



Juridical Analysis of the Obligations Batam Free Trade Zone and Free Port Enterprise Agency (BP BATAM) to Problematic Land Allocation Recipients

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ARTICLE INFO

Keywords: BP Batam, Land Allocation, Problematic Land

Received : 21, October

Revised : 23, September

Accepted: 30, November

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ABSTRACT

BP Batam has very broad authority to manage Batam Island in order to attract investors to invest their capital in Batam Island. Land problems that occur in the city of Batam must be resolved by BP Batam as the authority holder for management rights in Batam in accordance with Head of BP Batam Regulation No. 26 of 2021 concerning Implementation of Land Management. The study's goal is to find out how BP Batam's duties to people who receive land allocations for problematic land are carried out and what factors affect those duties. This research uses empirical juridical qualitative methods, using one legal action against problematic land as a sample. Findings from the study show that BP Batam's duties and goals have been met in how they handled their responsibilities to people who were given problematic land. The obstacles faced so far are due to the lack of communication between BP Batam and the communities that receive problematic land allocations in the city of Batam. BP Batam's obligations are stated to be limited to planning the allocation and use of land and exploiting or using land for purposes of carrying out its duties. Implementation is proven by monitoring and taking action against problematic land, which is the authority of BP Batam.

INTRODUCTION

State protection for land consolidation in terms of the procurement or acquisition of land rights in order to realize legal certainty generally grows and develops based on the applicable spatial planning. The concept of consolidation seen in real terms, the principle of the rule of law, contains very important elements, namely that the government, in carrying out its duties and obligations, must be based on laws and legislative regulations (the principle of legality), the existence of guarantees for human rights, the division of power within the state, and supervision from judicial bodies. There is no doubt that the Indonesian rule of law follows the *rechtstaat* definition of rule of law in these four areas. This is because the pattern used doesn't differ from the general definition of rule of law, but is instead tailored to the needs of Indonesia.

Land consolidation and acquisition also apply to land under management rights. Management rights (HPL), according to Government Regulation No. 40 of 1996, are the right to control from the state and the authority to implement, which is partly delegated to the holder. This is clearly regulated in the Regulation of the Head of the National Land Agency No. 2 of 2013, which explains that granting land rights is divided into two, namely:

1. Granting land rights is a government decree granting a state land right, including extending the term of the right and renewing the right, as well as granting rights above management rights.
2. Granting land rights in general is the granting of land rights over areas that meet certain criteria, which is carried out with a determination of granting rights.

With their consent, management rights holders can transfer their control over land to a third party for use in conducting business or carrying out their duties. Boedi Harsono stated that the holder of management rights does have the authority to use the land to which he has rights for his business purposes. But that is not the purpose of granting him these rights. The main objective is that the land in question be provided for use by other parties who need it.

Initially, management rights on land can be granted with use rights for a period of six (six) years. As it grows, land can be given management rights, building use rights, and building rights thanks to the Regulation of the Minister of Home Affairs Number 1 of 1977 and the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 4 of 1998. These regulations spell out how to figure out the money needed to grant rights to state land, use, or ownership rights.

Third parties who obtain building use rights or use rights over land with management rights are reached through a land use agreement between the management right holder and the third party. Third parties who obtain ownership rights to management rights land achieve this through the release of management rights land by the management rights holder. Maria S.W. Sumardjono stated that the legal relationship that is the basis for granting rights to land by the holder of management rights to a third party is stated in the Land Use Agreement (SPPT). In reality, there are other names for the Land Use

Agreement (SPPT), such as an agreement for the transfer, use, and management of land rights.

The authority contained in management rights is of a public nature, namely the authority to plan the allocation and use of land and to use land for the purposes of carrying out one's duties or business. There is authority that is private, namely the authority to hand over parts of land with management rights to third parties and/or collaborate with third parties. The authority contained in management rights is internal, namely the authority to plan the allocation and use of land and to use land for the purposes of carrying out one's duties or business.

There is external authority, namely the authority to hand over parts of the land. Management rights to third parties and/or collaborate with third parties. Land conversion is the activity of changing land use from one activity to another. Land conversion arises as a result of development and an increasing population. Population growth and increasing demand for land for development activities have continuously changed the structure of land ownership and use.

