

The Legality of Land Clearance and Relocation for the Rempang Eco City National Strategic Project in Light of Law Number 2 of 2012 on Land Acquisition

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ABSTRACT

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The Rempang Eco City National Strategic Project (PSN) in Batam triggered an agrarian conflict when the authorities attempted to clear and relocate residents of sixteen Malay traditional villages (Kampung Tua). The land clearance was framed as a relocation based on the Management Rights (HPL) of BP Batam rather than as land acquisition under Law Number 2 of 2012, raising the question of its legal validity. This study addresses two questions: (1) is the land clearance for the Rempang Eco City project legally valid under Law Number 2 of 2012; and (2) what legal protection is available for the affected communities. The research employs a normative juridical method with statutory, case, and conceptual approaches, using primary legal materials (legislation and official findings) and secondary materials (journals and books), analysed prescriptively and qualitatively. The findings show three legality defects. First, the project is predominantly investment, industrial, and commercial in character and is developed by a private entity (PT Makmur Elok Graha), so it does not squarely fall within the limitative "public interest" categories of Article 10 of Law Number 2 of 2012, and the statutory acquisition procedure was bypassed. Second, the relocation rested on an HPL that had not been certified because the land was not clean and clear; hence, according to the Ombudsman, the relocation lacked legal force. Third, the "compensation" (santunan) under Presidential Regulation Number 78 of 2023 is not the fair and just compensation (ganti kerugian yang layak dan adil) mandated by the statute, and no independent appraisal or deliberation stage was carried out. The study contributes a normative framework distinguishing HPL-based relocation from statutory land acquisition and recommends realigning PSN implementation in special zones with the fair-compensation regime.



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Introduction

The city of Batam occupies a distinctive position in the national land law system. Since it was designated as the Batam Island Industrial Zone through Presidential Decree Number 41 of 1973, almost all parcels of land in this area hold the status of Management Rights (Hak Pengelolaan, HPL) under the control of the Batam Concession Agency (BP Batam).¹ Batam's status as a Free Trade Zone and Free Port (KPBPB) under Government Regulation Number 46 of 2007 reinforces the dominance of that HPL, so that the

¹Presidential Decree Number 41 of 1973 on the Batam Island Industrial Zone.

public generally holds only derivative land rights such as Building Use Rights (HGB) or a Right of Use over the HPL.² This condition places the legal relationship among the state, the authority agency, investors, and the community in a configuration that differs from other regions in Indonesia, and it frequently generates legal uncertainty when confronted with large-scale development interests.³

This tension surfaced sharply in the Rempang Eco City case. The project to develop an industrial, commercial, and tourism zone on Rempang Island was included in the list of National Strategic Projects (PSN) through Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2023, enacted on 28 August 2023.⁴ The development plan covers approximately 7,572 hectares, or about 45.89 percent of the total area of Rempang Island, with an investment projection that BP Batam claims may reach IDR 381 trillion and create around 306,000 jobs by 2080.⁵ The development involves a private partner, PT Makmur Elok Graha, which has been appointed to manage Rempang Island since 2004.⁶

The legal problem arises because the land to be developed is home to a Malay community that has settled there for generations. The Ombudsman of the Republic of Indonesia recorded the existence of sixteen Kampung Tua (old villages) on Rempang Island that have historically been recognized through Batam Mayoral Decree Number 105/HK/III/2004 on the Designation of Old Villages in Batam.⁷ The attempt to clear the land and relocate residents in September 2023 triggered clashes, widespread rejection, and the naming of several residents as suspects. Rather than being pursued through the mechanism of land acquisition for the public interest, the land clearance was positioned as the relocation of residents occupying HPL land. Yet the Ombudsman found that the HPL certificate for Rempang Island in the name of BP Batam had not been issued because the land was deemed not *clean and clear*, so that as long as the HPL had not been issued, the relocation was considered to lack legal force.⁸

This gap between the ideal of the norm (*das Sollen*) and the reality of implementation (*das Sein*) is the point of departure for this study. Law Number 2 of 2012 on Land Acquisition for Development in the Public Interest affirms that land acquisition for the public interest must be carried out with the provision of fair and just compensation through a strict sequence of stages.⁹ The question is whether the clearance of land for Rempang Eco City is subject to that land-acquisition regime or whether it is sufficiently grounded in BP Batam's HPL authority, and to what extent the "compensation" (*santunan*) offered by the government meets the standard of fair and just compensation.

