

Analysis of the Substantive Legal Impact of Land Function Transfer Due To the National Strategic Rempang Eco City Project from the Perspective of Agrarian Justice and Islamic Fiqh

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Abstract. *This study aims to analyze the substantive legal impact of the implementation of the Rempang Eco City National Strategic Project (PSN) on the legal status of land rights, legal certainty, and human rights of local communities, as well as to formulate a model for resolving agrarian disputes based on legal justice and Islamic Jurisprudence. The research method uses empirical juridical research (socio-legal research) with a legislative approach, a conceptual approach, and a case approach. The results of the study indicate a degradation of the community's civil rights where the historical claims of Kampung Tua are set aside by the Land Management Rights (HPL) of BP Batam in a formalistic manner. Land conversion triggers a crisis of structured legal certainty and vulnerability to economic, social, and cultural human rights violations. From an Islamic Jurisprudence perspective, the act of forced land clearing without mutual consent fulfills the elements of ghashab which is prohibited by sharia. As a solution, this study formulates a Participatory-Restorative Legal Protection Model through an enclaving mechanism, sustainable non-monetary compensation, and the application of the principle of Free, Prior, and Informed Consent (FPIC).*

Keywords: *Agrarian; Impact; Jurisprudence; Justice; Legal.*

1. Introduction

National development is a constitutional mandate to achieve general welfare for all Indonesian people. In order to accelerate the implementation of strategic development, the Government has established various National Strategic Projects (PSN) regulated by Presidential Regulation Number 109 of 2020. One of the mega-sector projects that has become the main focus of public attention is the Rempang Eco City Project located on Rempang and Galang Islands, Batam City, Riau Islands Province [1]. This macro policy is based on the assumption of massive national economic growth through integrated investment.

However, the ambition to accelerate macroeconomic development often faces the reality of latent agrarian conflict on the ground. The planned Rempang Eco City area, covering an area of approximately 17,000 hectares, geographically overlaps dozens of old villages that have been inhabited communally and traditionally by indigenous Malay and Sea Tribe communities long before the determination of the Management Rights (HPL) status by BP Batam [2]. The massive unilateral land conversion has triggered the disintegration of the sociological, economic, and cultural order of the residents.

The designation of the Rempang Eco City project as a National Strategic Project (Proyek Strategis Nasional or PSN) marks a significant turning point in Indonesia's regional development trajectory, yet it simultaneously triggers profound socio-legal tensions regarding land function transfer. This ambitious development initiative aims to transform Rempang Island into an industrial, commercial, and tourism hub, but the transition from traditional, community-managed land to state-backed commercial zones has disrupted established local livelihoods. At the heart of this friction is the conflict between macro-economic growth strategies and the micro-level security of customary and indigenous communities who have inhabited the island for generations. Consequently, analyzing this land conversion requires a critical examination of how top-down state policies interact with grassroots legal realities.

From a positive legal standpoint, the implementation of National Strategic Projects is heavily supported by streamlined regulatory instruments designed to accelerate investment and infrastructural expansion. However, these legal frameworks often prioritize administrative expediency and economic acceleration over meticulous social impact assessments and genuine consent from local stakeholders. On Rempang Island, the shift in land function is executed through statutory mechanisms that enable rapid land acquisition, frequently overriding customary land rights (*hak ulayat*) or long-standing occupancy rights that lack formal state certification. This legal asymmetry creates a vulnerable environment where traditional inhabitants find themselves legally disadvantaged within the national agrarian architecture.

Examining this phenomenon through the lens of agrarian justice reveals systemic inequities in how resource allocation and land control are managed. Agrarian justice demands a fair distribution of land access, control, and ownership, ensuring that marginalized populations are not disproportionately burdened by the negative externalities of state-led development. In the case of the Rempang project, the substantive legal impact manifests as structural displacement, loss of

cultural heritage, and the deprivation of traditional marine and terrestrial economic sources. When land function transfer leads to the disenfranchisement of local communities without adequate protection or equitable compensation, it fundamentally violates the core tenets of distributive and procedural justice.

