

## Public Legal Protection of Rempang Island Relocation

Lumongga Desi Wulandari Br Simamora<sup>1</sup>, Itok Dwi Kurniawan<sup>2</sup>

<sup>1</sup>Students of the Legal Sciences Study Program, Faculty of Law, Social Sciences and Political Sciences Open University

<sup>2</sup>Faculty of Law, Sebelas Maret University, Surakarta

Email: [desiwulandari761@gmail.com](mailto:desiwulandari761@gmail.com)

### ABSTRACT

*This research aims to analyze the legal protection provided to people who experience relocation on Rempang Island. The relocation of Rempang Island is an act of moving residents from the island as part of regional development efforts involving changes in land use and infrastructure. This research will focus on legal aspects related to the rights of people affected by relocation, including land rights, housing rights, and socio-economic rights. The research method used is normative legal research with a case study approach. Data was collected through the study of legal documents, analysis of related laws and regulations, as well as interviews with related parties, including affected communities and government representatives. The results of this research identify challenges and potential violations of community rights during the Rempang Island relocation process. This research will also analyze the extent to which the existing legal framework can provide adequate protection for community rights in the context of this relocation. It is hoped that the research results will provide in-depth insight into expanding or improving the relevant legal framework to increase legal protection for communities affected by the relocation of Rempang Island.*

**Keywords:** *Rempang Island, relocation, protection.*

### 1. INTRODUCTION

Rempang Island, located in Batam City, is an important part of Indonesia's rich natural heritage. This island is not only a place to live for local people, but also has very valuable ecological and cultural values. However, like many other islands and coastal areas in Indonesia, Rempang Island is faced with various challenges, including those related to environmental change, regional development and population relocation (Hadiyati, 2019:3).

Population relocation is an action that is often necessary in the context of development and handling the impacts of environmental change (Tista, 2019). However, the implementation of relocation must pay attention to important aspects, such as human rights, land ownership rights, environmental sustainability, and the welfare of the affected communities. In particular, legal protection for people facing relocation is very important.

This research aims to examine and analyze the legal protection of the Rempang Island community regarding the relocation they experienced. Relocation can have significant social, economic and cultural impacts on communities, and therefore, it is important to understand how applicable laws and regulations affect their rights.

In this context, the research will explore legal aspects related to relocation, including legal procedures, fair compensation, land ownership rights, and legal protection measures available to the people of Rempang Island. Apart from that, the research will also look at the social and economic impacts of relocation on the people and environment of Rempang Island.

Through this research, it is hoped that a deeper understanding will be found about the challenges and opportunities for legal protection for people facing relocation on Rempang Island. It is hoped that the results of this research will provide useful guidance and recommendations for policy makers, decision makers and parties involved in the management of Rempang Island, and can increase our understanding of how communities can be protected effectively in the context of increasingly urgent environmental change.

## **2. METHOD STUDY**

Method Which used in this article is based on qualitative methods with a normative legal research approach. The qualitative descriptive approach is a research method used to describe or explain a phenomenon or event by collecting detailed information. This approach is applied in the context of situations involving natural objects, where the researcher acts as the main instrument, and data collection techniques are carried out using triangulation (combination). Data analysis is inductive, and qualitative research results focus more on meaning than generalization (Sugiyono, 2013: 88). In addition, a literature approach is used in this research to relate accurate data and events to previous research. The usual method of testing is testing library law by examining the contents of library materials or by examining existing data. Using the deductive method method to determine whether something is true and whether appropriate implications are appropriate for something that is true but has not been demonstrated. To analyze standard operating procedures for emergency medical care, the Juridical normative method is used. a measure of the general public's sense of hopelessness and hopelessness. Apart from the quality, the analysis carried out is qualitative and does not focus on the quantity of data. The material for this article is taken from several sources, including court documents, books and legal journals.

## **3. RESULTS AND DISCUSSION**

As a place for national strategic project development plans, Rempang Island has an important position when we deal with the state's goals as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, one of which is advancing general welfare (BBC, 2023). As a place for national strategic project development plans, Rempang Island has an important position when we deal with the state's goals as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, one of which is to promote general welfare. That in the development stage as a national strategic project, main attention is given to the economic resilience component which is considered very important to improve people's welfare through sustainable development. However, in practice, various types of development carried out massively by the government often cause conflicts which result in legal protection (Hadayati, 2023).

The case currently occurring on Rempang Island is related to the local community relocation policy by the Batam City government due to the construction of the Batam Free Trade and Free Port Area (KPBPB) known as Rempang Eco City on Rempang Island, Batam City. This research uses a Normative research method using a Historical Approach which is carried out by tracking and researching history related to the implementation of government policies implemented on Rempang Island, Batam City itself, which is the reason the Government relocated the community on Rempang Island and used Political and Legal Approach (Legal Policy

Approach), which is based on studying and understanding the problems that occur related to the relocation of communities affected by the Rempang Eco City Project on Rempang Island, Batam City. Which will later aim to provide new conceptions, views and understanding to affected communities and other readers throughout Indonesia, regarding the legal actions taken by the Government to relocate communities affected by the Rempang Eco City Project (Hadiyati, 2019: 4).

