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LAW, CRIMINOLOGY & CRIMINAL JUSTICE | RESEARCH ARTICLE

Corporate crime in expropriating land rights through intimidation and criminalization

Dwidja Priyatno¹, Anita Kamilah^{2*} and Aji Mulyana³

Abstract: Corporations or business actors have an important role in increasing economic development, but in practice these corporations or business actors often commit business crimes that harm the community by means of intimidation and criminalization to seize land or land rights owned by the community. The purpose of this research is to combat corporate crime that intimidates and criminalizes land grabbing through Strategic Lawsuit Against Public Participations (SLAPP). The approach method used is normative juridical, by presenting data analysis in a descriptive-qualitative manner. The result of this research is that: (1) Land Grabbing relating to the factors of the occurrence of the financial crisis, food crisis, energy crisis and global climate crisis; (2) The mode of appropriation of community land is carried out through use action RELAX to silence and stop public participation; and (3) Application of Anti Strategic Lawsuit Against Public Participations (SLAPP) provide legal protection against resistance to public participation in defending their land rights.

Subjects: Criminal Law & Practice; Human Rights Law & Civil Liberties; Land Law; Business & Company Law

Keywords: Corporations; criminalization; expropriation; intimidation; land



Dwidja Priyatno

ABOUT THE AUTHORS

Dwidja Priyatno The writing of this article was carried out by 3 people or in collaboration with a background in general scientific fields, namely Law, but each writer has his own focus, such as criminal law experts and civil law experts. The roles or tasks in this writing are: S.H., M.H., Sp.N., is a professor of criminal law. At this writing, acting as the initiator of the concept and provide ideas in this writing.

Anita Kamilah, S.H., M.H., is a civil law expert. At this writing the role is to collect data, compile and analyze the data obtained.

Aji Mulyana, S.H., M.H., is a criminal law expert. At this writing, the role is to collect various literature to support writing and editing writing.

PUBLIC INTEREST STATEMENT

Corporations are important in promoting economic development. However, corporations often commit detrimental business crimes to society through appropriation acts to community property rights over land. Factors driving land grabbing are the global financial, food, energy and climate crises, as well as the company's desire to expand its business. The mode of land grabbing is carried out through embezzlement, falsification of documents, coercion and intimidation to expand agribusiness, conservation, and extractive industry and infrastructure development programs. The impact causes conflict horizontally and vertically. Community members who defend their land face a Strategic Lawsuit against Public Participation (SLAPP) carried out by corporations through intimidation, criminalization, criminal and civil actions aimed at silencing public participation which is considered detrimental to corporate interests in running their business. Measures to protect public participation from SLAPP attacks exercise the right to hold opinions responsibly, strengthen regulation, use media and technology, and develop a culture of litigation.

1. Introduction

Article 1 (3) of the 3rd Amendment to the 1945 Constitution presents Indonesia as a binding rule of law as the supreme norm of the Indonesian national legal order, rather than simply based on power. The term rule of law not only wants to emphasize the difference between a power state and the rule of law, but also the concept that the Indonesian state is not governed by power, but must be organized according to the rule of law. Its aim is to provide the maximum possible service to the community so that justice at the level of implementation that upholds the rule of law is turned to the interests of its people. Indonesia is therefore defined not only as a rule of law state, but also as a welfare state, with provincial governments considered responsible for ensuring a minimum standard of living for all citizens (Sukmana, 2016).

Commitment to the concept of the welfare state, carried out by the government make a change changing the socio-economic basis from a liberal economic system to a planned economic system through a process of socio-economic decolonization and reconstruction of traditions, so that the Indonesian legal state has a welfare state basis that is rooted in the legal traditions of the Indonesian nation, with the aim of guaranteeing legal certainty for economic businesses, providing justice and the benefit of the people at large, although they do not explicitly reject the free market economic system (Azhari, 2012).

