

The Wadas Case in the Perspective of Political Criminal Law

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ABSTRACT: The conflict in Wadas Village, Central Java, emerged from the government's plan to extract andesite stone to support the construction of the Bener Dam, which triggered opposition from local residents due to concerns over environmental degradation, loss of agricultural land, and disruption of social life. This issue is significant because it reflects a clash between development interests and the protection of human rights, as well as alleged abuse of state power. This study aims to analyze the Wadas case from the perspective of political criminal law and to assess the form of legal protection afforded to citizens. The research employs a normative juridical method with a case study and library research approach, using statutory regulations, concepts of political criminal law, and secondary data derived from legal literature and documented accounts of the Wadas case. The findings indicate that the handling of the Wadas case reflects repressive state actions, including arbitrary arrests, intimidation, violence by security forces, and the exclusion of community participation in the decision-making process. These actions demonstrate characteristics of crimes committed by those in power and are contrary to the principles of the rule of law and the protection of human rights. This study concludes that the Wadas case constitutes a serious violation of citizens' rights within the framework of political criminal law. Therefore, stronger state accountability, greater respect for public participation, and enhanced human rights protection are required in the implementation of development policies.

KEYWORDS: Wadas Case; Political Criminal Law; Human Rights Violations; Abuse of State Power; Andesite Mining Conflict

I. INTRODUCTION

Crimes committed by the state and the protection of citizens are two interrelated concepts that often become the focus of study in political criminal law. Crimes committed by the state, also known as political crimes, are acts perpetrated by state officials or the government that violate the law and human rights. The protection of citizens, on the other hand, encompasses various efforts to ensure that individual rights are safeguarded against abuses of state power.

In the Indonesian context, development projects often give rise to conflicts between the government and citizens. One concrete example is the conflict that occurred in Wadas Village, Central Java. This conflict originated from the government's plan to open an andesite mining site in the village to support the construction of the Bener Dam. The villagers rejected this plan because they feared its negative impact on the environment and their livelihoods.

Crimes committed by the state include various forms of legal violations committed by officials or government institutions. According to Prof. Dionysios Spinellis, crimes committed by those in power, or "Top Hat Crimes," include violations of the fundamental rules of politics, corruption, human rights violations, and abuse of power to maintain political positions. The case in Wadas Village presents a concrete example of state crime, in which the government employed excessive force to suppress residents who opposed the mining project.

The protection of citizens is a primary responsibility of a state governed by law. Article 28G of the 1945 Constitution affirms that every person has the right to protection of their person, family, honor, dignity, and property under their control, and also has the right to security and protection from threats of fear. However, in the case of Wadas Village, such protection appears to have been disregarded by the government.

Article 34 of Law No. 39 of 1999 concerning Human Rights further affirms that no person may be arbitrarily arrested, detained, tortured, ostracized, exiled, or expelled. A violation of this provision occurred when more than 60 residents of Wadas Village were arbitrarily arrested by police officers. The protection of these basic rights must be enforced to ensure that the state does not abuse its power against its citizens.

To elaborate upon the issues in Wadas, the author prepared this paper entitled "The Wadas Case from the Perspective of Political Criminal Law.". Based on the background described above, the issues to be discussed in this research article are:

- A. How is the Scope of Political Crime?
- B. How is the Wadas Case to be viewed from the perspective of Political Criminal Law?

II. RESEARCH METHODS

This research is a juridical-normative study, which focuses on the concept of law viewed as a systematic and rigid set of legal regulations (Suteki & Taufani, 2022). The approaches used in this research include the statute approach, the conceptual approach, and the analytical approach. This research is descriptive-analytical in nature. The descriptive character embedded in this research method seeks to depict a problem that exists in a particular region or at a particular time. This depiction of conditions cannot then be separated from its analytical character, which involves an in-depth elaboration of the problem under study. The data collection method used is literature study (library research). The data analysis method used in this research is qualitative data analysis. Matthew B. Miles and A. Michael Huberman define the qualitative data analysis method as a series of interactive processes comprising three cycles of activity, namely data reduction, data display, and conclusion drawing/verification. (Suteki & Taufani, 2022)

