

Human Rights Impunity in the Implementation of the Rempang Eco City National Strategic Project Policy

Adelia Widya Pramesti

*Fakultas Hukum Universitas Gadjah Mada, Yogyakarta, Indonesia,
adelia.widya2003@mail.ugm.ac.id*

Pinky Eskah Prayoga*

*Fakultas Hukum Universitas Gadjah Mada, Yogyakarta, Indonesia,
pinky.eskah1403@mail.ugm.ac.id*

Abstract. This article examines the complex dynamics of land conflicts affecting the indigenous (adat) people of Rempang. There have been violations of human rights protections, including repression by the authorities, in the context of the dispute. It states the complexity of the system of indigenous land ownership of Rempang by its people, which conflicts with development projects by the state and corporate interests. It highlights the marginalization and exclusion experienced by the Rempang people, which is exacerbated by inadequate legal frameworks and institutional bias. Despite norms and regulations that support indigenous people's rights, implementation at the local level is often lacking, leaving indigenous communities vulnerable to exploitation and violence. It also emphasizes the need for an inclusive and participatory approach by the government related to the actual needs of the community, centering on the rights of the Rempang community, autonomy, and land ownership.

Keywords: Adat Land Law, Adat Law, Human Rights, Rempang Eco City, Repressive Measures.

Abstrak. Artikel ini mengkaji dinamika kompleks konflik pertanahan yang berdampak pada masyarakat adat Rempang. Telah terjadi pelanggaran hak asasi manusia, termasuk tindakan represif oleh penguasa, dalam konteks sengketa tersebut. Artikel ini menyatakan kompleksitas sistem kepemilikan tanah adat Rempang oleh masyarakatnya, yang berbenturan dengan proyek pembangunan oleh negara dan kepentingan korporasi. Artikel ini menyoroti marginalisasi dan eksklusivitas yang dialami oleh masyarakat Rempang, yang diperburuk oleh kerangka hukum yang tidak memadai dan bias kelembagaan. Meskipun ada norma dan peraturan yang mendukung hak-hak masyarakat adat, implementasi di tingkat lokal sering kali kurang, sehingga masyarakat adat rentan terhadap eksploitasi dan kekerasan. Artikel ini juga menekankan perlunya pendekatan inklusif dan partisipatif oleh pemerintah terkait dengan kebutuhan nyata masyarakat, yang berpusat pada hak-hak masyarakat Rempang, otonomi, dan kepemilikan tanah.

Kata Kunci: Hukum Tanah Adat, Hukum Adat, Hak Asasi Manusia, Rempang Eco City, Tindakan Represif.

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INTRODUCTION

In the Indonesian constitutional principle, everyone has the same right to obtain a healthy and decent living environment. It has become a part of human rights that cannot be violated and is inherent in every individual since birth which regulated in Chapter XA on Human Rights in the Second Amendment to the 1945 Constitution of the Republic of Indonesia, specifically in Article 28 H paragraph (1), which states that every individual has the right to a life of physical and mental prosperity, to have a place to live, and to obtain a good and healthy living environment, and has the right to health services.¹ However, in practice, various types of development carried out on a large scale by the government often cause conflicts that lead to legal protection issues. One of them is the current conflict where the government wants to relocate the community on Rempang Island, Batam City, which is inhumane.

As a location for the National Strategic Project Development plan (known as the *Proyek Strategis Nasional/PSN*), Rempang Island plays a vital role in realizing one of the goals of the state as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia: “to improve public welfare”. In the context of development as a national strategic project, the main focus is given to the aspect of economic resilience, which is considered very important to improve public welfare through sustainable development.