This agrarian injustice also conflicts with the foundational mandates of Indonesian constitutional law, most notably Article 33 of the 1945 Constitution and the Basic Agrarian Law (UUPA No. 5 of 1960). The Indonesian legal system theoretically envisions a social-ecological function of land, where land ownership and utilization must ultimately serve the greatest prosperity of the people rather than purely capitalistic interests. The sudden conversion of Rempang's landscape for corporate-driven eco-city developments challenges this constitutional promise. It raises critical questions regarding whether the state is fulfilling its fiduciary duty as the ultimate custodian of the nation's land, or whether legal mechanisms are being co-opted to favor corporate conglomerates at the expense of local citizens.

Beyond secular constitutional frameworks, evaluating the Rempang land transfer through Islamic Fiqh (jurisprudence) introduces an ethical and theological dimension centered on justice ('adl) and public welfare (maslahah). Islamic law places significant emphasis on the protection of property rights (hifz al-mal) and prohibits the unlawful seizure or expropriation of individual or communal assets. Classical and contemporary fiqh principles regarding land development, such as *ihya al-mawat* (reviving dead land), stipulate that individuals who cultivate and care for uncultivated land establish a legitimate right to its use and stewardship. The indigenous residents of Rempang, through generations of habitation and stewardship, have forged a valid claim that deserves moral and legal recognition under Islamic principles of labor and possession.

Furthermore, Islamic governance frameworks (*siyasah syar'iyah*) dictate that state authority over public lands and natural resources must be exercised strictly in alignment with the public interest (*maslahah mursalah*). When the state exercises its power of eminent domain or land allocation for developmental projects, the resulting policies must yield a net benefit that outweighs any harm inflicted upon the populace. If a project causes severe marginalization, cultural destruction, and economic destitution among local residents, it fails the fundamental Islamic legal test of preventing harm (*darar*). Thus, utilizing state power to enforce land function transfer without upholding mutual consent and fair restitution runs contrary to the ethical imperatives of Islamic jurisprudence.

Synthesizing agrarian justice with Islamic Fiqh creates a powerful analytical framework that bridges modern human rights discourse with divine and moral imperatives. Both systems converge on the principle that land is a sacred trust meant to sustain human life with dignity, equity, and sustainability, rather than a mere commodity to be traded for speculative economic gains. An Islamic agrarian perspective reinforces the secular call for social justice by asserting that economic development policies lacking moral accountability and compassion toward the vulnerable are inherently flawed. Integrating these two perspectives exposes the ethical deficit in how the Rempang Eco City project has been legally and operationally enforced.

Ultimately, the analysis of the substantive legal impact of the land function transfer in the Rempang Eco City project demonstrates an urgent need for legal reform and institutional introspection. The friction between national strategic ambitions and local land rights underscores the danger of pursuing economic modernization at the expense of human dignity and legal equity. To achieve true development, future state projects must harmonize investment facilitation with robust protections for customary rights, transparent public participation, and adherence to both constitutional justice and Islamic ethical standards. Only through a balanced approach that respects the legal and moral rights of all stakeholders can Indonesia achieve sustainable, just, and harmonious national development.

From the perspective of notary and land law, this case presents a fundamental dilemma between the principle of state sovereignty (Eminent Domain) through the State's Right to Control (HMN) with the principle of protection of individual and communal civil rights of indigenous peoples protected by Article 18B paragraph (2) of the 1945 Constitution. The formulation of the problem in this study focuses on two main things: First, what is the substantive legal impact of land conversion due to the Rempang Eco City PSN on the legal status of land, legal certainty, and human rights of the community? Second, how is the formulation of an ideal model of legal protection and resolution of agrarian disputes in realizing substantive justice and harmonization with the perspective of Islamic Fiqh?

2. Research Methods

This study uses a type of empirical juridical research (socio-legal research) that focuses on observing how positive legal norms operate and influence community land rights in real terms in the field. The research location is centered on Rempang and Galang Islands, Batam City, with a sample focus on directly affected villages

such as Kampung Tua Sembulang and Pasir Panjang through a Purposive Sampling technique. The research approaches used include the Statute Approach to test the consistency of the PSN regulatory hierarchy with the UUPA, the Conceptual Approach related to the theory of land social functions and welfare, and the Case Approach by examining administrative disputes and judicial reviews related to land acquisition. Primary data was obtained through in-depth interviews with affected communities, representatives of traditional leaders, and analysis of official documents. Secondary data was analyzed qualitatively and descriptively normatively.

