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Rempang Eco-City in the UNGPs Principles: Protect, Respect, and Remedy

Velany Kosasih[1], Yenny Permata Liegestu[2], Monica Rindiyani[3], Rina Shahriyani Shahrullah[4]

[1-4]Universitas Internasional Batam, Indonesia
Corresponding email: 25.02.velany@uib.edu

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Abstract

The Rempang Eco-City Project is a national strategic project aimed at increasing investment and economic growth in the Batam region. However, its implementation has generated conflicts between development interests and the protection of the rights of communities affected by relocation. This study aims to analyze the implementation of the Rempang Eco-City Project based on the Project, Respect, and Remedy principles of the United Nations Guiding Principles on Business and Human Rights (UNGPs). The research employs a normative legal research method using statutory, conceptual, and literature-based approaches. Data sources consist of legislation, legal literature, academic journals, and international legal instruments related to business and human rights. The findings indicate that the government and BP Batam legally possess authority over land management through Land Management Rights (*Hak Pengelolaan Lahan*), providing a lawful basis for the project and investment permits. Nevertheless, the project raises concerns regarding the protection of community rights, particularly in terms of participation, socio-economic sustainability, and the effectiveness of relocation mechanisms. The *Protect* principle is reflected in the state's obligation to safeguard affected communities, the *Respect* principle is demonstrated through the provision of relocation and compensation, and the *Remedy* principle is implemented through the provision of new housing and land ownership certificates. Although efforts have been made to fulfill these three principles, their implementation still requires a more participatory, humane, and socially responsive approach that also considers the cultural recovery of affected communities. Therefore, the success of development projects should not only be measured by legal compliance and investment outcomes but also by the ability of the state and business actors to ensure fair and sustainable human rights protection.

Keywords: Rempang Eco-City; UNGPs; Protect; Respect; Remedy

Introduction

The Rempang Eco-City project is one of the strategic projects developed by the government in the Batam region as part of efforts to increase national investment and strengthen Indonesia's position in the industrial sector and international trade. Rempang Island was selected as a new development area because it is considered to have a strategic geographic location and the potential to become a center of economic growth in the Riau Islands region. The government, through the Batam Development Agency (BP Batam), is collaborating with investors to develop the Rempang Eco-City area as an integrated industrial, commercial, tourism, and energy zone (Rosyadi, 2016).

The development of this project aligns with the government's policy to accelerate the development of national strategic economic zones in order to enhance Indonesia's investment competitiveness on a global scale. In addition, the development of Rempang Eco-City is also expected to create new jobs, boost regional economic growth, and drive infrastructure development in Batam and the surrounding areas (Hadiyati, 2019). The government believes that the development of a new industrial zone on Rempang Island can serve as a solution to boost national economic activity while strengthening Batam's position as a free trade zone and free port.

Nevertheless, the implementation of the Rempang Eco-City project has raised various social and legal issues because the project directly impacts communities that have long resided in the Rempang area. These issues have since escalated into a conflict between development interests and the protection of the rights of the affected communities.

In the implementation of the Rempang Eco-City project, BP Batam plays a key role as the agency with special authority over land management in the Batam region, including Rempang Island. This authority is derived from the Land Management Right (HPL) granted by the state to BP Batam to regulate land use, issue investment permits, and carry out regional planning in accordance with national development policies (Assyifarizi & Purwanto, 2023). BP Batam has the authority to determine land use for development and investment purposes, including in the implementation of the Rempang Eco- City project. This authority serves as the formal legal basis for the government and investors to carry out development projects in the Rempang area.

In practice, the implementation of the Rempang Eco-City project has sparked debate over the extent to which the state has fulfilled its obligation to protect the rights of communities affected by the relocation and development of the industrial zone. Prior to the implementation of the Rempang Eco-City project, the people of Rempang had long lived in the area, generation after generation (Puspita et al., 2024). Most of the community works as fishermen and relies on the geographical conditions of the Rempang coastal area for their economic livelihood.

Although the Rempang community has strong ties to the area where they live, under Indonesian positive law, they have not yet been officially recognized as a customary law community with customary rights over the Rempang region. As a result, formal control over land in the Rempang region remains under the authority of the state through BP Batam.

