

Land Acquisition Dispute in a National Strategic Project: the Case of Yogyakarta International Airport

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Abstract: This study analyzes the dynamics of land acquisition disputes to provide land for the construction of the so-called national strategic project, namely, the Yogyakarta International Airport (YIA). It also discusses the ratio decidendi of the administrative court at first instance and cassation levels, particularly in the context of legality and substantive justice. Previous studies have highlighted the role of the administrative court in land disputes, but few have examined changes in judges' opinions across levels. The object of examination is the Location Determination Permit (*Izin Penetapan Lokasi*, IPL) issued by the Governor. The first-instance court revoked the permit, but the Supreme Court overturned that decision. The results of the study show the importance of checks and balances mechanisms, transparency in public consultation, and active community participation in the development process. This study makes a new contribution by highlighting the integration of substantive justice into the practice of administrative justice, enabling national strategic projects to be carried out without sacrificing the rights and welfare of the community.

Keywords: Administrative Court, National Strategic Project, Social Justice

1. Introduction

The role of the administrative court (PTUN) in providing justice may attract public attention, particularly when aggrieved individuals challenge administrative decisions concerning significant economic activity or major infrastructure development.¹ The petition is against a public body or public official who issued the decision in question.²

In the Special Region of Yogyakarta, one of the cases heard by PTUN Yogyakarta was a dispute concerning the Governor decision concerning the location of the new airport. The construction took place in five villages, i.e., Jangkaran, Sindutan, Palihan, Kebon Rejo, and Glagah, all of which were in Temon Sub-District, Kulonprogo District. While the airport construction project was supported by people in urban areas, particularly Yogyakarta, residents in the five directly affected villages opposed it. They did so mainly because most of them are farmers who make a living from paddy fields.³

Residents in the affected villages realized that the Governor has an authority in deciding the matter. However, the Governor is also responsible for taking into account the welfare of the affected villagers. When the decision ignored that, it derogated their welfare; and neglected the people who had long lived and depended on the land. Due to the impact of the airport construction, some people in the Kulonprogo were concerned about the sustainability of their welfare, and they filed a lawsuit at PTUN Yogyakarta. A closer analysis reveals that this conflict is not only a legal issue, but also a more complex problem, having socio-cultural, economic, and political dimensions.⁴

The lawsuit filed at the PTUN Yogyakarta was against Decree of the Governor of the Special Region of Yogyakarta No. 68/KEP/2015 on the Determination of the Construction Site for the Development of a New Airport in the Special Region of Yogyakarta, dated 31 March 2015. Arguably, this decision was closely related to land acquisition by the state for public interest.⁵ Land acquisition is one of the mechanisms through which the state acquires land for development. Before the construction site is designated, in accordance with Article 10 point c of Presidential Regulation (Perpres) Number 71 of 2012 on the Implementation of Land Acquisition for Development in Public Interest, public consultation is required as part of the process prior to the designation of the Construction site.⁶

1 Aritonang, Dinoroy Marganda, Harijanti, Susi Dwi, Muttawin, Zainal, Abdurrahman, Ali. "Extensive Jurisdiction of State Administrative Courts in Indonesia: Interpretation and Legal Coherence Issues." *Public Integrity*. 27 no. 3 (2025):287-299.

2 Jaelani, A. K. Implementasi Daluarsa Gugatan Dalam Putusan Peradilan Tata Usaha Negara di Indonesia. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 18 no. 2 (2019): 56-70.

3 Al-Ghazali, M. *Pengadaan Tanah Bandara Internasional Yogyakarta (YIA) Pendekatan Sosio-yuridis Perspektif Hukum Islam*. (Doctoral dissertation at Universitas Islam Indonesia). (2022).

4 Patuagian, Mendra. *Kajian Terhadap Putusan Mahkamah Agung Nomor 456 K/TUN/2015 Terkait Pembangunan Bandara di Kecamatan Temon Kabupaten Kulon Progo Yogyakarta*. Bachelor thesis. Undergraduate Degree at the Faculty of Law, Universitas Kristen Satya Wacana. (2017).

5 Kalaji, B.S.R., Thalita F., & Hapsari, S. "Penerapan Gugatan Perwakilan Kelompok dalam Pengujian Keputusan Tata Usaha Negara di Peradilan Tata Usaha Negara." *Padjajaran Law Review*, 11 no. 1(2023):91-101.

6 Patuagian, Mendra. *Kajian Terhadap Putusan Mahkamah Agung Nomor 456 K/TUN/2015 Terkait Pembangunan Bandara di Kecamatan Temon Kabupaten Kulon Progo Yogyakarta*. Bachelor thesis. Undergraduate Degree at the Faculty of Law, Universitas Kristen Satya Wacana. (2017).