On September 7, 2023, on Rempang Island, Batam, Riau Islands, tensions erupted between the Police, Indonesian National Armed Forces (TNI), and Public Servants Police (*Satpol PP*) officers and residents who refused to be forced to leave their homes in a forced eviction process. This conflict culminated in the use of tear gas by officers to evict them. Eleven people were injured and had to be rushed to the nearest hospital as a result of the clash, including ten students and a teacher. The conflict continued until it reached the *Badan Pengusahaan Batam* office, which injured six others. However, members of the Kerabat Masyarakat Adat Lokal (KERAMAT) of Rempang and

¹ Aisha Nur Habiba dkk., “Actualization of Human Rights in the Case of Rempang Island in Indonesia in the Perspective of Environmental Law,” *JURNAL HUKUM SEHAZEN* 9, no. 2 (23 Oktober 2023): 375–84, <https://doi.org/10.37676/jhs.v9i2.5002>.

Galang Islands, who felt affected by the Eco-City project, continued to refuse to be relocated. They felt they had hereditary rights to the area since 1834, before Indonesia's independence. In addition to calling for an end to intimidation of the community, they also demanded recognition from the government of their customary land ownership rights.² This is included in Human Rights Violations by the authorities. Human Rights Violations refer to situations where cases occur that are unlawful or unlawfully detrimental to individuals or other groups in terms of their basic rights.³

The land dispute on Rempang Island has been going on for decades, where the island has actually been inhabited by local people and immigrants before the establishment of *Badan Pengusahaan Batam*. However, residents living on the island have not had land ownership certificates, because most of the land on the island is under the supervision of the Ministry of Environment and Forestry (KLHK) as a forest area. Initially, in 2001, the central government, together with *Badan Pengusahaan Batam*, issued Land Management Rights (*Hak Penggunaan Lahan/HPL*) to a private company, which was then transferred to PT. Makmur Elok Graha (abbreviated as PT MEG).⁴ This has made the land ownership situation more complicated for the people living in the area. Fishermen who have lived there for years have also had difficulty obtaining land ownership certificates. However, land conflicts have not yet emerged because the company that received the HPL has not started managing the land on Rempang Island.

Things got complicated in 2022 when investors started investing in a major project called Rempang Eco City. The project is designed as an integrated area, encompassing industry, trade, and tourism, with the aim of increasing competitiveness with Singapore and Malaysia.⁵ This project is implemented by PT Makmur Elok Graha and

² Alfi Assyifarizi dan Indra Purwanto, "Analisis Kewenangan Pengelolaan Dan Perlindungan Hukum Hak Atas Tanah Di Pulau Rempang," *Innovative: Journal Of Social Science Research* 3, no. 5 (2023): 9077–87.

³ Muhammad Alvian Yudistira Chandra Chaerudin, "Perlindungan Hak Tinggal Bagi Masyarakat Pulau Rempang Terhadap Penggusuran Proyek Strategis Negara," *Jurnal Socia Logica* 3, no. 3 (2023): 385–95, <https://doi.org/10.572349/socialogica.v3i3.1299>.

⁴ Chaerudin.

⁵ Chaerudin.

is included in the 2023 National Strategic Program. This development is regulated by the Regulation of the Coordinating Minister for Economic Affairs No. 7 of 2023, which was ratified on August 28, with an estimated investment value of IDR 381 trillion by 2080, which is expected to have a positive impact on the economic growth of the Batam Islands and its surroundings.

Although this development has a significant impact on the economic growth of the Batam Islands and also the Republic of Indonesia, handling the social impacts in the context of providing land for national development must also be a top priority for the Government. This is an obligation for the Government to fulfill and protect the constitutional rights of the Rempang community. It is quite unfortunate that the facts on the ground do not reflect the seriousness of the Government in implementing the principle of protecting human rights as mandated by the 1945 Constitution.

Some previous studies, such as: *Actualization of Human Rights in the Case of Rempang Island in Indonesia in the Perspective of Environmental Law* by Aisah Nur Habiba, Annisa Ayu Melati Nur Hamda Saidah, Vike Vimayati. This study explores the case of Rempang Island in Indonesia in the context of environmental law, which involves conflicts related to human rights violations. From the perspective of environmental law, the right of every individual to a healthy environment is considered an inseparable right, so that actions that damage the environment are considered a violation of the law. Violations against the environment must be handled following appropriate legal procedures. In the context of Rempang Island, the realization of human rights from an environmental law perspective includes the protection of community rights to their land and environment, as well as the implementation of transparent and effective laws to prevent environmental damage and human rights violations.