III. DISCUSSIONS

A. Scope of Political Crime

According to Barda Nawawi Arief, in the current legislative/formulative policy, no act is officially categorized as a "political crime/offense." The term "political crime/offense" is not a juridical term, but rather a general and scientific one. Among the public and academics, there are still differences of opinion regarding the definition and scope of political crime (Arief, 2007). The lack of consensus is natural, because people can attribute various meanings and content to political crime, including as:

- a. Crimes against the state/state security
- b. Crimes against the political system
- c. Crimes against the system of power
- d. Crimes against fundamental values or basic rights (human rights) in social, state, or political life
- e. Crimes containing political elements/motives
- f. Crimes in gaining, maintaining, or toppling power
- g. Crimes against political institutions
- h. Crimes by the state/rulers/politicians
- i. Crimes of abuse of power

There is even an opinion that all crimes in a very broad sense are political crimes. From the various identifications of the several definitions above, political crime can broadly be categorized into two groups, namely (Schafer, 1974):

- a. Crimes by holders of power
Crimes by holders of power are criminal acts committed by individuals who hold important positions or power, such as government officials or politicians. Examples of such acts include corruption, bribery, or abuse of power for specific interests. These crimes reflect the abuse of their position to carry out illegal acts that harm society.
- b. Crimes against the system of power
Crimes against the system of power are criminal acts aimed at damaging or overthrowing the existing power structure. These acts can take the form of efforts to destroy government institutions, violate the rules that sustain the government, or other acts intended to disrupt political and governmental stability. Examples include rebellion, terrorism, or sabotage against state institutions.

According to Loeb Loqman, political crime is primarily related to crimes against state security (Arief, 1999). Meanwhile, Stephen Schafer defines political crime more broadly, including the various types of crime previously described. From the various expert definitions, the essence of political crime is crime related to power within the state, encompassing crimes originating from the system of government, the political system, political institutions, or political dynamics aimed at gaining, maintaining, or toppling power by misusing the law. This power covers the legal, political, economic, social, and defense-security fields. If processed legally, this can be regarded as political criminalization or the politicization of the process. Crime related to power is known by several terms such as "crime of the powerful", "abuse of public and political power", "crime by government", and "crime of politicians in office". Edwin H. Sutherland calls it "white collar crime", namely crime committed by individuals of high and respectable standing in their occupations. Dyonisios Spinellis calls it "Top Hat Crime", which includes violations of the basic rules of power and politics, human rights violations to maintain power, corruption and economic scandals, as well as other offenses by politicians or public officials in carrying out their duties (Diyonysios, 1994).

According to Dyonisios Spinellis, political crime falling within the "Top Hat Crime" category has several main characteristics:

- a. Contains an element of abuse of public office.
- b. Involves violation or abuse of trust.
- c. Concerns very serious public legal interests.
- d. Usually carried out with the assistance of civil employees or party members, while politicians act as advocates.
- e. Difficult to detect or prove.
- f. The emergence of the phenomenon of political penalization and the politicization of the criminal justice process.

The Wadas Case in The Perspective of Political Criminal Law

In law enforcement, as expressed by Bagir Manan, it is an effort to maintain that the law is carried out in accordance with its provisions. However, positive law in Indonesia often fails to address and prevent more sophisticated political crimes in the future. The failure of law enforcement against political crimes is often caused by an unaccommodating understanding as well as the intervention of non-legal interests supported by high-level technology and politics (Manan, 2002).

Efforts to harmonize law and politics are needed to create authoritative law enforcers and moral politicians. Stagnant law enforcement is often caused by an outdated understanding and the strong intervention of external parties that perfectly control the system, leaving far behind the objective conditions of law enforcement that have existed so far.