This study analyses the construction of Yogyakarta International Airport (YIA) by examining the compliance with the legal aspect and its social impact, comparing Decision of PTUN Yogyakarta Number 07/G/2015/PTUN.YK and Decision of the Supreme Court Number 456 K/TUN/2015. These two decisions are worth exploring because they attracted massive public attention, were controversial, and involved various approaches from legal experts and practitioners. This study aims to comprehend how the justice system dealt with cases involving public interests and how these decisions affected the rights of local communities and the implementation of national strategic projects.

The Administrative Court plays a pivotal role for citizens who are aggrieved by the actions of authority that violate legal provisions, controlling government actions.⁷ The Court has the authority to resolve disputes over administration and bureaucratic personnel, particularly those related to the issuance or non-issuance of decisions between administrative officials and individuals or civil legal entities.

The decisions of this court reflect the dynamics of law enforcement and the pursuit of social justice to improve general welfare. In terms of the construction of Yogyakarta International Airport (YIA), law enforcement faced a challenge of balancing various interests, from the local government as the project implementer and communities who felt aggrieved.. Therefore, the approach became a reflection of to how the legal system, social justice, and continuity of national development are related in a deeper understanding.

In the context of National Strategic Projects (PSN) such as the construction of Yogyakarta International Airport, the judicial reasoning of administrative courts cannot be understood solely as the formal application of law. As *judex facti*, the State Administrative Court plays a key role in establishing and assessing legal facts, including administrative and social facts related to the protection of the rights of affected communities. However, the status of PSN often frames development projects as imperative public interests, thereby potentially encouraging fact assessments that emphasize procedural legality over substantive evaluations of policy impacts. Thus, at the *judex facti* level, tensions between legal certainty and substantive justice have begun to emerge.

In socio-legal studies, judicial reasoning is understood as a practice that cannot be separated from the social context and public policy, as argued by MacCormick⁸ and Tamanaha.⁹ Meanwhile, the concept of substantive justice emphasizes the importance of evaluating the real impact of the law on the lives and rights of affected communities.¹⁰ However, this approach has not been widely used to examine the relationship between *judex facti* and *judex juris* in disputes over National Strategic Projects in Indonesia.

7 Paramita Kau. "The Role of the Administrative Court in Protecting Citizens' Rights from Harmful Administrative Actions." *Estudiante Law Journal*. 7 No. 2(2025):331-343.

8 Neil MacCormick, *Legal Reasoning and Legal Theory* (Oxford: Clarendon Press, 1994), pp. 45-47.

9 Brian Z. Tamanaha, *Law as a Means to an End: Threat to the Rule of Law* (Cambridge: Cambridge University Press, 2006), pp. 12-15.

10 Amartya Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009), pp. 22-25.

This tension continued at the *judex juris* level, when the Supreme Court assessed the application of law by the Administrative Court within an abstract normative framework. Limiting the role of the Supreme Court to formal legal aspects has the potential to narrow the scope for correction of substantive injustices rooted in the construction of facts at the first level, particularly in National Strategic Projects that are intertwined with development interests. Therefore, this study examines the relationship between the PTUN and the Supreme Court as a conceptual relationship that determines how substantive justice is interpreted at the PTUN first instance court.

2. Research Questions

1. How did the dispute arise between residents and the provincial government over land acquisition for the construction of Yogyakarta International Airport?
2. How did the courts rule on the disputes, and what can be learned from these rulings?

3. Methodology

This research uses a descriptive qualitative method to understand the dynamics of the Yogyakarta International Airport (YIA) land acquisition dispute and the attitude of the judiciary in balancing legality and substantive justice. The research objects include the Yogyakarta Administrative Court Decision Number 07/G/2015/PTUN and the Supreme Court Decision Number 456 K/TUN/2015 along with their impact on the affected communities.

Data was collected through a literature study of books, scientific journals, research reports, and related legal documents. The analysis was conducted by combining: (1) content analysis to identify the themes and arguments of the judges, (2) judicial reasoning analysis to assess the consideration of facts, procedures, and public interests, and (3) socio-legal interpretive analysis to evaluate the impact on community rights and public policy.