In implementing the Rempang Eco-City project, the government and BP Batam established a relocation policy for communities affected by the development. The relocation was carried out as part of the area's redevelopment to support industrial and infrastructure development in the Rempang area. The government determined that relocation was necessary so that the project could proceed in accordance with the national investment development plan.

The relocation process for the Rempang Eco-City project subsequently sparked opposition from some members of the community. This opposition stems from community concerns regarding the loss of livelihoods, changes to the social environment, and the severing of the community's historical ties to their residential area.

This conflict makes the Rempang Eco-City case a prime example of a development conflict that involves not only issues of the project's legality but also the protection of human rights, the right to housing, the right to security, and the community's right to participate in decision-making that affects their lives (McCorquodale et al., 2017).

In response to public opposition, the government and BP Batam have undertaken various outreach efforts and engaged with the affected communities. The government has emphasized that the Rempang Eco-City project is a national strategic project with a legal basis, aimed at boosting investment and national economic development (Hadiyati, 2019).

Nevertheless, some members of the public still believe that the government's approach is more focused on investment interests than on protecting the sustainability of the community's social life. Therefore, the conflict surrounding the Rempang Eco-City project demonstrates that the success of development is determined not only by the legality of the project and economic growth, but also by the ability of the state and companies to provide fair, humane, and participatory legal protection to the communities affected by development.

Research Method

This study employs a normative legal research method that focuses on the analysis of norms, principles, legal theories, and legislation related to the protection of community rights in the implementation of the Rempang Eco-City Project, based on the principles of "Protect, Respect, and Remedy" in the United Nations Guiding Principles on Business and Human Rights (UNGPs) (Tan, 2021). The approaches used include the statutory approach through an analysis of the 1945 Constitution, the Human Rights Law, the Basic Agrarian Law, regulations concerning BP Batam and Land Management Rights, as well as international legal instruments such as the UDHR, ICESCR, and UNGPs; a conceptual approach by examining Philipus M. Hadjon's theory of legal protection and concepts of business and human rights; and a case approach through an analysis of community relocation conflicts within the Rempang Eco-City Project.

The legal sources in this study consist of primary, secondary, and tertiary legal materials obtained through library research, including laws and regulations, books, academic journals, articles, previous research findings, expert opinions, legal dictionaries, the KBBI (Official Dictionary of the Indonesian Language), and legal encyclopedias

(Disemadi, 2022). All collected legal materials were analyzed qualitatively using a descriptive-analytical method through the interpretation and examination of regulations, legal theories, and the UNGPs principles to assess the alignment of the Rempang Eco-City Project's implementation with the "Protect, Respect, and Remedy" principles, thereby drawing conclusions regarding legal protection for affected communities as well as the responsibilities of the state and the company in the project's implementation.

Results and Discussions

The State's Obligation to Protect the Rights of the Rempang Community Amid the Investment Project

The "Protect" principle in the United Nations Guiding Principles on Business and Human Rights establishes that the state has the obligation to protect the public from potential human rights violations resulting from business and investment activities (Addo, 2014). In the context of the Rempang Eco- City development, the state, through BP Batam, has authority over land management, the granting of investment permits, and the regulation of development zones, as all land control in Batam falls under BP Batam's Land Management Rights (HPL). Based on the theory of legal protection, the state is not only obligated to provide a legal basis for a development project (Deva, 2011) but is also required to ensure that affected communities receive fair and humane protection of their rights. Such protection includes the right to housing, the right to feel safe, the right to information (Siburian, 2025), and the right to participate (Hadjon, 1987) in the decision-making process.

In the case of Rempang, the community that has long resided in the area and depends on it for their social and economic livelihoods is the party directly affected by the implementation of the investment project. Although the Rempang community may not formally meet the criteria for a customary law community as defined in Article 18B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, they remain legal subjects with constitutional rights to state protection as stipulated in Articles 28A and 28H of the 1945 Constitution and Law No. 39 of 1999 on Human Rights. Therefore, from a formal legal standpoint, the development of Rempang Eco-City cannot be directly declared contrary to the law because the state has authority over land management in Batam and the project is being carried out based on a permit from the competent authority. Furthermore, in Batam, there is no official recognition of customary lands or indigenous communities with specific territorial rights.

