

Relocation of Rempang residents due to state-owned land

Faris Ahlul Firdaus*, Antikowati Antikowati, Nurul Laili Fadhilah

Department of Constitutional Law, Faculty of Law, Universitas Jember
Jl. Kalimantan No.37, Jember, Indonesia

*Corresponding Author: E-mail: farisahul33@gmail.com

Abstract

The government's obligation is to manage land for public and private purposes in accordance with the mandate of Article 33 Paragraph (3) of the 1945 Constitution which states that land, air and natural resources are controlled by the state for the greatest prosperity of the people. The relocation of Rempang residents became news that was conveyed because it received resistance from local residents and was a resonant action as a result of Presidential Decree Number 41 of 1973 which stated that the management rights of Batam Island were handed over to the Batam Authority, which means that the entire island area located on Batam Island was handed over with rights status management to Batam authorities. The legal issues raised by the author are first, how is the relocation of Rempang residents over control of state-owned land and second, what are the legal consequences of the relocation of Rempang residents over control of state-owned land. The aim to be achieved by this author is to analyze the implementation of the relocation of Rempang residents over control of state-owned land and to analyze the legal results of the relocation of Rempang residents over control of state-owned land.

Keyword: Law, Relocation, State-owned land

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1. Introduction

The state, as the highest authority as mandated by the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) Article 33 Paragraph (3), states that the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people, which means that the welfare of the people is the responsibility of the state itself. Land is an issue that is inseparable from community life because it is part of the primary needs, namely housing for residence. The demand for land for development activities continues to increase in the long term, both for development that benefits the public from the government and for investment interests by the private sector. Both for public interest and

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private investment interests related to land; both should go hand in hand because both are considered important for future sustainability. Of course, with the consideration that the public interest in land takes precedence over private investment interests, if the shift in public interest in land is moved for private interests, the state must reconsider and analyze all related elements of the land.

Recently, it has been widely reported about the transfer of land that was originally for public interest, namely residential areas, to private investment interests. The exact location is the old village, Rempang Island, Batam City, Riau Islands. Because of this transfer, the settlement had to be relocated. The relocation, which should have gone smoothly, was met with resistance from residents and ended in clashes between residents and security forces. The resistance occurred on September 7, 2023, when officers fired tear gas due to an uncondusive situation. The resistance to the relocation occurred because the old village residents claimed that the village to be relocated had existed since 1834. Another reason is that the indigenous community groups consisting of the Malay tribe, the Sea tribe, and several other tribes, have inhabited Rempang Island for more than 2 centuries, so the land on Rempang Island is considered to have the same status as the original area in general. From this reasoning, we can conclude that the old village residents refuse to be relocated because they feel the old village is their hometown that they want to preserve and not be relocated for private investment interests, namely the Rempang Eco City project.

Reflecting on history during the presidency of Soeharto in 1973, coinciding with 13 years after the emergence of Law No. 5 of 1960, that year saw the issuance of Presidential Decree (Keppres) No. 41 of 1973 which mandated that the management rights of Batam Island be handed over to the Batam Authority, meaning that all island areas located on Batam Island were handed over with management rights status to the Batam Authority (Keppres Article 6 Paragraph (2)). The granting of Management Rights to the Batam Authority (in 2007, Government Regulation No. 46 of 2007 emerged, changing the name "Batam Authority" to "Batam Free Trade Zone and Free Port Authority") was essentially aimed at preventing territorial control by the private sector because the Batam islands are a strategic location to attract investors as they directly border Singapore. As a result of the issuance of the Keppres, individual rights in these areas became limited because third parties, whether from the community or the private sector, could only hold usage rights (first party: State, second party: Batam Authority).

2. Methods

Normative juridical research type is used by detailing the problems being studied and then analyzing the core issues with principles, the application of rules, or positive legal norms, thus producing rational and objective arguments, concepts, and new principles in resolving this research. The approach of this thesis research is a statute approach by studying whether there is consistency and conformity between one law and another or between laws and the Constitution or regulations and laws. The result of this review is an argument to solve the issues faced and to study the ratio legis and the ontological basis of a law, to uncover and understand the philosophical content present in the law to conclude whether there is a philosophical clash between the law and the issues faced. The legal materials used in this research are primary legal materials and secondary legal materials. The analysis of legal materials in this thesis research uses the technique of collecting legal materials through library research or document studies.

