

## Reconstruction of environmental management in the development of steam powerplant in batang district of Indonesia based on justice value

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### Abstract

The construction of a Steam Power Plant (PLTU) in Batang District has been delayed for quite a long time, this is due to the rejection of land acquisition from local residents. Land acquisition caused chaos, because the compensation payments are varied. In addition, there were also many objections from residents, because they realized the danger of coal-fired power plants for health. The purpose of this research is to study and discover the negative impacts of the development of steam power plants on current environmental management, and how to reconstruct environmental management in the construction of Steam Power Plant based on justice value. The research method uses the normative juridical approach to study the Development of Steam Power Plants in Batang Regency, where the research data used are from literature review stems from the existing regulation, credible news and data obtained from interested parties, supported with interview and field observation as secondary data.

The results showed that the negative impact of PLTU development are in the form of transportation density, dust and noise was still felt, and therefore the need for environmental management Reconstruction in the construction of a power plant based on justice is to reconstruct Article 2 by adding new letter "p" concerning the "Utilization of state land", Reconstructing Article 3 by adding the letter "k" concerning "social rehabilitation due to environmental pollution." And reconstruct Article 4 by adding the letter "h" concerning "Social rehabilitation impact of environmental pollution".

**Keywords:** reconstruction, steam power plant, justice value

### Introduction

The mega project for the construction of a steam power plant (PLTU) in Batang Regency is a development that aims at the welfare of the community in the form of welfare of electricity for Java and Bali as well as CSR programs from PT. Bhimasena Power Indonesia is expected to provide prosperity for the affected village communities. The CSR program from PT. Bhimasena Power Indonesia covers the fields of economics, education, health, and social culture. With this CSR program it is expected to provide prosperity for the affected residents, so that they can live in peace.

With this PLTU, electricity will not only be provided but would also impact economic growth, job vacancy for local workers, and the presence of new industries that consume electricity all so that the Batang economy will prosper. Central Java 2 X 1000 MW PLTU is the first infrastructure project of Public Private Partnership or was built under the Public Private Partnership (PPP) scheme and is part of the Master Plan for the acceleration and expansion of Indonesia's economic development. This power plant is expected to become a locomotive in the economic development of Java. Besides this PLTU is planned to use the latest technology that is more environmentally friendly and efficient, called *Ultra Super Critical* system. The Batang power plant contributes 5.7 percent to the Java-Bali system so that it can support the electrification ratio in Java.

the development is certainly needed however, any development must be in line with the Basic Philosophy of the State (Filosofishe Gronslag) of the Indonesian people, namely Pancasila and the mandate of the 1945 Constitution of the Unitary Republic of Indonesia Article 28 H paragraph (1) *"Every person has the right to live in prosperity*

*physically and mentally, to live, and get a good and healthy environment and the right to obtain health services"* and Article 33 paragraph (4): *"The national economy is organized based on economic democracy with the principles of togetherness, equitable efficiency, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity"*. For this reason the 1945 Constitution is known for the popular term *"green constitution"* which must be considered in all development-related activities, and the Steam Power Plant Project in Batang Regency is no exception.

However on the other hand, if the project is not implemented properly, it could threaten food sovereignty in Batang because it could potentially hinder the production of rice in the rice fields of the community in the PLTU project site. In addition, traditional fishermen along the coast and waters of *Ujungnegero-Roban* will be affected by the operation of this power plant, even though Batang waters are one of the most fish-rich waters in the North Coast region of Central Java.

Constraints of The policy in question is a policy that has been previously determined, but after the operation is revoked or the policy cannot be implemented because the implementation instructions have not yet been published concerning norms, standards, procedures, and criteria (NSPK). Constraints that occur in the process of building the Batang PLTU related to policy constraints are the Decree of the Regent of Batang No. 523/306/2011, on September 19, 2011, a change has been made to the Decision of the Regent of Batang No. 523/283/2005, December 15, 2005 concerning Establishment of Conservation Areas Sea Area of *Ujungnegero-Roban* Coast,

Batang Regency. The new Regent's Decree Number 523/306/2011 actually strangely contradicts Government Regulation Number 26 of 2010 concerning Central Java Regional Spatial Planning (RTRW) for 2009-2029, and Batang Regency Regional Regulation No. 07 of 2011 concerning Batang Regional RTRW Year 2011-2031, which states that the *Ujungnegoro-Roban* Coastal Conservation Area with an area of + 6,889.75 Hectare is a Coral Reef Protection Area. Besides that, in Article 46 paragraph 2 letter (d) of the Central Java Provincial Regulation Number 06 of 2010 concerning the Central Java Province RTRW of 2009-2029, that the *Ujungnegoro-Roban* Coastal Area in Batang Regency is designated as a Natural Marine Tourism Park. With the description of the facts above, it can be concluded that the Decree of the Regent of Batang No. 523/306/2011 overlaps with the higher law above. So here we can see the effort to shift the location of the Conservation area by the Batang Regency Government through the Decree of the Regent of Batang No. 523/306/2011 so that the land that will be used as a PLTU construction site does not seem to violate the regulation of conservation areas<sup>[1]</sup>.

