

National Strategic Project Dilemmas: A Maslahah-Mafsadah Analysis of the Padang-Sicincin Toll Road

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Abstract: The core issue in this research is the implementation of a National Strategic Project policy—specifically, the construction of the Padang-Sicincin Toll Road—which has had significant impacts on surrounding communities. This study aims to identify and explain the forms of maslahah (public benefit) and mafsadah (harm) caused by the project, as well as the underlying factors contributing to those impacts. The research uses a field study approach with qualitative methods, systematically analyzing legal materials to arrive at objective conclusions that address the research questions. Data were collected through interviews and direct observation. The findings reveal that the project has caused more mafsadah than maslahah for local communities. The researcher identified three forms of maslahah and eight forms of mafsadah. The benefits include the reduction of unproductive land, the creation of new business opportunities, and the expansion of employment. The harms include the loss of food sources, property damage, environmental pollution, reduced access for local travel, exclusion from construction employment, lack of access to the toll road itself, the emergence of social conflicts, and the erosion of cultural values. These outcomes are influenced by three primary factors: the condition of the land prior to construction, the government's response to the project's impact, and the mindset of the affected communities.

Keywords: Maslahah, Mafsadah, National Strategic Project

Introduction

One of the key factors driving economic growth in Indonesia is infrastructure development and expansion. (Nawir et al., 2023) Infrastructure serves as an economic engine, determining how effectively a country's economy functions and ultimately impacting the welfare of its people. Weak infrastructure leads to inefficiencies in a nation's economy. In Indonesia, infrastructure development is pursued through the policy of National Strategic Projects (Proyek Strategis Nasional, or PSN), which represent the mandate of the 1945 Constitution that calls upon the government to promote general welfare. To fulfill this mandate, the government enacted Law No. 17 of 2007 concerning the Long-Term National Development Plan for 2005-2025 (RPJP 2005-2025). The purpose of the PSN is to create public welfare, as affirmed by Article 1, paragraph 1 of Presidential Regulation No. 109 of 2020, which amends Presidential Regulation No. 3 of 2016 on the Acceleration of National Strategic Projects, defining a PSN as a project and/or program implemented by central or regional governments and/or business entities with strategic value in fostering growth and equitable development. (Sujadi, 2018)

The initial list of National Strategic Projects was established through Presidential Regulation No. 3 of 2016, which has since been amended three times: by Presidential Regulation No. 58 of 2017, No. 56 of 2018, and No. 109 of 2020. From 2016 to February 2024, the government completed 195 PSNs with a total budget of IDR 1,519 trillion, according to Coordinating Minister for Economic Affairs Airlangga Hartarto. One notable example of a successful PSN that improved mobility is Yogyakarta International Airport, which is now equipped with an airport rail link. (Indonesia.go.id, 2024) However, not all communities benefit equally from these projects. Residents of Air Bangis in West Pasaman Regency rejected the construction of a petrochemical industrial zone, (Kompas, 2023) and similar resistance emerged on Rempang Island in response to the Rempang Eco City PSN. These communities opposed relocation and sought to preserve their ancestral lands. (Tempo, 2025)

Among the key PSNs is the Padang-Sicincin Toll Road, designed to reduce travel time between Padang and Sicincin from 1.5 hours to approximately 30 minutes. Stretching 36 kilometers, the toll road traverses rice fields, plantations, and residential areas. As Section 1 of the broader Padang-Pekanbaru Toll Road, this is the first toll road in West Sumatra. Its unique challenge lies in its route through harato pusako tinggi, a form of communal inherited land in Minangkabau tradition that cannot be sold except under special circumstances. Due to national development demands and governmental pressure, traditional leaders were compelled to relinquish such land. The Padang-Sicincin Toll Road project absorbed IDR 9.8 trillion from the state budget, (Asmaasyi, 2024) a sum that detracted from allocations to other sectors, such as education. Ideally, public funds should be allocated in ways that directly enhance community welfare. In siyasah syar'iyyah (Islamic political jurisprudence), a policy should aim to promote benefit (jalb al-mashalih) and prevent harm (daf' al-mafasid). (Nabilah et al., 2025) This principle is encapsulated in the legal maxim, "*Tasharruf al-imam 'ala al-ra'iyyah manutun bi al-maslahah*" (The actions of a leader toward the people must be based on the public good). Any policy that fails to account for its societal consequences risks injustice and the violation of rights. (Nabilah & Rizal, 2024)

