



**Violations Against The Rights To  
Environment And Food In The Case Of  
The Development Of A Cement Factory In  
Pati District, Central Java, Indonesia**

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## Abstract

The issuance of an Environmental Permit (EP) for the development of a cement factory and the mining of limestones and clay stones in Pati District has threatened the environment and livelihood of farmers in 11 villages in the district. Despite people's protests against the permit, Pati's Regent stands firmly by not revoking the permit, which signals the continuation of the development of the cement factory. For that reason, farmers struggle to defend their rights to food and environment through litigation and non-litigation channels. Drawing upon in-depth interviews, observations, focus group discussions, and document analysis, the researchers found that the issuance of the EP will degrade the environment quality in these villages, decrease the amount and size of arable lands, and disrupt the farmers' traditional cultural activities and rituals. The development of the cement factory will also be affecting locals' right to food in Tambakromo sub-districts. Moreover, the disappearance of springs will affect agricultural irrigation, and access to drinking water and other household needs. Therefore, the extension permit of the cement project development must be stopped.

**Key words:** cement factory, livelihood, right to food and environment, farmers, Environmental Permit

## Introduction

*The mountain is well preserved. We are living in prosperity without cement factory. All the springs will dry up and be damaged if the cement factory is erected. It is more painful for us to see the cement factory developed than putting our feet in the cement shackle (R.A., April 12, 2016 in front of the Presidential Palace).*

On April 12, 2016, nine women farmers from Pati, Rembang, and Grobogan District, Central Java plunged their feet down into blocks of cement mixture in front of the Presidential Palace. They were protesting against the development plans of cement factories in the three districts. After 36 hours, the Presidential Office Staff promised that the President would meet the protesters in the coming weeks. This protest was one of hundreds held by the people around Kendeng Mountain Area. Since 2007, several cement factories have invaded the districts to exploit karst in the area: Cement Gresik Company, Cement Indonesia Company, and Sahabat Mulia Sakti Company. The rise of the cement industry cannot be separated from the rapid flow of infrastructure development that requires cement as main raw material. The Indonesian Cement Association estimated cement consumption in Indonesia at 83 million tons in 2016. According to the Ministry of Industry, twelve investors were ready to pour funds of up to US\$6.68 bn to build cement factories in Indonesia during the period of 2013-2017. Those investments would boost the cement production capacity to 108.77 million tons, which is an increase of 48.3 million tons from 2012 (Kemenperin, 2016).

The development of some cement factories has triggered protests of people living in areas surrounding the project location. In Rembang District, people started to protest in early 2007 when Semen Gresik Company explored land in their area. In 2009, some of the people were criminalized because they successfully stopped exploration activities of the company. In Pati District, the exploration began in 2010 before the concerned company received its Environmental Permit (EP). While people in the two districts have openly and often criticized the government's to issue EPs, the government did not recognize and respect the communities' rights in the case of Pati District. Instead, the government prioritized investment by ruling out the local communities' right to be protected. This, however, is a critical mistake, as the impact on human and environmental development can be devastating.

The case of a cement factory in Kendeng Mountains area became the focus of some researchers. Studies varied in their perspectives, covering issues revolving around gender, anthropology, and sociology.<sup>1</sup> This research investigates the issuance of the Environmental Permit in Pati District, and its possible degradation of the environment, loss of farmers' livelihoods, the locals' demand for rights to environment and food, and the government's responses. Thus, this paper will use human rights perspectives, environmental protection, and community identity in order to analyze the right to environment and to food, regulations on environmental protection, and community resistance. Based on the field research and literature study, the researchers found that the issuance of the EP would lead to the loss of farmers' lands, identities, and degradation of the environment.

## **Research methods**

This research used a qualitative method. The researchers collected data on land ownership, local cultures and livelihood, and local environment conditions through interviews, observations, and surveys. The researchers also used other data such as governmental decrees on karst, environmental permit letters, spatial planning, regulations, and data on the Kendeng Mountains area. This descriptive study explores the environmental dispute caused by the issuance of the Regent Decree on Environmental Permit to Sahabat Mulia Sakti Company. In order to understand the description on the

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<sup>1</sup> For example, see articles written by:

Arianto (2014). Contested Land, Contesting Laws. A Context of Legal Pluralism and Industrialization in Indonesia. *Sortuz. Oñati Journal of Emergent Socio-legal Studies* Volume 6, Issue 2 (2014) pp. 93 -106, <http://opo.iisj.net/index.php/sortuz/article/viewFile/541/542>.

