

## The Humanitarian Tragedy of "Wadas and Rempang Island" Forms of Neo-Colonialism and New-Style Neo-Capitalism and the Collapse of Law in Indonesia

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### Abstract

The clash on September 7, 2023, between Rempang residents and security forces (POLRI, TNI), which ended with the arrest of 43 residents, mirrors the conflict that occurred between the residents of Wadas Village, Bener Subdistrict, Purworejo Regency, Central Java, and the Central Java Regional Government on February 8, 2022. The violence perpetrated by security forces against the residents of Rempang Island occurred when the company, escorted by security, unilaterally staked out Malay customary land in 16 traditional villages on Rempang and Galang Islands in the Riau Archipelago, covering an area of 17,600 hectares. This included 10,028 hectares of protected forest, or about 45.84% of the total land area, which they had occupied since 1834. According to the head of Batam Concessionaires (BP), Muhammad Rudi, the Eco City development plan has been underway since 2004. At that time, PT. Makmur Elok Graha and Xinyi Glass Holding Ltd. (July 2023), the exclusive rights holders, became the private entities partnered with the government (September 12, 2023), receiving an 80-year concession from the government. The government's actions of land seizure and violence demonstrate a form of power arrogance that tends toward abuse of power, under the pretext of protecting a 381 trillion investment, while ignoring the rights of citizens as stipulated in the 1945 Constitution and the Basic Agrarian Law. The government's actions represent forms of Neo-Colonialism and Neo-Capitalism occurring during the Jokowi administration. This situation underscores that the law is no longer equal; the law has collapsed, becoming merely a symbol that only favors power.

## 1. Introduction

The conflict that occurred in the Rempang Islands of Batam on September 7, 2023, is a clear manifestation of the abuse of power by the government towards its citizens. Instead of providing protection and security, the government resorted to repressive, intimidating, and violent actions that resulted in casualties among the public. This indicates that the law is not functioning as it should. In this conflict, there were approximately 20 people injured, some seriously and some lightly, and 43 individuals were detained by security forces for being deemed provocateurs. Looking at the history of the establishment of Rempang Island, the government's actions towards the residents can be seen as a form of usurpation of the people's rights, which should not have occurred. This means that the development plan to turn Rempang into an Eco City seems forced, especially since it is solely for the sake of a 381 trillion investment, ultimately making the community the victims. The government's actions represent a form of Neo-Colonialism and Neo-Capitalism, as well as an abuse of power that contradicts the essence of the law, which is Social Justice for All Indonesian Citizens.

The development plan for the Rempang Eco City area by PT. Makmur Elok Graha, a subsidiary of the Artha Graha group owned by Tomy Winata, initially only required an area of 2000 hectares (ha), while an area of 17,600 hectares was prepared for the development of the Rempang Eco City project. According to the Head of Batam Concessionaires (BP), Muhammad Rudi, the development plan had actually been carried out since 2004. At that time, PT. Makmur Elok Graha and Xinyi Glass Holding Ltd. (July 2023) held exclusive rights to manage and develop Rempang Eco City, as private parties engaged by the Indonesian government through Batam Concessionaires (BP) and the Batam City Government. However, it faced legal obstacles on September 12, 2023.

The discussion resumed in 2015, 2016, and 2017 through the central government, with the gateway for the Rempang project opening when Perpu Cipta Kerja (Job Creation Regulation) No. 2 of 2022 was enacted into UU Cipta Kerja (Job Creation Act) No. 2 of 2022 on March 21, 2023. This was justified by claiming that the country was in an urgent situation due to a global financial crisis, a condition that never actually occurred. This situation was then exploited by third parties supported by the government to undertake various efforts to achieve their objectives.

Violent conflict should not have occurred if the government had taken planned and persuasive steps from the beginning, prioritizing social approaches and the values of justice and humanity for the community, and respecting the local Malay culture and customs, rather than merely championing investment. In reality, what

the government has done is essentially pawning the country to another nation by granting an 80-year concession. On one hand, the government considers the community to be in a weak position because they do not have legitimate land ownership documents as they are located in a protected forest area. On the other hand, the government grants land use rights (HGU) to the company (Achmad, 2005).