One of the holders of management rights is the Batam Business Agency, which was formerly known as the Batam Authority. Getting land rights automatically changes after Presidential Decree Number 41 of 1973 about Land Management and Use in the Batam Island Industrial Area. This was done to speed up the development of industrial areas. Problems regarding land registration activities have been explained in Article 19 of the PA LAW, which reads:

1. The government registers land in accordance with the rules set forth in government regulations throughout the Republic of Indonesia's territory to ensure legal certainty.
2. The registration referred to in paragraph (1) of this article includes:
 - a. Measuring, mapping, and bookkeeping of land
 - b. Registration of land rights and transfer of land rights
 - c. Providing documents proving rights, which act as strong evidence.
 - d. Land registration is carried out taking into account state and community conditions, socio-economic traffic needs, and the possibility of implementation, according to the consideration of the Minister of Agrarian Affairs.
 - e. The government regulation regulates the fees related to registration as referred to in paragraph (1) above, with the provision that people who cannot afford it are exempt from paying these fees.

One of the areas that is a bonded zone is Batam Island, in accordance with Presidential Decree No. 41 of 1973 Article 4, namely:

1. The Batam Island Industrial Area Development Authority is responsible for the development and growth of the Batam Island Industrial Area and has the following duties:
 - a. Develop and control the development of Batam Island as an industrial area;

- b. Planning infrastructure needs and operating infrastructure installations and other facilities;
 - c. Develop and control transshipment activities on Batam Island;
 - d. Accommodate and examine business permit applications submitted by entrepreneurs and submit them to the relevant agencies;
 - e. Ensure that licensing procedures and the provision of services required for establishing and running a business on Batam Island can run smoothly and in an orderly manner, everything to be able to stimulate the interest of entrepreneurs to invest their capital on Batam Island.
2. In carrying out its duties, the Batam Island Industrial Regional Development Authority is accountable to the President.

It is hoped that the change in the bonded zone to a free trade zone for Batam Island will continue to provide legal certainty regarding land registration and regional development, which must be synchronized in order to create integrated, balanced, and harmonious development between regions. Spatial planning is an instrument to monitor and direct regional development in accordance with established plans, one of which is registration in Batam City as a Free Trade Zone area.

Government Regulation (PP) No. 46 of 2007 governs the Batam Free Trade Zone and Free Port. This means that employees and property owned by the Batam Authority must be given to the Free Trade Zone Concession Agency (BP FTZ Batam). In September 2008, the Governor of the Riau Islands formed BP FTZ Batam, which automatically dissolved the Batam Authority by law. After the dissolution of the OB, the Batam Area Concession Agency (BP Batam) was formed, whose role and authority still have many similarities, namely being the manager of the FTZ area and the Batam Free Port. As one of the contributors to national economic progress, which is expected to continue to increase in the future, it is the obligation of the central government to anticipate potential problems that pose challenges to the development of Batam City. One of the challenges currently faced by the City of Batam is the dualism of government in managing the city. Since it became an autonomous city in 1999, there has been a dualism of government, and PP Number 46 of 2007 confirmed this.

BP Batam's authority still has very broad authority to manage Batam Island in order to attract investors to invest their capital in Batam Island. This authority includes the implementation of:

1. Some government functions, in the form of granting permits, community services, land affairs, and so on, are based on the delegation of various powers from the Central Government, cq. Relevant technical departments;
2. Development function, where BP Batam manages facilities and infrastructure such as airports, seaports, electricity, drinking water, hospitals, and others. Law No. 32 of 2004 about Regional Government says in Article 14 paragraph (1) that the Batam City Government is in charge of Mandatory Affairs. These include, but are not limited to,
 - a. Development planning and control;

- b. Planning, utilization, and supervision of spatial planning;
- c. Implementation of public order and community peace;
- d. Provision of public facilities and infrastructure;
- e. Handling the health sector;
- f. Implementation of education;
- g. Environmental control;
- h. Land services;

LITERATURE REVIEW

The problem that occurs is that there are several lands that are given land rights above management rights.