4. Dispute over Land Acquisition between Residents and the Government in the Construction Project of Yogyakarta International Airport

In 2015, issues arose after the communities had filed a lawsuit against the construction plan of Yogyakarta International Airport (YIA) (see Decision of PTUN Yogyakarta Number 07/G/2015/PTUN.YK).¹¹ The plaintiffs are citizens of the Republic of Indonesia living across 3 (three) villages, namely Glagah, Palihan, and Sindutan in Temon Sub-District, Kulonprogo District, where an airport in the Special Region of Yogyakarta is to be constructed. The plaintiffs were legitimate owners of land affected by the airport construction plan, and their rights shall be protected, recognised, and defended under prevailing laws and regulations in Indonesia. The plaintiffs ownership of the land includes dry fields or productive land, paddy fields, or yards and buildings that will later become the object of the land acquisition for the airport construction based on the object of the dispute issued by the defendant.¹²

11 Supreme Court of the Republic of Indonesia, Decision Number 456 K/TUN/2015, 8.

12 Dwijoyo, D.C. Pelaksanaan Pengadaan Tanah untuk Pembangunan New Yogyakarta International Airport di

The plaintiffs object to the airport construction plan in Temon Sub-District area, Kulonprogo District, Special Region of Yogyakarta, particularly in 5 (five) villages where the airport is to be constructed. Under Article 53 paragraph (1) of Law Number 9 of 2004¹³, individuals or civil legal entities who think that their interests have been harmed by an administrative decision can file a written lawsuit with the court of competent jurisdiction to demand that the disputed administrative decision be declared null or invalid, with or without a demand for damages or rehabilitation.

The lawsuit was filed after the plaintiffs knew that in Temon Sub-District, particularly Glagah, Palihan, Jangkar, Kebon Rejo, and Sindutan, a new airport would be constructed as mass media reported the issuance of Decision of the Minister of Transportation of the Republic of Indonesia Number KP 1164 of 2013 on the designation of the location of the new airport in Kulonprogo, Special Region of Yogyakarta.¹⁴ They are landowners and tenant farmers. For decades, they have been well off and lived prosperously. As farmers, the plaintiffs are highly dependent on productive agricultural land for production to sustain life.

According to the plaintiffs, the airport construction plan, if implemented, will cause the loss of productive agricultural land as a means of production for residents who are prosperous farmers and will even violate constitutional rights and human rights and impoverish the plaintiffs as entitled parties and those depending on productive agricultural land in Temon Sub-District. The plaintiffs object to and reject the airport construction for those reasons. Eventually, they formed and were involved in an association called Wahana Tri Tunggal (WTT), comprised of entitled residents and farmers who have depended on the productive agricultural land from 5 villages in Temon Sub-District.¹⁵

On 5 September 2014, the defendant submitted the Decision of the Governor of the Special Region of Yogyakarta Number 89/TIM/2014 on the establishment of a land acquisition preparation team for the construction of a new airport in the Special Region of Yogyakarta.¹⁶ In the dissemination process, the land acquisition preparation team never persuaded, invited, or allowed the entitled or affected communities to discuss the technical plan for the preparation of the public consultation model and never offered places to the entitled communities.

The dissemination was in a hurry, and the voting rights of the affected communities who could attend the meeting were manipulated. Due to their disagreement, their voting rights were lost, and they were deemed to approve the airport construction. The statement became the last opportunity for citizens for conducting public consultation before such time period has ran out. Finally, on 1 April 2015, the plaintiffs and other objecting residents received letter number 593/2726 from the defendant on the rejection of the objection to the construction and development plan of a new airport in the Special Region of Yogyakarta, dated 30 March 2015. After issuing a letter rejecting the objection of the residents on 31 March 2015, the defendant issued Decision of the Governor of the Special Region of Yogyakarta Number 68/KEP/2015 on the determination of the construction site for Kabupaten Kulon Progo (Bachelor thesis at Universitas Muhammadiyah Magelang). 2018.

13 Decision Number 456 K/TUN/2015, 9.

14 Decision of the Minister of Transportation of the Republic of Indonesia Number KP 1164 of 2013

15 Decision Number 456 K/TUN/2015, 17.

16 Special Region of Yogyakarta Governor's Decision Number 89/TIM/2014

the development of a new airport in the Special Region of Yogyakarta.

The legal reasoning in Decision of PTUN Yogyakarta Number 07/G/2015/PTUN about the substance of the dispute is as follows:¹⁷

- 1) The Yogyakarta State Court granted the plaintiffs' lawsuit and annulled Decree of the Governor of the Special Region of Yogyakarta Number 68/KEP/2015 dated 31 March 2015 on the Determination of the Construction Site for the Development of a New Airport in the Special Region of Yogyakarta. In the ruling, PTUN ordered the defendant to revoke his decision.
- 2) According to the court, the Governor's decision contradicted applicable laws and regulations, including the Regional Spatial Planning which did not mandate the construction of a new airport. PTUN also said that the public requirements, given many objections from local residents.