In addition, there is also a writing by Chaerudin entitled *Protection of Residential Rights for the Rempang Island Community against Eviction of the State Strategic Project*. This study discusses the development of new land designated for national strategic projects in residential areas that are faced with the eviction of residents' homes and land in the Rempang indigenous community. Also discussed in this study

is the Rempang Island Community who also have the right to retain the land that will be relocated, because they, especially the 16 traditional villages such as Sembulang Village, which are planned to be relocated in the first phase, are part of the traditional villages that have existed since 1834.

From the several articles above, the Author emphasizes the fundamental difference in this article, namely, where the focus of the author's study is on the impunity of the constitutional rights of the Rempang community in the development of Rempang Eco City. This article aims to analyze and describe the complexity of handling social impacts by the Government, which are considered detrimental to the Rempang community and to find out whether public bodies have applied the principle of human rights protection to their policies. Therefore, to limit the discussion, the Author uses the formulation of the problem, first, does the land acquisition policy on Rempang Island meet the principles of human rights protection; second, what is the impact of the Amendment to Presidential Regulation (abbreviated as Perpres) Number 78 of 2023 on the fulfillment of the constitutional rights of the Rempang community?

RESEARCH METHODS

This research is normative legal research that uses three approaches, namely the statute approach, the case approach, and the conceptual approach. The research was conducted by outlining the legal problems that arise in land acquisition disputes for development in the public interest and analyzing the application of the principle of human rights protection in Presidential Regulation Number 78 of 2023 deductively starting from the major premise (legal regulations related to handling social impacts in the context of providing land for national development), then submitting a minor premise (legal facts in the Constitutional Court decision Number 137/PUU-XXI/2023) to then draw a conclusion.⁶

⁶ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada, Media Group, 2006), 41.

RESULT AND DISCUSSION

Problems and Human Rights Impunity of Land Acquisition at Rempang Community for National Development

The state in implementing Human Rights is clarified into several main obligations, namely respecting, protecting, and fulfilling the rights of the community. These rights include civil and political rights as well as economic, social, and cultural rights. The weak enforcement of human rights stems from the government's dilemma in implementing human rights principles. Several principles that have inspired international human rights, namely the principle of equality, the principle of prohibition of discrimination, the principle of dependency, the principle of exchange, the universal principle, and the principle of human dignity.⁷ The principles of human rights are contained in the constitution; however, in practice, they are hampered by power politics.⁸

Since the signing of the Memorandum of Understanding (MoU) with PT MEG, represented by Tomy Winata, on August 26, 2004, the Rempang Eco City development project, which was predicted to become a tourist destination like Genting Highland (Malaysia) or Sentosa (Singapore), has become a stalled project. Until July 2023, PT MEG signed an agreement with Xinyi Group in Chengdu which was also attended by President Joko Widodo. Until now, the development of Rempang Eco City is included in the National Strategic Program (PSN) according to the Regulation of the Coordinating Minister for the Economy of the Republic of Indonesia Number 7 of 2023 and will be the location of the second largest glass factory in the world owned by the Chinese company Xinyi Group. Based on the *Badan Pengusahaan Batam's* website, this

⁷ Khairunnisa, Andi Akhirah. "Penerapan Prinsip-Prinsip Hak Asasi Manusia Dalam Pembentukan Produk Hukum Oleh Pemerintah Daerah." *Jurnal Manajemen Pemerintahan* 5, no. 1 (2018): 65–78.