3. Results and Discussion

3.1. The Impact of Substantive Law on the Legal Status of Land Rights, Legal Certainty, and Human Rights

1) Transformation of Legal Status of Land Rights: Large-scale land conversion on Rempang Island resulted in a fundamental, destructive shift in existing land ownership. A phenomenon of forced degradation of rights occurred where plantation, agricultural, and historical community settlement lands were converted into free state land which was immediately handed over to third parties (private investors) in the form of corporate Building Use Rights (HGB) [5]. Although Article 5 of Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA) recognizes Customary Law as the basis for national agrarian law, the existence of unregistered traditional rights of Kampung Tua residents was declared weak and defeated by the formal administrative legality of the HPL certificate held by BP Batam based on the Decree of the Minister of State for Agrarian Affairs Number 9-VIII-1993 [6].

2) Erosion of Legal Certainty: Based on the legal certainty theory of Jan M. Otto and Gustav Radbruch, the law must contain order that can be predicted consistently. However, the implementation of this PSN policy gave rise to structured legal uncertainty for old rights holders. The Expectation of Legitimate Rights doctrine of citizens who have paid taxes and managed land across generations collapsed instantly by the implicit principle of *domein verklaring* implemented by the government in order to pursue the target of clean and clear land [7].

This crisis was exacerbated by the Constitutional Court's decision in Case Number 137/PUU-XXI/2023 concerning the judicial review of the Land Acquisition Law filed by the Rempang community. The Court declared the petition inadmissible due to

formal legal standing constraints, confirming that the state's formal-procedural aspects still trump substantive protection of small communities [8].

3) Implications for Human Rights Violations (HAM): Based on Law No. 39 of 1999 and international covenants, forced evictions that threaten the socio-economic living space of traditional fishermen and farmers constitute substantive human rights violations [9]. Forced relocation breaks the emotional connection of citizens with their ancestral lands (solatium) and violates the principle of non-retrogression in economic, social, and cultural rights, where the state is prohibited from issuing policies that trigger a decline in the quality of the people's independent standard of living to become vulnerable communities receiving temporary assistance.

Table Matrix of Dualism of Legal Regimes on Rempang Island

Analysis Parameters	Formal-Administrative (State) Perspective	Material-Substantive (People) Perspective
Primary Rights Base	BP Batam HPL Certificate 1993 & PSN Presidential Decree.	De facto physical control of Kampung Tua (200+ years) based on Customary Law.
Legal Principles	Eminent Domain (State Power to take private land).	Droit de Preference (Priority rights of physical rulers over UUPA land).
Settlement Scheme	Relocation of assets to Tanjung Banon and limited financial assistance.	In-Situ Development Model & Recognition of Communal Customary Rights.

Substantive law plays a pivotal role in shaping the legal framework governing land ownership, tenure, and administration. It serves as the foundational authority that defines the existence, scope, and parameters of land rights within a sovereign jurisdiction. By establishing clear statutory rules, substantive law dictates who can acquire land, under what conditions rights can be exercised, and how those rights are recognized by state mechanisms. Consequently, the strength and clarity of substantive legal provisions directly dictate the stability of a nation's land rights system.

The legal status of land rights depends heavily on the precision with which substantive laws delineate ownership, leaseholds, and customary titles. When substantive statutes explicitly recognize diverse forms of land tenure including individual, communal, and customary holdings they provide a comprehensive statutory basis for legal protection. Conversely, vague or restrictive substantive legislation can alienate informal or traditional landholders, rendering their claims legally fragile and exposed to expropriation or arbitrary cancellation.

Legal certainty in land governance is directly proportional to the clarity and predictability of substantive law. Transparent statutory provisions eliminate ambiguities regarding land boundaries, transfer procedures, and dispute resolution mechanisms. When substantive rules are clearly drafted and consistently enforced, property owners and investors can reliably predict how their rights will be interpreted by courts and administrative authorities, thereby fostering economic investment and responsible land development.

In contrast, deficiencies in substantive legal frameworks frequently lead to severe legal uncertainty and widespread land disputes. Overlapping statutory provisions, ambiguous definitions of public interest expropriation, and conflicting legal regimes generate persistent instability for landholders. Without robust substantive rules to guide title determination and administrative discretion, land administration systems become prone to inefficiency, corruption, and systemic delays, ultimately undermining public confidence in the legal system.