In Decision Number 07/G/2015/PTUN.YK, PTUN Yogyakarta resolved a dispute that had arisen from the local government policy on the construction of Yogyakarta International Airport (YIA). The lawsuit was filed by plaintiffs aggrieved by the government's decision on the land acquisition. PTUN found procedural violations or the non-fulfilment of the affected communities' rights.

The construction of Yogyakarta International Airport (YIA) in Kulonprogo reflects the conflict between two major interests: national infrastructure development and human rights protection. Furthermore, there were other issues, particularly violations of the basic rights of the affected communities, such as their access to clean water and electricity. These rights are part of the right to a decent life, as enshrined in the constitution and various laws and regulations in Indonesia.

Article 5 of Law No. 30/2014 on Government Administration explicitly states that each decision of government officials shall be based on the principle of the protection of human rights. Nevertheless, in the land acquisition for YIA, it was reported that there had been alleged violations, including the restriction of access to water and electricity for the residents refusing to be relocated. It was deemed to undermine the principle of social justice and public benefit. Although the government and PT Angkasa Pura I offered compensation claimed to exceed market prices and provided relocation housing, a number of technical measures do not reflect a humane and fair approach, such as road access restriction and unilateral electricity cuts.

To fight for their rights, the residents filed a lawsuit at the Yogyakarta Administrative Court (PTUN), with Case Number 07/G/2015/PTUN.YK. A total of 28 residents from three affected villages sued Decision of the Governor of DIY No. 68/KEP/2015 on the location of the airport construction. They were not involved in the public consultation process and were deprived of their rights as the legal owners of productive land. The lawsuit was filed under Article 53 paragraph (1) of Law Number 9 of 2004, which allows each individual aggrieved by an administrative decision to lodge an objection through a legal process. Those residents believed that the construction of the airport would deprive them of their livelihood and exacerbate the socio-economic conditions of local communities. To oppose the designation, they formed an association called Wahana Tri Tunggal (WTT), so they could collectively

¹⁷ Supreme Court of the Republic of Indonesia. Decision Number 07/G/2015/PTUN.YK, 210

voice their aspirations.

The dissemination by the local government was considered non-inclusive and manipulative. Many residents said that they had not been invited to the forum, in which they could have expressed their aspirations and objections. Moreover, their participation was allegedly falsified, as if they approved the project. Furthermore, according to the media, they were under pressure to involuntarily agree.

PTUN Yogyakarta granted the petition and declared that Decision of the Governor of DIY No. 68/KEP/2015 was invalid and had to be revoked. The court said that the decision was against laws and regulations, particularly the Regional Spatial Planning (RTRW) of Yogyakarta which did not mention the location of the airport construction. In addition, the risk of disaster was taken into consideration because the construction site is located in a tsunami-prone area. PTUN also highlighted the lack of public participation in the decision-making process where the interests of many parties were at stake.

However, the decision of PTUN was then invalidated by the Supreme Court (MA) after the Governor of Yogyakarta had filed a cassation. In Decision Number 456 K/TUN/2015, the Supreme Court said that PTUN's reasoning was too narrow in comprehending the legal basis of the disputed decision. MA referred to Regional Regulation No. 6/2013 on the Regional Medium-Term Development Plan (RPJMD) of DIY 2012-2017, which explicitly included the construction of a new airport in Kulonprogo as a regional policy direction. The court also considered the urgency of the airport construction as a solution to the limited capacity of Adisutjipto Airport. Therefore, MA stated that the Decision of the Governor of DIY was valid and contained a long-term vision for public interest.

This case highlights the complexity of national strategic infrastructure projects directly related to citizens' rights. On the one hand, the airport construction was considered vital to mobility and economic growth. Nonetheless, the land acquisition was deemed to violate human rights and procedural justice. The Supreme Court's decision shows the strong position of development in legal reasoning. On the other hand, it emphasises a need for making the implementation mechanism of large projects to be more transparent and participatory, not at the expense of vulnerable groups. In the future, Indonesia needs a development model that is not only orientated towards infrastructure, but also upholds the principle of social justice, public participation, and respect for human rights.

However, the Governor of Yogyakarta appointed I Gede Sudiatmaja, S.H. etc to represent him. According to the cassation brief, the reasons for the cassation filed before the Supreme Court (Decision Number 456 K/TUN/2015) are as follows.