Previous studies on PSNs have explored various themes, including the environmental consequences of deforestation through a maqashid sharia lens (Anshari & Permata, 2024), compensation mechanisms in the Bener Dam project (Nailul, 2024), the Rempang Eco City policy from the perspective of fiqh siyasah (Saputri, 2024), the implications of dam construction in Wadas Village (Alfaher & Saputri, 2024), and legal discretion and risks of corruption in regulatory frameworks related to PSNs (Martanti, 2022). Some have also assessed the financial impacts of PSNs on state enterprises such as Hutama Karya. (Nuarisqi & Ubed, 2020)

However, no existing research has examined the specific forms and causes of maslahah and mafasadah in the Padang-Sicincin Toll Road project. This study, titled "National Strategic Project Dilemmas: A Maslahah-Mafasadah Analysis of the Padang-Sicincin Toll Road," aims to fill that gap. It seeks to ensure that future policies align more closely with the 1945 Constitution, especially in promoting the welfare of those directly impacted by development projects. Government ambition for infrastructure growth must not neglect the rights and livelihoods of its citizens. Moreover, the findings of this study can support more informed impact assessments and facilitate smoother implementation of future phases of the Padang-Pekanbaru Toll Road project.

Literature Review

Maslahah

The objective of Islamic law as set by Allah SWT is *al-maslahah* – to ensure the well-being of humanity both in this life and in preparation for the hereafter. (Nabilah & Hayah, 2022) Etymologically, *al-maslahah* means something beneficial, pleasing, and satisfying, and is therefore accepted by sound reason. (Zulkarnain et al., 2024) Substantively, maslahah refers to the preservation of five fundamental objectives of Islamic law (maqashid al-shari'ah): religion, life, intellect, lineage, and property. Anything that helps protect these objectives is considered maslahah, while anything that threatens them is deemed mafasadah (harm), and efforts to prevent such harm are also considered maslahah. (Nabilah et al., 2021)

In terms of legal authority (hujah), maslahah is classified into three categories: daruriyyat (essential needs), hajiyyat (complementary needs), and tahsiniyyat (embellishments or luxuries). Maslahah daruriyyah represents benefits that are indispensable for human survival. Any action that directly undermines one of the five maqashid is regarded as harmful, and preventing such harm becomes an obligatory form of maslahah. Maslahah hajiyyah refers to benefits that, while not essential, ease human life. If these are neglected, they may not pose immediate danger but can cause significant hardship. Meanwhile, maslahah tahsiniyyah relates to values that enhance the refinement, decorum, and completeness of social life. Although not vital, they contribute to the ethical and aesthetic order of society. (Zuhdi et al., 2024)

Viewed from the perspective of its scope, maslahah is also divided into two types: maslahah kulliyah 'ammah (universal public interest) and maslahah juz'iyyah khassah (specific or individual interest). The former benefits the wider public, such as through infrastructure development, communication systems, or social justice programs, while the latter serves particular individuals or groups without broad communal impact. (Yahya et al., 2022)

Legal System

A state can only function if it operates under a coherent system—a set of interconnected components—commonly referred to as the legal system. In his book American Law: An Introduction, Lawrence M. Friedman introduced the theory of the legal system, which consists of three essential elements: legal structure, legal substance, and legal culture. Legal structure refers to the institutions and entities responsible for upholding and enforcing the legal system. These include legal arrangements, law enforcement officials and their powers, legal institutions, legal instruments, and the procedural mechanisms used to apply and maintain the rule of law (Pahlevi, 2022).

Legal substance encompasses the body of legal rules, whether codified or customary. It includes legal norms, principles, and judicial decisions that serve as references for governance and civil society. In essence, legal substance constitutes the actual content of the law. While legal structure and substance are both tangible elements of the system, they function primarily as frameworks rather than direct instruments of enforcement (Pahlevi, 2022:32). Legal culture, on the other hand, involves the collective attitudes, values, beliefs, and behaviors of society in relation to the law. It reflects how the public perceives, understands, and accepts the laws imposed upon them, influencing how the legal system operates in practice (Pahlevi, 2022:33).