- a. The designation of Kampung Tua in subsequent developments has had an adverse impact, both for local residents, BP Batam, and investors. Batam's condition is threatened to be uncondusive for investment. The community frequently develops suspicions that brokers who are actually sub-district officials are buying and selling the Kampung Tua land, which the city government has designated. These brokers sell land to investors who will build or expand their factory areas. Likewise, when BP Batam allocated 272 Proceedings of the 2019 National Seminar on Customary Land in an area close to Kampung Tua, which, according to residents, had entered the Kampung Tua area, the residents suddenly blocked it. Clashes between Kampung Tua residents and investors who are plotting land are inevitable. In October 2013, this case occurred in Kampung Tua Tanjung Uma, which continued with demonstrations and the destruction and occupation of the BP Batam Office. BP Batam accused Wako Decree 105/2004 of being the trigger for land problems in Kampung Tua
- b. The head of the Batam Concession Agency (BP), Muhammad Rudi, emphasized that he would withdraw the land allocation that had been issued since 2020. The reason is because the land has never been used or developed, thus disrupting investment in Batam City. "They (recipients of the land allocation, ed.) promised to build it within two years. It's been two years, but it hasn't been built yet, so this will be an evaluation. "If it is not built, we will take it back", Rudi said. The pandemic problem cannot be used as an excuse not to develop land according to its intended use. This is because the land allocation was also issued in 2020, and at that time the pandemic had already started to occur. According to the agreement, the recipient of the land allocation asked for two years to make use of the land that had been given.
- c. The existence of ruli in Batam is considered a problem. The houses are located on land that BP Batam has given to business owners. This is considered to be hampering investment in Batam City. Additionally, it is believed that ruli in Batam is a barrier to the government's plans for infrastructure development. Such as road construction and reservoir revitalization.

In accordance with Head of BP Batam Regulation No. 26 of 2021 concerning Implementation of Land Management, BP Batam, the authority holder for management rights in Batam, must resolve the aforementioned issues.

METHODOLOGY

This research uses library materials or secondary data as basic material for research by conducting searches on regulations and literature related to the problem under study. The main point of the study is the factual implementation of positive legal provisions and contracts in every specific legal event that occurs in society in order to achieve predetermined goals. What is supported by the normative juridical method is carried out by examining and interpreting theoretical matters relating to principles, conceptions, doctrines, and legal norms. The empirical juridical method is carried out using research in the field aimed at the application of law. The research was carried out at the Directorate of Land Management of the Batam Concession Agency. This research used a population of problem land from all problem land based on Head of BP Batam Regulation No. 26 of 2021 concerning Implementation of Land Management. Meanwhile, the sample in the research was one legal action against problematic land from the total problematic land based on BP Batam Head Regulation No. 26 of 2021 concerning Implementation of Land Management.

The data collection technique in this research was through interviews addressed to Batam Concession Agency Land Directorate officials. The data collection tool in this research uses primary legal materials consisting of:

- a. Law Number 5 of 1960 concerning Basic Agrarian Regulations
- b. Law Number 44 of 2007 concerning Free Trade Zones
- c. Head of BP Batam Regulation No. 26 of 2021 concerning Implementation of Land Management.

The next data collection tool is secondary legal materials consisting of research results, journals or papers, books, and articles. And also tertiary legal materials, namely those that provide explanations of primary and secondary legal materials in the form of a general dictionary. A qualitative approach is used to look at the collected data. The data analysis starts with a detailed description of the facts that the research results have shown. The analysis then focuses on the deductive and inductive inference processes.

RESULT AND DISCUSSION

Batam's strategic location makes this island very easy to access both by land and sea transportation for domestic and foreign health insurance. Apart from its strategic water location, Batam itself is very much in demand by investors in both the shipping and non-shipping industries. The need for land is the main factor in developing Batam. This is because the available land, if managed well, will invite many investors to invest. The need for land or land for settlement is also increasing along with the development of investment in Batam. In terms of land management in Batam, it is deemed necessary to

manage and develop it, specifically considering the strategic location of this island, which is easy to access.