B. State Crime in The Wadas Central Java Case

The Wadas case in Wadas Village, Bener District, Purworejo Regency, Central Java, began with the government's plan to mine andesite stone in the village to support the construction of the Bener Dam. The project was part of a National Strategic Project expected to improve irrigation and water supply in the region. However, the villagers rejected the plan because they were concerned about the environmental and social impacts it would cause. They feared that the mining would damage agricultural land, which constituted their primary source of livelihood, and disrupt the ecological balance in the area (Suryana, 2022).

The conflict began to surface in 2018 when the government issued a Governor's Decree on Environmental Feasibility and Environmental Permit that included Wadas Village as a mining location. In the announcement of this Environmental Permit, Wadas Village suddenly appeared on the list for land acquisition. In April 2018, a public consultation was held asking residents to sign documents, which turned out to be used as a prerequisite for the Environmental Permit. In June 2018, a Decree on Location Determination Approval was issued, further strengthening Wadas Village's position as a mining area.

In 2020, the Governor of Central Java issued an extension of the land acquisition location determination for the Bener Dam, which again included Wadas Village. The residents of Wadas Village became increasingly vocal in rejecting the mining project in 2021. In April 2021, an incident occurred in which residents who were blocking government officials were attacked by BBWSSO and the police, resulting in nine residents being injured and 11 people being arrested, including two legal assistants from LBH Yogyakarta.

Tensions escalated in early 2022. On February 8, 2022, hundreds of police and military personnel entered Wadas Village to escort the land measurement process. This action led to the arrest of more than 60 residents who were deemed to have engaged in provocation and resistance against the land measurement. Officers were reported to have damaged protest posters and entered residents' homes without permission. The situation in the village became extremely tense, with residents, especially women, the elderly, and children, experiencing intimidation and violence. Mothers even fled into the mosque to pray and take shelter from the repressive actions of the authorities (Santoso, 2022).

At its peak, the situation in Wadas Village was extremely tense with a siege by security forces who surrounded the village and arrested residents who were engaging in mujahadah at the mosque. This clash caused deep trauma for residents, especially women, the elderly, and children who experienced intimidation and violence. Residents also reported that officers accused them of carrying sharp weapons, when in fact the officers themselves came with full weaponry and shields. As a result of these repressive actions, residents demanded a halt to the land measurement and the withdrawal of police forces from the village.

The Governor of Central Java, Ganjar Pranowo, briefly apologized for the violence that occurred and promised to re-evaluate the project. However, to this day, conditions in Wadas Village are still far from normal, and residents still feel afraid and traumatized by the incident. Komnas HAM also found the use of excessive force by officers and human rights violations. The government claims that the mining project and dam construction are important for national interests and will provide long-term benefits for the community, but this statement is rejected by residents and various civil society groups who state that the rights of Wadas residents are being ignored.

When viewed through the lens of Political Criminal Law, Stephen Schafer divides political crimes into two major groups: crimes committed by power holders and crimes against the system of power. Using this framework, we can analyze the Wadas case in Central Java as an act of crime committed by power holders, manifested in the actions of the government and security forces.

Crimes committed by power holders refer to criminal acts carried out by individuals or groups holding positions of power. In the Wadas case, several actions taken by the government and security forces can be categorized as crimes by power holders:

- a. **Excessive Use of Force:** In February 2022, hundreds of officers Police and TNI entered Wadas Village to escort the land measurement process. They arrested more than 60 residents and used violence, including damaging protest posters and entering residents' homes without permission. These actions reflect the abuse of power by state apparatus to suppress residents' resistance to the mining project.
- b. **Intimidation and Violence:** Arbitrary arrests and intimidation carried out by plainclothes officers against residents who rejected the mining project also demonstrate an abuse of authority. The use of violence and arrests without a clear legal basis shows that power was used to frighten and intimidate residents.

The Wadas Case in The Perspective of Political Criminal Law

- c. Manipulation of Legal Procedures: The government issued various decrees related to environmental feasibility and mining permits without adequately involving residents in the consultation process. This reflects the manipulation of legal procedures to impose a project that benefits certain parties, despite facing rejection from the community.

In this case, the violent actions by police officers and the misleading statements by the Coordinating Minister for Political, Legal, and Security Affairs can be categorized as "abuse of public and political power" or crimes by the government.