Several prior studies have examined the Rempang case from various perspectives. Rahman and Tjoneng conclude that BP Batam does not have a strong basis as an HPL holder to clear land still occupied by the community.¹⁰ Saly and Ekalia highlight the state's responsibility toward communities affected by relocation, while Walangare and Bachri examine the contest between pro-growth and anti-growth coalitions,¹¹ and

²Government Regulation Number 46 of 2007 on the Batam Free Trade Zone and Free Port.

³Nur Hadiyati, "Memahami Problematika Hak Pengelolaan Tanah Kota Batam dalam Rangka Penetapan Batam sebagai Kawasan Ekonomi Khusus," *Jurnal Yurisprudensi* 2, no. 1 (2019): 47.

⁴Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2023 on the Third Amendment to Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2021 on the Amendment to the List of National Strategic Projects.

⁵Jeane Neltje Saly and Elza Ekalia, "Status Perlindungan Hukum kepada Masyarakat Setempat terkait Relokasi Pulau Rempang," *Jurnal Kewarganegaraan* 7, no. 2 (2023): 1670.

⁶Salsabila Qudsy Ananda and Sadino, "Analisis Hukum Pengadaan Tanah untuk Kepentingan Investasi Pembangunan Rempang Eco-City," *Bacarita Law Journal* 4, no. 2 (2024): 80.

⁷Ombudsman of the Republic of Indonesia, "Ombudsman RI Temukan 4 Pelanggaran Proyek Rempang Eco-City," accessed July 14, 2026, <https://ombudsman.go.id/artikel/r/pwkmedia--ombudsman-ri-temukan-4-pelanggaran-proyek-rempang-eco-city>.

⁸Ombudsman of the Republic of Indonesia, "Ombudsman: BP Batam Belum Kantongi Sertifikat Hak Pengelolaan Lahan Rempang," September 27, 2023, <https://ombudsman.go.id/news/r/ombudsman-bp-batam-belum-kantongi-sertifikat-hak-pengelolaan-lahan-rempang>.

⁹Law Number 2 of 2012 on Land Acquisition for Development in the Public Interest.

¹⁰Afkaar Naufal Rahman and Arman Tjoneng, "Hak Pengelolaan Lahan dalam Pembangunan Kawasan Investasi Pulau Rempang Ditinjau dari Hukum Positif Indonesia," *UNES Law Review* 6, no. 2 (2023): 7619.

¹¹Stevani Gabriela Walangare and Syaiful Bachri, "Kontestasi Kepentingan Pro-Growth Coalition dan Anti-Growth Coalition dalam Konflik Pembangunan Rempang Eco-City Tahun 2023," *Madani: Jurnal Politik dan Sosial Kemasyarakatan* 15, no. 2 (2023): 390.

Sahetapy et al. unpack the spatial politics behind the PSN designation.¹² The study by Fath and Fawwaz emphasizes the human-rights dimension of land acquisition in Rempang.¹³ Rich as they are, these studies have not specifically situated the Rempang land clearance within a framework that tests legality against Law Number 2 of 2012, particularly regarding the qualification of “public interest” and the choice between the land-acquisition regime and the HPL-based relocation regime. It is here that the novelty of this study lies.