Primi Suharmadhi Putri (2017). The Meaning Making of an Environmental Movement: A Perspective on Sedulur Sikep's Narrative in Anti-Cement Movement, *PCD Journal* Vol. V No. 2, 2017, p. 297-321, <https://jurnal.ugm.ac.id/pcd/article/view/30471/19128>.

Candraningrum, D. (2019). The Spiritual Politics of the Kendeng Mountains Versus the Global Cement Industry. In "After the Death of Nature", Carolyn Merchant and the Future of Human-Nature Relations. Worthy, Kenneth et al. (eds). NY: Routledge.

location of this study, the researchers will refer to some previous studies conducted by other researchers and academics about karst at the Kendeng Mountains Area.

This paper selected three villages as research sites, i.e. Tambakromo Village, Karangawen Village, and Larangan Village in Tambakromo sub-district, Pati District. Interviews with four groups of key-informants were conducted: Firstly, a group of farmers in Tambakromo Village (10 farmers), Karangawen Village (10 farmers), and Larangan Village (10 farmers) who own land and will be affected by the project. These farmers were interviewed about the land tenure system, social and economic conditions, and the impact of the development of cement factory on them.

The researchers used various techniques to acquire data, for instance through observations on those villages and the Kendeng Mountain area in order to collect information on the recent condition of the Kendeng Mountain Area, and the social, economic, and environmental situation of the people in those villages. Survey and interviews were conducted to gather information on land ownership, and social and economic conditions of farmers in the two sites. Focus Group Discussions were conducted to formulate strategies on defending the people's right to environment and to food. Other data assessed were, among others, the environmental permits on the development of the cement factory, Indonesian regulations on environment, newspapers reports on the case of the development of the cement factory in the Kendeng Mountain Area, and academic publications on karst.

### **Mountains and cement factories**

Ford and Williams (2007) describe karst as a special style of landscape containing caves and extensive underground water systems formed on mainly soluble rocks such as limestone, marble, and gypsum. These rocks have a great need for rehabilitation and sustainable management. Esteban (1996, in Wacana et al., 2011) defines karst as “a system of exodemic phenomenon that involves water that make the structure of stone mass dissolves easily, and changes continuously” (Esteban, 1996). The karst in North Kendeng Mountains is indicated by the many conical hills, the springs in rock cracks, the flow of underground rivers, and caves trail as corridors (Wacana et al., 2011). In the dry season, there are dry land surfaces in parts of the hill due to the rivers flowing underground. Further, the flow of water goes into the cracks of limestone and dissolves it (Wacana et al., 2011).

Karst in Kendeng has many functions. Besides providing water resources and environmental protection, karst also consists of limestone, which is the main material to produce cement. This has triggered some cement factories to exploit karst areas including Kendeng. PT Semen Gresik began to explore karst in Kendeng in early 2008. At that time, it was announced that a new cement factory was

going to be built in Sukolilo sub-district. A set of rules were issued to pave the way for the plan, although many of them contradicted higher level regulations. One of them is the Decree of the Head of Integrated Service Office No. 540/052/2008 dated 5 November 2008, which essentially gave permission to PT Semen Gresik to conduct explorations without prior Environmental Impact Assessment (EIA) (Herwati, et.al, 2010).

LBH Semarang (Semarang Legal Aid Institute) in cooperation with Legal Service Institute (*Lembaga Pengabdian Hukum*/LPH YAPHI) and the Indonesian Forum for Environment (WALHI) filed a case through the State Administrative Court of Semarang. After a lengthy process, the judges decided to cancel the Decree. They opined that the Decree should not be made before the EIA finished. However, the local government and PT Semen Gresik as defendant filed an appeal to the Surabaya Administrative High Court. The decision in the High Court was disappointing: the judges canceled the decision of the Semarang Administrative Court judges. As the Plaintiff could not accept the verdict, they filed a cassation to the Supreme Court. In the Supreme Court, the judges canceled the High Court's decision, and the plaintiff won. The final decision of the Supreme Court ended PT Semen Gresik's plan to exploit karst in Pati District.<sup>2</sup> However, this does not mean that people in Kendeng Mountains are free from being cement factories' targets.