3. Results and Discussion

Implementation of relocation of Rempang residents over control of state-owned land

The Rempang conflict began with disputes among government agencies, companies, and indigenous law communities on Rempang Island, Batam City, and the Riau Islands. Rempang Island is inhabited by indigenous communities such as the Malay tribe, Sea tribe, and other ethnic groups, and has been their home for over 200 years. This agrarian conflict started when the government granted Business Use Rights (HGU) in 2001-2002 through the Batam Business Authority (BP Batam) to PT. Makmur Elok Graha (MEG) to manage land in Batam, including Rempang Island. In 2004, PT MEG began operations on Rempang Island with the approval of the Batam City Regional People's Representative Council (DPRD) for the development of the area. In 2023, clashes occurred between the local indigenous law community and law enforcement officers due to the issuance of a Government Decree on the plan to develop the Rempang Eco-City Project within that year's National Strategic Projects (PSN). According to Luluk Nur Hamidah, a member of Commission VI of the DPR RI, this agrarian conflict likely occurred due to the lack of time given by BP Batam to communicate with the local community, which was only a few months, thus the lack of dialogue or consultation between the community and BP Batam is suspected to be the cause.

The implementation of infrastructure development in a country plays a very vital role as it spurs economic growth and national development (Ilyasa, 2020; Tumbel, 2020). To improve the economy of the community, especially the indigenous people in an area, it can be done by building industries. However, development projects often neglect or sideline the local indigenous communities due to the lack of preparation by the Regional Government (Pemda) in managing Human Resources (HR) (Teja, 2015). In carrying out development, it is important to pay attention to the interests and participation of the community, both directly and indirectly, to achieve the welfare of the local community (Teja, 2015). The goal of the Indonesian state, as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, is to protect the entire nation and the whole of Indonesia's bloodshed, improve public welfare, promote the life of the nation, and carry out world order. Therefore, overall national development is directed towards improving the welfare of the people.

As a location for national strategic projects, Rempang Island plays an important role in achieving the state's goals. The main focus in the development phase of national strategic projects is to strengthen economic resilience, which is a vital foundation for the progress of the nation and the welfare of all Indonesian people, as mandated by Article 33 Paragraph (4) of the 1945 Constitution of the Republic of Indonesia. To achieve these goals, the government needs to adopt various strategies to improve community welfare through sustainable development. However, in practice, various types of large-scale development implemented by the government often pose issues related to legal protection, especially when the government is involved in land acquisition policies that involve the eviction of settlements. This becomes more complex when the settlements are located in densely populated areas.

Legal basis for relocation and citizens' rights

The controversy surrounding the relocation of residents of Rempang, Riau Islands, continues to be a topic of discussion and media attention due to the conflict involving many parties. On one hand, the residents refuse to be relocated, and on the other, there is no Principle of Legal Protection to protect the residents of Batam City from government policies based on the concept of justification and preservation of human rights due to the limited obligations on the government and society. In other cities in Indonesia, through customary land rights, the process of obtaining certificates can be done directly at the

National Land Agency. However, in Batam City, the land registration process must first go through the land application process due to the special status of Batam City established by Presidential Decree No. 41 of 1973, which states that all land in Batam City is in the form of Management Rights.

The state's power to regulate the management of land, sea, and air space, and all the natural resources it contains, is mandated by Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This article states that "The land, water, and natural resources within it are controlled by the state and utilized for the greatest prosperity of the people." Conceptually, this indicates that the state has the authority over land resources (agrarian) to regulate and utilize land rights, including those owned by the community. In the context of democratic governance, articles such as Article 1, paragraphs (1), (2), and (3), and Article 28, paragraphs (1) and (5) of the 1945 Constitution of the Republic of Indonesia emphasize the importance of creating legal order that harmonizes laws and regulations vertically and horizontally, in line with societal culture and applicable law. In carrying out government duties, the state is also required to apply laws that ensure the enforcement and achievement of legal objectives, such as legal certainty, legal usefulness, and legal justice. Thus, a legal system is created that guarantees stability, usefulness, and justice for all people.

