

Fulfillment of Community Rights Related to Social Welfare in the Dam Construction Program in Lampung Province, Indonesia

Mahdy Muhana Azis^{1*}, Rini Triastuti², Dewi Gunawati³

^{1,2,3} *Sebelas Maret University, Indonesia*

**) Corresponding author: mahdy@student.uns.ac.id*

Abstract

This study aims to examine how the rights of citizens in public policies related to their social welfare. The research method used is qualitative with a descriptive analysis approach. This research is limited to Lampung Province. This study wants to know and analyze various aspects of law and human rights in the policy process related to development in Lampung Province. This study seeks to find challenges and problems in fulfilling community rights and examines citizens' rights related to welfare as the ultimate goal of development policy. Within the scope of Lampung Province, the policy of the Ministry of Public Works and Public Housing (PUPR) is outlined through the Regional Development Planning, Research and Development Agency (BAPPEDA) which becomes the guideline in realizing development planning and evaluation. The main objective of this institution is based on strategic issues, environmental analysis and formulation of directions in the preparation of development plans. The results showed that the protection of the rights of the people who were evicted by the construction of the dam had received appropriate compensation. The benefits of the dam will later be used for the benefit and prosperity of the local community. With the fulfillment of community rights, the development activities that are being carried out receive full support from the community in carrying out their activities.

Keywords: fulfillment of rights; community; social welfare; development.

Introduction

The government has an obligation to promote the general welfare as stated in the Preamble to

the constitution of the Republic of Indonesia Year 1945. It confirms in make it happen is with the acceleration of national development in sectors that support the rate of

increase in the welfare of the community. The activities of the national development should be aimed at the public interest because it is related to the increasing number of population, the fulfillment of the needs of the population, and an increase in the complexity of their needs.

As the opinion of Sunarti (2012), which states that the welfare is a system of life and livelihood of the social, material and spiritual overwhelmed with a sense of safety, decency and peace of the soul which allows any citizen to hold businesses fulfillment of physical needs, spiritual and social as well as possible for yourself, household, and community.

If seen from the statement above, then the fulfillment of the needs to be one of the means in the livelihoods of the people. So the problem that arises is whether the livelihoods of when it was able to lift the fulfillment of the needs of life in the community. Based on data from BPS Provinsi Lampung about the indicators of social livelihoods mention that in the period of 2014 to 2019 presentation of the poor population in the Province of Lampung is likely to decrease. Percentage of poverty continue to move until touch the numbers 12,62 percent in March 2019. The government has managed to reduce the number of poor people from 1.14 million or 14,28 percent in march 2014 to 1.06 million souls or 12,62 percent in march 2019.

Factors that affect the decline is mostly due to the construction of the infrastructure of the economy such as

assistance program rice mikin (Raskin), Family hope Program (PKH) and the Joint Business Group (KUBE). However, the Chart above illustrates the condition of poverty in lampung in macro. But in sociology, there are contradictions. The subject occurred in the Village-the village in Lampung which tends to increase. It is described in the BPS Provinsi Lampung that is of poor people on March 2019 in country achieve 831,80 thousand souls. While the population of the poor in urban areas in March 2019 a number of 231,86 thousand souls.

Factors causing the increase in the population of poor people in the village in lampung due to: a).Less inequality infrastructure that supports, b). The limitations of the population's access to transport infrastructure, health, and education, c). Villagers consume many goods are manufactured from the city, and a system of retail purchase, which makes the price more expensive goods, d). The lack of adequate human resources, e) Lack of understanding of access to information and communication technology.

In order to increase economic growth is one of the efforts through the equitable distribution of infrastructure and infrastructure in the agricultural sector. The lack of Infrastructure support will lead to a decrease of the production. For example, people who work as farmers are still using rain-fed systems. Of course the result was not necessarily the maximum, this is because farmers only expect at the turn of the weather. As in the cases

occurred in the District of Lumbokseminung, West Lampung District about 10 hectares of rainfed land is threatened crop failure due to the rice crop in the rainfed rice fields hit by the drought. Most of the farmers have resigned and wish there was an attempt from the government to help meet the water supply. In addition, the diversion from traditional agriculture to modern agriculture also has a significant impact in the increase of production. Todaro (2000) revealed that “the Causes of the productivity of traditional agriculture is still low, usually due to the lack of use of technology in agricultural activities or in other words, agricultural activities are still very traditional”.