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⁸ Abdi Syahputra Ritonga, Farhan Azhari Harahap, dan M. Rabitha Lufthansa, "Produk Hukum Pemerintah Daerah," *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara* 3, no. 1 (2025): 123–33, <https://doi.org/10.55606/eksekusi.v3i1.1674>; Althien John Pesurnay, "Kontrak Sosial Menurut Immanuel Kant: Kontekstualisasinya Dengan Penegakan HAM Di Indonesia," *Jurnal Filsafat* 31, no. 2 (27 Agustus 2021): 192–219, <https://doi.org/10.22146/jf.56142>. Feby Dwiki Darmawan dan Dodik Setiawan Nur Heriyanto. "Invoking International Human Rights Law To Prevent Statelessness Of International Refugee Children Born In Indonesia." *Prophetic Law Review*, 5(1), (2023), 22–41. <https://doi.org/10.20885/PLR.vol5.iss1.art2>

project will take up 7,572 hectares of Rempang Island, or 45.89 percent of the total land area of Rempang Island, which has an area of 16,500 hectares.

In addition to threatening the environmental stability of Rempang Island, this project also violates the human rights of the Rempang community, especially the Rempang indigenous community (adat community). This is evidenced by the repressive actions of the authorities against the Rempang community's rejection of the policy of relocating the Rempang community to Galang Island. The Rempang community feels intimidated by the measurement and marking of land for the Rempang Eco City project, which was carried out by *Badan Pengusahaan Batam* under police escort, without any prior deliberation and discussion with residents. Based on Article 29 of Government Regulation No. 19 of 2021 on Land Acquisition for Development in the Public Interest, in the development planning stage, the preparation team carries out public consultations at the planned location of the development with the Entitled parties, property managers, property users, and the community. However, *Badan Pengusahaan Batam*, with its instrument, the Directorate of Asset Security, has instead taken coercive measures to vacate residents as owners or land cultivators on Rempang Island, without paying attention to the procedures of Law No. 2 of 2012 in conjunction with Government Regulation No. 19 of 2021 concerning Land Acquisition for Development in the Public Interest in conjunction with Decree of the Minister of ATR/BPN Number 18 of 2021 concerning Procedures for Determining Management Rights and Land Rights.

The regulation in the eviction policy places residents who do not have legal protection, such as not have land ownership documents, even though they have applied, in a disadvantaged position. Moreover, on Rempang Island, there are Galang Island and Abang Island, which are Old Villages and are recognized as cultural heritage based on the Decree of the Mayor of Batam Number: KPTS. 105/SK/III/2024 concerning the Determination of Old Village Areas in Batam City. It should be remembered that based on Article 17 of the Decree of the Minister of ATR/BPN Number 18 of 2021: "In the case of land Management Rights originating from Customary Land, it can be applied for as long as the Customary Land has not been attached to any Land Rights

or is not included in the state forest area or cultural heritage." clearly prohibits the imposition of Management Rights on Customary Land which is included in cultural heritage, but *Badan Pengusahaan Batam* and the Government ignore this.

The land is their active and continuous living environment for a long time, and is the background for community life activities. The residents have also been registered as PBB tax objects and have a population identity as members of the local community, but this evidence is not strong enough to give them an adequate position in the negotiation process to obtain compensation and decent housing as compensation. Therefore, the best way for the Government is to buy land owned by the community whose rights are controlled based on customary law and formal law, not by coercion.⁹

Significant Impact of Changes to Presidential Decree Number 78 of 2023 in Handling Social Impacts on the Community in the Framework of Land Acquisition

The role of the government is very significant in determining the authority that can be a middle ground between the various parties involved. In addition to considering constitutional law, Indonesia, as a multicultural country, also recognizes the existence of customary law and religious law as an integral part of its society. Recognition of customary law, customary communities, and customary territories is very important to achieve a satisfactory resolution of the conflict on Rempang Island.¹⁰ As we know, every individual has various interests that vary, whether parallel (the same), different, or even conflicting, in their efforts to meet basic needs and secondary needs. The important thing is that in meeting these needs, there is no excessive tension in society due to conflict, especially between conflicting interests.¹¹

Presidential Regulation Number 78 of 2023 regulates the Amendment to Presidential Regulation Number 62 of 2018 on the Handling of Social Impacts in the Framework of Land Provision for Social Development. There is a change in Article 12 paragraph 1(a)

⁹ Chandra Bhakti, Azhari Aziz Samudra, dan Agus Suradika, "Impact and Resolution of Land Conflict Cases on Rempang Island, Indonesia," *Journal of Law and Sustainable Development* 11, no. 12 (2023): e2146–e2146, <https://doi.org/10.55908/sdgs.v11i12.2146>.