In 2010, PT Sahabat Mulia Sakti (PT SMS) offered cement investment of IDR 7 bn to the district government, covering two sub-district: Kayen and Tambakromo, consisting of 11 villages. The total area for the cement factory site is 180 hectares consisting of state forest land and villagers' lands. The allocation for mining site is 2,686 hectares, which will be used for limestone mining (2.025 hectares), clay stone mining (6.63 hectares), cement factory site plan and buffer zones (143.22 hectares), roads for cement production (20.14 hectares), and dormitories/offices (16.64 hectares) (PT SMS, 2014). The district government accepted the offer by releasing mining location permits for the exploration of limestone, and mining permits for the exploration of clay stones in 2011. These decrees allowed PT SMS to conduct its cement factory development plan in these sub-districts (Indra, 2015).

### **Setting up rules for cement exploitation**

According to the Ministry of Energy and Mineral Resources Number 0398.K/40/MEM/2005, Sukolilo Karst Region is karst area comprising Sukolilo sub-district, Kayen district, Tambakromo district (Pati

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<sup>2</sup> After its lost, PT Semen Gresik changed its name to PT Semen Indonesia in 2013. In 2011, PT Semen Gresik started to explore Rembang District, to build new plant in North Kendeng, Rembang District. They finally got the Decree on Environmental Permit from the Governor of Central Java in 2012.

district), and Brati sub-district, Grobogan sub-district, Tawangharjo sub-district, Wirosari sub-district (Grobogan district), and Ngaringan sub-district, and Todanan sub-district (Blora district), Central Java. The cement factory in Pati District is located inside the Sukolilo karst landscape (KBAK/*Kawasan Bentang Alam Karst* Sukolilo) or as stipulated in the Ministry Decree Number 0398.K/40/MEM/2005. This decree hampered the local government to release environmental permits to PT Sahabat Mulia Sakti. Therefore, in 2008 the Governor of Central Java initiated to issue Governor Regulation Number 128 Year 2008 concerning the Sukolilo Karst Landscape Stipulation, which stipulated the cement mining site as Karst Landscape Class II. This means that the site can be exploited for mining.

According to the Director of the Semarang Legal Aid Institute, the Governor Regulation is not legitimate as it ignores studies about geology structures, karst landscapes, and hydrology. Nevertheless, the regulation was adopted by the local government into Local Regulation Draft on Spatial Planning Draft of Pati District (*RTRW/Rencana Tata Ruang Wilayah*) which was used as guidance to release the mining permit. Previously, area around the Sukolilo karst landscape was used for agriculture and tourism, but now it changed into a mining area, specifically in the site of PT Sahabat Mulia Sakti.<sup>3</sup>

In June 2012, the Ministry of Energy and Mineral Resources issued Ministry Regulation Number 17 Year 2012 concerning Karst Landscape Stipulation. In the regulation, karst landscape is determined as geological protected area as part of national protected areas. Besides regulating criteria and characteristics of karst landscapes, the regulation also revoked the Ministry of Energy and Mineral Resources Regulation Number 1456 K/20/MEM/2000 and Number 0398.K/40/MEM/2005 concerning Karst Landscape Stipulation. In the Ministry Regulation Number 17 Year 2012, karst regions are no longer classified into three classes but all are considered first class.

Moreover, the Ministry Regulation also regulates that all decisions regarding karst landscapes depend on Ministry itself. However, the Heads of local government such as District Head, City Major, or Governor may propose karst landscape stipulations. The provision enables the Head of Pati district to propose karst landscape to the Ministry of Energy and Mineral Resources based on Governor Regulation Number 128/2008. As a result, the mining site of PT Sahabat Mulia Sakti now excludes karst landscapes based on the Ministry of Energy and Mineral Resources Number 2641 K/40/MEM/2014 concerning Sukolilo Karst Landscape Stipulation.<sup>4</sup>

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<sup>3</sup> Interview with Zainal Arifin, 15 August 2016.