The panel of judges at PTUN Yogyakarta has made an error in its legal reasoning, as seen on pages 202 to 203.¹⁸ After considering recommendation letter from the Governor of the Special Region of Yogyakarta number 553/1333 dated 20 March 2013 and the minutes of the recommendation from the objection review team (*see evidence T-173*), the panel of judges did not explain in detail the conformity between the provincial spatial planning and the location of the land acquisition. Thus,

18 Decision Number 456 K/TUN/2015, 202-203

despite the recommendation of the Governor of the Special Region of Yogyakarta and the review by the objection review team, to discover substantive truth under Law Number 2 of 2012, the panel of judges is obliged to examine the conformity between the land acquisition location and the spatial planning of the Special Region of Yogyakarta.¹⁹

Under paragraph 5 of the air transportation network development plan in articles 21, 22, 23 of Regional Regulation of the Special Region of Yogyakarta Number 2 of 2010 on the spatial planning of the Special Region of Yogyakarta 2009-2029, the air transportation infrastructure network development policy as referred to in Article 11 paragraph (2) shall support the national policy on the role of Adisutjipto Airport as a secondary deployment centre and the development of Gading Air Force Base as an *auxiliary field*.²⁰

The panel of judges has made an error in its legal reasoning, as seen on pages 207 to 208, stating that the object of the dispute, namely Decision of the Governor of the Special Region of Yogyakarta Number 68/KEP/2015 dated 31 March 2015 on the determination of the construction site for a new airport in the Special Region of Yogyakarta. It contradicts the spatial planning under Government Regulation Number 26 of 2008 on the national spatial planning, Presidential Regulation Number 28 of 2012, and Regional Regulation of the Special Region of Yogyakarta Number 2 of 2010 on the regional spatial planning of the Special Region of Yogyakarta Province. None of them mandates the construction of Adisutjipto Airport. In addition, the location designated to by the object of the dispute is in an tsunami-prone area so that it cannot be an object of land acquisition for development in public interest, *i.e.*, an airport. Therefore, the object of the dispute is contrary to the prevailing laws and regulations.²¹

Therefore, this decision emphasises the importance of compliance with legal procedures and protection of community rights in land acquisition for public interest.

The legal reasoning in Supreme Court Decision Number 456 K/TUN/2015 is as follows.²²

- 1) The *Judex Factie* too narrowly considered the legal basis of the object of dispute, because the Appendix to the Regional Regulation of the Special Region of Yogyakarta Number 6 of 2013 on the Regional Medium-Term Development Plan 2012-2017, Chapter VI Strategy and Policy Direction Number 6.3. Direction of Regional Development, Sub 6.2.4. Kulonprogo, explicitly and implicitly mentions the "Development of a New Airport in Kulonprogo".²³
- 2) Of course, its realisation experiences the dynamics of the development of real condition affecting the choice of 'Development Priority Scale'. Considering the dynamics of community in the era of regional autonomy and the condition of the quality of air transport infrastructure, facilities, and mode of transportation in the Special Region of Yogyakarta, *i.e.*, Adisutjipto Airport.

19 Decision Number 07/G/2015/PTUN.YK, 202.

20 Decision Number 07/G/2015/PTUN.YK, 203.

21 Decision Number 07/G/2015/PTUN.YK, 204.

22 Decision Number 456 K/TUN/2015, 74.

23 Regional Regulation of the Special Region of Yogyakarta Number 6 of 2013 on the Regional Medium-Term Development Plan 2012 - 2017.

There is a conflict between the development of the city and the demands for the development of airport quality for the safety and comfort of air transportation users, solutions need to be sought.

Thus, the construction of an airport in Kulonprogo is essential. Therefore, the legal action of the Defendant in issuing the administrative decision of the object of the dispute is based on law and is futuristic.

Given the reasons and facts in this case, according to the Supreme Court, it is fairly reasonable to grant the cassation filed by the appellant, i.e., the Governor of the Special Region of Yogyakarta.

In Decision Number 456 K/TUN/2015, MA reassessed the government policy underlying the land acquisition. The Supreme Court probably considered the policy legitimate in accordance with legal regulations, for legally valid reasons in terms of state development. In Decision No. 456 K/TUN/2015, MA Supreme Court heard and granted the cassation of the appellant, the Governor of the Special Region of Yogyakarta.

In other words, MA invalidated Decision of the Yogyakarta Administrative Court No. 07/G/2015/PTUN, which granted the lawsuit. This decision marked a significant change in the legal process related to the construction of a new airport in Kulonprogo, where MA declared that the Location Determination Permit (IPL) issued by the governor followed applicable legal procedures. In Decision of PTUN Yogyakarta Number 07/G/2015/PTUN, there is significant legal reasoning related to postponement. The court rejected the plaintiffs' request for postponement on the grounds that the postponement was unacceptable under the applicable legal provisions. In addition, PTUN rejected the demurrer filed by the defendant.