The ministry of Public works and People's Housing (PUPR) to intensify the construction of a new dam in a number of provinces to support water security and national food. One of the provinces of which are being built dam is the Province of Lampung planned as one of the national food. In the program there are 2 dams to be built, namely Bendungan Way Sekampung di kabupaten Pringsewu and Dam Clan of Three in the District of Marga Three. On the construction of the Dam Marga Three have a capacity with a total of 147,94 Million m³ in the lower reaches of the River Way Sekampung which will irrigate land irrigation area 10.950 Hectares and as a source of water with a capacity of 830/sec. This dam will be covering in 4 Districts in Kabupaten Lampung Timur, namely Marga Three, Sekampung, Batanghari, and the District of Metro Kibang. The

dam is included in the Metro District South of Metro City. The existence of the dam is expected to increase the cropping, as water conservation, flood reducer, the source of raw water, grow the local economy and as a tourist destination in East Lampung.

The existence of problems associated with the utilization as well as the best protection against the fulfillment of the rights of the public in the use of the dam should be considered carefully, which focused on the community around which is located near the dam whose livelihoods are rooted in the agrarian. Considering these conditions need to include the role of local government to deal with the problem and provide legal certainty and guarantee of the rights as according to its function if the dam had been completed.

The state has a duty to serve the citizens of the country in fulfilling the rights and basic needs in the public service. The principle of openness should be one of the main foundation in the practice of governance. This is because the public service itself is one of the main tasks of the government. As is the duty of the state apparatus in the Decision of the Minister of State Apparatus Empowerment on Guidelines for the Development of the Cultural Work of the State Apparatus has hinted that the value of a culture of openness should be able to coloring the behavior of the state apparatus in order to improve the performance and quality of public services in a sustainable manner that is oriented to the realization of good governance

(Good Governance) as a vision of the reform of the bureaucracy.

Based on the explanation above, then by the construction of dams Clan of Three in the District of Marga Three, East Lampung need had seen how the fulfillment of the rights of the community, especially people of the district of Marga Three for the construction of the dam. The fulfillment of the rights of the community can be possible later activities of the construction of the dam that is being run that got the full support from the community in the implementation of its activities. Therefore, the importance of review of development plan along with the goals of manufacturing so that it can know what part of the fulfillment of the rights of the people. In addition, it is expected that the community also has to understand the meaning and the purpose of the construction of the dam, so that it can accept and support programs that have been offered and designed by the local authorities

Literature Review

The right to information is one of the human rights guaranteed by the constitution. In article 28F of the 1945 constitution (UUD 1945) mentioned every person has the right to communicate and obtain information to develop personal and social environment as well as the right to seek, obtain, possess, store, process and convey information by using all available channels. The principle of openness has important functions is as follows: 1) the Function of participation; openness

as a tool for citizens to participate in government processes independently; 2) the Function of accountability and supervision of the general openness; on the one hand as a tool for rulers to give accountability in public, on the other hand as a means for the citizens to keep an eye on the ruler; 3) the Function of the certainty of law; the decisions of the ruler of certain concerning the legal status of the citizen in the interests of legal certainty should be known, so it should be open; 4) the Function of fundamental rights; openness can apply for the use of basic rights such as the right to vote, freedom of expression, and the right to assemble and speak (Nike K. Rumokoy, 2010: 90).

In relation to transparency, accountability, public participation and others actually very related with Law Number 14 of 2008 concerning Public Information Openness (KIP), which is definitive of its implementation in 2010. With regard to the recognition of human rights, in particular in conjunction with the right to public information that is on Article 28 F 45 constitution affirms: “everyone has the right to communicate and obtain information to develop personal and social environment, as well as the right to seek, obtain, possess, store, process and convey information by using all available channels” (Endang Retnowati, 2012: 56).

The presence of the law of course as a logical consequence of the choice of the nation of Indonesia for the building of a democratic state. It is said so because the right to public information that is part of

human rights is as one of the important characteristics of a democratic state that upholds the sovereignty of the people in order to realize the implementation of the good state. According to the results of the test access disclosure of information Freedom of Information (FoI) in 2011 to commemorate the year the enactment of the freedom of information law, states that a public Body is still stingy provide information, although it is the mandate of law Number 14 of 2008 concerning Public Information Openness (Melisa Emeraldina, 2013: 5).