<sup>4</sup> Study conducted by ASC with JMPPK shows that the mining site has characteristic of karst as mentioned in the Ministry of ESDM Number 17/2012.

On 8 December 2014, the Head of Pati district issued a Decree No. 660.1/4767 year 2014 concerning the Environmental Permit on the development of a cement factory and the mining of limestones and clay stones by PT SMS. Through the permit, PT SMS is allowed to conduct some activities: the development of a cement factory, and the mining of limestones and clay stones in North Kendeng Mountains.

### **The possible degradation and potential loss of livelihood in Tambakromo**

The researchers conducted field research in Larangan and Tambakromo Village in Tambakromo sub-district. The total population of Tambakromo sub-district is 20,485 people. Most people are farmers and peasants. The farmers depend on their arable lands that need water for sustainability. However, the issuance of the EP to PT SMS will degrade the environment quality in these villages, and decrease the arable lands. Moreover, the issuance of the permit will disrupt the farmers' traditional cultural activities and rituals that need water from the Kendeng Mountains.

A preliminary study conducted by some non-governmental organizations on karst protection like Acintyacunyata Speleological Club (ASC), Semarang Caver Association (SCA), and *Jaringan Masyarakat Peduli Pegunungan Kendeng/JMPPK* (Community Network for the Care of Kendeng Mountains) revealed existing caves, springs and *ponor* (waterholes) in those areas. The groups discovered 110 springs, nine waterholes, and 30 caves in Tambakromo and Kayen sub-districts. This shows that those areas are karst area, contradicting data found in the Environmental Impact Assessment of PT SMS where the number of springs was only 29, the number of caves was 19, and the number of waterholes only three. Larangan Village has four springs: Sumber Kedawung, Sumber Belik, Sumber Dandang, and Sumber Ngencek, which are used by villagers for irrigation and household needs. Once the springs are gone, the agricultural lands will dry, which will affect access to drinking water and other household needs.

### **The Potential loss of livelihood in Tambakromo Village**

Tambakromo Village is one of villages in Tambakromo sub-district which a total population of 4,723 people (2,403 women and 2,320 men). The total area of agricultural land in Tambakromo Village is 200 hectares with a total production value of IDR200 bn per year. According to the book of administrative village 2015, the number of farmer families was 465, comprising 1,115 farmers. The number of farm laborers was 203 families, while the total number of farm laborers 805 people. The average of land

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ownership in this village was 0,1-0,6 hectare. Farmers usually planted rice, and after the rice harvest green beans, corn, ground nut, or watermelon.

Research found that ten village farmers will be affected by the cement development. The researchers conducted interviews with those farmers and the farm laborers regarding their land ownership, agricultural production, harvest, income, and selling price.

**Table 1. The potential loss of income**

NO	Name of Farmer	Area/m2	Harvest/year/kg	Selling Price (IDR)
1	Sri	5000 (paddy)	1 ton	5000/kg
2	Ngadiman	4000 (watermelon)	7-8 ton	3200/kg
3	Paini	1,5 ha (paddy) 1,5 ha (teak)	3 ton	5000/kg
4	Setu	2500 (paddy)	500 kg	5000/kg
5	Sumini	2000 m (paddy)	400 kg	5000/kg
6	Taspan	1,5 ha	3 ton	5000/kg

**Table 2. The potential loss of income of farm laborers**

NO	Name of Farm Laborer	Area of Farm Laborer	IDR/day
1	Dian	1 ha/group	50,000
2	Ngadinah	1 ha/group	50,000
3	Ngatemi	1 ha/group	50,000
4	Sripah	1 ha/group	50,000

Farm laborers will lose their jobs and income if the paddy fields and other agricultural land disappear. Their daily income is IDR50,000 if they work on land owned by a farmer. Usually one group consists of 25 farm laborers.



## The Potential loss of livelihood in Larangan Village<sup>5</sup>

Larangan Village is one of the villages in Tambakromo sub-district. The total population is 945 people consisting of 480 woman and 465 man. The total area of Larangan Village is 498 hectares (75 hectares of paddy field, 293 hectares of non-paddy field, and 130 hectares of non-agricultural land). The cement factory will use 5,028 hectares of land in the village (State Forest Company/*Perbutani* forest and villagers lands) for mining and factory.