5. Stance of the Courts and Lesson Learnt from the Dispute

The study shows that the government's lack of responsibility for land acquisition in PSN, such as YIA, with unclear legal provisions and a lack of protection for the rights of the affected communities. It led to legal uncertainty and potential social conflict. Yogyakarta International Airport (YIA), located in the Special Region of Yogyakarta, has been widely discussed since its construction began. The IPL issued for the project was the object of the lawsuit, and several court decisions influenced the courts' stance in assessing the legality of the document.

To evaluate the legality of the case, the author will employ the principle of proportionality as one of the pivotal legal principles in evaluating administrative action or decision. There are three parameters based on this principle, as follows:²⁴

The first one is conformity of the purpose, i.e. an action must have a legitimate purpose and be in accordance with the applicable law, without exceeding the need to achieve that purpose. The second parameter is the appropriate need, i.e the action must be relevant to the situation and not excessive, considering the impact on communities, individuals, and the state. The last one is the balance, i.e., a decision

²⁴ Richo Andi Wibowo and Stevanus Hizkhia Gunawan, "Pelindungan Hukum Terhadap Keputusan dan Perbuatan Pemerintah: Perkembangan, Kasus dan Kritik" in *Hukum Administrasi Negara: Konsep Fundamental, Perkembangan Kontemporer dan Kajian Putusan*, ed Richo Andi Wibowo (Rajawali Press, 2023), 308

taken must be balanced, where the benefit outweighs the loss or negative impact. This principle of proportionality aims to protect individuals or parties affected by unfair or burdensome administrative actions. It also prevents abuse of power by public authorities that could harm other parties with no legitimate reason.

The decision to resolve this case reflects the complicated dynamics of law enforcement, the protection of community rights, and the implementation of national strategic projects. The panel of judges at PTUN Yogyakarta annulled the IPL on the construction of YIA issued by the Governor of the Special Region of Yogyakarta for violating the rights of the communities, particularly farmers aggrieved by the conversion of land as their source of livelihood.

This phenomenon shows how the panel of judges considered the aspect of social justice in their decision, prioritising the protection of vulnerable groups affected by government policy. However, it has also led us to discuss the position of judges in balancing public interest and the government's need to implement strategic projects. This decision is the starting point for a wider debate on how the justice system can respond to conflicts of interest in infrastructure development, considering legal regulations and social impacts.

The case of the IPL on the construction of YIA has experienced significant legal dynamics. In Decision No. 07/G/2015/PTUN.YK, PTUN Yogyakarta nullified the IPL issued by the Governor of the Special Region of Yogyakarta. This decision was based on the objection of the local communities, particularly the farmers aggrieved by the airport construction. PTUN Yogyakarta granted the lawsuit and invalidated the IPL, stopping the airport construction temporarily. However, the PTUN decision was later appealed because it was deemed to potentially hinder the interests of the state and legal certainty and prolong conflicts and lawsuits that disrupt the smooth implementation of the project.

In Decision Number 456 K/TUN/2015, the Supreme Court declared that the decision of PTUN Yogyakarta was null and void. The Supreme Court found that the IPL issued by the Governor of DIY was in accordance with the applicable legal provisions, so it was valid and could be continued. With this decision, the Supreme Court strengthened the position of the Governor of the Special Region of Yogyakarta as the party who has legal authority over the issuance of IPL, and the construction of can continue.²⁵ The Supreme Court's decision gave rise to controversy, particularly among affected communities, as they thought that they were deprived of their rights. On the other hand, the decision also shows the importance of a quick and firm decision to maintain legal certainty and accelerate the development of strategic projects. As a result, despite the continuance of the airport project, the tension and discontent among the local communities remained a challenge.

The relation between these two decisions reflects the stages of legal settlement in the administrative courts, from the first level at PTUN to cassation at the Supreme Court. The ruling of PTUN Yogyakarta State was the initial legal basis for revoking the IPL, but it was later overturned by the Supreme Court, which was of another legal view. This discrepancy indicates different legal interpretations in the courts, particularly in cases involving public interest and spatial planning like the airport

²⁵ Decision Directory of the Supreme Court of the Republic of Indonesia. Number 456 K/TUN/2015

construction. According to SEMA No. 1 of 2017, the main purpose of this circular letter is to encourage judges to follow the applicable rules and procedures and consider the substance of justice in the legal settlement process.