However, formal legality does not automatically eliminate the state's obligation to ensure that development projects are carried out in a humane manner and do not harm the community. Thus, if the relocation process involves actions that cause pressure, fear, or a lack of community participation, such conditions have the potential to conflict with the principle of legal protection and the "Protect" principle in the UNGPs. Therefore, even though the state has fulfilled its protective function by providing regulations, relocation mechanisms, and oversight of development, the implementation of substantive

protection for the community remains an issue that has sparked resistance from some members of the Rempang community.

Corporate Responsibility to Respect the Rights of Affected Communities

The Principle of Respect in the UNGPs affirms that companies have a responsibility to respect human rights in all their business activities (Rasche & Waddock, 2021). From the perspective of legal protection theory, respect for community rights is measured not only by a company's administrative compliance with legal regulations, but also by its ability to prevent social impacts that are detrimental to the affected communities (Bilchitz, 2010). In the Rempang Eco-City project, the company has taken a number of steps to demonstrate its respect for the community, including providing relocation housing, issuing Certificates of Ownership, and offering supporting facilities for the relocated community (Assyifarizi & Purwanto, 2023). These policies demonstrate the company's efforts to provide housing security and legal certainty for the community following relocation.

From a legal standpoint, establishing a company or making an investment in the Rempang area cannot, in principle, be categorized as an unlawful act, since land management in Batam falls under the authority of the state through BP Batam thus, investment permits are granted based on authority that is legally valid. Furthermore, under Indonesian positive law, the Rempang community has not yet been recognized as a customary law community with customary rights over the area. Thus, legally speaking, the presence of companies in the Rempang Eco-City project has a valid legal basis and cannot be immediately categorized as a violation of the law.

However, based on the theory of legal protection, respect for the community is not only related to formal legality but also encompasses the protection of the social, economic, and cultural aspects of the community. In practice, some members of the community still reject relocation because they consider the new location to be less strategic, far from their sources of livelihood, and severing the community's historical ties to their residential area. These conditions indicate that respect for the community's rights has not yet been fully realized in substance, even though the company has provided compensation and relocation assistance.

Thus, the potential for human rights violations in the Rempang case does not lie solely in the existence of the project or the establishment of the company but may arise if the implementation of development disregards the community's right to protection, a sense of security, and meaningful participation in the development process.

Effectiveness of Remedies: Have Relocation and Compensation Provided Justice?

The Principle of Remedy in the UNGPs affirms that communities affected by business activities must have access to remedial mechanisms that are fair, effective, and capable of protecting the rights of affected communities (Addo, 2014). In legal protection

theory, remedial mechanisms are a form of repressive protection provided by the state and companies after communities have been impacted by a policy or business activity (McCorquodale et al., 2017). In the Rempang case, the form of remedy provided by the government and the company took the form of relocating communities to new housing, accompanied by the issuance of Certificates of Ownership for the homes provided to the affected communities. Legally, this policy demonstrates an effort to restore the rights of the community, particularly the right to housing and legal certainty regarding home ownership.

Based on the theory of legal protection, the provision of relocation housing and Certificates of Ownership can be viewed as a form of repressive legal protection, as the state and the company have provided solutions to the impacts of development experienced by the community. Therefore, formally speaking, the principle of Remedy in the UNGPs has been implemented through the provision of new housing, compensation, and relocation facilities for the affected community. Furthermore, the granting of title to the relocation housing also demonstrates the efforts of the government and the company to provide greater legal certainty compared to the previous situation (Nasrudin et al., 2020).

However, the effectiveness of a remedy is not measured solely by the availability of material compensation, but also by the extent to which such redress can provide a sense of justice and ensure the community's continued livelihood. In practice, some community members still reject relocation because they believe the new location is less conducive to economic activities, is far from their previous social environment, and severs the community's historical ties to their hometown. These conditions indicate that the remedy mechanism in the Rempang case still places greater emphasis on physical and administrative restoration than on the social and cultural restoration of the community (Puspita et al., 2024).

Thus, although remedies are formally available, their implementation still requires a more participatory and community-needs-oriented approach so that the redress provided can truly foster a sense of justice among the affected communities.