Based on that background, this study poses two questions. First, what is the legality of the clearance and relocation of land for the Rempang Eco City National Strategic Project when reviewed under Law Number 2 of 2012 on Land Acquisition? Second, what legal protection is available for the communities affected by that land clearance? The purpose of this writing is to analyze the legal validity of the land clearance and to formulate a framework of legal protection consistent with the principles of land acquisition, thereby contributing to the alignment of PSN implementation in special zones with the regime of fair and just compensation.

Method

This study is a normative legal (juridical-normative) study that examines law as norms, principles, and doctrine. Three approaches are used: the statute approach, to examine the coherence among the norms of land acquisition, HPL, and PSN; the case approach, to analyze the concrete event of the Rempang Eco City land clearance; and the conceptual approach, to test the concepts of public interest, fair and just compensation, and legal protection.¹⁴

Primary legal materials comprise the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 on Basic Agrarian Principles, Law Number 2 of 2012, Law Number 6 of 2023, Government Regulation Number 18 of 2021, Government Regulation Number 19 of 2021 in conjunction with Government Regulation Number 39 of 2023, Government Regulation Number 42 of 2021, Presidential Regulation Number 78 of 2023, Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2023, Presidential Decree Number 41 of 1973, and the official findings of the Ombudsman of the Republic of Indonesia. Secondary legal materials consist of scholarly journals and books on agrarian and land law, while non-legal materials serve as supporting references. Legal materials were collected through a literature study and analyzed qualitatively and prescriptively to produce an assessment of the legal validity of the acts in question and normative recommendations.

Results and Discussion

A. The Character of Land Tenure on Rempang Island and the Position of BP Batam’s Management Rights (HPL)

Management Rights (HPL) is essentially not a land right in the full sense but a fragment (a portion) of the state’s right of control whose exercise is delegated to its holder. This doctrine is consistently explained by agrarian law scholars and is reflected in Government Regulation Number 18 of 2021, which positions HPL as a right to plan the allocation of land, to use it, and to hand over portions of it to third parties through land-utilization agreements.¹⁵ Because it derives from the state’s right of control, the grant and exercise of HPL must remain subject to the principles of the Basic Agrarian Law, including the social function of land and the recognition of pre-existing rights.¹⁶

In the Batam context, BP Batam’s HPL authority covering almost the entire island is indeed historical and broad, but it does not automatically extinguish the physical possession that communities have maintained for generations. Idham stresses that the constitutionality of ownership rights over HPL land requires a balance between

¹²Fredi Sahetapy, Yeftha Y. Sabaat, and Yonathan H. L. Lopo, "Politik Tata Ruang dalam Proyek Strategis Nasional (Studi Kasus Proyek Pembangunan Rempang Eco-City Pulau Rempang, Batam)," *Jurnal Pustaka Cendekia Hukum dan Ilmu Sosial* 4, no. 1 (2026): 1064.

¹³Ahmad Fath and Rafi Fawwaz, "Pengadaan Tanah untuk Kepentingan Umum di Pulau Rempang Ditinjau dari Sudut Pandang Hak Asasi Manusia," *Forschungsforum Law Journal* 1, no. 1 (2024): 33.

¹⁴Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2017), 133–137.

¹⁵Moch Dinur Zulfikar, Yani Pujiwati, and Sari Wahjuni, "Kedudukan Hak Pengelolaan dalam Hukum Tanah Nasional Dikaitkan Kepemilikan Barang Milik Negara/Daerah," *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, dan Agraria* 1, no. 2 (2022): 234.

¹⁶Law Number 5 of 1960 on Basic Agrarian Principles.

the authority of the manager and the protection of residents' rights.¹⁷ The matter becomes crucial in the Rempang case because, as the Ombudsman found, the HPL certificate for Rempang Island had not been issued and the decree granting rights over land classified as Other-Use Areas (APL) was valid only for a limited period. Thus, juridically, BP Batam was not yet the lawful HPL holder over the entire Rempang Island at the time the clearance was to be carried out. Rahman and T'joneng reach the same conclusion: the absence of an HPL certificate and the lack of clear recognition of the local community's existence weaken the legal basis for the land clearance.