In this decision, the Supreme Court also emphasised the application of the principle of substantive justice according to SEMA No. 1/2017, which emphasises a deeper understanding of justice and focuses on the essence and social impact of a decision, not only on procedural formalities. Under Article 5 paragraph (1) of Law Number 48 of 2009 on the Judiciary, in resolving cases, judges shall obey laws and regulations and are also obliged to explore legal values and a sense of justice among communities. Therefore, in its legal reasoning, the Supreme Court considered the social context and the growing value of substantive justice, as affirmed in a number of similar case laws.²⁶

In resolving the case of the construction of Yogyakarta International Airport (YIA), the judiciary should reflect the principles of justice, legal certainty, and expediency. Judges should decide independently, without being influenced by any party, be it the government, developers, or affected communities, based on legal facts and evidence.²⁷ The decision should refer to applicable laws and regulations, including agrarian law, environmental law, and human rights. Judges should also objectively assessed when procedural or substantive violations are found.

The construction of Yogyakarta International Airport (YIA) is part of a National Strategic Project that has caused conflict between development interests and the rights of affected communities. The plaintiffs, residents of five villages in Temon District, Kulon Progo, filed a lawsuit with the Yogyakarta Administrative Court (No. 07/G/2015/PTUN) because they felt that their rights to productive land had been ignored, the public consultation procedure was not transparent, and there were socio-economic risks and human rights violations.

The PTUN overturned the Governor's Decree No. 68/KEP/2015 regarding the determination of the airport construction location, on the grounds that the decree was not in accordance with spatial planning regulations, public consultation procedures had not been fulfilled, and it threatened the basic rights of the community. However, the Supreme Court, through Decision No. 456 K/TUN/2015, overturned the Administrative Court's decision, emphasizing the legality of the governor's decision based on DIY Regional Regulation No. 6 of 2013, the urgency of the development, and long-term public interest. This difference in rulings highlights the tension between *judex facti* (PTUN), which focuses on social facts and procedures, and *judex juris* (MA), which emphasise formal legality and development policy orientation.

From a socio-legal perspective, this case highlights the importance of integrating substantive justice into judicial reasoning. Judges must not only assess formal legality, but also consider social impacts and the context of public policy.²⁸

26 Nur Fitra Annisa, "Peranan Hakim sebagai Penegak Hukum Berdasarkan Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman," *Lex et Societatis* 5, no. 3 (2017): 1-12.

27 Gusnu Nurmansyah, "The Role of Judges in Maintaining Judicial Independence." *Progressive law review*, 6 no. 1(2024):104:113

28 Saartje Sarah Alfons, Miracle Soplanit, Syed Muhammad Huzaif Mail. "Creating Substantive Justice in State Administrative Courts in Indonesia: A Theoretical, Philosophical, and Human Rights Review." *Jurnal Suara Hukum* 6, no. 2(2023): 281-305.

This is relevant to the principle of proportionality in administrative law, as stated earlier, which demands a balance between development goals, community needs, and negative impacts on individual rights.²⁹ The YIA case emphasises the need for checks and balances between state institutions, whereby courts can assess the procedure and substance of administrative decisions and review how national strategic projects are carried out without sacrificing the rights of the community. Thus, this conflict is not only a matter of formal law, but also a reflection of the socio-political dynamics in the implementation of large-scale infrastructure development in Indonesia.

In addition, courts should consider the rights of affected communities, such as the rights to land, residence, healthy environment, and livelihood.³⁰ If these rights are violated, the decision should provide adequate legal protection. The judges also need to promote the principle of social justice by taking into account the social and economic impacts on the local communities and ensuring the equal benefit of the airport construction for all parties. In the event of eviction or land expropriation, judges should ensure that the compensation process is fair, in accordance with market value and compensation for non-material damages.

Given the environmental impact of the airport construction, the court should also evaluate whether the Environmental Impact Assessment (AMDAL) has been properly conducted and whether the recommendation has been complied with by the developer.³¹ In some cases, judges can allow mediation or conciliation between the developer and the affected community to find a more amicable and effective solution. Court decisions should also provide legal certainty, prevent another legal issue, and ensure smooth execution without causing other social conflicts in the future.