According to Vielhem Aubert (1986), the welfare state is defined as the obligation of the state to meet the basic needs of life (basic needs). Welfare state which deals with the rights of citizens and the state's ability to meet the demands of the right of the needs of citizens. The goal is to ensure the fulfillment of livelihoods associated with nutrition, health, housing, and Education. Here it seems is that the livelihoods of which are still only focusing on the basic needs of the life course.

Meanwhile, according to Ramesh Misra (1984) the Welfare state is a state's responsibility towards the welfare of the citizens of the state which includes the pressure of the market economy, ensure the livelihoods of social policy and employment. Also includes Institutions and policies in the field of livelihoods is to be thought and the responsibility of the state.

Third, according to Ross Cranton (1985), the notion of welfare state is always associated with the

responsibility of the government that deals with the protection for its citizens towards the fulfillment of nutrition, the minimum standard of income, education, and social services are shaped the livelihoods of social, tax and job security.

"The theory of the Welfare State (Welfare State) are often interpreted differently by every person and the State. However, the theory in outline at least contains 4 (four) meaning, among others, as follows: 1). As a condition of welfare (well-being), social welfare (social welfare) as a condition of the fulfillment of material and non-material. Conditions prosperous happens when human life is safe and happy because their basic needs for nutrition, health, education, shelter, and income can be filled as well as when a man gain the protection of the key risks that threaten his life; b). As social services, generally include five forms, namely social security (social security), health services, education, housing and social services personal (personal social services); c). As social benefits, social welfare given to the poor. Because the majority of welfare recipients are poor, disabled, unemployed then this state of affairs raises a negative connotation in the term well-being, such as poverty, laziness, dependence, and others; d). As a process or a concerted effort, a process that is done by individuals, the social institutions, communities and government agencies to improve the quality of life through the provision of social services and social benefits

Method

Setting and Participant

This study uses a qualitative method. As for strategy research using Case Study. The focus of the case study attached to a paradigm that is naturalistic, holistic, cultural, and phenomenology. Case study is used to answer the questions, how and why, as well as on a certain level also answer the question of what is or are. As for the nature of the research, namely research deskriptif, eksploratif and comparative. The explanation is as follows: 1). Descriptive intended to provide data associated with the human, the state or the symptoms will be encountered. This is to describe properties of an individual, group, state or the symptoms that exist when doing research. 2). Exploratory is to dig a symptom that will diselediki if it is still less or not visible in the development process. It aims to deepen the knowledge or to get new ideas about the symptoms that will be investigated. 3). Comparative namely to compare the state of the development was conducted in lampung and other areas. As for its application in this research is used to find out the comparison between the process of development is done today with the process of the construction of the dam in the other areas that the program has been implemented.

In this study, the informants to be interviewed, namely the village, the manager of the construction, be functional, and citizens who have a relationship with the construction of the dam. The reason for the selection

of respondents is a development that is being run very interconnectedness of many parties, especially the village a place exposed to such development. The village is usually a lot of information because they usually have the involvement of the problem of monitoring, deliberation or licensing related to access such development. In addition, the need for respondents to the manager of development because they are taking care of the activities of the process of the construction.

The role of the respondents, namely those responsible with the development and has a role to convey information to the public relating to any state that if it's important to be delivered. This is to ensure the rights of the public in finding and getting information.

Data Collection

Analysis of the data used in this research using qualitative data analysis proposed by Miles and Huberman conducted in an interactive and lasted continuously until completed, so that the data is already saturated. Activities in data analysis, namely data reduction, data display, and conclusion drawing/verification (Sugiyono, 2013).

a. Data Reduction

Reduce data means that summarizes, chose the subject, focus on the things that are important, look for themes and patterns and throw out unnecessary. Thus the reduced data will provide a clearer picture, and to facilitate researchers to perform data collection further.

b. Data Display (presentation of data)

After the data is reduced, then the next step is displays the data. With displays of data, it will be easier to understand what is happening, plan next working based on what has been understood that. Furthermore, it is advisable in the conduct of display data along with the text of the narrative, also can be in the form of graphs, matrices, network, and chart.

c. Conclusion Drawing/ verification

Third step in the analysis of the data keualitatif according to Miles and Huberman was drawing conclusions and verification. Preliminary conclusions expressed are temporary, and support at the stage of data collection the next. But if the conclusions expressed in the early stages, supported by evidence that is valid and consistent when the researchers returned to the field to collect data, then conclusions expressed are the conclusions credible