¹⁰ Elvira Valentine, Marchell Nabil Muhamad, dan Mochamad Ikhsan Nur Hakim, "Konflik Pulau Rempang Dalam Perspektif Teori Kelas Karl Marx," *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2, no. 01 (2024), <https://journal.forikami.com/index.php/dassollen/article/view/518>.

¹¹ Valentine, Muhamad, dan Hakim.

that in the case of Handling of Social Impacts located in Free Trade Zones and Free Ports as stipulated in laws and regulations, the authority of the governor in Handling Social Impacts is carried out by the Head of the Free Trade Zone and Free Port Business Agency.¹² This confirms that in the Rempang case, the authority to handle social impacts can be carried out by the Head of the Free Trade Zone Business Agency, which is full of conflicts of interest and does not side with the people. Instead of providing compensation for land ownership rights, which are the rights of indigenous peoples, they force relocation and land management rights to private companies.

In this context, ensure that in the process of relocating the affected community, the government has considered the aspirations conveyed by the affected community. One example is the replacement and relocation, which was originally planned on Galang Island, which was replaced by Banon Island or Tanjung Banon, which is only about 3 (three) kilometers from Rempang Island, where the affected community previously lived. The government also ensures efforts to minimize losses for communities affected by the relocation. Some forms of responsibility taken by the government include the construction of facilities such as Fish Auction Places, Schools, Roads, Health Centers, and sanitation facilities. The government also emphasized compensation in the form of 500 square meters of land and a type 45 house worth IDR 120,000,000 (one hundred and twenty million rupiah) for each head of family affected by the relocation and who has registered and agreed to be relocated. This compensation also includes the granting of land ownership rights, not just Building Use Rights (*Hak Guna Bangunan*/HGB), with the aim of providing legal certainty for affected communities regarding their land ownership.¹³ From all of this, the hope is that in implementing the Rempang Eco City Project, the government can prioritize compliance with legal principles, to create justice, benefits, and legal certainty, especially for communities affected by relocation.

¹² Presidential Regulation No. 78 of 2023 on the Amendment to Presidential Regulation Number 62 of 2018 on the Handling of Social Impacts in the Framework of Land Provision for Social Development.

¹³ Jeane Neltje Saly dan Ermita Ekalia, "Status Perlindungan Hukum Kepada Masyarakat Setempat Terkait Relokasi Pulau Rempang," *Jurnal Kewarganegaraan* 7, no. 2 (2023): 1668–76, <https://doi.org/10.31316/jk.v7i2.5408>.

CONCLUSION

From the previous explanation, a conclusion can be drawn that answers the two formulations of the problem in this writing. First, the repressiveness of the apparatus and the absence of deliberation with the Rempang indigenous community show that the principle of protecting human rights is still being ignored by the Government. Conflicts of interest have blinded the Government to the importance of Indonesian cultural heritage as a cultural heritage of their ancestors and only focus on the benefits of certain groups. Second, the delegation of authority to handle social impacts for free trade areas and free ports to the Head of the Free Trade Area and Free Port Business Agency through Presidential Regulation Number 78 of 2023 only worsens the position of the Rempang indigenous community. The Rempang indigenous community needs a legal umbrella that can guarantee the human rights inherent in it. However, through the Presidential Regulation, the Government seems to want to smooth all means to accelerate the Development of the National Strategy without prioritizing the participation of the Rempang indigenous community.

The Rempang Eco City case has attracted a lot of attention in recent years. The conflict is so complicated, but has a fairly simple answer, namely meaningful participants. With the participation of the Rempang indigenous people in public consultations, it is hoped that the desires of both parties can reach a middle ground. Furthermore, as the general public, who have the duty as watchdogs for government policies, must continue to monitor this case until the Rempang indigenous people get the fairest justice and there are no more cases of human rights violations.

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