Regarding the extent of the duties of the Batam Island Authority Management Rights (currently known as BP Batam), it is stated that they are only limited to planning the allocation and use of land, exploiting or using the land for purposes in carrying out its duties, as well as handing over parts of the land designated as "Management Rights" towards the third subject, namely the status of "Building Use Rights" and "Use Rights," where you must comply with the laws governing land matters, namely the Basic Agrarian Law, receive annual mandatory money from third parties, and receive income/compensation money. Referring to the authority in handing over parts of land management rights as a specialty, only "building use rights" and "use rights" are possible, which are not handed over with the status of ownership rights because they are outside the specified authority.

Law Number 36, which is about Free Trade Zones and Free Ports, has been changed several times through Perppu in recent years, making Law Number 44 of 2007 the law that governs the Batam, Bintan, and Karimun Free Trade Zones (BBK). There is also Law 36 of 2000 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2000 concerning Free Trade Areas and Free Ports into Law, and there are many other laws and regulations relating to the Batam FTZ. Then, at the end of the term of office for members of the DPR RI in 2009, together with the Central Government, the Special Economic Zones (KEK) Law was discussed as a legal umbrella for the formation of KEKs in the Batam area and other regions in Indonesia. Many advances have been achieved so far, such as the availability of various business fields that are able to accommodate a workforce that comes from almost all regions of the country. Likewise, the amount of regional and central revenue continues to increase from time to time. This is due to the increasing number of industrial activities, trade, ship transfers, and tourism. However, as a rapidly developing area, Batam is also not free from problems. For this reason, improvements are being made to the development of Batam Island in order to correct existing deficiencies.

The long history of BP Batam has been underway. Currently, Batam will become a metropolitan city with a population that has increased to more than 1.2 million people, initially only around 3,000 people. BP Batam continues to be the foundation of this city's economic development and even the foundation of the national economy. Etymologically, autonomy comes from the words *oto* (auto = alone) and *nomoi* (nomos = rule or law), which mean self-governing, a region or part of a country or group that governs itself. In governance, autonomy is defined as managing one's own household. Autonomy means "self-governing" and in public administration discourse, regions that govern themselves are called autonomous regions, which are often called "local self-government". Autonomy is also defined as freedom or independence, but not independence. This freedom and independence demand accountability, so it is called limited freedom.

In principle, the regional autonomy policy is carried out by decentralizing the authorities, which have so far been centralized in the hands of the central government. Decentralization is the handover of some affairs from the central government to regional governments. In the decentralization process, central government power is transferred from the central level to regional governments as appropriate, resulting in a shift of power from the center to districts and cities throughout Indonesia. If in the original conditions the flow of government power moved from the regional to the central level, then it is ideal that since the implementation of the regional autonomy policy, the dynamic flow of power will move in the opposite direction, namely from the center to the regions. Law Number 32 of 2004 says that regional autonomy gives autonomous regions the rights, power, and duty to run their own government and look out for the interests of their local communities in line with the law. Meanwhile, an autonomous region, which will be called a region from now on, is a legal community unit with its own borders. It can control and manage government business and the local community's needs based on its own initiative and what the community wants in the Unitary State of the Republic of Indonesia. The conclusion that can be drawn is that autonomy is the right, authority, and not obligation of regions to regulate their own households according to regional initiatives and initiatives with restrictions that must not conflict with the constitution and remain within the framework of the Unitary State.

Law Number 23 of 2014 about Regional Government says that autonomous regions have the right, the power, and the duty to run government business and look out for the interests of local communities in the Unitary State of the Republic of Indonesia. An autonomous region is a legal community unit that has territorial boundaries and has the authority to regulate and manage government affairs and the interests of the local community according to its own initiative based on the aspirations of the community in the system of the Unitary State of the Republic of Indonesia. Sub-district, namely Batam District, which is included in the Level II Regency Administration area of the Riau Islands With the development of Batam into an industrial, trade, and shipping area, based on PP Number 34 of 1983, Batam was developed into an administrative municipality, and its position was at the same level as other level II regional districts and municipalities.