On the contrary, the government's actions towards the people are seen as repressive measures involving a combination of security forces (POLRI, TNI, and Pamong Praja) under the guise of the law. This demonstrates an abuse of power, where the law no longer functions as it should, resulting in inequality under the law. Instead of receiving a warm welcome from the people, the government is faced with resistance. Following the clashes between security forces and the people in the Rempang Islands, at least 20 residents suffered injuries, while 43 individuals were arrested for allegedly inciting the conflict.

President Joko Widodo stated that the riots on Rempang Island, Batam, Riau Islands, occurred due to poor communication between the government and the people. However, Governor of Riau Islands Ansar Ahmad mentioned on Wednesday (13/9/2023) that the clashes happened because there was no suitable relocation plan for the residents yet. He emphasized the need for clear legal references once BP Batam is ready to spend the allocated funds for relocation. Ansar further explained that after BP Batam finalizes the relocation plan and legal framework, a massive socialization effort will be carried out.

The Regional Government of Riau Islands, together with the Regional Security Coordination Forum of the province and Batam City, will engage in communication with the central government to request the deployment of facilitators who can assist the local government in addressing the concerns of the community.

Rempang Eco City is a National Strategic Project (PSN) during President Jokowi's era, located on Rempang and Galang Islands, which obtained the Business Use Rights (HGU) permit from 2001-2002. Since 2001, the land has never been visited or managed by any investors until recently in early September, when information emerged about the development of the area for industrial, tourism, and other purposes. The development of the PSN involves PT. Makmur Elok Graha and Xinyi Glass Holding Ltd from China, who will be granted a concession by the Indonesian government for 80 years.

#### **a. History of Rempang Island**

According to Irfan AG, a PhD student from Riau University, when looking at the history of the inhabitants of Rempang Island, it existed before Indonesia's independence in

the 17th century. Rempang Island was initially inhabited by sailors from the Bugis tribe originating from Sulawesi. They came to the island for trading purposes and to use it as a docking place for ships. The island became a bustling trading hub, with ships coming and going carrying goods from various places.

In 1784, the Dutch army conquered the Riau kingdom, an important event in history that created dissatisfaction and hatred among some leaders of the Malay kingdom in Riau.

In the 19th century, Rempang Island underwent significant changes when the Dutch occupied the island. The Dutch established a military base to monitor the Malacca Strait, an important route in maritime trade. This brought about significant changes in the lives of the local community.

In 1942, Rempang Island was occupied by the Japanese army during World War II. The Japanese army used the island as a strategic location to oversee the Malacca Strait and control military activities in the surrounding area.

#### **b. History of the Rempang Islands Land Conflict**

The conflict on Rempang Island has actually been going on for decades, specifically since October 1971. However, the area claimed by BP Batam has been inhabited by the local Malay community since 1834, long before Indonesia's independence or the establishment of BP Batam. Nevertheless, the government states that the community has a weakness, as many of those who have been living there for decades do not have land ownership certificates. This is mainly due to the fact that a significant portion of the land is classified as forest area under the Ministry of Environment and Forestry (KLHK).

When looking at the history of BP Batam, which was initiated by BJ Habibie, it was actually formed in October 1973 based on Presidential Decree (KEPRES) Number 41 of 1973, named Batam Rempang Galang (*Barelang*). It consists of three major islands, and among these three islands is the Riau Archipelago, which has a population of 7,500 people and is planned to be separated from the Riau Province. This separation is strategically located in the Malacca Strait, with the hope of boosting the economy.

We must also look at Rempang Island clearly from a historical perspective, in order to create balance and bring a real sense of justice. Pulau Rempang and Galang Island are located in the city of Batam, Riau Province, where civilization began in the 19th century or around 1834 long before Indonesia's independence. The existence of Rempang and Galang Island and its surroundings dates back to the Malacca Sultanate, a Malay kingdom centered in Malacca.