Batam holds a unique position in Indonesia's history. In 1973, through Presidential Decree No. 41 of 1973 during President Soeharto's era, Batam was declared a Level I region of Riau province and designated as an industrial area. This decision indicated that the entire territory of Batam Island became part of the Batam Island Industrial Area, with this policy establishing the Industrial Area Authority to manage and develop the area. However, in terms of governance, the Batam City Government has an administrative status and is led by a mayor who is vertically responsible to the Governor of Riau Level I. Along with the development of industry and tourism in Batam City, its status was later elevated to a municipality. This marked a significant change in the structure and status of the city, resulting in new dynamics in the management and development of the area.

There are only two types of land management rights applicable in Batam City, namely Building Use Rights and Usage Rights. This situation results in the absence of the Principle of Legal Protection protecting Batam City residents from government policies based on the concept of justification and preservation of human rights, given the limited obligations on the government and society. Unlike other cities in Indonesia, where the process of obtaining land ownership certificates can be done directly through the National Land Agency, in Batam City, the land registration process must first go through a land application process. This is due to the special status of Batam City established by Presidential Decree No. 41 of 1973, where all land in Batam City is in the form of Management Rights. Regarding land ownership certificates in Batam City, based on applicable regulations, there are no Land Ownership Rights on Management Rights. According to Government Regulation No. 40 of 1996, land with Management Rights can be given or burdened with other rights such as Building Use Rights and Usage Rights. This reflects the complexity of the land rights system in Batam City, requiring a deep understanding to comprehend the regulations and processes in place.

Regarding land ownership certificates in Batam City, when viewed from the regulations, there are indeed no Land Ownership Rights on Management Rights. Since the issuance of Presidential Decree (Keppres) No. 41 of 1973, which mandated that the management rights of Batam Island be handed over to the Batam Authority, meaning that the entire island area located on Batam Island was handed over with management rights status to the Batam Authority, however, in terms of the authority to manage land owned by the Batam Business Authority (BP), the boundaries of land and customary land owned by the community are not clearly described, which in the implementation of regulations leads to overlapping land control, especially between the Batam Business Authority (BP) and the local indigenous community. There are only two (2) types of land management

rights in Batam City, namely Building Use Rights and Usage Rights (Saly & Ekalia, 2023). Therefore, the relocation is legal and accountable before the law.

However, considering that the residents of Rempang are part of Indonesian citizens, they are legally entitled to legal protection as well as the same rights and obligations as other Indonesian citizens. The rights and obligations of citizens are regulated in Articles 27-31 of the 1945 Constitution of the Republic of Indonesia, one of which is Article 28H which states, "a. Every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment, and has the right to receive healthcare services. b. Every person has the right to ease and special treatment to obtain the same opportunities and benefits to achieve equality and justice."

The explanation above, when linked to the Rempang relocation case, means that the state is obligated to fulfill the rights of citizens affected by the relocation according to Article 28H, paragraph (1), which is related to housing as a form of implementation of the right to adequate housing. If relocation is carried out, the state is obliged to provide compensation for the relocation. Some sources say that the government has provided compensation for the relocation, as stated by the Ministry of Investment, which has prepared compensation money for the residents of Rempang Island whose houses were demolished. Bahlil stated that the compensation money is divided into two types: transition money or waiting money for the new house to be completed and money for renting a house.

Protection and recognition of the rights of indigenous law communities are regulated both in national and international law. In the context of Indonesian national law, the recognition and protection of indigenous law communities are enshrined in the constitutional foundation of the state, namely Article 18B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that "The state recognizes and respects the units of indigenous law communities and their traditional rights as long as they are alive and in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law." This article reflects the state's commitment to recognizing and respecting indigenous law communities and their rights. Furthermore, in the second amendment to the 1945 Constitution of the Republic of Indonesia, there is a provision regarding respect for cultural identity and the traditional rights of indigenous law communities, as stipulated in Article 28I, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which explains that cultural identity and traditional rights are respected in line with the times. Thus, indigenous law communities have the right to obtain protection and respect from the state for their existence and traditional rights, including land rights, land, water areas, cultural heritage, heirlooms, agricultural areas, and other aspects in the areas inhabited by the indigenous law communities (Yurista, 2016). In this context, the recognition of these traditional rights underscores the importance of respecting the existence and interests of indigenous law communities as an integral part of cultural diversity and human rights.