The Batam Administrative Municipality became an autonomous region under Law Number 53 of 1999. This was done to follow the ideas of decentralization and regional autonomy. The Batam City Government now runs the government and development work. In actuality, BP Batam, with its authority, has considerable control over a number of authorities that belong to the regional government, specifically the Batam City Government. One of them is land issues and management rights, spatial planning of FTZ areas, and others. This causes the principles and spirit of regional autonomy in Batam to not operate fully because they have to share authority with BP Batam. The essence of the concept of implementing regional autonomy is an effort to maximize the results to be achieved while avoiding complications and other

things that hinder the implementation of regional autonomy. In this way, community demands can be realized in real terms by implementing broad regional autonomy, ensuring continuity of public services is not neglected, and maintaining fiscal sustainability nationally.

Since regional autonomy is not a goal in and of itself but rather a tool for achieving goals, regional heads must interpret the new paradigm of regional autonomy as an effort to organize government authority so that it is harmonious and focused on the demands of community needs. cally, the aim of autonomy is to provide opportunities for regions to develop according to their potential towards a better community life. The aim of granting regional autonomy can include at least four aspects, namely:

1. The political aspect is to include and channel the aspirations of the community, both for their own regional interests and to support national policies through a democratic process at the lower levels.
2. The aspect of government management is to increase the effectiveness and results of government administration, especially in providing services to the community according to their needs.
3. The societal aspect is to increase participation and foster community independence by carrying out community empowerment efforts towards an independent and competitive society.
4. The economic aspect of development is to launch development programs aimed at achieving people's welfare.

The principles of regional autonomy according to Law Number 32 of 2004 are:

1. The widest possible autonomy in the sense that regions are given the authority to manage and regulate all government affairs outside of those that are government affairs as stipulated in the law. Regions have the authority to make regional policies to provide services and increase participation, initiative, and community empowerment aimed at improving people's welfare.
2. Second, real autonomy means that running the government should be based on duties, powers, and obligations that already exist and can grow, live, and develop in a way that fits the region's potential and uniqueness. Thus, the content and type of autonomy for each region are not always the same as for other regions.
3. Responsible autonomy is autonomy whose implementation must be truly in line with the aims and purposes of granting autonomy, which are basically to empower regions, including improving people's welfare, which is part of national goals.

Batam City is part of the Riau Islands as a province within the territorial boundaries of the Unitary State of the Republic of Indonesia, which is an expansion area of the Riau region dated September 24, 2002, and became the 32nd province based on Law Number 25 of 2002 concerning the Establishment of the Riau Islands Province. Batam City has an area of 960.25 km², with borders to the north with the Singapore Strait, to the south with Senayang

District, to the east with North Bintan District, and to the west with Karimun and Moro Regencies, Karimun Regency. Batam is an area that has a different HPL compared to other areas. Batam was the only region that received HPL directly from the president. This HPL was delegated based on Presidential Decree Number 41 of 1973 concerning the Batam Island Industrial Area to a Management Authority Body, which was later transferred to the Concession Agency (hereinafter referred to as BP Batam). Land status in Batam is divided into three, namely:

1. Land under the management of BP Batam in a free trade zone (FTZ) area
2. Land under the management of the Batam City Government; and third, land that is not under management rights and is on state land other than Batam Island; the second and third land statuses are outside the free trade zone (FTZ) area.

Based on this land status, there are three bodies or institutions that have authority in the land sector, namely, the Batam City Government, BP Batam, and the National Land Agency. As the city of Batam develops, it cannot be separated from the development of infrastructure, for example, the development of hotels to support the development of the economic sector, and various other infrastructure developments that support the development of Batam City to make it more advanced. To support infrastructure development, regulations are needed that are able to control and accommodate this development so that it is directed. One of the regulations made by the Batam City government to regulate the development of infrastructure in Batam City is to create Batam City Regional Regulation Number 2 of 2011 concerning buildings. Before moving on to a further review of this issue, it is necessary to provide an introduction regarding the City Plan Information (K RK). It can be clearly seen in Government Regulation Number 36 of 2005 concerning Implementing Regulations of Law Number 28 of 2002 concerning Buildings. In this regulation, it is stated that the Regional Government is obliged to provide a Regency/City Plan Certificate for the location concerned to every person who will submit an IMB application. As also stated in the Regulation of the Minister of Public Works Number 24/PRT/M/2007 concerning Technical Guidelines for Building Construction Permits, it is stated that the Regional Government is obliged to provide a Regency/City Plan Certificate for the location concerned to every person who will submit an IMB application.