The strong assumption that the Unitary State of the Republic of Indonesia is designed as a Welfare State (welfare state), among which are listed in Article 33 paragraph (3) of the 1945 Constitution which mandates the state as the highest authority organization to control the earth, water, space and the natural resources contained therein to be used as much as possible for the prosperity of the people. In order to realize the goals mandated by the welfare state, in line with Article 33 paragraph (4) of the 1945 Constitution the government carries out continuous, planned and sustainable economic development by involving the role of the community and the involvement of State-Owned Enterprises and corporations as part of the national economic actors whose implementation is based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental awareness, independence, and by maintaining a balance of progress and national economic unity (Manan, 2014).

Corporations have a big role in the success of economic development considering that the funds needed to finance national development needs are quite large, while the government's State Revenue and Expenditure Budget funds are relatively limited, so by optimizing Indonesia's natural resources which have a land area of 1,905 million square kilometre's and raw material resources Abundant nature, a broad domestic market, as well as the provision of various incentives from the government, have attracted investment both domestic and foreign to invest in Indonesia (Rizky et al., 2016).

The placement of land as a commodity for corporations as owners of capital has led to people's land grabbing which is facilitated by various regulations to produce reorganization of new capital accumulation spaces, such as the construction of monoculture plantations, infrastructure development, special economic zones, food estate, "New Bali" premium tourism, mining business, forest area swaps, property business, manufacturing industry, fisheries and so on (Kartika, 2020).

The impact is environmental damage, climate change, loss of forests on a large scale, and makes the lives of farmers, farm workers, fishermen, indigenous peoples, women and children in poor communities in villages and cities worse off, giving rise to conflicts both horizontal and vertical. In 2020, the Consortium for Agrarian Reform reported that in 30 provinces in Indonesia there had been 241 agrarian conflicts in 359 villages/villages, involving 135,337 heads of households on a land area of 624,272,711 hectares (Kartika, 2020). Of the 241 agrarian conflicts, 69% occurred in two sectors, namely the plantation sector and the forestry sector. The conflicts in these two sectors showed a fairly high increase in conflicts compared to the conflicts that occurred in the previous year. In 2019 there were 87 agrarian conflicts in plantation areas, while in 2020 the

number reached 122 conflicts or an increase of 28%. Agrarian conflicts in the forestry sector from 20 conflict eruptions in 2019 to 40 conflict eruptions in 2020 (Kartika, 2020).

Similarly, according to GRAIN, the Spanish agricultural agency, there have been 416 large-scale land grabs by foreign investors for food production, covering nearly 35 million hectares in 66 countries. Africa is a prime target for land grabs, including Latin America, Asia, Eastern and Central Europe, especially Hungary and Romania. This is because we have some of the best farmland with very fertile soils and water sources for irrigation on the Danube Plain (Constantin et al., 2017; Cotula et al., 2009). This situation shows that eminent domain is a global phenomenon.

Local people who are victims of agrarian conflicts and violence are not only threatened with health and economic crises, but also have to risk their lives to defend their land rights. Large corporations with their affiliates and facilitated by the government, including obtaining legal legitimacy, committing criminalization through various modes and assisted by security forces, with the aim of providing a deterrent effect on the community and those who reject development projects, through acts of inhibiting public participation or so-called Strategic Lawsuit Against Public Participation (SLAPP).

Based on the research background above, it is interesting to conduct research by identifying the following problems: First, the factors underlying the deprivation of land rights (land grabbing) by corporations; Second, the modes Strategic Lawsuit Against Public Participation (SLAPP) or intimidation and criminalization by corporations in appropriating people's land rights, and Third, the application of the concept of Anti-Strategic Lawsuit Against Public Participation (SLAPP) or intimidation and criminalization as a form of protection against public participation in Indonesia.

2. Methodology

As pointed out by Raynaldo Sembiring, Strategic Lawsuit Against Public Participations (SLAPP) is a form of intimidation, criminal activity, and criminal activity carried out by corporations with the primary purpose of silencing/eliminating public participation perceived as a hindrance to corporate interests is considered an act of malpractice, criminal or civil action (Sembiring, 2019).