Compensation

The state has regulated compensation related to land acquisition for public purposes in Law Number 2 of 2012 concerning Land Acquisition for Development for Public Interest. "Land acquisition is the activity of providing land by providing fair and appropriate compensation to entitled parties." This land sacrifice is not a donation from the community to the state for their land, but the government must provide adequate compensation to prevent losses (Fath & Fawwaz, 2024). As explained in the previous subchapter, the government has already planned the compensation, which must comply with applicable laws.

The compensation mentioned in Law Number 2 of 2012 concerning Land Acquisition for Development for Public Interest includes Article 36: (1) Money; (2) Substitute land; (3) Resettlement; (4) Share ownership; (5) Other forms agreed upon by both parties. Compensation for the relocation of Rempang residents has become a major focus and one of the most sensitive and controversial issues. Local communities oppose the relocation because they feel their rights to land and the environment are not respected and worry that the relocation will disrupt their lives and erase their cultural identity. The government has offered compensation to the relocated community. However, the community is not satisfied with the offer and considers it insufficient to compensate for their losses.

The resistance of the Rempang Batam community to the state's dominance in the Eco-City strategic project demonstrates their various efforts to oppose relocation, including using social strategies and media framing. They have also mobilized resources to resist relocation. The government has made efforts to improve communication with the community and address the conflict. However, the community remains concerned that the government does not understand their interests and does not provide enough attention to the rights of Rempang residents.

The government plays a crucial role in determining a middle ground between various parties. Overall, compensation related to the relocation of the Rempang Batam community is a highly complex issue involving various aspects. The local community opposes the relocation because they feel their rights are not respected, and they have made various efforts to resist relocation. The government has attempted to improve communication with the community and address the conflict, but dissatisfaction and concerns remain regarding the attention and compensation provided.

The compensation offered by the government for the relocation of Rempang residents includes various forms: (1) Land: Each resident will receive 500 square meters of land with proper documentation; (2) Housing: Residents will be provided with a type 45 house valued at IDR 120 million; (3) Transition Allowance: Residents will receive a transition allowance until the house is ready, amounting to IDR 1.2 million per person; (4) Rent Allowance: Residents will receive a rent allowance of IDR 1.2 million; (5) Compensation According to Assets: The amount of compensation will be adjusted based on the assets owned by each family.

Additionally, the government has offered other forms of compensation, as follows: (1) Compensation for High-Quality Buildings: For high-quality buildings not matching type 45, the government will calculate proportional prices based on mechanisms and calculation bases; (2) Compensation for Fish Pens, Plants, and Boats: The government will determine the compensation value proportionally for fish pens, plants, and boats based on mechanisms and calculation bases. Some sources report that the government has offered larger compensation to residents with more valuable assets. For instance, if a building is valued at IDR 350 million, the government will calculate proportional prices according to mechanisms and calculation bases.

Overall, the government has provided various options for compensation to residents being relocated, including land, housing, transition allowances, rent allowances, and asset-based compensation. The government has also offered other forms of compensation, such as for high-quality buildings and for fish pens, plants, and boats.

Legal consequences

Rempang Island is one of Indonesia's islands, specifically located in Batam, Riau Islands. Recently, a conflict has arisen due to plans for the development of Rempang Eco City, initiated by the government and involving several parties, including the private company PT Makmur Elok Graha ([Widiyanti et al., 2023](#); [Aritonang & Ayodya Maheswara, 2023](#)). The development has been planned since 2004, selecting Rempang Island as it falls within the National Strategic Program, based on Presidential Regulation No. 7 of 2023. The

development plans involve approximately 7,572 hectares, utilizing 45.89 percent of Rempang Island's total area (Habiba et al., 2023).

This development necessitates the relocation of Rempang Island residents residing in the designated development area. While the government has prepared for this relocation due to the Rempang Eco City project, local residents have opposed it. This opposition has sparked conflicts between the residents and joint security forces comprising the military, police, and Batam Development Authority (BP), during land measurement for the project. The residents' resistance is not solely due to land usage; historical aspects of the village established since 1834 and concerns over land ownership rights are also significant (Habiba et al., 2023).