Before moving on to a further review of this issue, it is necessary to provide an introduction regarding building construction permits (IMB) and spatial planning. Regional Regulation Number 2 of 2011 regarding building construction permits demonstrates this clearly. In this government regulation, it is stated that a building construction permit is a permit granted by the regency or city government to building owners to build new, change, expand, reduce, and/or maintain buildings in accordance with applicable technical requirements.

In the Batam Free Trade Zone and Free Port, public services under good government must meet the quality standards that must be met. Existing public

services must function to reduce (or even eliminate) the role gap between the central organization and implementing organizations in the field. The number of existing staff or officers is appropriate, not lacking, and not at middle or high levels, so that public services can be on target. The services provided must also bring the bureaucracy closer to the customer community. If the basic idea of dividing authority can be implemented, then the FTZ Management Body (the National Council plus technical officials in regional councils) should be dominated by officials from departments and agencies at the center. This must be done because the implementation that will be carried out is more regulatory in nature. However, in implementing FTZ operations in the regions, ideally there should be a more dominant regional element in the concession agency (FTZ operator). This is because government tasks, both structurally, functionally, and territorially, have been completely divided hierarchically at all levels of government (central-provincial-regency/city).

Law of the Republic of Indonesia Number 53 of 1999 concerning the Establishment of Pelalawan Regency, Rokan Hulu Regency, Rokan Hilir Regency, Siak Regency, Karimun Regency, Natuna Regency, Kuantan Singingi Regency, and Batam City with the following provisions:

1. In order to deal with changes in both domestic and international situations, it is important to approach the challenges of global competition with the idea of regional autonomy, which gives regions a fair amount of real power and responsibility.
2. The Republic of Indonesia is a unitary state that follows the principles of democracy, community participation, equality, and justice. It also takes into account regional potential and diversity when managing national resources and making sure that the central government and regional governments have equal amounts of money.
3. That a trade area and free port can encourage international trade traffic activities that bring in foreign exchange for the country and can provide great influence and benefits for Indonesia to be able to open up the widest possible employment opportunities and increase tourism and investment, both foreign and domestic.
4. In order to accelerate regional development in line with the realization of regional autonomy, several regions need to be designated as free trade zones and free ports.

This Batam Mayor's Regulation has been structured in a way that ensures investor-led development complies with the wishes and directives of the Batam City Government. Such as setting free distances between buildings, building boundaries, basic building coefficients (KDB), changing building functions to build hotels, and so on. This has a good impact not only for developers but also for the people of Batam City and the Batam City government itself. The development of facilities and infrastructure in Batam City has increased, and it is necessary to carry out studies and analyses that serve as benchmark procedures for licensing regarding the development itself.

The implications of the IMB Regulation for Hotel Buildings on Spatial Planning in Batam City are what the procedure in this study refers to. This is a very important focus of study because Batam City is a free trade area that is currently experiencing an increase in the development of facilities and infrastructure supporting city tourism. The supervision of hotel buildings in Batam City is very important for the city's economic development. The supervision in question is an effort to maintain the suitability of space utilization with the space function specified in the spatial plan. The monitoring function is intended to avoid conflicts in space use.

Spatial planning is a form of policy in terms of arrangements so that development and conditions occur in an orderly manner. Plans regarding spatial planning can be related to investment permit issues, such as location permits, development permits, or permits related to other spatial planning. Permits may be refused if the construction does not comply with the allocation plan. According to Saul M. Katz, the reasons or basis for carrying out a plan are:

- a. With a plan, it is hoped that there will be activity directions and guidelines for implementing activities aimed at achieving an estimate.
- b. With planning, it is hoped that there will be an estimate of the things that will occur during the implementation period. Estimates are not only made regarding development potentials and prospects but also regarding the obstacles and risks that may be faced with planning to ensure that uncertainty is limited to as little as possible.
- c. Planning provides the opportunity to choose various alternative ways or the opportunity to choose the best combination.
- d. By planning, a priority scale is prepared. Choose a sequence in terms of the importance of a goal, target, or business activity.
- e. With a plan, there will be a measuring tool or standard for monitoring or evaluating.