Dedy Arman, a Historian Researcher at the Regional Research Center of the National

Research and Innovation Agency (BRIN), asserts that according to him, the Malay people in Rempang Island and Galang have been there long before 1834 (Saturday, 16/9/2023). In the 19th century, Dedy mentions that there were already numerous reports stating that the Dutch official, Elisha Natsher, had visited Rempang Island around 1946. At that time, Rempang Island was already inhabited by people from the Malay Galang tribe, the mainland people, and the sea people. However, Dedy disagrees with the notion that civilization in Rempang Island and its surrounding areas only emerged in the 19th century, as the Riau Lingga Regency Government Center was relocated from Hulu Riau (Tanjung Pinang) to Pulau Bulang (near Rempang and Galang Islands) between 1722-1788. According to him, this is one of the proofs that Rempang Island, Galang, and its surrounding areas have been inhabited or occupied by the Malay Galang people, the mainland people, and the sea people for a long time.

This means that Dedy said that in that year there was already life on Rempang Island and its surroundings. Why, because at that time there was already a government center, and if there is already a government center there must be people. According to him, there are still many historical records that state that Rempang Island and Galang have long been inhabited, he said.

Another historical account reveals that in 1829, Sultan Abdul Rahman of Riau Lingga granted power to Raja Isa or Nong Isa to lead Nongsa (Batam Island, Galang, Rempang, and its surroundings), marking the birth of Batam. This transfer of power serves as evidence that Batam Island and its surroundings were already densely populated by the community in 1829. There are numerous other historical events that further support the existence of Rempang Island and its surroundings since ancient times. For instance, in 1837, an English ship was hijacked in Pulau Galang, and it was the Malays of Galang who carried out the hijacking.

The existence of Bareleng is expected to rival Singapore's economy as a center of trade and industry, although in reality, the presence of this area is actually the opposite, becoming a supporter and complement to Singapore's economy.

### **c. Causes of the Clash Between Authorities and Indigenous Village Residents**

The clash that occurred on Thursday afternoon, August 7, 2023, in Rempang, Batam City, Riau Islands, involved combined security forces from Polri, TNI, Concessionaires

(BP) of Batam Security Directorate, and Satpol PP with the residents of Rempang during a land measurement conducted by the company, escorted by the combined security forces and BP Batam.

The unrest broke out when the combined forces arrived at the location, and residents staged a demonstration rejecting the development of the area. This led to a

confrontation between the residents and security personnel, with the security forces eventually using tear gas. This action exacerbated the situation, resulting in serious and minor injuries, including among children. The issue at hand is:

1. How can the government formulate policies for Rempang Island, which has an area of approximately 16,500 hectares or about 165 square kilometers, and has been inhabited by the indigenous Malay community since 1843, long before Indonesia gained independence, to become a National Strategy Program (PSN) area for the development of the Eco City Project without involving the indigenous community? Does this signify the death of law in Indonesia?
2. Is it because of the investment worth 381 trillion, that the government disregards the rights of the people who should be protected and instead forces them out of their own land?
3. Isn't what the government is doing a form of new-style Neo-Colonialism and Neo-Capitalism?
4. How can the government make effective and strategic efforts to ensure that investments continue, the PSN program progresses, while still safeguarding the rights of the people that should be protected? What is the process for resolving the land conflict, so that the dignity and equality of all individuals are truly upheld under the law? Are there any other political motives behind the actions of the company supported by the government?

## 2. Theoretical Foundation

According to Freeman (2010), The operation of a legal system is strongly influenced by three factors, namely;

First; Legal substance. This refers to the content of a legal rule, both substantive law and procedural law, which must be responsive. This means the law should adapt to the developments of the times. The substance of legal rules must possess three strengths: philosophical strength, juridical strength, and sociological strength. Philosophical strength means that legal rules must be based on a *recht idee* or legal ideal. Juridical strength means that the process of creating legal substance must comply with existing rules. Meanwhile, sociological strength means that the legal substance must align with the desires of society.