By using the concepts of environmental justice, biosentrism and ecocentrism in viewing the laws used to regulate *oikos* (the dwelling place of all living things), the law is not placed merely as an instrument. These concepts require the law governing *oikos* is a law that contains elements of value<sup>[2]</sup>.

Until now, the land acquisition that has been carried out by PT. Bhimasena Power Indonesia is 87%, leaving less than 13% of the location of the Steam Power Plant (PLTU) in Batang Regency to be acquired. Since the delegation of land acquisition authority from PT. Bimasena Power Indonesia to PT. PLN, the land acquisition team is handed over to the National Land Agency. Because residents who owned land were adamant about not wanting to sell their land, the government was forced to implement Law No. 2 of 2012 concerning Land Procurement for Public Interest, the payment of which will be carried out by consignment (the payment of land is deposited in the Batang District Court).

The issue of the needs for Environmental Management In The Development Of Steam Powerplant In Batang District Of Indonesia Based On Justice Value is necessary to be studied further, therefore the author discussed it in this article with the following main issues :

1. What are the negative impacts arising in the Development of Steam Power Plants on the current environmental management in batang district of Indonesia?
2. How is the reconstruction of environmental management in the Development of Steam Power Plants (PLTU) in Batang district of Indonesia based on the value of justice?

### Method of Research

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding

a reality or science knowledge<sup>[3]</sup>. Paradigm also looked at the science of social as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research in writing this dissertation is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach (*approach*) the research is to use the approach of *Normative-Juridical*<sup>[4]</sup>, which is based on the norms of law and the theory of the existing legal enforceability of a law viewpoint as interpretation.

As for the source of research used in this study are:

1. Primary Data, is data obtained from information and information obtained from literature review stems from the existing regulation, credible news and data obtained from interted parties.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study, researchers used data collection techniques, namely literature study, interviews and documentation. In this study, the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data<sup>[5]</sup>.

### Research Result and Discussion

#### 1. Negative Impacts Arising In The Development Of Steam Power Plants On The Current Environmental Management In Batang District Of Indonesia

In general, pollution control and / or environmental damage is carried out in the context of preserving environmental functions (Article 13 paragraph (1) of the Protection and management of the environment law (UUPPLH). In paragraph (2) of this article it is stated that the control of pollution and / or environmental damage is carried out by the government, regional government, and responsible for businesses and / or activities in accordance with their respective authorities, roles and responsibilities (Article 13 paragraph (3) of UUPPLH. Control, pollution / damage to the environment, including but not limited to controlling water, air and sea pollution and damage ecosystems and damage due to climate change (explanation of article 13 of the Company Law) The purpose of this control is clear, is to maintain the preservation of environmental functions as the main objective of PPLH<sup>[6]</sup>.

Development of Steam Power Plants (PLTU) when related to the theory of Cybernetics from *Parson*<sup>[7]</sup>, it can be seen that the economic side has a higher energy power rather than social and cultural side, this can be seen by the power plant development in Batang, where economic considerations are greater than environmental considerations

<sup>3</sup> Faisal, (2010), *Menerobos Positivisme Hukum*, Rangkang Education, Yogyakarta.  
<sup>4</sup> Johnny Ibrahim, (2005), *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia, Surabaya.  
<sup>5</sup> L. Moleong, (2002), *Metode Penelitian Kualitatif*, PT Remaja Rosdakarya, Bandung.  
<sup>6</sup> Prawesthi, Wahyu & Indrasari, Meithiana & Nugroho, Basoeki & Syamsudin, Nur. (2019). Government policy in giving land procurement replacement for development. 10.4108/eai.30-7-2019.2287617.  
<sup>7</sup> Talcott Parson in Suteki.(2013).*Desain Hukum Di Ruang Sosial*, Yogyakarta : Thafa Media

<sup>1</sup> <https://www.bbc.com/indonesia/media-42745431> accessed on july 2019.