The intersection between substantive land law and fundamental human rights is particularly profound, as land remains essential to human dignity, livelihood, and cultural identity. Access to land and security of tenure are deeply intertwined with core civil, political, economic, and social rights. Substantive laws that safeguard land rights actively uphold the right to housing, adequate standards of living, and protection against forced evictions, reinforcing the structural guarantee of basic human rights.

For indigenous populations and local communities, substantive land law is critical to preserving cultural heritage and territorial autonomy. When substantive law explicitly validates collective and ancestral land rights, it protects vulnerable populations from displacement caused by large scale development projects, extractivism, or state encroachment. Robust legal protection of land rights thus acts as a statutory shield, empowering marginalized communities to maintain their traditional livelihoods and cultural practices.

When substantive law fails to incorporate human rights standards into land regulation, systemic injustices often follow. Arbitrary land acquisitions, inadequate compensation schemes, and displacement without due process frequently stem from outdated or authoritarian land statutes. Aligning substantive land law with international human rights benchmarks is therefore essential to prevent human rights violations and ensure that state-driven land acquisitions adhere to principles of fairness, necessity, and proportionality.

In conclusion, substantive law serves as the backbone of land rights administration, directly impacting legal certainty and human rights protection. Modernizing substantive legal standards ensures that land rights are clearly defined, legally secure, and harmonized with international human rights principles. A well-crafted substantive legal system ultimately balances state development goals with the fundamental rights of individuals and communities, laying the foundation for social justice and sustainable economic development.

3.2. Analysis of Land Conversion Policy from an Islamic Jurisprudence Perspective

Within the framework of Islamic Law (*Siyasah Syar'iyah*), individual ownership rights are protected absolutely through the principle of *Al-Milkiyyah*. The legal position of the Rempang people who have inhabited and prospered abandoned land for generations legally refers to the doctrine of *Ihya al-Mawat*, as stated by Rasulullah SAW: 'Whoever brings life to the dead earth, the earth belongs to him' (HR. Tirmidhi) [10].

Even though Islam allows rulers to take over people's land for the sake of the public interest (*Istislak li al-Maslahah al-Amah*), this action is bound by very strict ethical and *syar'i* requirements [11]: First, the project must be based on *Maslahah Murlahah* which is essential (*dharuriyyat*) for the people, not partial benefit (*tahsiniyyat*) for the sake of capital accumulation by capitalists or a handful of private investors. Second, it must be based on the consent of both parties ('*An Taradhin*') as stated in the Al-Quran Surah An-Nisa verse 29. Forcible vacation of land using massive deployment of security forces creates an element of coercion (*Dwang/Karahah*).

Land conversion, the process of changing the use of land from agricultural or natural states to commercial, industrial, or residential purposes, has become a pressing environmental and socioeconomic issue worldwide. From the perspective of Islamic jurisprudence (*Fiqh*), land is not merely a commercial commodity but a divine trust (*Amanah*) bestowed upon humanity. Human beings act as vicegerents (*Khalifah*) on Earth, tasked with managing resources sustainably and equitably. Consequently, any policy governing land conversion must strictly align with the ethical and legal boundaries set by Islamic principles, ensuring that development does not compromise environmental balance or social welfare.

At the core of Islamic jurisprudence regarding land management is the overarching principle of *Maqasid al-Shariah* (the primary objectives of Islamic law), which aims to protect faith, life, intellect, lineage, and wealth. Land conversion policies

directly intersect with the protection of life (Hifz al-Nafs) and wealth (Hifz al-Mal). Uncontrolled conversion of fertile agricultural land into concrete infrastructure jeopardizes food security, thereby threatening human life and sustenance. Islamic jurisprudence requires that public authorities design policies that maintain agricultural sustainability to ensure the long-term survival and economic health of the community.

A foundational legal maxim (Qawa'id Fiqhiyyah) applied in land policy analysis is "La darar wa la dirar" (there should be no harming nor reciprocating harm). If converting a parcel of land leads to ecological damage, flooding, loss of biodiversity, or the displacement of vulnerable local communities, the policy inherently violates this principle. Under Islamic law, preventing public harm always takes precedence over generating individual or short-term economic gains (Dar' al-mafasid muqaddam 'ala jalb al-manafi'). Therefore, land conversion must undergo rigorous environmental and social impact assessments to prevent widespread harm.