A conceptual approach seeks to provide an analytical perspective on problem solving from concepts and values embodied in regulatory or policy norms (Irwansyah, 2020). Following Mária Srebalová and Tomáš Peráček, the main aim of this study is to use a critical analysis of legal provisions (doctrinal research) through a conceptual approach (Hadjon, 2014; Srebalová & Peráček, 2022).

To achieve this main goal, sub-goals or analysis of the following points are identified:

- (1) National Strategic Lawsuit Against Public Participation (SLAPP) regulations.
- (2) Strategic Lawsuit Against Public Participation (SLAPP) cases are both international, national and local/regional.
- (3) Direct community and victim reporting to the Land Reform Consortium at national and regional levels.
- (4) Results of monitoring and data collection on local agricultural conflicts. and
- (5) Observations of print, electronic, and online mass media coverage. The data are then analyzed and presented in a descriptive and qualitative manner.

Given that Strategic Lawsuit Against Public Participation (SLAPP) is a common issue worldwide that restricts freedom of expression and community civil rights, we propose legal restrictions to ensure public participation in his Strategic Lawsuit Against Public Participation (SLAPP) actions by companies is protected. is needed. Legal regulations in other countries to address Strategic Lawsuit Against Public Participation (SLAPP) issues.

3. Results and discussion

3.1. Factors behind land grabbing by corporations

Corporations as one of Indonesia's economic actors, in addition to State-Owned Enterprises or Regionally-Owned Enterprises, have played an important role in supporting the development and progress of Indonesia's economic development. Based on data from the Investment Coordinating Board in 2020, investment realization has been achieved cumulatively. 826.3 trillion or 101.1% of the Rp. 817.2 trillion target, which was obtained from domestic investment reaching Rp. 413.5 trillion (50.1%), and foreign investment of Rp. 412.8 trillion (49.9%), and able to absorb up to 1,156,361 workers out of a total of 153,349 investment projects (Talisa, 2021). However, in order to achieve this success, corporations often seize rights to land and natural resources in carrying out their business.

Success in increasing government revenues through investment Domestic capital investment Foreign investment, however, must address the allocation of land and resources by companies to support business development. The term land grabbing was first presented by an agricultural agency "GRAIN" in Spain in 2008, which was used to take agricultural land by large companies through agribusiness investment (Syahyuti, 2018). FAO defines eminent domain as large-scale land transactions for plantation development involving many actors with varying motivations, from local governments to foreign governments, and often with adverse effects on agriculture (Borras et al., 2012).

Various studies show that the factors driving land grabs are commonly linked to the financial, food, energy and global climate crises. The global food crisis of 2007–2008 pushed up food prices and created a political and economic impetus for land acquisition. Climate change and the energy crisis are driving land use for renewable energy crop production. This situation has forced investors to acquire land, especially in southern countries, including Indonesia, where land is cheaper and more readily available. (Grain, 2011)

There are other factors that cause deprivation of land rights that occur in Indonesia, namely the existence of government policy through the ratification of statutory regulations that provide easy access for corporations in obtaining land rights. These policies include, among others, contained in:

- (1) Act No. 41 of 1999 concerning Forestry;
- (2) Act No. 3 of 2020 concerning Mineral and Coal Mining;
- (3) Act No. 45 of 2009 on Fisheries;
- (4) Act No. 29 of 2009 on Transmigration;
- (5) Act No. 26 of 2007 concerning Spatial Planning; And
- (6) Act No. 11 of 2020 about Job Creation.

Based on these regulations, new problems arise which can increase the deprivation of community land rights, especially for indigenous peoples by simplifying and accelerating the process. permits, without regard to the precautionary principle(prudent) and social, economic, political, and cultural impacts. Like the projects that have been carried out by Freeport, East Kalimantan Prima Coal, Indo Rayon, East Kalimantan Equatorial Mining, Kideco Jaya Agung, HPH, HTI, Transmigration, National Parks (Lore Lindu, Bukit Duabelas, Meru Betiri, etc.; Tampubolon, 2010).