<sup>2</sup> Erika. (2018). Konflik Pembebasan Lahan Di Wilayah Tanah Adat Masyarakat Hukum Adat Dalam Konsensi Pertambangan Mineral Dan Batubara. *Jurnal Komunikasi Hukum (JKH)*. 4. 1. 10.23887/jkh.v4i2.15439.

and social culture. The Hopes to meet the electricity needs of Java and Bali have set aside the conservative area for the growth of coral reefs, so that the conservative region, is now an area for the construction of a Steam Power Plant (PLTU), meaning that coral reefs and other marine biodiversity will be dead. The local wisdom of the community around the PLTU also feels the impact. Of course, after the Batang XT power plant with a capacity of 1 X 2000 MW is operational, then by itself there will be no fish that survive. So that the fishermen around, especially those in the Roban area have to find a place far away to be able to catch fish. While in terms of information we can know that the social sub-system, which the law is in, does have high access to information and even defeat politics and economics. Cultural sub-systems also have higher access to information from politics and economics. But in the battle of the political and economic sub-systems had far more energy than social and cultural sub-systems<sup>[8]</sup>.

If we look at the local wisdom of the surrounding community, for example there are a variety of local wisdom such as the tradition of *nyadran*, *legenonan*, and *sedekah bumi* as well as the lives of farmers and fishermen who depend their lives on agricultural land and the sea after the PLTU operates that local wisdom will cease to exist in their daily life.

Investment and economic factors in the construction of steam power plants (PLTU) indeed become the main reason besides factors for the welfare of the people but the welfare of the community does not have to be paid handsomely with the negative impact of coal fired fuel for the operation of the power plant. Prosperity of the community is indeed mandatory, but in order to achieve prosperity, it must be pursued with sustainable development. Where in sustainable development, the community can enjoy it both now and in the future. Likewise, the biodiversity must be enjoyed by future generations. Thus the welfare of the community is directly proportional to the right to a good and healthy environment.

The construction of a Steam Power Plant (PLTU) in Batang Regency from the beginning of its socialization around 2011, has also experienced obstacles, in the form of rejection of affected residents. The pros and cons at that time until 2015 had a dispute, even though fellow villagers / neighbors, however, the tensions are increasingly easing, although there is still little dispute. The perception of the people affected, comparing the existing Steam Power Plant projects in several regions, such as *Cirebon*, *Cilacap*, *Rembang*, *Paiton*, and others. Where the life of farmers and fishermen can not be like before. Fishermen are getting farther and more difficult to find fish And according to one of the fishermen in *Reban*, they will have difficulty finding fish around the PLTU, because the fish died. However, the struggle for fishing will still be carried out, even though the fishing ground is very far away<sup>[9]</sup>.

In addition to the affected residents in *Ponowareng* Village, *Karanggeneng* Village, and *Ujungnegoro* Village, whose area is also close to the Steam Power Plant Construction, for example the majority of *Roban* Village residents are farming and fishing where the fishermen have inherited

their talents as fishermen from generation to generation. In fishing, they must be in a very far place, from the location of the power plant, of course there is also more fuel for boats. But they are now resigned because the construction of the power plant is already running.

During the construction of the Steam Power Plant, fishermen in East *Roban* who decreased their income are forced to travel further. This is one of the impacts of the Development of Steam Power Plants, where fish cannot survive after the operation of the PLTU engine. And there are many more families of fishermen in the village of *Roban* who will later have difficulties related to their livelihood as fishermen. This means that one of the local wisdoms of fishing residents will slowly be displaced, with the presence of a Steam Power Plant that will supply electricity from Java and Bali.

The environmental crisis occurs because human behavior is influenced by the anthropocentric perspective. Human behavior that is exploitative and destructive and does not care about nature, is rooted in a worldview that is only concerned with human interests. Such a way of igniting breeds greedy human behavior that takes everything from nature without considering its sustainability aspects. Environmental ethics is how humans behave towards all living things (biotic) and abiotic, or how humans behave towards the entire universe.

Environmental issues related to human health are often a debate and discourse, where on one side of development to achieve human well-being must be done on the other hand, development that has a good purpose, but has a negative impact, on human health. Activities Industrial business activities, including the construction of steam power plants in Batang, illustrate that electrical energy will be excessive for both household and industrial needs. However, the construction of this power plant leaves various impacts, at present and in the long term. Of course industry activities must continue, but even more important is the need for a good and healthy environment for humans.

Under the circumstances where the welfare of fishermen is reduced because their fish catches are decreasing, forcing them to travel for a further distance it is then are worsened by the problem of sewage sludge produced by the power plant at sea. This further makes it difficult for fishermen to catch fish and for the environment..