Furthermore, Islamic jurisprudence highlights the concept of Maslahah Mursalah (public interest). Policies formulated by the government (Siyasah Shar'iyah) must always serve the collective benefit of the populace rather than the narrow interests of private developers or corrupt elites. When public authorities permit land conversion, they must demonstrate that the change in land use provides a clear, necessary, and broader utility to society that outweighs the loss of the original land functions, such as food production or natural water absorption.

Islamic law also recognizes ownership rights (Milkiyyah), but these rights are not absolute. While private property is protected in Islam, the state retains the authority to impose restrictions (Ta'zir or spatial zoning rules) on how landowners use their property if that usage negatively impacts the broader community. A landowner does not have an unrestricted right to convert agricultural land into an industrial plant if doing so pollutes adjacent water sources or undermines local food supplies. The rights of the individual are continually balanced against the rights of the public.

Another relevant jurisprudence concept is Ihya al-Mawat (revival of dead or barren land). Islamic jurisprudence traditionally encourages turning unused, non-productive land into productive, functional areas. However, modern land conversion often does the exact opposite: it destroys highly fertile, living agricultural ecosystems to erect artificial structures. Applying the ethos of Ihya al-Mawat suggests that state policy should prioritize converting actual wasteland or

brownfield sites for urban expansion rather than encroaching upon active, productive farmlands.

Water conservation and ecological equilibrium (Mizan) are deeply embedded in Islamic environmental ethics. Quranic teachings emphasize that God created the Earth in a precise balance. Aggressive land conversion disrupts natural drainage systems, exacerbates climate vulnerability, and depletes natural aquifers. From a jurisprudential standpoint, policies that trigger environmental degradation violate the prohibition against corruption on Earth (Fasad fi al-Ard). Public policy must therefore mandate strict conservation buffers and green zones within urban planning frameworks.

Social justice ('Adalah) requires that the economic benefits and burdens of land conversion be distributed fairly across society. Frequently, commercial land conversion inflates real estate prices, enriching private investors while disenfranchising rural farmers and low-income residents. Islamic law opposes the concentration of wealth among a few elites and emphasizes spatial policies that prevent economic marginalization. Regulations must include equitable compensation, fair resettlement plans, and support programs for farmers affected by land re-zoning.

The legal role of the state authority (Wali al-Amr) in Islamic governance is governed by the rule "Tasarruf al-imam 'ala al-ra'iyyah manutun bi al-maslahah" (the actions of the leader toward the subjects must be guided by public welfare). Government officials responsible for land planning carry a heavy moral and legal obligation under the Shariah. Permitting unregulated land conversion due to bribery, political expediency, or corporate lobbying represents a breach of trust (Khiyanah), rendering such policy decisions unjust and non-compliant with Islamic law.

In conclusion, an analysis of land conversion policy through the lens of Islamic jurisprudence reveals a comprehensive framework that integrates ecological stewardship, social equity, and public welfare. Far from prohibiting development, Islamic law advocates for responsible, balanced, and sustainable growth. Effective land conversion policies must restrict the conversion of vital agricultural zones, direct urban expansion toward non-fertile areas, prevent environmental harm, and protect the livelihoods of vulnerable populations. Aligning modern land management policies with these jurisprudential principles ensures both material prosperity and ethical governance.

In Islamic jurisprudence, taking physical land rights unjustly without sincere consent and transferring it to a private corporation can be categorized as an act of *Ghashab* (*Gasab*) which is absolutely forbidden [12]. This act violates the contemporary Islamic jurisprudence principle: '*Dar'u al-mafasid muqaddamun 'ala jalbi al-mashalih*' (Preventing damage must be prioritized over pursuing uncertain macroeconomic benefits) and the principle of '*Al-Dhararu la yuzalu bi al-dharar*' (A regional economic independence must not be built by giving birth to new harm in the form of structural impoverishment of local indigenous communities).