The residents' objection is rooted in their belief that the land slated for relocation is customary land. Any forced action through this land is seen as an affront to Rempang Island residents' dignity. The main issue in this case revolves around the demand for compensation by the community and the desire to avoid relocating their ancestral village, ideally accompanied by land ownership documents or land deeds allowing negotiations with companies and the government. However, since Rempang Island residents have lived and operated there traditionally since 1834, comprising several ethnic groups such as Malays, sea people, and land people, they were not aware of land ownership documents at that time, thus unable to provide much information when questioned. As a result, the residents of Rempang Island suffered losses.

In an effort to assert their land ownership rights, Rempang Island residents are pressing for an alternative resolution to the land conflict, one that does not involve relocating what they consider their customary land. However, according to Presidential Decree No. 41 of 1973, particularly Article 6 Paragraph (2) letter a, the Management Rights (HPL) for the entire area or region in Batam Island have been granted to the Batam Authority. This decree also prohibits private investors from owning or investing in the land (Sabila et al., 2019). The Batam Authority was given this HPL to ensure that any private investor wishing to invest in land on Rempang Island in the future must do so through lease arrangements with the Batam Authority (Begem et al., 2019).

This Presidential Decree has legal consequences: (1) Restriction of individual rights in certain areas of Batam Island due to the specified areas in the Presidential Decree, which should have clear boundaries and be free from communal land ownership, usage, or control, requiring the land existing through the process of land registration according to existing regulations or rules. In the Basic Agrarian Law (UUPA) it is affirmed that if a region has ownership or rights to communal land, communal land owned by individuals will change into "land rights," and these rights will not apply within the HPL area. For that reason, before the issuance of HPL in accordance with Presidential Decision Number 41 of 1973, Rempang Island's land must first be free from joint ownership. Administratively, Rempang Island is under the jurisdiction of the Batam City area, which covers business rights and rights of use (HGU) previously, forest areas, and Old Village (Aswandi & Roisah, 2019; Kaka, 2021). On the other hand, although the central government has declared an agreement that residents willing to be relocated will receive land ownership certificates (SHM), the Head of the Batam Development Authority (BP) stated that SHM would not be given directly to residents in the early stages. The reason is that if SHM is given to residents in the early stages, the construction of replacement houses cannot be immediately implemented; (2) There is no land ownership rights over land management since the birth of Presidential Decree (Presidential Decree) Number 41 of 1973 which mentions land management rights on Batam Island have been handed over to Batam Authority, which means that the entire area of Batam Island is located with the status of land management rights to the batam authority, however in the case of the ownership of

the land management rights that are owned by the Batam Authority, the boundaries of the communal land and the land of the people are not clearly explained. On its application the rule of land management overlaps particularly between Batam Authority (BP) and the local indigenous community. There are only 2 (two) land management rights in Batam City, the Right to Build and the Right to Use (Saly & Ekalia, 2023).

Meanwhile, the customary land rights in the Old Village of Rempang Island, which have become the subject of the Rempang Eco City project, are considered hereditary rights passed down between the community and the land that originated it, as they were not directly granted by the state. This concept aligns with the notion of ulayat rights in the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 5 of 1999 concerning Guidelines for Resolving Issues of Customary Land Rights (Permen Agraria No. 5 of 1999). Recognition of Customary Land Rights under Law No. 5 of 1960 concerning the Basic Agrarian Principles (UUPA) is contingent upon two conditions: their existence and implementation. Article 3 of the UUPA recognizes ulayat rights "as long as they exist in reality." Therefore, the ulayat land of Rempang Island's community cannot be converted into ownership rights if there is still physical evidence of the related customary community or its authorized leader.

The strong relationship between indigenous communities and their ancestral lands forms a solid foundation for preserving cultural identity and protecting its ecosystem. This clearly demonstrates how the Rempang Island community is employing various means to protect their residential land from the Rempang Eco City project, aiming to safeguard the cultural assets found in the Old Village of Rempang Island. This includes their rejection of the relocation order and their refusal of the joint military, police, and BP Batam team during land measurements on Rempang Island. As a result of these actions, many residents of Rempang Island have been adversely affected by the evictions carried out by the involved parties. However, the Constitutional Court Decision No. 34/PUU-IX/2011 clarifies that the guarantee of ulayat land rights, as a valuable asset to the residents of Rempang Island, imposes a juridical limitation on state control over forest areas considering community land rights.