## 2. Reconstruction of Environmental Management in the Development of Steam Power Plants (PLTU) in Batang District of Indonesia Based on the Value of Justice

In order to tackle the above problems. The author then proposes the reconstruction of the rule of law that regulates it so that it is in accordance with the value of justice, namely by reconstructing Article 2 by adding letter p. on Utilizing state land, Article 3 by adding letter k. on social rehabilitation due to environmental pollution and in Article 4 of Law No. 32 of 2009 by adding letter b. on Utilization of state land and letter h. on Social rehabilitation impacts of environmental pollution.

There are several reasons why these articles require reconstruction.

*First*, Reconstruction of Article 2 of Law No. 32 of 2009, which added the letter p, " the utilization of state land". With the use and supply of state land, it is hoped that there will be no commotion in the form of demonstrations and

<sup>8</sup> Tehupeiry, Aartje. (2017). Legal Protection To Individual Rights In Land Procurement For Public Interest. *Diponegoro Law Review*. 2. 101. 10.14710/dilrev.2.1.2017.101-113.

<sup>9</sup> <https://www.merdeka.com/peristiwa/warga-korban-gusur-pltu-batang-tuntut-ganti-rugi-harga-tanah.html> accessed on July 2019.

rejection related to the construction of the power plant. So far, almost every PLTU construction has always been marked by resistance from residents around the impact, this is partly because the land used for PLTU is mostly productive land owned by residents, such as rice fields, settlements and plantations. This land tenure right has not yet been linked to land as an object and certain legal persons or entities as rights holders. The provisions in the land tenure rights are as follows:

- a. Giving a name to the mastery rights.
- b. stipulate its contents, i.e. regulate what is permitted, what is mandatory and prohibited to be done by the right holder and the period of his control.
- c. regulate matters regarding the subject, who may be the rights holder and the conditions for his control, and;
- d. regulate matters regarding the land.

the basis of the imposition of this right when viewed from its history, it has already existed from the Dutch colonialization era, where almost all land in Indonesia belonged to the state or the Queen of the Netherlands. Land in the Dutch era was used for the benefit of the Dutch economy. During the Old Order era, a number of policies to restore land were controlled by the Dutch. During the New Order era, land was used for investment purposes (development). Whereas the land reform era was used for investment and people's interests. In the Dutch era, this land are often called Free State lands. This means that the land in question does not yet exist or has not been clung to by any kind of rights.

The definition of rights here must be interpreted juridical as regulated in the provisions of western law (BW) including the people's right to land which at that time were lands based on local customary law. As long as their rights are not registered by voluntarily submitting themselves to western law, land controlled by the people is part of or has the status of state land which is termed as state land occupied by the people. In its development it turns out that the Dutch East Indies government also believes that the term of free state land is divided into two, (1) land becomes free state land because it is freed from the people's property rights by an agency / department, considered state land under the control of the department to free up and (2) Free state land for which there is no real control is delegated to a department, it is assumed that the land is included in the control of the interior ministry.

*Second*, Reconstruction of Article 3 of Law No. 32 of 2009, added the letter h " The social rehabilitation due to environmental pollution".

This reconstruction is closely related to social rehabilitation, which is the duty and obligation of the perpetrators of activities, which aims to make the community (those affected by the activities) able to carry on their lives. This type of social rehabilitation activity is a logical consequence, that the person responsible for the activity / project must pay attention to the condition of the surrounding community affected by the impact. For example, Corporate Social Responsibility (CSR) can be in the form of infrastructure, skills development (sewing, workshop, welder and so on) can also be done with education, social culture and religion and health. The planning and implementation of CSR programs is based on a study of data on the principles of implementing CSR programs with the main objective of the realization of an

independent community (especially those affected by business / project activities). In addition, the dominance of employee activities takes precedence over affected residents, so that their lives are prosperous <sup>[10]</sup>.

In the reconstruction of Article 3 of Law No. 32 of 2009 besides dealing with affected communities, also must pay attention to the environment. Businesses that carry out pollution must at least have the responsibility of handling it by restoring the environment as before pollution, for example, if a Steam Power Plant is associated with air pollution, in other words, coal which is very dangerous to health, even though it uses ultra-supercritical many are said to be safe for human health and save fuel as energy generation, both businesses must also restore social relations among people affected by the impact, due to the construction of the Steam Power Plant, where the community must live in harmony and respect each other, thirdly if environmental damage occurs, business operators must be legally responsible. With the inclusion of social rehabilitation due to environmental pollution, business actors / investors will be even more careful in carrying out their business activities. And this will really provide many benefits to the wider community.

*Third*, the Reconstruction of Article 4 of Law No. 32 of 2009, where the letter h "The Social rehabilitation impact of environmental pollution" is added in addition to the letter b changes in to "Utilization of state land".