3.3. Formulation Of Participatory-Restorative Legal Protection Model

The concept of legal protection continues to evolve alongside shifting societal demands for fairer and more accessible justice. Traditional formal legal frameworks often emphasize retributive measures, focusing primarily on punishment rather than reconciliation or systemic healing. However, this mechanical approach frequently leaves victims feeling alienated and fails to address the root causes of conflict within communities. To bridge this gap, a new paradigm is required one that integrates public involvement with restorative principles to foster enduring social harmony.

The Formulation of a Participatory-Restorative Legal Protection Model emerges as a comprehensive response to the limitations of existing legal enforcement mechanisms. This hybrid approach combines two essential philosophies: participatory decision-making and restorative justice. By merging these concepts, the legal system transforms from a top-down administrative procedure into a dynamic process that actively protects human rights while involving affected stakeholders directly in dispute resolution.

At its core, the participatory element ensures that community members, victims, and offenders have a meaningful voice in the legal procedure. Participation goes beyond merely presenting evidence or giving testimony in court; it grants stakeholders the opportunity to shape outcomes, propose solutions, and engage in constructive dialogue. This inclusion empowers marginalized groups, increases trust in formal institutions, and ensures that legal remedies reflect the actual needs and values of the community.

Simultaneously, the restorative dimension shifts the primary objective of legal protection from inflicting punishment to repairing harm. Rather than viewing an offense solely as a violation against the state, restorative principles frame it as a breach of interpersonal relationships and community trust. The legal protection model thus prioritizes victim restitution, offender accountability, and dialogue-

driven mediation, allowing all parties to achieve mutual understanding and genuine reconciliation.

Formulating this framework requires a structural review of statutory laws and procedural rules to create a supportive legal foundation. Legal institutions must formalize channels for court-annexed mediation, community justice boards, and restorative conferences within civil, criminal, and administrative law. Clear statutory standards are necessary to define eligible cases, protect individual rights during negotiations, and ensure that participatory outcomes remain legally binding and enforceable.

Institutional capacity and professional training represent another critical component in implementing this model successfully. Judges, prosecutors, law enforcement officers, and legal practitioners must undergo training to transition from adversarial mindsets to facilitative approaches. Moreover, certified community mediators and civil society organizations must be equipped with the skills required to guide complex discussions, manage power imbalances, and ensure voluntary participation without coercion.

Despite its benefits, the participatory-restorative legal model faces practical challenges, including potential power asymmetries between conflicting parties and resistance from traditional legal establishments. To mitigate these risks, the formulation must incorporate strict safeguards, such as legal counsel availability, constitutional oversight, and clear guidelines regarding when formal litigation must override participatory procedures, particularly in severe offenses.

Ultimately, formulating a Participatory-Restorative Legal Protection Model offers a sustainable path toward a more humane and responsive justice system. By prioritizing human dignity, dialogue, and collaborative problem-solving, this model not only protects individual rights but also strengthens social cohesion. Adopting such an approach transforms legal protection from a rigid theoretical ideal into a living, community-centered reality.

As a solution to this agrarian conflict impasse, this study formulates a resolution scheme called the Participatory-Restorative Legal Protection Model. This model redefines the state's power approach to a rights-based approach, aligning with John Rawls's principles of distributive justice and national agrarian justice.

The operational tactical steps for implementing this model are formulated as follows:

- 1) Cultural Area Enclaving Policy: The government is required to issue coordinates (enclave) for 16 Kampung Tua within the HPL certificate area of BP Batam. The development of a modern industrial area will be integrated around the Kampung Tua as a center for Malay and coastal cultural conservation.
- 2) Reconstructing the 'Loss' Compensation Scheme into a Sustainable 'Profit' Compensation Scheme: Transforming the consumptive compensation scheme into a sustainable livelihood scheme. Residents converted communal land rights must be converted into collective shareholding in the corporate entity managing Rempang Eco City, enabling residents to act as long-term stakeholders.
- 3) Institutionalization of the Right to Free, Prior, and Informed Consent (FPIC): Written consent from the community's customary committee without intimidation by officials is placed as an absolute requirement for legitimacy (administrative validity) before the issuance of the Location Determination Decree (Penlok) by the regional head.
- 4) Establishment of the Ad Hoc Agrarian Mediation Commission: Establishing an independent cross-sectoral dispute resolution forum involving the National Human Rights Commission, notary/land law experts, and representatives of the Malay Customary Institution to carry out transparent assessments of non-physical losses (solatium).