Second; Legal Structure, which includes institutions, including the professionalism of law enforcement officials, as well as adequate supporting facilities and infrastructure.

Third: Legal culture, namely the values or views of society, including the behavior of officials in the legal system itself. Included in legal culture is public legal awareness, as said by Krabbe, that the highest source of law in a democratic state based on law is the legal awareness of every citizen.

According to John Locke and Montesquieu (Murray, 2022), the division of power in the government of a country is necessary to prevent the occurrence of absolute power

as it applies in the monarchy or royal system of government.

According to Budiardjo (2003) in Fundamentals of Political Science (2003), reveals that power is a person's ability to influence others to do the actions he wants or orders.

Regarding absolute power, Lord Action, said that "power tends to corrupt, absolute power corrupts absolutely" (power tends to provide opportunities to corrupt, and if power applies absolutely then corruption will also apply absolutely there). Humans who have power tend to abuse their power, but humans who have unlimited power must abuse it (Marwan, 2013).

In order to prevent the occurrence of absolute power by the ruling regime, the division and limitation of power, as advocated by John Locke and Montesquieu, becomes necessary. This means that the division and limitation of power must be implemented without fail. By doing so, it effectively prevents the possibility of leadership absolutism and ensures that a government cannot simply carry out its policies or abuse its power without any checks and balances.

### **3. Research Method**

This research is a normative legal research (doctrinal study) on the policies carried out by the government in collaboration with the People's Representative Council of the Republic of Indonesia, through conceptual and normative legal approaches (Bentham, 2016). The conceptual approach aims to provide a perspective on problem-solving analysis, both in terms of concepts and values contained in the norms of a legislation on the policies made. Meanwhile, the normative legal approach is conducted to examine the regulations that have been made (Marzuki & Mahmud, 2006). Analysis is carried out on secondary data and primary data obtained from literature studies, namely legislation (Hartono, 1994). Meanwhile, secondary data consists of books, journals, and previous research findings, which are then analyzed descriptively qualitatively.

### **3. Results and Discussion**

#### **Real Forms of Law Not Working**

Repressive and intimidative actions carried out by joint security officers (Police. TNI), Ditpam of the Batam Concessionaires (BP) and Satpol PP on behalf of the government against community members of Rempang Island and Galang Island on September 7, 2023, are evidence of law enforcement becoming a tool of power, which should protect every citizen, but what happened instead was the arrogance of power shown by the government to the community, both acts of verbal violence in the form of intimidation and real violence of physical action there have all been shown. The clashes started when the land belonging to indigenous people was measured

unilaterally by the management and the BP Batam Authority to the people who have been inhabited by 16 villages that they have occupied for hundreds of years (since 1834).

The repressive and intimidating actions carried out by the combined security forces (Polri, TNI), Batam Concessionaires (BP) Security Directorate, and Satpol PP in the name of the government against the residents of Rempang Island and Galang Island on September 7, 2023, are evidence of law enforcement becoming a tool of power. The law is supposed to protect every citizen, but what happened was the opposite: the government's arrogance towards the community was displayed through both verbal intimidation and physical violence. The conflict began when the land owned by the indigenous community was unilaterally measured by the management and BP Batam authorities. This land has been inhabited by residents of 16 villages for hundreds of years (since 1834).

The violence committed by security forces in the name of the government against the people of Rempang Island is not in line with what President Joko Widodo stated, as quoted by CNBC Indonesia (22/9/2023). President Joko Widodo emphasized in his directive that the Rempang case must be resolved peacefully and in a familial manner, while still prioritizing the rights and interests of the surrounding community where the location is held. Therefore, any violence that occurs in the field is unacceptable for any reason. The unilateral policies implemented in the field demonstrate a lack of alignment with what President Joko Widodo has stated. These policies should be oriented towards public interests, but instead, they show a form of power arrogance and coercion that is unreasonable and unlawful, especially when it comes to seizing land that does not belong to them under the guise of legality (Hutabarat et al., 2022). The actions taken by the community in the form of protests and demonstrations on September 7, 2023, are reasonable and not in violation of the law. The community is simply defending their rights, so they cannot be easily blamed.