It is evident that the relationship or continuity between a community or group of communities and their ulayat land is crucial. This principle is further emphasized in Constitutional Court Decision No. 45/PUU-IX/2011, which explicitly states that customary forests are not state forests, and the preservation and protection of these forests constitute traditional rights of the community. In today's modern society, maintaining harmony between the customary ulayat rights of the Rempang Island community and national interests must be preserved. Therefore, in the Old Village of Rempang Island, efforts to uphold and safeguard ulayat land rights are integral to preserving the wealth and cultural heritage values.

Legal consequences on government

One of the main legal consequences of the relocation process is the government's obligation to provide adequate compensation and indemnity to the affected residents. This takes into account various aspects, such as the market value of the abandoned land, the economic losses incurred, as well as the social and psychological impacts that may arise from the relocation. In addition, the government is also required to provide replacement land equivalent to that left by the residents, as well as payment of compensation money to help them adapt to the changes. All these actions must comply with the applicable legal provisions and respect the human rights of the residents affected by the relocation. In this context, transparency and openness from the government in the process of calculating compensation and indemnity are crucial to ensure justice for all parties involved.

Relocation can also affect land and property ownership rights. The government must establish a new legal status for the land to be occupied by the relocated residents, including drafting the appropriate legal documents and transferring land ownership. This

process is important to ensure the clarity and validity of land ownership rights for the relocated residents and to avoid future legal conflicts.

Relocation must be carried out with careful attention to the rights of the affected residents. This includes the right to adequate housing, the right to guaranteed personal security, and other socio-economic rights that should not be neglected. Human rights violations during the relocation process can not only lead to dissatisfaction and protests from the affected community but also result in legal claims and government accountability.

The government has a significant legal responsibility to ensure that the relocation process is carried out in accordance with applicable legal provisions and does not sacrifice the rights of the affected residents. Administrative, procedural, and policy steps must be meticulously followed to avoid potential violations. Violations of legal procedures or improper policies can result in serious legal consequences, including lawsuits from directly affected parties as well as other stakeholders involved in the process.

Relocation not only impacts the affected community but also the physical environment in the relocation area. The displacement of population and infrastructure can cause significant changes in the local ecosystem, including habitat destruction, soil degradation, and environmental pollution. Therefore, the government must consider the environmental impact of the relocation and take necessary remedial steps to protect and restore the environment in accordance with applicable environmental laws. This may include rehabilitating degraded land, restoring disrupted ecosystems, and proper waste management. By considering environmental aspects in the relocation process, the government can ensure that negative impacts on ecosystems and natural resources are minimized, thereby ensuring environmental sustainability and the well-being of the involved communities.

Legal consequences on residents

The main issue in this case lies in the consequences of relocating the Rempang community from their ancestral village. The people of Rempang Island have lived and engaged in activities there since 1834. At that time, they were unaware of land ownership documents, so when asked about them, they couldn't provide much information. As a result, the people of Rempang Island suffered losses. The relocation of the Rempang residents has legal implications: (1) Residents lose their land rights and must leave Rempang Island due to relocation, losing their livelihoods. This is stated in Article 26 (2) of the Constitution of the Republic of Indonesia 1945, which asserts the rights of every citizen to land and natural resources therein (Fuzain, 2023; Wijaya et al., 2024). Constitutional Court Decision Number 35 of 2012 emphasizes that land acquisition for public purposes must adhere to principles of justice and legal certainty. However, the government's relocation of the Rempang people still fails to meet these principles of justice, potentially depriving relocated individuals of their land rights and livelihoods, thus risking violations of human rights and land rights as guaranteed by the constitution and laws; (2) Rempang residents face difficulties accessing public services such as healthcare, education, and clean water, especially if their new settlements lack adequate infrastructure. This could lead to a decline in their quality of life and violations of their basic rights. The 1945 Constitution of Indonesia outlines the rights of all citizens, including the right to health and education. With the relocation, Rempang residents may struggle to access these rights.