Ten villagers will be affected by the cement development. The total agricultural land of the villagers is 42,466 hectares, consisting of productive agricultural land, planted rice, corn, fruits, and vegetables. The total harvest in one year is 301 quintals or equal to IDR150.500 m. Crops in one-time harvests can reach 68 quintals or equal to IDR24.5 m while fruits plants and vegetables on 4,727 square meters land can bring IDR17.8 m in one year. It can be assumed that one villager will lose income of up to IDR17.7 m per year.

**Table 3. The potential loss of paddy field**

NO	Name of Farmer	Area/m2	Harvest/year/kg	Selling Price (IDR)
1	Sujak	5,279	1,750	17,500,000
2	Rumiyati	2,696	2,000	20,000,000
3	Warsini	2,500	1,000	10,000,000
4	Suparmi	6,279	2,500	25,000,000
5	Patmi	2,705	1,250	12,500,000
6	Sunardi	2,757	1,000	10,000,000
7	Sutini	1,203	700	7,000,000
8	Dasmi	1,820	1,500	15,000,000
		3,400		
		1,327		
9	Giyem	10,000	3,000	30,000,000
10	Supadi	2,500	350	3,500,000

**Table 4. The potential loss of crops harvest**

NO	Name of Farmer	Harvest/kg	Selling Price
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<sup>5</sup> Field research findings in Larangan Village, May 2016.

1	Sujak	1,750	17,500,000
2	Rumiyati	2,000	20,000,000
3	Warsini	1,000	10,000,000
4	Suparmi	2,500	25,000,000
5	Patmi	1,250	12,500,000
6	Sunardi	1,000	10,000,000
7	Sutini	700	7,000,000
8	Rasmi	1,500	15,000,000
9	Giyem	10,000	30,000,00
10	Supadi	2,500	3,500,000

From cultivation to harvest, there are eight steps to be done. Below is the example of steps on a farmer's paddy field of 2,500 square meters and estimation of farm laborer wages:

#### 1. Seedling

Spreading seed is the first step that needs one or two people. Usually, a farmer does it alone. For 2,500 square meters of land, the total seeds needed are 20 kg or four packages. One package is equal to IDR55,000.

#### 2. Plowing

Plowing is an activity of preparing land for paddy fields. Usually two people do this. The landowner uses a contract and pays IDR170,000 for both farm laborers.

#### 3. Taking seed from seedbeds (*Daud*)

This job requires four people, usually women. One people will be paid IDR20,000 per day.

#### 4. Cultivation

The landowner needs 13 people. Usually, women cultivate rice seeds. Every laborer is paid IDR20,000 per day.

#### 5. Fertilization

There are two rounds of fertilization within one cultivation period. For every time, one to two people are needed, and they will be paid IDR75,000 each time is the laborer is male, and IDR50,000 if the laborer is female. This shows the inequality between male and female laborers, where it is assumed that a male's manpower equals two women.

Landowners usually use fertilizers like urea, *poska*, *TSP*, *poradan*, or manure (*satrun*). The respective prices are as follows: one sack urea (50 kg) is IDR95,000; one sack *poska* (50 kg) is IDR115,000; one sack *TSP* (50 kg) is IDR125,000; one bag *poradan* is IDR33,000; and 1 kg manure for one is IDR23,000.

6. Mow (*matun*)

This activity requires 10 people, usually women. Every laborer will be paid IDR20,000.

7. Spray (*nyemprot*)

This is the step where land is sprayed to kill pest. Usually it is done before cultivation. During the cultivation period, laborers will spray the paddy field twice. One laborer is needed and be paid IDR50,000. The price of the sprays is as follows: 1 *premoton* per bottle costs IDR120,000; 1 liquid *KCL* bottle is IDR35,000; and 1 *aris* per bottle is IDR120,000.

8. Harvest

The last process is harvest. This step needs seven people. Two women will be paid IDR60,000 each, and five men will be paid IDR 70,000 each.

According to Gunretno, one hectare of agricultural land requires 143 labors for one period of cultivation. The second period will require 286 people, and the third period is corn cultivation, which also needs labor. The loss will be very high for 2,668 hectares of agricultural lands taken by the cement factory (Gunretno, 2014).