Dionysios Spinellis introduced the concept of "Top Hat Crimes," which encompasses various forms of violations committed by public officials or politicians. This concept includes violations of the basic rules of power and politics, human rights violations to maintain power, corruption and economic scandals, as well as other offenses by public officials in carrying out their duties (Erfa, 2018). Using this framework, we can analyze the Wadas case in Central Java by examining how the key elements that define political crime in the context of state abuse of power are manifested in the actions of the government and security apparatus.

In the Wadas case, the Central Java government issued various decrees related to environmental feasibility and mining permits without adequately involving residents. The Central Java Governor's Decree on Environmental Feasibility and Environmental Permit, which includes Wadas Village as a mining site, was issued without a transparent and participatory consultation process. The public consultations that were held appeared to be a formality and did not genuinely involve residents in a substantive way. The government's action of imposing the mining project despite strong rejection from residents constitutes a violation of the basic rules of power, in which power is used to impose policies without regard for the voice and rights of the community.

The excessive use of force by police and military personnel in dealing with residents who oppose mining in Wadas Village is a serious human rights violation. In February 2022, hundreds of police and military personnel entered Wadas Village to escort the land measurement process. They arrested more than 60 residents and used violence, including damaging protest posters and entering residents' homes without permission. These actions not only violated residents' rights to express opinions and assemble peacefully, but also created deep trauma and fear among the villagers.

The repressive actions carried out by security forces on the orders of the regional government indicate the presence of other offenses involving public officials. For example, arbitrary arrests, intimidation, and the use of violence against residents who oppose the mining project are forms of abuse of authority committed by public officials (Aulianisa & Athira Hana Aprilia, 2019). Arrests without a clear legal basis as well as intimidation carried out by plainclothes officers also indicate elements of politicization in law enforcement in Wadas Village.

In the case of the conflict in Wadas Village, the government's actions, including the role of the Coordinating Minister for Political, Legal, and Security Affairs and Central Java Governor Ganjar Pranowo, can be analyzed by linking human rights violations and political crimes. The Coordinating Minister stated that the situation in Wadas Village was calm and peaceful, which contradicts field reports and the findings of Komnas HAM showing violence by security forces, arbitrary arrests, and the cutting off of telecommunications services. This statement can be seen as an attempt to cover up the violations that occurred, and from a legal perspective, it can be categorized as a form of manipulation of public information. Meanwhile, Ganjar Pranowo appears to have contacted relevant parties to reactivate communication signals after the situation was deemed conducive. This indicates intervention by the regional government in matters that should not have been shut down in the first place. In a legal context, this action demonstrates a disregard for residents' rights to access information and communicate, which constitutes a violation of human rights.

The arbitrary arrest of more than 60 Wadas Village residents by police officers. This action clearly violates Article 34 of Law No. 39 of 1999 concerning Human Rights. The arrests were carried out without a clear legal basis and are considered a form of intimidation against residents who oppose andesite mining in their area.

Acts of violence by police officers during the arrest of Wadas residents, including physical violence committed by plainclothes officers, constitute a violation of the residents' right to security and protection from threats of fear. These actions degrade human dignity and cause deep trauma to the community. Furthermore, the cutting off of electricity and communication signals for three consecutive days is also a human rights violation. This isolates the residents, causes physical and emotional distress, and heightens feelings of fear and insecurity among them. The disruption of these services violates the residents' right to communicate and access information, which is an integral part of personal self-protection and security. It is clear that the Government violated Article 28G of the 1945 Constitution, this article affirms every person's right to personal protection, family, honor, dignity, and property under their control, as well as the right to security and protection from threats of fear to do or not do something that is a human right.

Protection of citizens is an obligation that must be fulfilled by a state, including Indonesia. This is mandated by Paragraph IV of the Preamble to the 1945 Constitution and Article 28D paragraph (1), which states that every person has the right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law. This protection encompasses various aspects, including legal protection, security, and human rights.