Regarding the legal events that occurred in Wadas and Rempang Island, several opinions have emerged among the public about the cause and effect relationship between politics and law, and how they influence each other in their implementation. The first perspective comes from the idealists, who tend to view from the *das sollen* perspective. This view refers to Roscoe Pound's opinion, which states that "Law as a tool of social engineering" (Purbacaraka & Soekanto, 1989). This perspective argues that the law should be able to control and engineer societal development, including the lives of law enforcers.

Ideologically, this perspective positions law as the guide and determinant of society's direction, as fundamentally, law is functional in ensuring order and protecting the interests of the community. However, when we observe events in the field, it is clear that the government does not place law as a policy product. The policies issued by the government are solely for the achievement of specific desires, whereas government policies should be oriented towards public interests. Law is not in its rightful position, and in reality, both law as a policy product and law enforcement tend to favor the

interests of power, while power tends to not favor public interests. As a result, law, which should be able to guide and determine policy and public interests, ultimately becomes a mere tool of power, rendering the taken policies ineffective (Rahardjo, 2010).

The second perspective refers to Von Saffigny's opinion. Saffigny (2002) states that the law should evolve according to the development and needs of society, that the law grows and dies with society (Soekanto, 2002). In this view, they believe that law is essentially a manifestation of the legal consciousness of society. This means that the law should be a constant variable in its external conditions, and not just influenced by political factors. One of the variables that should be considered is the response of various communities to the policies implemented by the government, rather than political factors dominating the policies to be implemented.

### **Abandonment of People's Rights and a New Form of Neo-Colonialism Neo-Capitalism**

The initiatives taken by the Batam Development Authority and the Batam City Government to develop Rempang Island into Rempang Eco City as part of the National Strategic Project (PSN) could be a positive step towards shaping the national development outlook. Given Batam's close proximity to Singapore and Malaysia, along with its Special Economic Zone (SEZ) offering fiscal incentives and facilities for investors, Pulau Batam presents significant investment opportunities. However, the lack of strong legal foundations and the political undertones surrounding this national development plan, coupled with policies that seem to prioritize investment interests over social justice for all Indonesians, have led to the emergence of various issues.

The fundamental question is how Eco City can be designated as a National Strategic Project (PSN) in such a short period of time, considering that the criteria and processes to make Eco City a PSN are clearly stipulated by law. What strategic value does Eco City bring as a PSN, and are there strategic benefits for the community of Rempang Island? It is stated in the law that PSN can only be implemented by the Central Government, Local Government, SOEs, and Regional SOEs. This is the root cause of the development imbalance that is currently occurring.

The Eco City project is actually an ambitious project carried out by President Jokowi's government, and it is one of the paradigms of national economic development that lacks strategic value, economic value, and benefits for the country, let alone the people around the Rempang Island. This economic paradigm of eviction and forced relocation has actually been carried out since colonial times. If the citizens cannot prove their ownership rights through ownership certificates, then it belongs to the state. As stated in Article 33 of the 1945 Constitution, the government says, "The land and water and all natural resources contained therein are controlled by the State, and to the greatest extent for the prosperity of the people." The question that states that all land belongs to the state is unfair. If the state is wise and just, it should prioritize the rights of its people rather than just thinking about investment. Compare this with the Eco City

Development program, which is filled with political motives and clearly only protects the interests of certain groups (oligarchy).

It is clear and evident that the economic development paradigm is highly biased and for whose benefit? Perhaps this forced development is actually filled with the interests of the "Land Mafia" and Natural Resources, or a form of neo-colonialism and neo-capitalism carried out by certain groups, so that the policies made actually only consider investments worth 381 trillion and only protect the interests of foreign investors. Neglecting the broader interests of indigenous communities, humanity, and social justice for all Indonesians that should be protected.

