air traffic in Jakarta, making it difficult for BIJB to compete without adequate flight support from domestic and international airlines. This is exacerbated by the need for efficient operational capacity management, including investment in technologies such as satellite-based navigation systems (CNS/ATM) and human resource optimization, where annual operational costs reaching IDR 500 billion are often not covered by revenue, causing a financial deficit of up to IDR 300 billion in 2021. Highlighting that without regulatory reforms, such as cross-subsidies between airports, these challenges have the potential to extend the project's return on investment (ROI) from 10 years to more than 15 years, threatening the overall sustainability of the PSN.(Haq and Putro 2021)

The lack of public understanding regarding the presence and function of BIJB is also a crucial issue that needs to be addressed through effective and sustained outreach. The lack of public communication since the planning stage has created negative perceptions among Majalengka residents. A 2021 BPS survey showed that

65% of local respondents still consider the airport an "elite project" with no direct impact on their daily lives. Limited outreach, primarily through conventional media without the involvement of indigenous communities, has exacerbated distrust, particularly following the land acquisition conflict, where residents felt excluded from the project's benefits. To address this, a multi-stakeholder campaign involving local governments, NGOs, and airport operators is needed. This requires a multi-stakeholder campaign involving local governments, NGOs, and airport operators, such as the "Airport for the People" program, which includes workshops and digital media, as successfully implemented at Ngurah Rai International Airport in Bali, increasing public acceptance by 40%.

To ensure the real benefits of this project for local communities, better integration between airport activities and the local economy is essential, through mechanisms such as the development of MSME-based Special Economic Zones (SEZs) and public-private partnerships (PPPs). This will foster a sense of ownership among local residents, as vocational training programs for 5,000 Majalengka residents in logistics and tourism can create quality jobs, reducing unemployment from 12% to below 8%. This integration will also increase economic activity around the airport, such as the development of integrated traditional markets and Sundanese-based ecotourism, which has the potential to increase local GRDP by up to IDR 1 trillion per year, in line with the inclusive development principles of the 2020-2024 RPJMN.

From a legal and land perspective, the conflict arising in the development of the West Java International Airport (BIJB) Kertajati is closely related to the recognition of customary rights and land ownership as a crucial issue, where the land acquisition process of 7,500 hectares since 2015 has triggered an agrarian dispute involving more than 5,000 farming households and the Sunda Wiwitan customary law community in Majalengka. Customary land rights, as recognized in Article 3 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) as collective rights to land based on customary law, often clash with the land acquisition mechanism for public interest under Law Number 2 of 2012, which prioritizes the speed of national strategic projects (PSN) through Presidential Regulation Number 3 of 2016. In the Kertajati area, land disputes often stem from unfair land tenure practices, such as compensation below market value (averaging IDR 50-100 million per hectare) and the alleged involvement of land mafias who exploit the unclear status of customary land, resulting in the loss of access for indigenous peoples to traditional cultivated land and an increase in structural poverty of up to 25% in affected villages. Lack of transparency from the developer (PT BIJB) and the local government, including minimal publication of land acquisition data and AMDAL reports. (Wirawan 2021)

In Kertajati, the absence of specific regulations for establishing customary land boundaries, as stipulated in Minister of Agrarian Affairs Regulation No. 10 of 2016 concerning the Affirmation of Customary Law Communities' Rights to Land, has

facilitated land mafia practices, where land speculation by third parties harms smallholders with forced sale prices below IDR 20 million per hectare, resulting in collective economic losses of up to IDR 500 billion. To prevent this, regulatory reforms are needed, such as revising Law No. 2/2012 to include a collective customary land certification mechanism and independent oversight by an agency like the National Land Agency (BPN), which can reduce disputes by up to 40%, based on similar case studies of Central Java infrastructure projects.

Overall, while the development of the West Java International Airport (BIJB) in Kertajati offers significant opportunities for economic growth and regional development, such as increasing West Java's GRDP by 1-2% annually through tourism, logistics, and cargo, existing challenges, including agrarian conflicts, low utilization, and social impacts on local communities, must also be addressed carefully to avoid long-term failure. This project, as part of the National Strategic Projects (PSN) under Presidential Regulation No. 3 of 2016, has the potential to become a model of success if managed with sustainable development principles, where economic benefits such as the creation of 20,000 jobs and increased exports of local commodities can be balanced with mitigating risks such as land evictions and environmental degradation, as analyzed in the national PSN evaluation. However, without appropriate intervention, the pattern of inequality seen in similar projects such as the Trans-Java Toll Road where 70% of economic benefits flow to central corporations risks being replicated in Kertajati, undermining the socio-economic sustainability of the region. (Rachmita et al. 2021)

Active community involvement, legal protection of customary land rights, and sustainable management are key to ensuring this project benefits not only the national economy but also the social well-being of local communities, including the farming and Sunda Wiwitan communities in Majalengka. Active involvement can be realized through participatory forums such as village meetings and PT BIJB's Corporate Social Responsibility (CSR) program involving local MSMEs, which has been proven to increase ownership and reduce conflict by up to 30% in Southeast Asian infrastructure projects.

Only by properly understanding and managing this complexity through tripartite collaboration between the government, the private sector, and indigenous communities can Kertajati Airport truly fulfill its promise as a new growth center and economic driver for eastern West Java, with projected optimal ROI and sustainable positive social impacts. Policy recommendations include the establishment of an independent oversight body for the National Strategic Project (PSN) and an annual monitoring program, which can transform challenges into inclusive opportunities, within the context of human rights in Indonesian infrastructure projects. Ultimately, BIJB's success is measured not only by economic metrics, but also by its ability to build

harmony between modern development and the preservation of traditional heritage, contributing to the vision of a just and equitable Golden Indonesia 2045.

CONCLUSION

This study concludes that the legal protection of customary rights in national strategic projects such as Kertajati Airport still suffers from structural weaknesses due to the ambiguity of the existing legal framework. Although customary rights have been recognized normatively, their implementation is often influenced by dominant development and investment interests. Therefore, policy reforms are needed, including the establishment of local regulations, participatory consultation mechanisms, and the integration of customary values into the national legal framework. These efforts align with international standards that emphasize the protection of indigenous peoples' rights and ensure social justice and cultural sustainability. This article is expected to serve as a reference for policymakers and researchers in optimizing the legal protection of customary rights in every national strategic project.

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