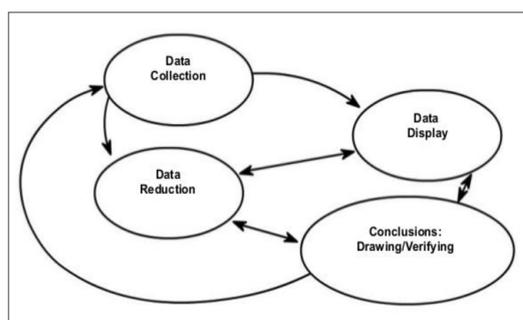


Figure 1. Interactive model of analysis

Result and Discussion

UU No. 14 of 2008 concerning Public Information Openness came into effect effective nationally which

is dated 30 April 2010, two years after the Legislation is enacted. Public Information services implemented by the Information and Documentation Management officer of the Public Agency of the Government and Non-Government in the Provincial Government of Lampung, in a group of services, namely providing a variety of matters related to information and communications needed by the community. General guidelines Information and Documentation Management officer (PPID) it is the duty of Public Bodies through the PPID to optimize the role and the function to execute the Law on Public Information.

Aligned with the Mandate of UU No.14, 2008 on the KIP then the Public Body shall convey and open access of information to the public.

In order to meet and serve the request and the needs of the applicant/users of public information, Information and Documentation Management officer through the service desk information of the public do direct service and service through the media, among others, using the phone/fax, email and website (online).

Planning Transparency

The community knows about the conditions where the water is guaranteed to be generally in good condition. The development of water storage infrastructure, such as reservoirs, ponds, lakes and lakes is not adequate, so it is necessary to pay attention to the supply of water, especially during the dry season

which tends to be longer for agricultural, industrial and household needs to avoid a water crisis. The implementation of the plans that have been carried out is not only limited to the development planning process but can also be used as input for the formulation of development policies in various fields. Then in order for these tasks to run efficiently and effectively, better, more qualified coordination (role as coordinator) with stakeholders. As a reference to realize the planning and development of Lampung Province towards the People of Lampung berjaya, BAPPEDA should also pay attention to the Strategic plan of the Ministry of National Development Planning (VAT) or BAPPENAS. Strategic plan of the Ministry of VAT or Bappenas must be considered in order to Renstra BAPPEDA Lampung Province have a common motion so as to realize synergy in support of efforts to achieve national development goals.

Performance Transparency

The implementation of an accountability system that focuses on improving performance and results-oriented accountability (outcome) is known as the Government Agency Performance Accountability System (SAKIP). SAKIP as the main instrument in seeing the level of success of governance and development. With this implementation, it can be known exactly how far the level of performance achievement constraints/obstacles and problems as well as effort to solve. Most people

are satisfied with the information disclosure service. It is proven that in the development process, supported by a sense of security and peace from the community.

Elements of transparency in land acquisition

In the implementation community members who hold rights to the affected land can access information easily because in public consultations which have been carried out more than once, the community is also given booklets related to the land acquisition process. In addition, there are also local print media and the official website of the Regency Government which provides information and news related to the land acquisition.

In the public consultation stage, checks and early stage socialization were also carried out for community members who are holders of land rights affected by land acquisition, so that the community members knew from the start and directly from BBWS, the Public Works Service, the Regional Government.

Less than optimal because the mechanism for providing compensation for the principle of openness is collided with professional adjustments or the confidentiality of the valuation standard owned by the Assessment Team, this makes the community members who hold land rights affected by land acquisition unable to know the details of the meter price of the land.

Community members whose land was affected by land acquisition

also witnessed the process of measuring, determining land boundaries and collecting data. Not only that, in the plant data collection process, community members counted the number of plants on their own land affected by land acquisition. This will then be reported to the Land Procurement Officer.

Conclusion

The implementation of public information disclosure is quite optimal. This proves the existence of transparent information regarding planning, performance and community satisfaction assessments that have been carried out. But the information that seems to be very general, is even better if the information provided is not only through the website, but also personally. It is as we know that there are still many people around the dam who are not proficient in using information and communication technology.

Procurement of land for development is in accordance with the laws and regulations regarding land acquisition and its technical instructions. The implementation of the principle of transparency in land acquisition for the construction of the Marga Tiga dam, especially in the procedure for assessing compensation, deliberation on compensation determination and payment of compensation is less than optimal.

In the compensation assessment process, the deliberation to determine compensation for the payment of compensation for the residents was not given an explanation regarding the assessment process as well as the details of the price per meter of the land and buildings, as well as the price of their plants affected by the land acquisition, but only the total amount of compensation was conveyed

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