The government's involvement of PT. Makmur Elok Graha and Xinyi Glass Holding Ltd from China in the Eco City planning, which is part of the national strategic project (PSN), goes against the law and principles of justice (Suseno, 1987). By excluding the local community and abruptly appointing PT. Makmur Elok Graha and Xinyi Glass Ltd as the managers of the PSN, it is a clear denial and violation of the rights of the people, disregarding the values of justice and neglecting the historical factors of the nation.

The government's continued efforts to relocate or expel residents of Rempang Island to other places through the Minister of Investment, Bahlila Adalia, are being carried out in various ways. Despite initially stating that relocation would not take place, Bahlil later mentioned that the residents would only be moved to Tanjung Banon. Changing the statement from "relocation will not take place" to "moved" is a form of coercion carried out with the theory of justification as a justification and a deceptive tactic. This is a clear violation committed by the government, not only psychologically and sociologically but also in terms of physical violations and human dignity rights that should be protected and upheld, rather than just fulfilling its power ambitions and pleasing the oligarchy group.

The people of Rempang Island have never really questioned the development plans for Eco City to become a Special Economic Zone (SEZ). What they are concerned about is the government's plan to relocate the residents unilaterally or forcibly to another place, without any prior notice or consultation. It is important to note that the disputed area is actually the ancestral land of the Malay indigenous community, which they have inhabited since 1834, long before Indonesia gained its independence.

Considering the historical and land ownership factors, it is crucial for the government to acknowledge the psychological and sociological conditions of the community accurately. The newly formed BP Batam, initiated by BJ Habibie, was established in October 1973 based on Presidential Decree (KEPRES) Number 41 of 1973. In terms of age, it is significantly younger compared to the residents of Rempang village. Therefore, referring to the 1945 Constitution and the Basic Agrarian Law, it is evident that the indigenous community's fight to defend their rights is legally valid.

The events that took place on September 7, 2023, revealed the presence of power arrogance, as well as the flourishing of neo-colonialism and neo-capitalism within the

Jokowi Government. It also demonstrated that the law no longer functions as it should, and in fact, it has become paralyzed, merely serving as a tool for those in power. According to Lawrence M. Freeman (2010), the functioning of a legal system is greatly influenced by three factors; .

Firstly, legal substance, is the essence of a legal rule, whether it is substantive law or procedural law, it must be responsive. This means that the law should be made in the interest of its people, protecting its people, so that the law is made in accordance with the needs and development of the times, and not vice versa, where the law is made to protect power. In order for the law to work effectively, legal substance must have at least three strengths, namely philosophical strength, juridical strength, and sociological strength.

The philosophical strength lies in the fact that legal rules must be based on a right idea or legal ideals, our national legal ideals are the creation of social justice for all Indonesian people, and not the other way around where the law is present only to regulate or even to oppress. If that is done, the process of lawmaking usually ignores the formal procedures that should also be carried out, so that the substance of the law created is only to protect a certain group. An example of a policy implemented by the government is the inclusion of the Rempang Island area as a National Strategic Project Area, without deeply considering the consequences of the policy made.

The government's policy in designating Rempang Island as a National Strategic Project (PSN) does not align with the aspirations of national law; instead, it undermines what should be the aspirations of national law. This is because the government's actions in formulating policies often overlook various factors that should be considered, such as sociological and psychological factors, which should support policies. In terms of legal validity, the government's policy-making process lacks legal strength, meaning that the policies created by the government do not comply with the applicable regulations, including the 1945 Constitution, the Basic Agrarian Law, and other legislation. Meanwhile, the sociological enforcement also has its weaknesses, as policies should ideally be measured through a social approach rather than through power. This implies that the legal substance should be adjusted to the desires and needs of the community.

The government's actions to control the people's land are in direct contradiction to the existing laws, both in terms of formal and substantive law, and do not reflect a responsive legal system that takes into account the sociological and psychological factors of the local community, who have historically owned customary land since 1834. This means that when the government takes measures to forcefully acquire the people's land, it is not demonstrating professionalism and accountability, which goes against the purpose of the law as regulated in the 1945 Constitution and the fifth principle of social justice for all Indonesian citizens. Philosophically, the government's actions of forced acquisition are essentially a sign of illness, as they are driven by a desire for power that tends to be an abuse of power, which is not in line with the ideals or aspirations of the law itself.