In the Wadas case, despite efforts by several institutions to provide protection, the repressive actions of the authorities show that the state has not fully been present in protecting its citizens. Protection efforts undertaken by institutions such as the National Commission on Human Rights (Komnas HAM) and the Witness and Victim Protection Agency (LPSK) have indeed been visible in the form of monitoring and advocacy. However, the repressive actions carried out by police officers while escorting land

The Wadas Case in The Perspective of Political Criminal Law

measurement by the National Land Agency (BPN) demonstrate a discrepancy between the protection policies stipulated in law and their implementation in the field.

The violence and intimidation experienced by the residents of Wadas contradict the principles of human rights protection set forth in various national and international legal instruments. Article 28G paragraph (1) of the 1945 Constitution states that every person has the right to protection of their person, family, honor, dignity, and property under their control, as well as the right to a sense of security and protection from the threat of fear to do or not do something that is a human right. The repressive actions of the apparatus involving arrests and physical violence against residents who rejected andesite mining clearly violate these principles.

Furthermore, these repressive actions also indicate problems in the implementation of citizen protection policies at the local level. Although the central government has established policies that prioritize human rights protection, their implementation at the local level is often inconsistent. Apparatus in the field tend to use approaches of violence and intimidation rather than dialogue and mediation. This reflects a lack of understanding and training regarding human rights among law enforcement officials as well as the lack of effective oversight mechanisms to ensure that human rights protection policies are properly implemented.

IV. CONCLUSIONS

The Wadas case reflects serious violations of human rights by the government and security apparatus in relation to the andesite rock mining project in Wadas Village, Central Java. These actions can be analyzed from the perspective of political criminal law, highlighting the abuse of power by government officials. Article 34 of Law No. 39 of 1999 concerning Human Rights states that no person may be arbitrarily arrested, detained, tortured, ostracized, exiled, or banished. In the Wadas case, the arbitrary arrest of more than 60 residents by police violated this provision. The arrests were carried out without a clear legal basis and constituted a form of intimidation against residents who rejected the andesite mining project in their area. Physical violence by police officers, including by plainclothes officers, as well as the cutting off of telecommunications services for three consecutive days, violated the residents' right to a sense of security and protection from the threat of fear as stipulated in Article 28G of the 1945 Constitution. These actions not only degraded human dignity but also caused deep trauma among the people of Wadas.

From the perspective of political criminal law, the Wadas case also reflects crimes by those in power. The excessive use of force by police and military personnel in escorting the land measurement process reflects a clear abuse of power. These repressive actions indicate serious human rights violations, including arbitrary arrests, intimidation, and violence against residents. The government issued various decrees related to environmental and mining permits without adequately involving residents in the consultation process, reflecting manipulation of legal procedures to impose a project benefiting certain parties, despite facing strong opposition from the community.

The protection of citizens is an obligation that must be fulfilled by the state, as mandated by the 1945 Constitution and various other legal instruments. However, the repressive actions of the apparatus in the Wadas case show that the state has not fully been present in protecting its citizens. The violence and intimidation experienced by residents contradict the principle of human rights protection stipulated in Article 28G of the 1945 Constitution. Furthermore, these repressive actions also indicate problems in the implementation of citizen protection policies at the local level. Although the central government has established policies that prioritize human rights protection, their implementation at the local level is often inconsistent. Apparatus in the field tend to use approaches of violence and intimidation rather than dialogue and mediation, reflecting a lack of understanding and training regarding human rights among law enforcement officials.

Overall, the Wadas case underscores the importance of consistency between policy and implementation in human rights protection. The state must ensure that law enforcement officials at all levels understand and respect citizens rights. In addition, oversight and accountability mechanisms must be strengthened to prevent future human rights violations. In this way, the state can truly be present in protecting its citizens in accordance with the constitutional mandate and applicable law. The government's actions in the Wadas case demonstrate an abuse of power that violates human rights, and the state must be accountable and ensure that citizens rights are protected in accordance with applicable legal principles.

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The Wadas Case in The Perspective of Political Criminal Law

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