B. Qualification of Rempang Eco City as "Public Interest" under Article 10 of Law No. 2 of 2012

Law Number 2 of 2012 restricts, in a limitative manner, the types of development that may be categorized as public interest, as detailed in Article 10. These criteria are closed in nature, so that activities not included in that list cannot automatically be treated as public interest serving as a basis for land acquisition.¹⁸ In addition to being limitative, the public interest must be organized by the government and must not be profit-oriented; development carried out by private business entities on a commercial basis is, in principle, not land acquisition for the public interest.¹⁹

Rempang Eco City is designed as an industrial (among others, glass and solar-panel factories), commercial, and tourism zone that is investment-oriented and developed together with the private entity PT Makmur Elok Graha. A project of such character does not directly coincide with the public-interest categories set out in Article 10. Ananda and Sadino affirm that the Rempang land clearance takes place within a framework of investment interest rather than a purely public interest, giving rise to legal implications different from ordinary land acquisition. When an investment project is affixed with the PSN label, the facilities granted by Government Regulation Number 42 of 2021 do not, by themselves, transform the commercial nature of the project into public interest within the meaning of Article 10. This is the crux of the first problem: an erroneous basis of qualification can cause the entire land-clearance procedure to lose its proper footing.

C. The Legality of Land Clearance: Land Acquisition versus HPL-Based Relocation

If Rempang Eco City is to be treated as public interest, the consequence is that all stages of land acquisition under Law Number 2 of 2012 and Government Regulation Number 19 of 2021 in conjunction with Government Regulation Number 39 of 2023 must be undertaken, namely planning, preparation, implementation, and the delivery of results, including the assessment of compensation by a Public Appraiser (KJPP) and deliberation on the form of compensation.²⁰ Conversely, if the clearance is based on HPL authority, its footing is the civil-administrative relationship between the HPL holder and the occupier, which still requires a valid HPL title and a settlement that respects the residents' physical possession. In practice, the Rempang land clearance did not fully follow either regime in its entirety.

The following table juxtaposes the normative land-acquisition mechanism with the reality of implementation in Rempang based on the Ombudsman's findings and the literature.

Table 1. Comparison of the Normative Mechanism of Law No. 2 of 2012 with Implementation in Rempang

Aspect	Norm under Law No. 2 of 2012	Implementation in Rempang
Qualification of object	Limited to public interest that is limitative in nature (Article 10) and non-commercial	Industrial, commercial, and tourism zone that is investment-oriented, developed with a private partner
Legal title of the executor	The agency requiring the land prepares valid planning documents	The HPL certificate for Rempang Island had not been issued; the land was not clean and clear

¹⁷Idham, *Konstitusionalisme Tanah Hak Milik di Atas Tanah Hak Pengelolaan* (Bandung: Penerbit Alumni, 2021), 61.

¹⁸H. M. Arba, *Hukum Pengadaan Tanah untuk Kepentingan Umum* (Jakarta: Sinar Grafika, 2021), 24.

¹⁹Djoni Sumardi Gozali, *Hukum Pengadaan Tanah di Indonesia: Pengaturan serta Prosedur dan Tata Cara Pengadaan Tanah untuk Kepentingan Umum* (Bandung: Citra Aditya Bakti, 2019), 41–43.

²⁰Government Regulation Number 39 of 2023 on the Amendment to Government Regulation Number 19 of 2021 on the Implementation of Land Acquisition for Development in the Public Interest.

Stages	Planning, preparation, implementation, delivery of results	Socialization and clearance were prioritized; the PSN designation proceeded very quickly (May–July 2023)
Appraisal and deliberation	Compensation assessed by a Public Appraiser (KJPP) and agreed through deliberation	No full KJPP appraisal or compensation deliberation was carried out
Form of compensation	Fair and just compensation (money, replacement land, resettlement, etc.)	Compensation (santunan) in the form of replacement housing and a waiting allowance under Presidential Regulation 78/2023

Source: compiled from Law Number 2 of 2012, the findings of the Ombudsman of the Republic of Indonesia (2023), and related literature.