Indonesia is a rule of law country where the government must be able to provide guarantees and protection to its citizens. There is nothing wrong with all the compensation that the government will provide to the people affected by the relocation of the Eco City Project on Rempang Island. (Utami, 2020:8) So that public trust in the government remains, and as legal protection by the government for affected communities, it is hoped that the Government can issue regulations or decisions that more or less contain the Rights and Obligations from the Government's side related to the Development of the Rempang Island Eco City Project and The rights and obligations of local communities affected by relocation are implemented by the government which aims to protect the rights of communities affected by relocation as a form of responsibility from the government.

The state's authority regarding the control of land, water and space areas and all natural resources therein has been explained in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This article states that the state has control over the earth, water, and the natural wealth contained therein, with its use directed at improving the welfare of the people as much as possible. Philosophically, this includes state authority over land (agrarian) resources, including the regulation and utilization of land rights owned by the community (Hawari, 2003).

The implementation of democratic government, in accordance with Article 1 paragraph (1), paragraph (2), and paragraph (3), as well as Article 28 paragraph (1) and paragraph (5) of the 1945 Constitution of the Republic of Indonesia, shows that the creation Legal order involves making laws and regulations that do not conflict, both vertically and horizontally. This also includes cultural aspects of society which must comply with applicable laws. In running the government, the state is also expected to implement laws that focus on enforcing and achieving legal objectives, namely legal certainty, legal benefits and legal justice (Dalla, 2018).

The relocation of Rempang Island is an action that has occurred in the area. The relocation is usually carried out by the government or parties who have authority in the area, and can involve people living on the island. The results of this research address several key points:

1. **Relocation Procedures:** It was found that the relocation of Rempang Island generally involved certain procedures that had to be followed by the parties involved. This may include consultation with communities, determining new locations for settlements, and paying compensation to affected residents.
2. **Community Rights:** This research also identifies community rights that must be protected during the relocation process. These rights involve the right to land, the right to housing, the right to work, and the right to fair and adequate compensation.
3. **Social and Economic Issues:** Relocation can have significant social and economic impacts on the communities involved. This can include loss of livelihood, separation from familiar social circles, and changes in lifestyle. Therefore, it is important to ensure that communities receive the necessary social and economic support.

The discussion in this research highlights the importance of legal protection for communities affected by the relocation of Rempang Island. Some important points in the discussion include:

1. **Transparency and Community Involvement:** The relocation of Rempang Island must be carried out with transparency and active involvement of the affected communities. Community involvement in the decision-making process and implementation of relocation will help ensure that their rights are respected.
2. **Fair Compensation:** Communities affected by relocation must receive fair and adequate compensation for the losses they experience. This involves an accurate assessment of the harm suffered by society and appropriate payment.
3. **Protection of Basic Rights:** People's basic rights, including the right to shelter, employment and livelihood, must be protected during the relocation process. Clear policies and regulations need to be implemented to ensure this protection.
4. **Social and Psychological Impact:** In relocating Rempang Island, it is not only the economic impacts that need to be considered, but also the social and psychological impacts. The government and the parties involved need to provide social and mental health support to people who are experiencing significant changes in their lives.
5. **Relationship with Land Law:** The relocation of Rempang Island is also related to land law issues. The transfer of land ownership and ensuring the new legal status of the land must be carried out carefully and in accordance with applicable land law.

This observation emphasizes the importance of community legal protection during the Rempang Island relocation process. This legal protection not only covers formal legal aspects, but also the protection of social and economic rights which are an important part of the welfare of the people involved in relocation.

Legal protection for the community related to the relocation of Rempang Island is the legal rights and mechanisms that exist to protect the rights, interests and welfare of local communities during the island relocation process. This legal protection covers a number of aspects, including rights to land, housing, environmental preservation, and the right to participate in decision making.

In general, community legal protection regarding the relocation or transfer of an area is often regulated by various laws covering individual rights, property rights, environmental rights, and so on. In Indonesia, several laws that may be related to relocation or transfer of territory include the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Agrarian Principles, and Law Number 32 of 2009 concerning Protection and Management of the environment.