The Legal Status of the Rempang Community and the Dynamics of Opposition to the Rempang Eco-City Project

Under Indonesian law, the recognition of customary law communities must meet certain criteria, such as the existence of customary territories, customary institutions, living customary law, and recognition by the state. In the context of Batam, there is no official recognition of customary lands or customary law communities as referred to in Article 18B (2) of the 1945 Constitution of the Republic of Indonesia and the Basic Agrarian Law. Therefore, formally, land tenure in Batam falls under the authority of the state through the Batam Development Agency (BP Batam) consequently, the development of the Rempang Eco-City project and the granting of investment permits cannot, in principle, be directly deemed unlawful merely because the community has long occupied the area (Modjo & Tan, 2021).

Nevertheless, based on the theory of legal protection, communities that have lived in an area for generations retain the right to protection from the state even if they do not

have the status of a customary law community. This protection includes the right to a decent standard of living, a sense of security, and the sustainability of the community's social life. In the Rempang case, the community's opposition indicates that the main issue is not only the legality of land tenure but also relates to the protection of the social and humanitarian aspects of the affected community (Putra & Darmawan, 2025).

Some members of the community feel a historical connection to the area where they live and are concerned about losing their livelihoods as a result of the relocation. Furthermore, changes in the social environment and the new living locations are also factors preventing some members of the community from fully accepting the relocation policy. Therefore, the conflict in the Rempang case demonstrates that the success of development is determined not only by the legality of the project and investment interests, but also by the ability of the state and companies to provide fair, humane, and participatory legal protection to communities affected by development (Aritonang & Ayodya Maheswara, 2023).

Conclusion

One of the legal theories used or highlighted here is the theory of legal protection, which, as its name suggests, serves to protect society. In this theory, the law's role in providing protection is emphasized, with a focus on the people's rights—such as the right to a decent life, the right to housing, and the right to feel safe. When applied to the Rempang Eco-City development case, this theory can be invoked to provide protection for the community being relocated—ensuring their relocation is safe and in accordance with the principles of "Protect, Respect, and Remedy" outlined in the United Nations Guiding Principles on Business and Human Rights (UNGPs).

"Protect," "Respect," and "Remedy" are the three main pillars of the UNGPs that underscore the importance of the connection between human rights and business. "Protect," in this case, is reflected in the way BP Batam oversees the project. The community affected by the Rempang Eco-City project is, in this case, still viewed as legal subjects deserving of the protection stipulated in Articles 28A and 28H of the 1945 Constitution of the Republic of Indonesia and Law No. 39 of 1999 on Human Rights. "Protect" is also manifested here in the way the relocation is carried out—in a manner that minimizes pressure on the community while prioritizing their interests.

Respect can be seen in companies that make an effort to communicate with the community and listen to their concerns. Respect is also evident in the way companies prevent further impacts that could harm the surrounding community. Relocation housing is provided along with Certificates of Ownership.

In this case, the remedy or restoration takes the form of providing new housing and compensation to ensure the community's livelihood can continue. A remedy can be viewed as another form of repressive protection, provided after the impact has already occurred. This takes the form of new housing, complete with a Certificate of Ownership, as a measure to restore the lives of those who have been affected. However, in this particular case, it can be argued that the remedy implemented leans more toward physical

and administrative restoration than toward the social and cultural aspects of the community.

BP Batam, which has the authority to manage land through Land Management Rights (HPL), also plays a vital role in this case. This authority is based on national land laws and also serves as the legal basis for the investment and relocation projects in the Rempang Eco-City case. However, this authority must not be exercised arbitrarily, as the local community also has a stake in the matter, given that they have lived in the area for a long time even for generations.

Customary law is often a key point of interest in this case, as the existence of customary law communities is recognized in Article 18B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The Basic Agrarian Law also recognizes customary land rights. However, because land ownership in Batam is overseen by BP Batam, there are currently no officially recognized customary lands or customary law communities in Batam. From an international legal perspective, the principles of business and human rights are regulated in the United Nations Guiding Principles on Business and Human Rights, and the right to adequate housing and a decent standard of living is enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). From a national legal perspective, the protection of human rights is enshrined in the 1945 Constitution of the Republic of Indonesia, specifically Articles 28A and 28H.

It can therefore be concluded that the granting of an investment permit by BP Batam was not an unlawful act, especially since the principles of Protect, Respect, and Remedy have been fulfilled.

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Competing Interest

The authors state that there is no conflict of interest in the publication of this article.

Generative AI Statement

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