### **The Potential loss of livelihood in Karangawen Village<sup>6</sup>**

Karangawen Village's total area is about 146,000 hectares. The number of villagers in 573 households is 1,787 people. The main occupation of the villagers is farming (530 people) and private sector work (500 people), followed by farm laborers (430 people). The result from field research in Karangawen Village shows that the farmers in Karangawen Village have land area of between 2,500-7,500 square meters. They planted the land with rice, corn, teak, and other perennials. The rice production every year is between 15 quintals and 2,5 tons per year while the harvest for crops is 1-2 tons per year. The price for one quintal rice is IDR500,000 while corn is IDR3,000 per kilogram. Teak and other perennials are not harvested until 25 years later. In the village, all the water consumption is taken from the spring of "Kedung Curug" in Brati Village, Kayen sub-district, Pati district.

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<sup>6</sup> Based on field research, December 26-27, 2016.

## Resistance and government responses

During 2011-2016, villagers in Tambakromo and Kayen sub-district protested against the development plan of a cement factory. In 2011, some villagers consulted with village officials regarding suspicious actions conducted by the cement factory's people, but the officials refused to explain. This caused the villagers to sign a statement letter on the rejection of the cement development plan. After knowing that a cement factory would be built, the villagers started to strengthen their network. They conducted some protests as follows: holding environmental parades on Independence Day; visiting government institutions to submit rejection letters for the cement factory; conducting a flag hoisting ceremony on August 17; conducting waste cleaning up action; holding demonstrations in front of the Central Java Governor office to urge revision on the Local Government Regulation on Spatial Planning; holding a cultural action by planting trees around Kendeng Mountains; participating and speaking in academic forums on Kendeng Mountains cases; conducting folk ceremonies to reject cement factories; conducting Kendeng people discussions (*rembug Kendeng*) on food sovereignty; holding demonstrations in front of the Regent and conducting a hearing with the Provincial House of Representative to respond the issuance of the Environmental Permit; filing a case on the Environmental Permit to the State Administrative Court in Semarang, Central Java; holding long marches from Pati district to the Semarang Administrative Court; and holding cement shackle actions at the Presidential Palace in 2016. Those actions were responded to by the cement factory and the government through various ways: When the villagers held rallies in Pati district, thugs were deployed to block roads where the villagers would be passing. After that, villagers reported these actions to the police but no legal action was taken. Likewise, when the villagers planned to conduct a flag hoisting ceremony to celebrate Independence Day, some police and National Indonesian Army members came to Gunretno's house.<sup>7</sup> They asked Gunretno and JMPPK to cancel the plan otherwise the police would arrest the people. However, the intimidation could not stop the people to conduct the ceremony, and it ran without police and army interruption. The company and the government also showed other strategies: The company never invited the people to socialization forums to talk about the cement factory development plan and Environmental Impact Assessment. Moreover, the government never answered the villagers' letters regarding the rejection of the cement factory.

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<sup>7</sup>Gunretno is a farmer member of the Community Network for the Care of Kendeng Mountains (JMPPK/Jaringan Masyarakat Peduli Pegunungan Kendeng).

## **The trial**

On 4 March 2015, five villagers in Kayen and Tambakromo sub-district filed a lawsuit to the Regent of Pati for the issuance of Decree No. 660.1/4767 year 2014 concerning the EP on the development of a cement factory and the mining of lime stones and clay stones in Pati district by PT SMS, dated 8 December 2014. The plaintiffs were farmers who would be affected by the development of the cement factory. They argued that the issuance of the EP to PT SMS would degrade the environment quality in their villages and decrease arable lands. The issuance of the permit would also disrupt the farmers' water sources and paddy field as their paddy fields depend on water from springs around the Kendeng Mountains. The cement mining will also lead to drought, flood, and dust in the farmers' villages. Moreover, the use of dynamite for cement mining will cause damage to the farmers' houses.

The company got involved in the trial after sending a request to be a party in the case. The judges considered the petition and decided to accept the company as third party (intervenient defendant). The plaintiffs were represented by their lawyers from the Semarang Legal Aid Institute and Yogyakarta Legal Aid Institute, while the company was represented by a senior lawyer, a former staff of the Indonesian Legal Aid Foundation and former member of the National Human Rights Commission (KOMNAS HAM).