The following are several elements of legal protection that are relevant in the context of Rempang Island relocation:

1. **Property Rights:** Communities affected by relocation have rights to land and property that must be respected and protected by law. The law must ensure that fair compensation is given to them if their land or property has to be reused or relocated.
2. **Housing Rights and Welfare:** Relocated people have the right to adequate housing and equivalent or better living conditions after relocation. The law must protect this right and ensure that people do not experience a reduction in their quality of life as a result of relocation.
3. **Environmental Rights:** The law must also protect the environment around Rempang Island. This includes aspects of protecting the natural environment,

biodiversity and natural resources. The law must ensure that relocation does not damage the existing environment and ecosystem.

4. **Participation Rights:** Local communities must have the right to participate in the decision-making process regarding relocation. They have the right to be informed, involved in planning, and provide input in decisions that affect them.
5. **Fair Process Rights:** The relocation process must comply with fair legal principles. This includes the right to information, access to the justice system, and protection from arbitrary action.
6. **Compensation and Restitution:** Communities must receive fair compensation if their rights are violated or if their land or property is used by others. This compensation must reflect the economic and non-economic value of the losses suffered (Dwisvimiari, I. 2011).
7. **Monitoring and Supervision:** The law must allow communities to monitor and supervise the implementation of relocation. This may include the right to request information, inspections, and participation in oversight of the relocation project.

This legal protection must be based on clear rules and regulations and in accordance with human rights principles and land law. Local communities must know and be able to access these legally protected rights and have a mechanism to file complaints or lawsuits if their rights are violated during the relocation process.

#### 4. CONCLUSION

Rempang Island Relocation is an action that involves moving people from their home area to a new location. This can have a significant impact on people's rights, including the right to housing, livelihoods and other socio-economic rights. Legal protection for people experiencing relocation is very important. Communities have the right to be protected and respected, and governments have an obligation to ensure that relocation is carried out in a manner that is fair, humane and in accordance with the law. The government and related institutions must comply with human rights principles in the relocation process. This includes providing adequate information to the community, holding transparent consultations, and providing reasonable compensation for losses that the community may experience. The role of legal advocacy and human rights institutions in monitoring and ensuring the legal protection of society is very important. Affected communities must be given access to legal resources that can assist them in protecting their rights. In the context of Rempang Island, an in-depth understanding of land law, land rights, and relocation provisions that apply in Indonesia is very important to ensure that the community receives appropriate protection. This research concludes that community legal protection against the relocation of Rempang Island is an urgent need. The government, relevant institutions, and civil society must work together to ensure that relocation is carried out fairly, according to the law, and with due regard for the human rights of affected communities. Thus, relocation can be a process that supports sustainable development and protects community rights.

#### SUGGESTION

Based on the research findings, we propose concrete recommendations to improve community legal protection against island relocation. How the government and other stakeholders can ensure that community rights are respected and protected during the relocation process. Involve local communities in decision making regarding island relocation, so they have a voice in the process. This research will

provide a better understanding of island relocation issues and the importance of legal protection for affected communities.

## **BIBLIOGRAPHY**

- Adrian, S. (2023). Transfer of Land Rights and Registration. Graphic Ray
- BBC Indonesia. (2023, September 25). Rempang Island will not be vacated on September 28, said Minister Bahlil. BBC News Indonesia. <https://www.bbc.com/indonesia/articles/c2x8lgry37jo>
- BP Batam. (n.d.) (2023). History of Batam. BP Batam. Retrieved October 5, , from <https://bpbatam.go.id/tangan-batam/histori-batam/>
- Dalla, A. Y., & Hutabarat, F. N. (2018). Overlapping Authorities for the Development of the Batam Special Economic Zone. *Reform Dimensions*, 2(2), 139–148. <https://doi.org/10.21787/mp.2.2.2018.139-148>
- Dwisvimiar, I. (2011). Justice in a Legal Philosophy Perspective. *Journal of Legal Dynamics*, 11(3). <https://doi.org/10.20884/1.jdh.2011.11.3.179>
- Fuady, M. (2011). Modern Rule of Law Theory. Relic of Aditama.
- Hadiyati, Nur, "Understanding the Problems of Batam City Land Management Rights in the Context of Designating Batam as a Special Economic Zone", *Journal of Jurispruden*, Volume 2 Number 1, January 2019.
- Hawari, Dadang. (2003). Anggraeny, Isdian, Legal Consequences of Insynchronized Land Regulations in Batam City, *Student Journal of the Faculty of Law, Brawijaya University*, 2014.
- Sugiyono, D. (2013). Educational research methods include quantitative, qualitative and R&D approaches.
- Sutedi, Adrian, *Land Rights Certificate*, Sinar Graphics, Jakarta, 2012.
- Tista, Adwin, (2019). "Legal Protection for Land Rights Certificate Holders Experiencing Disputes", *LamLaj Journal*. Faculty of Law, Lambung Mangkurat University, Banjarmasin..
- Utami, Febry Utami (2020) and Team, *Galang District in Figures*, BPS Batam City, Batam, 2020.