Human Rights

Human rights are fundamental entitlements granted by God to all human beings. (Hasbi et al., 2025) In practical terms, the extent to which individuals can exercise these rights depends on their own capacity to assert and defend them. In Indonesia, the protection of human rights is enshrined in the 1945 Constitution, particularly in Articles 28A to 28J, which originate from the People's Consultative Assembly Decree (TAP MPR) No. XVII/MPR/1998 on Human Rights. Furthermore, these rights are legally reinforced through Law No. 39 of 1999 on Human Rights. (Harisman, 2021)

In terms of limitations, human rights are generally divided into two categories: non-derogable rights and derogable rights. Non-derogable rights are those that cannot be restricted under any circumstances or by any authority. According to Article 4, Paragraph 2 of the International Covenant on Civil and Political Rights (ICCPR), these include the right to life, freedom from torture, freedom from slavery, protection from imprisonment for debt, protection against retroactive application of criminal laws, recognition as a person before the law, and freedom of thought, conscience, and religion. (Pisillo Mazzeschi, 2021) On the other hand, derogable rights are those that may be lawfully limited by the state under specific conditions. These include the freedom of peaceful assembly, the freedom of association including the right to form and join trade unions, and the freedom of expression and access to information or opinion. (Baig et al., 2022) While non-derogable rights are protected within Articles 28A to 28I of the 1945 Constitution, Article 28J serves as a normative safeguard by emphasizing that the exercise of

individual rights must not infringe upon the rights of others, nor disrupt public order, morality, or national security. (Asshiddiqie, 2006)

Government Policy in an Islamic State

Leaders bear the responsibility of uniting their people and promoting public welfare through the policies they formulate and implement. (Rizal et al., 2024) In making decisions, they must act decisively and thoughtfully, ensuring that their actions produce positive outcomes for society. Within an Islamic state, policy-making must be grounded in the principle of maslahah, aligning with the very purpose of Islamic governance. This notion is affirmed in one of the fundamental maxims of fiqh siyasah; "*The actions of a leader toward the people must be based on the public good.*" This maxim implies that all government policies should reflect the needs, aspirations, and overall welfare of the people. (Putri et al., 2024) Maslahah—as the foundation of public interest—ought to be at the core of any legal or political decision-making process, as it represents a basic human right that should be actualized in social life. (Warman & Hayati, 2022)

From the perspective of Islamic political thought, the state has several key responsibilities. It must protect religious life from any form of harm, guarantee the freedom of individuals to propagate their beliefs through rational and non-coercive means, uphold justice through the consistent enforcement of the law, maintain national security and stability, and foster a harmonious, peaceful society grounded in mutual support and the principle of enjoining good and forbidding evil (*al-amr bil ma'ruf wan nahi 'anil munkar*). (Nabilah et al., 2025) The ultimate goal of the state is the realization of maslahah, which can only be achieved through governance rooted in justice. (Octavia et al., 2023) According to al-Maududi, the purpose of the Islamic state is not limited to preventing conflict or preserving individual freedom, but must also encompass the embodiment of social justice as prescribed in the Qur'an—namely, to spread virtue and prevent evil. (Nafia & Gumiandari, 2019)

Method

This study employs an empirical juridical (field research) approach. In this type of research, data is collected directly from the field, primarily through interviews. The researcher used a qualitative method, systematically organizing legal data to arrive at objective conclusions that respond to the research questions. Key qualitative indicators include techniques such as interviews, observations, and document analysis. The author selected this approach as it offers a broader perspective on legal phenomena in society.

Results and Discussion

Evaluating Maslahah and Mafsadah in the Padang-Sicincin Infrastructure Policy

Based on the research conducted, the author identified eleven types of impacts resulting from the Padang-Sicincin Toll Road construction project on the surrounding community. These impacts fall into two broad categories: maslahah (public benefits) and mafsadah (harms). Al-Syatibi stated that the purpose of Islamic law is to safeguard five essential values—religion, life, intellect, lineage, and property. Any action that preserves these core values is classified as maslahah, while any action that undermines them is considered mafsadah.

In essence, maslahah refers to anything that promotes human well-being by bringing about benefit or preventing harm. This study identifies several benefits derived from the toll road project, including the reduction of unproductive land, the creation of new business opportunities, and an increase in employment for local residents. These benefits are primarily related to the protection of property and fall under the category of hajiyah (complementary needs). Although these outcomes support the local economy, they do not offer direct or guaranteed economic security. Instead, individuals must actively participate in commerce or labor to realize these advantages. From the standpoint of the affected community, these benefits are considered juz'iyyah khassah (particular benefits), as they are experienced by select groups rather than the community as a whole.