Second, in addition to the financial, food, energy and global climate crisis factors, other factors are behind companies seizing land rights: (1) The company's desire to expand its business. (2) The economic poverty of the community is exploited by corporations to acquire rights to cheap land. (3) Business-friendly government policies make it easier for businesses to acquire communal land. (4) significant economic and political power of corporations to influence governments to obtain desired land rights; (5) Weak government legal protections for community lands.

In addition, in facilitating and making it easy for corporations/private parties to obtain land rights, the government made various changes to laws and regulations, one of which is the provisions of Law Number 2 of 2012 concerning Land Acquisition for Development of Public Interests which expands the object of regulation for the benefit of mining investors, tourism and special economic zones into the category of infrastructure development, the impact of which is exacerbating agrarian conflicts. This condition places the community in a vulnerable position with threats of forced eviction, as well as being victims of corruption and manipulation in the land acquisition process, resulting in vertical conflict between the community and corporations and the government.

3.2. Modes of confiscation of land rights through action Strategic Lawsuit Against Public Participation (SLAPP) or intimidation and criminalization

Land grabbing is the act of taking over land by unauthorized parties, usually corporations or individuals who have greater political or economic power, in an illegal or unfair way. Actions of deprivation of land rights can threaten human rights, harm society and the environment, and exacerbate social and economic inequality.

Actions of usurpation of land rights can be carried out in various ways, such as coercion, intimidation, embezzlement, illegal expropriation, or falsification of documents. The act of usurping land rights can be carried out by a corporation that wants to control land for economic purposes, such as the construction of infrastructure projects, plantations or mining, without regard the rights of the people who live on the land. As was written by (Laltaika & Askew, 2021) in the book "Lands of the Future: Anthropological Perspectives on Pastoralism, Land Deals and Tropes of Modernity in Eastern Africa", in Chapter 4 entitled "Modes of Dispossession of Indigenous Lands and Territories in Africa", which explains that there are 6 main modes of deprivation of land rights, namely:

- (1) Agribusiness the most prominent mode of dispossession
- (2) Conservation the second, and most widespread mode of dispossession
- (3) Extractive industries a third mode of dispossession
- (4) Infrastructure projects a four mode of dispossession
- (5) Competition with cultivators a fifth mode of dispossession
- (6) Internal displaced persons a sixth mode of dispossession

Therefore, the deprivation of land rights is often also related to agrarian conflicts or conflicts between local communities and large companies or the government in the management of natural resources and land. These agrarian conflicts are often caused by injustice in the management of land and natural resources, such as land acquisition by corporations without providing fair compensation, or the determination of land boundaries that are not transparent and fair.

Protection of land rights and public participation in the decision-making process is very important to prevent the occurrence of land rights grabs. The state and related parties must ensure that rights to land are recognized and respected, and that public participation in decision-making regarding the management of land and natural resources is facilitated and guaranteed.

Locals defending their lands must face Strategic Lawsuits Against Public Participation (SLAPP) conducted by corporations through intimidation, criminalization, criminal and civil actions aimed at public participation. Deemed detrimental to their interests and silenced/excluded (Sembiring, 2019; Sheldrick, 2014).

Strategic Lawsuit Against Public Participations (SLAPP) was first published by (Benson & Merriam, 1993) in their article entitled "Identifying and Beating a Strategic Lawsuit Against Public

Participation” which was published in the journal “Land Use Law” where As stated by Professor Pring, a leading scholar on SLAPP suits, the suits contain the following four criteria:

- (1) A civil complaint or counterclaim for monetary damages and/or an injunction;
- (2) Filed against nongovernmental individuals or groups;
- (3) Because of their communication to a government body, official, or the electorate;
- (4) On an issue of some public interest or concern.