The next point is: (3) Relocation also has social and cultural impacts on the Rempang community, such as the loss of cultural identity and community. According to Law Number 23 of 2014 concerning Regional Governance, local governments have an obligation to protect and preserve the customs and cultures of local communities. Relocation could

jeopardize the cultural heritage that has been preserved for generations. The government's relocation of the Rempang people could erase the cultural heritage that has been carefully preserved due to the need for adaptation caused by the movement of the population; (4) The government has planned to provide compensation as a legal consequence of the relocation of the Rempang residents, showing its responsibility (Fath & Fawwaz, 2024). This was also communicated by the Minister of Investment or Head of the Investment Coordinating Board (BKPM) during a Coordination Meeting to Accelerate Environmentally Friendly Investment Development in the Rempang Island Area. The outcomes of this meeting discussed that each household undergoing relocation would be granted 500 square meters of land in the form of property certificates and a type 45 house valued at Rp120,000,000 (one hundred and twenty million Indonesian Rupiah). However, if the house's value exceeds Rp120,000,000, the excess will still be paid by the government through assessment by a Public Appraisal Office (Saly & Ekalia, 2023; Aritonang & Ayodya Maheswara, 2023). Nevertheless, constructing homes for the relocated Rempang residents also requires considerable time, thereby affecting their livelihoods. The people of Rempang Island, primarily fishermen, are concerned about the government's relocation orders. This is because their daily livelihood activities are disrupted due to the presence of authorities, making them feel unsafe to carry out daily activities. Following the relocation, fishermen also struggle to make a living, relying solely on government assistance.

The relocation of the Rempang residents has resulted in numerous impactful consequences for the community. Many residents have suffered losses, and conflicts have arisen between the residents and the combined forces of the military, police, and the land agency (Ditpam BP) Batam during land surveys for the development project, resulting in injuries to some residents. This action by the government is deeply regrettable as it should protect its citizens' rights as outlined by the law.

To assert their land ownership rights post-relocation, the Rempang residents are pressing for a resolution to the land conflict without further relocation from what they consider their customary land. Post-relocation, those who feel aggrieved by the process have the right to pursue legal avenues, whether civil or criminal, against the government's relocation of their homes. This reflects their rights as citizens in response to the government's actions.

The relocation of the Rempang residents has caused significant impacts due to the government's lack of responsibility towards the affected population. The conflicts during land measurement for the Rempang Eco City development project, involving military, police, and land agency personnel, highlight the absence of adequate socialization and consultation by the government with the community. This neglect violates Article 27 (2) of the 1945 Constitution, which guarantees citizens' rights to information, especially regarding their homes.

Furthermore, the government has violated provisions of Law Number 39 of 2009 concerning the Guarantee and Protection of Human Rights, which prohibits all forms of discrimination and human rights violations. The government must ensure that relocations are conducted fairly, transparently, and accountably to avoid legal repercussions that harm affected communities' post-relocation. It should also strive to minimize the negative social, economic, and cultural impacts of relocations on the Rempang residents.

Maintaining the connection between a community or ethnic group and their customary land is crucial. The Constitutional Court Decision Number 45/PUU-IX/2011 clearly states that customary forests are not state forests and are protected as traditional rights of the community. In modern society, efforts to preserve and protect customary land rights in Rempang Island are integral to safeguarding valuable cultural heritage and wealth.

The Rempang Eco City development project aims to relocate land for better land use functions. From an infrastructure perspective, efforts such as dock construction, tourism development, and organized residential areas with integrated facilities aim to advance the

Rempang Island region. Despite its ambitious plans, the project has faced criticism for allegedly disregarding the interests of indigenous communities, especially post-relocation of the Rempang residents. The legal events surrounding the Rempang Eco City development project have caused losses and concerns among Rempang Island residents, particularly regarding the safety of their families following the evictions conducted by involved parties.

4. Conclusion

The relocation of Rempang residents due to state land ownership is legally justified, based on Presidential Decree No. 41 of 1973, which declares that all land in Batam City is owned by the State and managed under the Batam Authority. Implementing compensation for this relocation is appropriate because Rempang residents are recognized Indonesian citizens, thus not violating the mandate of Article 28H paragraph (1) of the 1945 Constitution. However, the consequence of relocating Rempang residents due to state land ownership has sparked conflicts, primarily due to Presidential Decree No. 41 of 1973 which stipulates that land in Batam is limited to Building Rights and Land Use Rights. This necessitates that relocated residents must leave Rempang Island. Nonetheless, compensation and guarantees are provided to relocated residents for such events.

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