Conversely, the project also resulted in several forms of mafsadah that significantly impacted the lives of local residents. These harms include the loss of food sources, destruction of property,

environmental degradation, limited employment opportunities during the project, inaccessibility of the toll road to local people, increased travel distances, the emergence of social conflict, and the erosion of cultural values. These harms may be grouped into three categories: harm to life, such as through hunger or health issues caused by pollution or conflict; harm to intellect, particularly through the loss of local customs like the inheritance of harato pusako tinggi (ancestral land); and harm to property, such as declining agricultural yields, exclusion from project-based employment, lack of physical access to the toll road, and increased travel costs.

Despite being legitimized through Presidential Regulation No. 109 of 2020, which amended Presidential Regulation No. 3 of 2016, National Strategic Projects like this one must be assessed within a broader legal framework. According to Friedman's legal system theory, effective policy implementation depends on three key components: legal structure, legal substance, and legal culture. Among these, legal culture plays a vital role as it embodies the public's values, attitudes, and level of acceptance of the law. When a policy contradicts the local culture—as observed in the Padang-Sicincin Toll Road project—implementation challenges and social friction inevitably arise.

The project also infringed upon human rights, particularly those guaranteed under Article 28D(2) of the 1945 Constitution, which upholds the right to fair and decent work. Field data revealed that most local workers were only employed in minimal roles such as flag bearers, while critical jobs like supervision and manual labor were assigned to outsiders brought in from Java. Local residents, who bore the brunt of land loss, income disruption, and environmental harm, were not justly compensated for their sacrifices.

Additionally, the toll road construction altered local mobility patterns. People who once could cross easily between villages were forced to travel several kilometers further, increasing time and transport costs. Ideally, the government should have built underpasses or pedestrian crossings at regular intervals—such as every kilometer—to minimize this disruption.

Toll road accessibility further reflects a disparity. As stipulated in Article 65(1) of Government Regulation No. 23 of 2024, access is limited to vehicles with four or more wheels. Most local residents, however, do not own such vehicles and thus cannot use the infrastructure that has so deeply affected their lives. Viewed through the lens of maslahah, the project offers juz'iyyah khassah—benefit only for a few, rather than 'ammah, or benefit for the public at large.

The role of leadership in Islam emphasizes unity and public welfare. The data above show that the Padang-Sicincin Toll Road only fulfills complementary (hajiyah) needs rather than essential (daruriyyah) ones. The toll road itself is not urgently needed, as other public roads are still functional, although many remain underdeveloped. In contrast, the associated harms are extensive and detrimental, affecting economic livelihoods, social cohesion, and cultural heritage.

According to the Preamble to the 1945 Constitution, the government has a mandate to promote public welfare—an obligation that must be realized in both legislation and its implementation. As stated in the principle of Islamic governance: "The actions of a leader toward the people must be based on the public good". This means every public policy must be developed with full regard for the people's interests and voices. When a regulation produces harm, society has the right to contest it and demand justice. The Qur'an also emphasizes justice in governance, as articulated in Surah An-Nisa: 58: "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing."

In the case of the Padang-Sicincin project, injustices are evident. Many communities suffer from the negative effects of construction waste, environmental damage, and restricted access. These realities show that mafsaadah has outweighed maslahah. The root causes of these outcomes can be traced to three main factors: the condition of the land prior to development, the government's inadequate response to the project's consequences, and the local community's approach to utilizing compensation funds.

To reduce mafsaadah, both government and society must acknowledge these challenges and work collaboratively to mitigate them. In Islamic legal tradition, this is supported by the legal maxim: "Preventing harm takes precedence over bringing benefit". Accordingly, government responsibilities should not end with the completion of construction, but must also include careful planning, transparent

supervision, just compensation, and effective post-project recovery. Infrastructure development must not undermine people's livelihoods, but instead must uphold justice and enhance welfare for all.

Conclusion

The findings of this study affirm the critical importance of aligning state development initiatives with both constitutional mandates and the ethical foundations of Islamic legal principles. Infrastructure policies that neglect proportionality, fairness, and public inclusion risk violating not only the constitutional rights of citizens but also the spirit of maslahah as understood in Islamic governance. This underscores the need for an integrative legal framework—one that ensures strategic development is always guided by justice, accountability, and the common good.

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Conflict of Interest

This article has no conflicts of interest.

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