The explanation of planning theory above is an affirmation that development on a national and local scale must be organized and planned so that an integrated development concept can occur. In Law Number 25 of 2007, Chapter XIV, Article 31, talks about Special Economic Zones (KEK). These zones are meant to speed up regional development and serve as a model for regional development that leads to economic growth. They are related to development that is fair in terms of spatial planning law. An explanation regarding KEK is stated in Law Number 39 of 2009 concerning Special Economic Zones. KEK is defined by Article 1 paragraph 1 of Law Number 39 of 2009 as a certain-sized area within the legal borders of the Unitary State of the Republic of Indonesia that is set up for economic purposes and to get certain facilities. The next article explains the meaning of a zone as an area within a KEK with certain boundaries whose use is in accordance with its designation.

Regions must comply with the Regional Spatial Planning Plan and not have the potential to disturb protected areas in order to qualify as KEK. Spatial planning and KEK must require coordination between the government, be it the central government, provincial government, or district or city government. This

is necessary because the spatial conditions between one region and another are related to each other.

In connection with coordination between central, provincial, and district/city governments, Law Number 26 of 2007 explains the authorities possessed by each level of government, The authority of district and city governments in spatial planning is contained in the provisions of Article 11, paragraph 1, up to paragraph 6, of Law Number 26 of 2007.

1. The authority of district or city regional governments in implementing spatial planning includes:
 - Regulation, guidance, and supervision of the implementation of spatial planning in district/city areas and district/city strategic areas;
 - Implementation of district or city spatial planning;
 - Implementation of spatial planning for district or city strategic areas; and
 - Cooperation in spatial planning between districts and cities.
2. The authority of district/city regional governments in implementing district/city spatial planning as intended in paragraph (1) letter b includes:
 - Regency/city spatial planning;
 - Utilization of district or city-area space;
 - Controlling the use of space in district or city areas.
3. In implementing the spatial planning of district/city strategic areas as intended in paragraph (1) letter c, the district/city regional government carries out:
 - Determination of district or city strategic areas;
 - Regency/city strategic area spatial planning;
 - Utilization of district or city strategic area space; and
 - Controlling the use of space in district or city strategic areas
4. To use their power in the ways described in (1) and (2), district and city regional governments look at spatial planning guidelines and instructions on how to put them into action.
5. In implementing the authority as intended in paragraphs (1), (2), (3), and (4), the district or city regional government:
 - disseminate information relating to general plans and detailed spatial planning plans in the context of implementing regency or city spatial planning;
 - Implement minimum service standards in the field of spatial planning.
6. In the event that the district or city regional government cannot meet the minimum service standards in the field of spatial planning, the provincial regional government can take steps to resolve it in accordance with the provisions of statutory regulations.

Provisions or decisions relating to regional spatial planning must have clear legal synchronization or integration. Therefore, regional regulations will have legal force and legal certainty for investors if they are conceptualized and coordinated between the central government, provincial government, and district or city governments. Coordinated regional regulations in government administration are active regulations, meaning that the rules regarding all

movements and activities of working relations between several government officials can be controlled and coordinated well.

Implementation of the Obligations of the Batam Free Trade Zone and Free Port Concession Agency through Land Acquisition

Implementation of supervision and action against problematic land is under the authority of BP Batam. This action is carried out by checking in the field on land that has been granted land processing rights to the land applicant and empty land that is still under BP Batam's management rights and has not been handed over to other parties.

CONCLUSIONS AND RECOMMENDATIONS

BP Batam's obligations are stated to be limited to planning the allocation and use of land and exploiting or using land for purposes of carrying out its duties. Provisions or decisions relating to regional spatial planning must have clear legal synchronization or integration. Therefore, regional regulations will have legal force and legal certainty for investors if they are conceptualized and coordinated between the central government, provincial government, and district or city governments. Coordinated regional regulations in government administration are active regulations, meaning that the rules regarding all movements and activities of working relations between several government officials can be controlled and coordinated well.