Secondly, the legal structure, which includes institutions, encompasses the professionalism of law enforcement officers, as well as adequate facilities and infrastructure. Therefore, the actions taken by the security forces, both the police and the military, on September 7th towards the residents of Rempang Island, which resulted in violent acts and arrests of demonstrators, do not demonstrate professionalism in accordance with their functions and duties as regulated in both the Police Law and the Military Law. It is important to note that they were dealing with civilian society members who were defending their rights, but unfortunately, the security forces on the ground showed bias and arrogance as instruments of power.

Third: Legal culture, which is the values or views of society, towards the behavior of officials and the legal culture of society within the legal system itself. Legal culture includes the legal awareness of society (Willoughby, 1926), that the highest legal source in a democratic country based on the law is the legal awareness of every citizen. The actions of the security forces during the clash on September 7, 2023 reflect the true portrait of law enforcement culture, which is arrogant and rough without considering the values that should be upheld in achieving legal goals. Conversely, what the community did during that event is that they are fighting for their legal rights.

What was done by the government in making the policy, had been described by Rasulullah Muhammad SAW in his hadith;

*Ya'ti alannasi zamanun, ru'asa uhum kal asat, waa zara'u uhum ka zi'at, waa kudho duhum wal kilah, waa katsironasi yauma idzin kal a'nam.*

At one point, the word of the prophet will come among human society, where leaders will emerge who behave like lions (*Ru'asa uhum kal asat*), where the lion is the king of the jungle who holds power because of his strength, chosen by the jungle community not because he is good, meaning he becomes king not by the will of the jungle inhabitants, but because of his strength. So, after the lion becomes king of the jungle, he does not protect his people but instead preys on them, killing them.

This is the mentality exhibited by King Namrudz Alaisalam, only driven by fear that someone might overthrow his rule, so all newborn babies are killed without guilt, that is the mentality of leaders who come like lions as described by the Prophet in his hadith. The Prophet then said that if the leader has the character of a lion, then the vizier or minister becomes like a fox, (*Mauzaro uhum ka si'ab*). The fox is an animal with a very cunning character, he does not dare to do something openly, he does not dare to do so because he realizes that he does not have the strength like the lion king, so he ultimately uses his cunning knowledge. If the fox wants to eat a chicken, he uses chicken feathers, if the fox wants to eat a goat, he uses goat fur. This means that if the fox wants to get what he desires, he uses his cunning by any means necessary, as long as his goal is achieved, he does not care whether it harms other animals or not, that is not his concern.

The actions of the king and his ministers have a significant impact on the law enforcers

whose mentality is like that of a dog (*waa kudho duhum kal kilab*). A dog is an animal whose mental character will be loyal to anyone who gives it meat. If it is told to guard the house, it cannot distinguish between who is a thief and who is a bad guest. When the situation is like this, the existing legal norms will be destroyed.

The description conveyed by the Prophet Muhammad SAW in his hadith 1400 years ago is clearly evident in what is happening on Rempang Island. Where leaders who should be comforting their people, instead, with the power they possess, they do not care about their people. The assistants or ministers are saving themselves without caring about the needs of the people. The law enforcers only follow the orders of whoever pays them, without caring about the people they should protect.

The conflict in the Rempang Islands, if traced back, has actually been happening for decades, specifically in October 1971. However, the area claimed by BP Batam has actually been inhabited by local communities and immigrants long before Indonesia's independence and the establishment of BP Batam in 1834. Although the community in Rempang is considered to have a weakness, as they have been living there for a long time without land ownership certificates, this is mainly because most of the land is classified as forest areas under the Ministry of Environment and Forestry (KLHK). Shouldn't the legal strength be based not only on land ownership certificates, but also on other factors such as history and the origin of the disputed land? Isn't the origin of history a valid evidence? Because the fact is that the land they occupy predates the formation of the Indonesian state (in 1945).