However, according to him, one criterion needs to be added, namely: “The suits are without merit and contain an ulterior political or economic motive”. This criterion is both an integral part of understanding the SLAPP suit and the principal difficulty in identifying one. The final criterion distinguishes legitimate lawsuits from suits designed to curtail public participation (Activists, A. G. for C. R. and E. J, 1997). Assume a hypothetical situation in which a neighbor seeks money from a developer, threatening to publicly criticize a new development unless given the money. One could understand if the developer sought legal recourse against the neighbor. This hypothetical situation is quite different from one in which a citizen, simply wishing to preserve the character of his neighborhood, stands up at a zoning hearing to air his grievances about a proposed project and is hit with a suit for slander, interference with contract, or some other frivolous claim. The difference goes to the motivation and the legitimacy of the suit. If a suit is filed because a developer has been legitimately wronged in a legal sense, his suit is not a SLAPP suit. However, if the developer wishes to accomplish a political end, such as silencing legally permissible criticism, his suit is a SLAPP suit (Benson & Merriam, 1993). With reference to the provisions of the Philippine Environmental Proceedings Rules, Strategic Lawsuit against Public Participations (SLAPP), is specifically defined as follows:

“An action whether civil, criminal or administrative, brought against any person, institution or government agency or local government unit or its officials and employees, with the intent to harass, vex, exert undue pressure or stifle any legal resources that such person, institution or government agency has taken or may take in the enforcement of environmental laws, protection of the environment or assentation of environmental rights” (Sembiring, 2019).

Strategic Lawsuit Against Public Participations (SLAPP) can also be defined as lawsuits or counter-claims (civil) and/or reports to the police (criminal) filed by corporations against the public (victims) or fighters for environmental rights who criticize or raise objections as a form of community participation inactivity business actors suspected of causing environmental pollution/damage. The suit is intended to silence or stop participation society (Indrawati, 2022).

Different types of Strategic Lawsuit Against Public Participations (SLAPP)land grabs include:

- (1) Use criminal and civil lawsuits by interested parties to intimidate and pressure residents whose land rights have been confiscated.
- (2) Physical threats of forcible entry into community areas.
- (3) Security forces criminalize rights-fighting activists and civilians.
- (4) Coercion and deception by interested parties by offering large sums of money and promises to those who renounce their land rights.
- (5) Criminalize tribal people and farmers as vulnerable communities to disenfranchise them with their ancestral land rights.

One of them is based on Law No. 18 of 2013 on the Prevention and Elimination of Forest Degradation. Originally intended to stamp out organized forest crime by corporations, the law has since been widely used to lure nearby farmers and indigenous peoples. from forest areas. In fact, between 2016 and 2020, around 50 farmers became criminals due to the implementation of

Law No. 18 Year 2013 on the Prevention and Elimination of Forest Degradation. Half of them are people living in forest areas who have actually done a lot to protect the forests. (Chandra, 2020). Second, the application of Law No. 39 of 2014 on plantations in Articles 105, 107d and 108. Furthermore, the application of Article 162 of Law No. 3 of 2020 on Mineral and Coal Mining. Attempts to interfere with mining activities.

These laws aim to create a deterrent effect on those who oppose projects that ultimately destroy the role and rights of communities, and require governments, with the support of security forces, to carry out civil proceedings or criminal prosecutions. or often used by companies. Those lands were forfeited from the company's investment profits.

3.3. Application of the Concept of Anti-Strategic Lawsuit Against Public Participation (SLAPP) or Intimidation and criminalization as a form of protection against public participation in Indonesia

Before explaining about the application of the Anti Strategic Lawsuit Against Public Participations (SLAPP) concept, it is necessary to know briefly about public participation. Public participation in development activities is recognized as a right and considered an important part of democratic governance. The word participation comes from the English "participation" which means "participation". According to Antoft and Novack, civic participation is "the ongoing and active involvement of citizens in shaping policies that affect them." (Solihah & Witianti, 2018). The same thing was stated by Samuel P Huntington and Joan Nelson providing a definition of "political participation", namely "we define political participation simply as activity by private citizens designed to influence governmental decision-making" (Huntington & Nelson, 1976).

