

Abstract

LEGAL PROTECTION FOR INDIGENOUS COMMUNITIES IN LAND ACQUISITION FOR THE DEVELOPMENT OF THE NUSANTARA CAPITAL CITY IN EAST KALIMANTAN

Nathaniela Jessica (01051210026)

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The relocation of Indonesia's capital to Nusantara, East Kalimantan, requires large-scale land acquisition, affecting diverse groups, including indigenous communities. This study examines legal safeguards for indigenous people, focusing on compensation and fairness for those with customary land rights. The research addresses concerns over inadequate legal recognition of indigenous land, exploring the effectiveness of land acquisition procedures and the extent of legal protections ensuring equity for indigenous landowners. Using normative and empirical methods, the study integrates legal analysis with fieldwork. It examines the 1945 Constitution, the Basic Agrarian Law (UUPA), Law No. 2 of 2012 on Land Acquisition, and related regulations. Data was collected through interviews with indigenous leaders, local officials, and legal experts. Findings reveal significant gaps between legal theory and practice. While laws acknowledge indigenous land rights, many communities lack formal titles, excluding them from adequate compensation. Compensation often emphasizes land's financial value, neglecting its cultural and spiritual significance. This oversight erodes indigenous identities and deepens inequality. Moreover, insufficient engagement with indigenous communities during the acquisition process undermines fairness, transparency, and inclusiveness. The study concludes that existing legal frameworks fail to ensure justice for indigenous communities affected by the Nusantara project. Recommendations include formal recognition of indigenous land rights through certification, comprehensive assessments of cultural and social impacts, and active involvement of indigenous peoples in decision-making. Compensation policies should address both economic value and cultural significance to preserve indigenous dignity amid national development. Supported by 30 legal and academic references (2010–2024), this study contributes to discussions on land acquisition law and indigenous rights in Indonesia, advocating for reforms that balance indigenous protection and national progress.

References: 17 book (1985 – 2023)

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