From that comparison, it is apparent that the Rempang land clearance contains several legality defects. First, the PSN designation, which proceeded very quickly within the span of May to July 2023, was not supported by regulatory readiness or the availability of *clean and clear* land, which the Ombudsman found to constitute a form of maladministration. Second, the absence of an HPL certificate meant the clearance had no valid title. Third, the stage of compensation assessment by a Public Appraiser and deliberation was not undertaken as required by law. These three defects are cumulative and mutually reinforcing, so that the clearance can hardly be declared valid either under the land-acquisition framework or under the HPL-management framework.

D. Legal Protection of Affected Communities and the Concept of Fair and Just Compensation

Law Number 2 of 2012 affirms that land acquisition for the public interest is carried out with the provision of fair and just compensation to entitled parties. The phrase “fair and just” means that compensation must be able to restore the economic and social condition of entitled parties, at minimum equal to their situation before the land was released.²¹ The gap between the ideal of the norm and the reality on the ground most frequently occurs precisely in the aspect of compensation, when the value offered is deemed neither fair nor just by landowners.²²

In the Rempang case, the compensation offered took the form of land of 500 square meters and a type-45 house worth approximately IDR 120 million for each affected family willing to be relocated, accompanied by the grant of ownership rights. Although it appears concrete, this instrument is legally positioned as “compensation” (santunan) under Presidential Regulation Number 78 of 2023, not as compensation (ganti kerugian) within the meaning of Law Number 2 of 2012. The Ombudsman specifically noted that the fulfillment of affected communities’ rights, being merely santunan and not mentioning compensation, contradicts the provisions on land acquisition for the public interest.²³ This distinction is not merely terminological: compensation requires an independent appraisal by a Public Appraiser and deliberation, whereas santunan is a unilateral determination that provides no room for equal bargaining.

The dimension of protection becomes all the more important because the Rempang community has a historical and cultural attachment to its land. The protection of the rights of customary-law communities and local communities in land acquisition requires recognition of their existence and inclusive, transparent involvement at every stage.²⁴ Togatorop stresses that, without clear recognition, the community’s position becomes weak when confronted with development projects.²⁵ The absence of boundary demarcation and certification of the Kampung Tua in Rempang, as the Ombudsman found, demonstrates the state’s negligence in granting the community access to obtain certainty of rights over land they have occupied for decades.

²¹Sri Rahayu, “Penetapan Ganti Rugi Berdasarkan Undang-Undang Nomor 2 Tahun 2012 Pasal 9 Ayat 2,” *Jurnal Hukum Sasana* 11, no. 1 (2025): 5–7.

²²“Menuju Pengadaan Tanah untuk Kepentingan Umum yang Berkeadilan,” *Jurnal Humaniorum: Jurnal Hukum dan Ilmu Sosial* 1, no. 1 (2023): 148.

²³Presidential Regulation Number 78 of 2023 on the Acceleration of the Management of the Rempang Island Development Area, Riau Islands Province; cf. Ombudsman of the Republic of Indonesia, “Ombudsman RI Temukan 4 Pelanggaran Proyek Rempang Eco-City.”

²⁴Rahmat Ramadhani, “Eksistensi Hak Komunal Masyarakat Hukum Adat dalam Pengadaan Tanah untuk Kepentingan Umum,” *Jurnal Penelitian Hukum De Jure* 19, no. 1 (2019): 103, <https://doi.org/10.30641/dejure.2019.V19.97-108>.

²⁵Maria Togatorop, *Perlindungan Hak Atas Tanah Masyarakat Hukum Adat dalam Pengadaan Tanah untuk Kepentingan Umum* (Yogyakarta: STPN Press, 2020), 55.