In general, there are 8 levels of participation in the general public provided by the government for development programs (Handayani et al., 2022), namely:

- (1) **Citizen manage**, the network has the authority to take part in controlling the complete choice-making system via negotiations with outsiders who desire to make changes;
- (2) **Delegated electricity**, the network is given an abundance of authority to make choices on sure plans. At this stage, the network has a diploma of manage over authorities choices;
- (3) **Partnership**, the network has the authority to barter with the authorities, primarily based totally in this settlement the events percentage duty for planning, controlling choices, formulating guidelines and fixing troubles encountered;
- (4) **Placation**, the authorities appoints some of humans from the affected a part of society to come to be contributors of a public body. However, the principle choice remains held with the aid of using the authorities because the electricity holder;
- (5) **Consultation**, the network is invited to percentage their reviews for a public hearing, however there's no assure given with the aid of using the authorities that the network's opinion is considered in choice making;
- (6) **Informing**, the authorities simplest presents records to the general public concerning plans for improvement activities, with out giving alternatives to groups whose pursuits are disrupted to barter or refuse;
- (7) **Therapy**, the authorities engages the network simplest to cognizance on converting the attitude of the network with out imparting an possibility for the network to offer enter or reviews; and
- (8) **Manipulation**, is the bottom stage of participation, the network is simplest used as an item of records manipulation with the aid of using giving guarantees of development from the improvement carried out, however in the long run the exercise unfavourable to society.

Forms of participation created by governments and corporations are manipulations and treatments to disregard the rights of those whose interests have been violated. The resistance of the

disenfranchised people took action Strategic Lawsuit Against Public Participations (SLAPP) carried out by power holders/corporations through civil actions or criminal complaints aimed at silencing or stopping community participation involving various types of discussions of defamation or violation of law.

In the United States, many citizens use their rights to participate in fighting for the public interest, but then get acts of violence, intimidation and criminalization, so through the ideas of (Benson & Merriam, 1993) the term Anti-Strategic Lawsuit Against Public Participation (SLAPP) namely provisions that provide legal protection for citizens and community groups to carry out their participation in fighting for their rights and public interests through forms (reporting, lawsuits, testimony in court, media advocacy, peaceful demonstrations, protests by community members, hearings with public institutions/public officials; Rucz, 2022).

The application of SLAPP regulations varies greatly from country to country. Ontario enacted the Anti-SLAPP Act in 2015, followed by the British Canadian Province of Columbia in 2019 (Young, 2022). This may force a court to dismiss a SLAPP action if it violates freedom of expression and the court is able to order the plaintiff to pay liquidated damages (Pierobon & Rosà, 2019).

Indonesia does not have a separately regulated Anti-Strategic Lawsuit Against Public Participation (SLAPP). However, the Indonesian Constitution, through the 1945 Constitution, guarantees the protection of public participation through the implementation of several articles:

- (1) Article 28C (2) guarantees the right of all to fight together for their rights.
- (2) Article 28 F guarantees the right of everyone to communicate and transmit information through all available channels.
- (3) Article 28 G(1) guarantees everyone the right to reassurance and protection from fear, whether they do or do not do what is a human right.

In the environmental field, it is known as the Anti-Strategic Lawsuit against Public Participations (SLAPP), which is regulated in Article 66 of Law Number 32 of 2009 concerning the Protection and Management of the Environment which reads: "Everyone who fights for the right to the environment good and healthy cannot be prosecuted criminally or civilly sued". In addition, it is regulated in the Decree of the Chairman of the Supreme Court Number: 36/KMA/SK/II/2013 concerning the Enforcement of Guidelines for Handling Environmental Cases, which explains that in Indonesia as regulated in Article 66 of the Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management Living to protect environmental fighters adheres to the "ANTI-Strategic Lawsuit Against Public Participations (SLAPP)" legal system. Anti-Strategic Lawsuit Against Public Participations (SLAPP) is legal protection for environmental fighters (Putrijanti & Pinilih, 2022), SLAPP lawsuits can be in the form of counterclaims (reconvention lawsuits), ordinary lawsuits or in the form of reports of having committed a crime against environmental fighters (for example, deemed to have committed an act "defamation" as stipulated in the Criminal Code). How is the system of civil procedural law and criminal procedural law to be implemented in "ANTI-Strategic Lawsuit against Public Participations (SLAPP)". However, this has not been regulated in civil procedural law (HIR/RBG) and the Criminal Procedure Code, nor has it been found in judicial practice. To decide as in Article 66 of the Law of the Republic of Indonesia Number 32 of 2009 concerning the Protection and Management of the Environment that the plaintiff's lawsuit and/or reporting of criminal acts from the applicant is a Strategic Lawsuit Against Public Participations (SLAPP) which can be filed either in provisions, exceptions or in a counterclaim (in a civil case) and/or defense (in a criminal case) and must be decided in advance in an interlocutory decision (Manullang et al., 2022)