In terms of administrative law, Decision of PTUN Yogyakarta Number 07/G/2015/PTUN and Decision of the Supreme Court Number 456 K/TUN/2015 show the importance of *checks and balances* among state agencies.³² PTUN Yogyakarta granted the lawsuit filed by the residents against Decision of the Governor of the Special Region of Yogyakarta on the determination of construction site of a new airport, stating that the decision was invalid and contradicted applicable laws and regulations. However, the Supreme Court then granted the Governor's cassation and invalidated the ruling of PTUN because it found that the governor's decision followed applicable legal procedures and provisions. It further legitimises official documents from state agencies. Documents issued by state agencies, such as presidential decrees or ministerial decisions, have significant legal standing as they are related to state policies governing infrastructure development and its impact on communities. The documents about the construction of YIA include permits, environmental policies, and land acquisition arrangements as the legal basis for decision making.

29 Richo Andi Wibowo and Stevanus Hizkhia Gunawan, "Pelindungan Hukum Terhadap Keputusan dan Perbuatan Pemerintah: Perkembangan, Kasus dan Kritik", 308.

30 Sonia Ivana Barus, Diyas Widyarti. "The Right to a Healthy Environment: Consequences of Inconsistent Judgments in Indonesian State Administrative Courts." *Journal of Contemporary Sociological Issues*, 4 no. 2 (2024): 165-183.

31 Suprpto. "Environmental Impact Assessment (EIA) in Indonesian Law: Implementation and Effectiveness." *Journal of Advanced Research in Social Sciences and Humanities*, 8 no. 2(2024):50-58.

32 Decision Number 456 K/TUN/2015

The construction of YIA provides an important lesson that in the implementation of large-scale infrastructure projects, legal aspects should consider the principles of social justice, public participation, and protection of human rights. Land acquisition should be transparent and fair, considering the social and economic impacts on affected communities.³³ The construction of YIA resulted in significant land use changes, including the conversion of 289.44 hectares of paddy fields. These changes have an impact on the transformation of people's livelihood from the agrarian sector to other sectors, which can affect local food security and farmers' welfare. As a result, 11,501 people were relocated. Despite efforts to avoid open conflicts, this study shows that the communities were marginalised in terms of access to jobs, land, and capital after relocation. It has resulted in income uncertainty and loss of livelihood, particularly for farmers losing their farms.

Recent international studies in the field of administrative justice and law and development show similar trends to the findings of this study. An academic article suggests that in large-scale development projects claimed to be in the public interest, administrative courts should not limit their role to formal legality testing.³⁴ They emphasize the need for a substantive review approach, particularly to ensure that development policies do not result in disproportionate burdens on vulnerable groups. According to them, courts must actively assess the quality of public participation, the fairness of compensation, and the impact of policies on the socio-economic rights of affected communities. This approach is in line with the Yogyakarta Administrative Court's ruling, which places public consultation and the protection of citizens' rights as essential elements of the validity of administrative decisions.

In addition, a research stresses that the importance of judicial checks in the context of national strategic projects in developing countries.³⁵ Such studies developed the concept of "development accountability through courts," which places the judiciary as a counterbalance between the state's development agenda and its obligation to protect human rights. Their comparative study shows that the tendency of supreme courts to prioritize policy stability and macroeconomic interests often weakens the protection of substantive justice at the grassroots level. Therefore, they recommend the integration of the principles of proportionality, reason-giving, and impact-sensitive adjudication in judicial reasoning, particularly in cases involving land acquisition and infrastructure. These recommendations reinforce this study's argument that harmonization between formal legality and substantive justice is a prerequisite for national strategic projects to proceed legally, fairly, with sustainable considerations.

6. Conclusion

The dispute over land acquisition for the construction of Yogyakarta International Airport (YIA) reflects the tension between national development interests and the protection of the rights of affected communities. The Yogyakarta

33 Restyadi, A. *Peran Penilai Harga Tanah dalam Penentuan Ganti Rugi Pengadaan Tanah untuk Kepentingan Umum (Studi Kasus Pembangunan New Yogyakarta International Airport)*. (Masters thesis at Universitas Islam Indonesia). 2018.

34 Elliott, Mark, and Alison L. Young. "Public Law Adjudication and Substantive Justice in Large-Scale Development Projects." *International Journal of Constitutional Law*, 20 no. 4 (2022): 1453-1476.

35 Kingsbury, Benedict, and Megan Donaldson. "Development Accountability through Courts: Administrative Justice, Proportionality, and Human Rights." *Law & Society Review* 57(2) (2023): 289-315

Administrative Court's ruling emphasizes the importance of fair, participatory administrative procedures that uphold human rights, while the Supreme Court's ruling emphasizes formal legality and public interest, highlighting the dilemma in balancing individual rights and development interests. This case underscores the need for transparent public consultation mechanisms, protection of the basic rights of the community, and the integration of substantive justice into development policies, so that national strategic projects can be implemented without sacrificing the dignity and welfare of citizens.

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