The court process ran from March 4, 2015 to November, 17 2015. In their answers, the district government and the company rejected the plaintiff's argument. They argued that the issuance of the decree had complied with procedures and mechanisms stipulated in regulations and good governance principles, including the Environmental Impact Assessment Commission's evaluation. On November 17, 2015 the judges decided that the defendants' exceptions were rejected. The court accepted the plaintiffs' lawsuit wholly and required the defendant to revoke the Decree. The judges considered that the Environmental Permit was contradicting the Spatial Planning Plan of Pati district, and against good governance principles. Unfortunately, the Semarang Administrative Court's decision was not final because the defendants filed an appeal to the Surabaya Administrative High Court. On August 9, 2016 High Court judges canceled the Semarang Administrative Court's decision and decided in favor of the defendants. Responding to the decision, on August 24, 2016 the plaintiffs filed a cassation to the Supreme Court. The Supreme Court's verdict was released on March 6, 2017. In that verdict, the Supreme Court decided that the High Court considerations related to this case were not contradicting the law; therefore the plaintiffs.

## Formulating and practicing strategies

Farmers have organized themselves into the Community Network for the Care of Kendeng Mountains (JMPPK/Jaringan Masyarakat Peduli Pegunungan Kendeng), which is a network organization without any leader. All members are those who share concerns on the Kendeng Mountains preservation, and are living in Pati, Rembang, Grobogan, Blora, and Kudus district, Central Java. Besides organizing farmers, JMPPK is also able to build network of Non-Governmental Organizations, students, humanists, artists, and musicians. Those who are contributing to the farmers movement are the Semarang Legal Aid Institute, the Yogyakarta Legal Aid Institute, Desantara, Association for Community and Ecological Based Legal Reform (HuMa), the Jakarta Legal Aid Institute, the Centre for Disaster Management, Studies UPN Yogyakarta, Acintyacunata Speleological Club (ASC) Yogyakarta, Semarang Caver Association (SCA), Soegijapranata University Semarang, Diponegoro University. Table 4 below shows in detail the involvement of non-state actors and their strategy in the cement case in Pati district.

**Table 4. The involvement of non-state actors, their strategies and results**

No	Non-state Actors	Strategy	Result
1	The Semarang Legal Aid Institute	Organizing community in Tambakromo and Kayen District	Consolidated community
		Investigation	Data
		Collecting data	Case documentation
		Community's lawyer	Assisting villagers in the Court, winning the case
2	The Yogyakarta Legal Aid Institute	Community's lawyer	Assisting villagers in the Court, winning the case
3	Desantara	Social Mapping	Data
		Organizing community Campaign	Consolidated community
4	HuMa	Developing network in Jakarta Campaign	Network
5	The Jakarta Legal Aid	Organizing some rallies in	Network

	Institute		Jakarta, mobilization, campaign		
6	Eko Teguh Paripurno (Academics from UPN Yogyakarta)		Organizing discussion on disaster in karst region	Public enhancement	capacity
7	Prof. Sudarto (academics from Diponegoro University)		Organizing some public discussions on the Kendeng case	Public enhancement	capacity
8	Dr. Cahyo Rahmadi (LIPI)		Provide expert testimony in the Semarang Administrative Court	The conviction	judges
9	Prof. Esmi Warasih (academics from Diponegoro University)		Participating in some public discussions on Kendeng case	Public enhancement	capacity
10	Suryo Adibowo (academics from Bandung Technological University)		Organizing some public discussions on Kendeng case	Public enhancement	capacity
11	Acinctyacunata Speleological Club (ASC)		Conducting research in Kendeng regions Providing expert testimony in the Semarang Administrative Court Organizing some public discussions on Kendeng karst	Research documentation Research documentation as evidence in the Court	
12	Semarang Association (SCA)	Caver	Conducting research in Kendeng Mountains Providing expert testimony in the Semarang Administrative Court	Research documentation Research documentation as evidence in the Court	
13	Indonesia Society (ISS)	Speleology	Conducting research in Kendeng Mountains	Research documentation	