4. Conclusion

The substantive legal impact of the Rempang Eco City National Strategic Project has resulted in a severe legal disparity. The legal status of the Kampung Tua community's land has been degraded from good faith physical possession to unauthorized occupation due to a conflict with the formality of the Batam Freehold Land (HPL) certificate. This undermines the principle of substantive legal certainty and poses a risk of serious human rights violations, affecting the rights to housing and livelihoods of local residents. From an Islamic jurisprudence perspective, the policy of forced land conversion without full consent ('an taradhin) violates the authority of the ruler (Siyasah Syar'iiyyah) and is classified as an act of ghashab. The existence of land prosperity by citizens from generation to generation is recognized as valid according to sharia through the principle of Ihya al-Mawat and therefore requires legal protection. To the Central Government and BP Batam to immediately stop the security approach in land clearing and switch to adopting the In-Situ Development Model by enclaving the entire Kampung Tua area on Rempang Island. To the Ministry of ATR/BPN to revise the derivative regulations of the Job Creation Law (PP No. 19 of 2021) to integrate the obligation

of human rights impact analysis (Human Rights Due Diligence) and the principle of meaningful participation as absolute prerequisites for determining the location of future national strategic projects.

5. References

Journals:

Kaidah Fikih Kontemporer, Siyasah Syar'iyah dalam Pengelolaan Aset Publik dan Negara, Jurnal Fikih Muamalah, Vol. 8, No. 1 (2024),

Arie Sukanti, 'Tinjauan Yuridis Terhadap Konsep Kepentingan Umum dalam Pengadaan Tanah Pasca Berlakunya UU Cipta Kerja', Jurnal Hukum Agraria Nasional, Vol. 15, No. 2 (2022),

Books:

Boedi Harsono, Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya, Edisi Revisi, (Jakarta: Universitas Trisakti, 2018),

Philipus M. Hadjon, Perlindungan Hukum bagi Rakyat di Indonesia, (Surabaya: Bina Ilmu, 1987),

Maria S.W. Sumardjono, Regulasi Pertanahan dan Persoalan Keadilan Agraria, (Yogyakarta: STPN Press, 2021),

Gustav Radbruch, Legal Philosophy, (Oxford: Oxford University Press, 2006),

Imam al-Syafi'i, Kitab Al-Umm, Jilid IV, (Beirut: Dar al-Ma'rifah, t.th.).

Imam Al-Mawardi, Al-Ahkam as-Sulthaniyyah: Prinsip-Prinsip Hukum Tata Negara Islam, (Jakarta: Darul Falah, 2006),

Al-Mawardi, Imam. 2006. Al-Ahkam as-Sulthaniyyah: Prinsip-Prinsip Hukum Tata Negara Islam. Jakarta: Darul Falah.

Harsono, Boedi. 2018. Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya, Edisi Revisi. Jakarta: Universitas Trisakti.

Hadjon, Philipus M. 1987. Perlindungan Hukum bagi Rakyat di Indonesia. Surabaya: Bina Ilmu.

Radbruch, Gustav. 2006. Legal Philosophy. Oxford: Oxford University Press.
Sukanti, Arie. 2022. 'Tinjauan Yuridis Terhadap Konsep Kepentingan Umum dalam Pengadaan Tanah Pasca Berlakunya UU Cipta Kerja'. Jurnal Hukum Agraria Nasional, Vol. 15, No. 2.

Sumardjono, Maria S.W. 2021. *Regulasi Pertanahan dan Persoalan Keadilan Agraria*. Yogyakarta: STPN Press.

Regulation:

Decree of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 9-VIII-1993 concerning the Granting of Management Rights to the Batam Area Development Agency.

Constitutional Court of the Republic of Indonesia, Decision Number 137/PUU-XXI/2023 regarding the Formal and Material Review of Law Number 2 of 2012 concerning Land Acquisition.

National Commission on Human Rights (Komnas HAM) of the Republic of Indonesia, Report on the Monitoring Results of the Rempang-Galang Land Conflict Case, (Jakarta: Komnas HAM, September 2023).

Presidential Regulation Number 109 of 2020 concerning the Third Amendment to Presidential Regulation Number 3 of 2016 concerning the Acceleration of the Implementation of National Strategic Projects.