In the land sector, the Anti-Strategic Lawsuit Against Public Participation (SLAPP) Agreement is based on the provisions of Article 28 H(4) of the 1945 Constitution, which provides for everyone to

have private property rights and We reserve the right to own such property rights. No one randomly hijacks (Tampubolon, 2010). Therefore, in line with the characteristics of material rights, the landowner owns business consequence or Resale Rights a right that continues to follow the owner of the object, in the hands of whoever the object is (the right follows ownership of the thing), and everyone should respect it. In addition, the owner of land rights has a material lawsuit to eliminate interference with his rights, as well as a lawsuit to restore his rights to their original state (Putra & Suryono, 2020).

Anti-Strategic Lawsuit against Public Participations (SLAPP) mentioned, has an important role to develop the participation of the community that has the power to influence the decision-making process which is categorized as degree of citizen power. In addition, as a form of state obligation to respect, fulfil and protect human rights (Schaufele, 2022). This obligation is very important in nature, because the state is not only responsible for the actions of its organs, but is also responsible if the state fails to prevent and fail to protect its citizens from unlawful acts (abuses) carried out by third parties, take administrative, legislative, legal and practical steps needed to ensure the fulfilment of community rights (Indrawati, 2022).

Measures that can be taken to protect public participation from SLAPP attacks include:

- (1) Exercise freedom of expression responsibly and respect legal aspects such as privacy and the reputation of others.
- (2) Governments and independent agencies should tighten regulations to prevent public participation from her SLAPP attacks such as: B. Enhancing Law No. 14 of 2008 on Disclosure of Public Information and Law No. 11 of 2008 on Information and Electronic Transactions.
- (3) Public participation must use media and technology to extend reach and increase participation. Use of Social Networks and Online Media.
- (4) Public participation must develop a good process culture. Understand your existing rights and obligations and respect the rights of others.

4. Conclusion

Some of the factors behind the confiscation of land rights by corporations are: The desire to expand the business; Poverty and economic dependence; government policy; Economic and political strength; lack of legal protection for land rights; and social and cultural environmental impacts. These factors show how important it is to strengthen the legal system and protect the land rights of citizens, as well as promote a culture and social environment that respects community rights.

Types of Strategic Lawsuit against Public Participations (SLAPP) or Land Expropriation by Intimidation or Criminalization include: use of litigation; physical intimidation; criminalization of rural activists; coercion and deception; discrimination against marginalized communities; These actions are extremely harmful to residents and destroy their rights to land. Efforts must therefore be made to stop these actions and protect the people who have land rights.

In Indonesia, the concept of Anti-Strategic Lawsuit against Public Participations (SLAPP) has not been formally implemented and there are no laws to protect civil participation from SLAPP attacks. However, some existing laws and policies provide a basis for protection from public participation. B. Law No. 39 Year 1999 on Human Rights, Law No. 14 Year 2008 on Disclosure of Public Information, Law No. 11 Year 2008 on Information and Electronic Transactions. Measures that can be taken to protect public participation from her SLAPP attacks include: Exercise your right to freedom of expression responsibly. Increased regulation; use of media and technology; Developing a process culture. Even without specific laws regulating the protection of public participation from SLAPP attacks, the existence of these measures at least helps strengthen public participation protection in Indonesia.

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