14	Soegijapranata University Semarang	Conducting seminars and discussions on Kendeng Case	Public capacity and awareness
15	Students of Universities: Students from Diponegoro and Semarang University	Participating in some rallies on Kendeng case Campaign	Public awareness
16	Indonesian National Student Movement (GMNI) Semarang,	Participating in some rallies on Kendeng case Campaign	Public attention and government attention
17	Indonesian Islamic Student Movement (PMII),	Participating in some rallies on Kendeng case Campaign	Public and government attention
18	Moslem Student Association (HMI) Semarang	Participating in some rallies on Kendeng case Campaign	Public and government attention
19	Semarang Center for Books(RBSS),	Participating in some rallies on Kendeng case Campaign	Public and government attention
20	Satjipto Rahardjo Institute (SRI)	Participating in some rallies on Kendeng case Campaign	Public and government attention
21	Payung Community	Participating in some rallies on Kendeng case Campaign	Public and government attention
22	Fiat Justicia	Participating in some rallies on Kendeng case Campaign	Public and government attention
23	Artists (Melanie Subono, Mike Marjinal)	Visiting the community their villages	Public attention and awareness
24	Musician	Visiting the community in their villages, support the community in some protests, campaign	Public attention and awareness
25	Film maker	Producing documenter films on	Public attention and



	(Watch Doc)	the Kendeng Case	awareness
26	Humanist Semarang: Kang Putu, Gus Ubaidilah Ahmad, Romo Budi, Mustofa Bisri	Organizing some public discussions, create events for Kendeng community	Public attention and awareness

In this case, the farmers use mainly non-litigation strategies through lobbying, peaceful rallies, long marches, tree-planting, cultural events, and rituals like “lamporan”.<sup>8</sup> Cultural events and rituals bring messages and symbols.

A lawsuit was filed because the Regent refused to revoke the decree. Thus, the only strategy was to file a case at the court. Here, the role of NGOs and other non-state actors is key: Using their specific strategy, they show the capability of synergizing support for the people. For example, using its role of legal aid institutions, result of the ASC and SCA study on Kendeng Mountains were used as evidence in court. Some academics also used their knowledge by becoming expert witnesses. To sum up, support provided by academics, students, artist, and humanists enlarged the scope of the case and public awareness.

## Conclusion

Kendeng Mountains Area will always attract cement factories. Once freed from PT Semen Gresik’s exploitation in 2010, now farmers face another cement factory: PT Sahabat Mulia Sakti. The government response remains the same as it was: it defends the interest of the company despite the potential environmental degradation, lack of food, and resulting poverty if the cement factory is to be built. The Environmental Permit process was based on legal formalism concerning public participation in producing the Environmental Impact Assessment (EIA). The EIA was made without accountability procedure of monitoring. As a result, the EIA contains manipulated data. On the other side, farmers were supported by some non-state actors like NGOs, academics, students, artist, and humanists to formulate and practice strategies of resistance. They practice litigation and non-litigation strategies, and, in response, the government apparently did not remain silent. Now, both the farmers and the government are awaiting the last verdict.

<sup>8</sup> “Lamporan” is meant to repel evil forces, in this case the cement factory. “Lamporan” means “Walk and lit torch”.

The farmer resistance shows the evidence on the formalism of the EIA procedure. By this formalism, many environmental and social facts in the field were ignored. This forced the villagers to resist by showing their identity as farmers who are attached to land. Losing their land would mean losing their identity as farmers, income, and the right to environment and to food.

The Environmental Permit will affect the right to food for farmers in Tambakromo sub-districts. The four springs in Larangan Village are used by the villagers for irrigation and household needs, however they will all disappear should the cement factory and cement mining exploitation start. The disappearance of the springs will affect agricultural irrigation, drinking water, and other needs. Farmers in Tambakromo Village will be affected by the cement development, and more specifically, ten farmers will lose their land or paddy field. In Karangawen Village, most villagers work as farmers. Besides land user for paddy fields, the farmers also have perennial plants, mostly teak planted for 20-25 years. Some of them—after the planting season finished—usually wander for three months to Sumatra and Kalimantan to find jobs for additional income, and return to their village before the harvest season or Eid holidays. The development of the cement factory will affect their wandering activities as part of their farmers' identity. Karangawen Village is the location of the cement factory site. Ten farmers as respondent in this research will lose their lands if the cement factory is built.

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