Doctrinally, legal protection may be pursued through three avenues. First, preventive efforts, namely the arrangement of regulations that guarantee recognition of the Kampung Tua, the lawful settlement of HPL status, and the application of the land-acquisition procedure should the project be classified as public interest.²⁶ Second, repressive efforts, in the form of halting clearance actions that lack a legal basis and restoring the rights of residents who have been harmed. Third, efforts through judicial channels, both administrative courts against administrative decisions and general courts against civil disputes. These three avenues require the same fundamental precondition, namely clarity of legal title and project qualification, which is precisely what has not been fulfilled in the Rempang case.

The findings of this study reinforce the conclusion that the Rempang problem is not merely a clash of economic-political interests, but also a matter of the legal validity of state action. Independent valuation studies even show significant potential social, economic, and ecological losses if the project is forced through without fulfilling the community's procedures and rights,²⁷ consistent with the note of the Consortium for Agrarian Reform on the prevalence of agrarian conflicts arising from National Strategic Projects.²⁸ Accordingly, aligning the implementation of PSN in special zones with the regime of fair and just compensation is not merely a matter of formal compliance but a precondition for justice and legal certainty.²⁹

Conclusion

The clearance and relocation of land for the Rempang Eco City National Strategic Project contain legality defects that are cumulative in nature when tested against Law Number 2 of 2012. The project is investment-, industrial-, and commercial in character and is developed together with a private entity, so that it does not directly satisfy the limitative public-interest categories in Article 10; at the same time, HPL-based clearance loses its footing because the HPL certificate for Rempang Island had not been issued and the land was not clean and clear. The *santunan* instrument under Presidential Regulation Number 78 of 2023 is also not equivalent to fair and just compensation because it does not proceed through appraisal by a Public Appraiser and deliberation.

The scholarly contribution of this study lies in an analytical framework that firmly distinguishes HPL-based relocation from statute-based land acquisition, while affirming that the PSN label does not alter the essential qualification of the object of acquisition. Legal protection of affected communities may be pursued through preventive, repressive, and judicial channels, on the precondition of clarity of legal title and recognition of the Kampung Tua. This study has limitations because it is normative in nature and relies on legal materials and official findings available up to mid-2026; it therefore does not empirically measure the perceptions and socio-economic conditions of affected residents. Further research is recommended to adopt a socio-legal approach to assess the effectiveness of rights restoration, as well as comparative studies of PSN relocation settlements in other special zones in Indonesia.

Author Contributions Statement

MG designed the research framework and developed the main analysis; EY collected and verified the legal materials and drafted the method and discussion sections; EY carried out the editing, harmonization of citations, and finalization of the manuscript. All authors approved the FD version of this article.

AI Usage Statement

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²⁶Dwi Laksana Wirakusuma and Setyadi, "Perlindungan Hukum terhadap Pemegang Hak Pengelolaan Tanah atas Dampak Pengadaan Tanah oleh Negara," *Jurnal Sains Riset* 13, no. 2 (2023): 480.

²⁷Yogi Eka Sahputra, "Riset Ungkap Kerugian Ekonomi Proyek Rempang Eco City," *Mongabay Indonesia*, October 17, 2025, <https://mongabay.co.id/2025/10/17/riset-ungkap-kerugian-ekonomi-proyek-rempang-eco-city>.

²⁸Rachel Farahdiba Regar, "KPA: 73 Konflik Agraria Dampak Proyek Strategis Nasional Jokowi," *Tempo.co*, 2023, <https://nasional.tempo.co/read/1775974>.

²⁹Ali Setiawan, *Hukum Pertanahan (Pengaturan, Problematika, dan Reformasi Agraria)* (Yogyakarta: Laksbang Justitia, 2020), 77.

Conflict of Interest

The authors declare that there is no conflict of interest in the research and writing of this article.

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