The basis for the reconstruction of this article is the fact that State-owned land, which is spread in various points in Indonesia, is a very appropriate land for the location of the Development of Steam Power Plants. This, because the state-owned land, will not interfere with residential settlements. Utilization of state land for the location of the power plant will reduce, even eliminate rejection by affected residents. So that the construction of the power plant can run according to a predetermined schedule.

However, the supply of state land must also technically pay attention to the suitability of the location or land for the construction of a Steam Power Plant. Thus state land can be used optimally.

The adoption of the principle of state control is actually not intended to impose a system of *etatism*, monopoly or the like. It needs to be repeated here to be more aware, that in addition to having determined the Law on its use for the welfare and prosperity of the people, it also concludes the authority of a state as the organization of the highest authority that regulates and is responsible for the life and welfare of its people. Therefore, state control over all branches of production, natural resources, environmental assets or economic branches that are considered vital or strategic are not always synonymous with ownership.

This principle is found in Article 2 paragraph (2) letter a of the agrarian law, namely "The right to control the state referred to in Article 2 paragraph (1) of this article gives the authority to regulate and administer the designation, use, supply and maintenance of the earth, water and space. "This principle is also found in Article 14 paragraph (1) of the agrarian law, namely: "By remembering the provisions in Article 2 paragraph (2) and paragraph (3) and Article 10 paragraph (1) and paragraph (2), the Government in the

<sup>10</sup> Langelo, Rosalina. (2018). Legal Impact Of Land Acquisition For Public Land Procurement Development. Tadulako Master Law Journal. 2. 59. 10.22487/j25797697. 2018.v2.i2.10410.

framework of Indonesian socialism make a general plan regarding the supply, designation and use of the earth, water, and space and the natural resources contained therein:

- a. For state needs;
- b. For the purposes of worship and other sacred purposes in accordance with the basis of the divine deity;
- c. For the needs of community, social, cultural and other welfare necessities;
- d. For the purpose of developing agricultural, livestock and fisheries production and other products in line with it;
- e. For the purposes of developing industry, transmigration and mining.

Social rehabilitation is an integrated recovery process, both physical, mental and social so that the lives of the community around the impact of the project or activity can continue as usual, the same as before the activity takes place. The reason why social rehabilitation has an impact on environmental pollution need to be included in Article 4 of Law no. 32 of 2009 because social impacts do not only involve physical and natural resources, but also non-physical aspects. For example, the non-physical aspects related to the physical condition of the affected community, before the PLTU project, the community lived in a safe and calm manner, harmoniously and mutually respecting each other. However, after the PLTU project activities they had an argument with each other in the position of those who supported the PLTU and those who opposed the PLTU, even though over time the tension had faded, the impact of the tension was felt even though not as much as the previous time. This is what business actors / investors need to do to restore the harmony of the affected people.

Furthermore, related to the livelihoods of affected residents, this should also be a priority for investors / business actors. As an example of the construction of a Steam Power Plant in Batang Regency, this makes farmers and tiller farmers unable to do rice farming anymore, because there is no land. While the replacement land is not able to be planted because the soil conditions makes rice cannot be planted. Although the investors, in this case PT. Bhimasena Power Indonesia has conducted CSR, with a variety of job / skill training, but it has not been maximized, so that their standard of living is still inadequate / prosperous. For this reason, it is necessary to have organized steps and good management in providing job training as compensation for the construction of the steam power plant.

### Conclusion

1. Negative impacts of Steam Power Plant Development in Batang Regency are pretty much in regard to the environment pollution, because since the socialization and development process. In the affected community's daily lives, the author observes negative impacts in the form of pollution that are present to the power plant construction process, such as dust, density of trucks, cars and buses for PLTU employees who go to the PLTU location. The noise of the development process is also quite extensive social impact, although gradually improving, interaction between residents around the pros and cons of the impact in the construction of the Batang Regency power plant, at first very tense in the form such as not greeting each other, even to fellow relatives or neighbors. However, now the situation has

begun to improve, although there are still remnants of the dispute in the past like when people who have a celebration (circumcision or marriage) will not be visited, if they are at odds with the power plant construction problem. While related to the lives of farmers who do not have rice fields anymore, there are also many whose lives are below mediocre, because they do not have the expertise to work in other professions.

2. Reconstruction of environmental management in the construction of power plant in batang District of Indonesia based on the value of justice is to reconstruct Article 2 by adding letter p. on Utilizing state land, Article 3 by adding letter k. on social rehabilitation due to environmental pollution and in Article 4 of Law No. 32 of 2009 by adding letter b. on Utilization of state land and letter h. on Social rehabilitation impacts of environmental pollution.

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