The establishment of BP Batam, which was initiated by BJ Habibie in history, was actually formed in October 1973 based on Presidential Decree (KEPRES) Number 41 of 1973. It was named Batam Rempang Galang (*Barelang*). It consists of three large islands, and among these three large islands is the Riau archipelago with a population of 7,500 people. According to the program, it will eventually be separated from Riau Province due to its very strategic location in the Malacca Strait, with hopes of boosting the economy. In this case, one form of arrogance and absolute power displayed by the government is its imposition of its will without considering the rights and desires of the people.

### **Is there a political motive for land tenure engineering?**

Examining the history of ongoing conflicts raises fundamental questions about whether there are political motives at play or if certain parties are engineering the situation for their own gain. Subardi, a member of the Indonesian House of Representatives from the Nasdem Faction, conveyed this concern on Wednesday, September 13, 2023.

Subardi stated that Rempang EcoCity, developed under the Batam Free Trade Zone and Free Port Authority (BP BATAM), serves two interests: national interest in attracting investment and the interests of the people of Rempang. According to him, it is unlikely that the issue of Rempang would have caused such a commotion if there were no significant interests involved. Subardi suggested that there may be political, business, or investment

competition motives at play during a working meeting with BP Batam at the Indonesian House of Representatives (Wednesday, 13/9/2023).

Muslim, a member of the Indonesian House of Representatives from the Democratic Faction, also mentioned the Indonesian government's strong commitment to boosting investment, including in Rempang. He also highlighted the target investment of Rp 1,200 trillion in 2022 and Rp 1,400 trillion in 2023. Muslim further stated that there is a potential investment of 350 trillion specifically in Batam, which is touted to provide employment for 350,000 people (Wednesday, 13/9/2023). This raises questions that Muslim posed to the Head of BP Batam, Muhammad Rudi, during the meeting with the Indonesian House of Representatives' Commission VI.

Referring to Presidential Decree (*Keppres*) Number 41 of 1973, the management authority over Batam land was given to the Batam Authority (BP Batam), and then BP Batam fully granted the rights to a third party to further manage the land. In 1992, the government granted the Rempang and Galang areas through HGU to PT. Makmur Elok Graha for full management rights with an 80-year concession.

In 2004, the Batam City DPRD provided recommendations and a memorandum of agreement to PT. Makmur Elok Graha to develop entertainment centers, offices, and others in the Batam area, but until 2022, there has been no follow-up on the development process there. Instead, there have been attempts to separate the authority of Batam City from Pulau Tua by the Mayor of Batam, and these efforts have not been followed up until 2023.

The Legal Politics provided by the Government through the Batam Authority and BP Batam do not reflect any bias towards the community, but rather seem to impose policies forcefully. The Government, which should be a facilitator and stabilizer in creating a dynamic and harmonious climate, instead imposes its will due to investment reasons.

#### 4. Conclusion

The results indicate a harsh reality that the law is ineffective and almost non-existent in Rempang Island. By declaring the island a National Strategy Program (PSN) area for the Eco City Project without considering the rights of the indigenous community, the government has shown a breakdown in legal governance. Instead of focusing solely on the huge investment potential of 381 trillion, the government should have conducted thorough studies covering historical, sociological, psychological, and anthropological aspects of the Rempang Island community. This negligence, combined with coercive actions by security forces, highlights a biased legal system that favors certain interests over the basic rights of its citizens.

Moreover, there are suspicions of potential hidden political agendas behind the actions of the government-backed company, especially considering the region's abundant natural resources and the possibility of lucrative concessions lasting 80 years. The lack of effective engagement with the local community during the incident further emphasizes governmental oversight and the necessity for inclusive decision-

making processes. In the future, any PSN program should not only focus on financial gains but also ensure community participation and empowerment. By promoting a sense of ownership among the local population, the resolution of land disputes can be facilitated, ensuring fair treatment and protecting the dignity and rights of all citizens under the law.

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