Monitoring problematic land under BP Batam's control and taking action against it serve as proof of implementation. The Tanjung Pinang State Administrative Court, which examines, decides, and resolves state administrative disputes at the first instance, electronically in the usual manner, has handed down the following decision: in the case between PT. Energi Cipta Dana, having its address at Komp. Nagoya Paradise Center, Block E Number 6, Lubuk Baja, Batam City, Riau Islands Province, Granted the Plaintiff's Lawsuit in its entirety, Declaring void or invalid the Decree of the Head of the Batam Free Trade Zone and Free Port Concession Agency Number 105 of 2020, Dated 3 June 2020 Concerning the cancellation of the allocation and use of land for business parts of the Batam Free Trade Zone and Free Port in the name of PT. Energi Cipta Dana, the defendant is required to revoke the Decree of the insignificantly, one land location was claimed by many people as the recipient of land allocation from BP Batam.

FURTHER RESEARCH

This research still has limitations so further research needs to be done on this topic "Juridical Analysis of the Obligations Batam Free Trade Zone and Free Port Enterprise Agency (BP BATAM) to Problematic Land Allocation Recipients".

REFERENCES

- Arie Lembaga Pemberdayaan Hukum Indonesia. Jakarta.2005sukanti Hutagalung. Tebaran Pemikiran Seputar Masalah Hukum Tanah.
- A.P. Parlindungan.Hak Pengelolaan Menurut Sistem Undang-undang Pokok Agraria.Mandar Maju:Bandung. 1994. hal 6.
- Asep Warlan Yusuf, Pranata Pembangunan, Universitas Parahyangan, Bandung, 1997, hlm. 34.
- Ateng Safrudin, Pengaturan Koordinasi Pemerintahan di Daerah, Citra Adhitia Bakti, Bandung, 1993, hlm. 268.
- Boedi Harsono. Hukum Agraria Indonesia Sejarah Pembentukan Undang-undang Pokok Agraria, Isi, dan Pelaksanaannya, Djambatan: Jakarta.2007. hal 280.
- Budi Harsono. Undang-undang Pokok Agraria: Sejarah Penyusunan, Isi dan Pelaksanaannya. Jilid II. Djambatan, Jakarta. 1971 hal.327
- Edi Sutrisno, dkk, Bercermin Sejarah Menyongsong Batam Masa Depan, (Batam: Batam Link Publisher, 2007), hal. 24
- Hamzah. Hukum Pertanahan di Indonesia. Rineka Cipta.Jakarta.1991
- Idham Dimensi Poltik Hukum Pelaksanaan Konsolidasi Tanah Di Kawasan Hutan Lindung.Alumni.Bandung: 2020.hal16.
- _____, Analisis Kritis Pendaftaran Tanah Hak Ulayat Milik Masyarakat Adat Untuk Meneguhkan Kepastian Hukum dan Pertimbangan Ekonomi Kerakyatan, PT. Alumni, Bandung, Kontruksi Politik Hukum Hak Atas Idham, 2019, Analisis Kritis Pendaftaran Tanah Hak Ulayat Milik Masyarakat Adat Untuk Meneguhkan Kepastian Hukum dan Pertimbangan Ekonomi Kerakyatan, PT. Alumni, Bandung, Kontruksi Politik Hukum Hak Atas, 2019.
- _____, Implementasi Politik Hukum Agraria-Pertanahan Pelaksana Sertifikasi Tanah Pedesaan, PT. Alumni, Bandung. 2013.

- _____, *Konsolidasi Tanah Perkotaan Dalam Perspektif Otonomi Daerah Guna Meneguhkan Kedaulatan Rakyat dan Negara Berkesejahteraan*, PT. Alumni, Bandung, 2014.
- _____, *Postulat dan Kontribusi Paradigma Politik Hukum Pendaftaran Tanah Sistematis Lengkap (PTSL), Guna Mewujudkan Negara Berkesejahteraan*. PT. Alumni, Bandung, 2019.
- Juniarso Ridwan dan Achmad Sodik, *Hukum Tata Ruang dalam Konsep Kebijakan Otonomi Daerah*, Nuansa, Bandung, 2013, hlm. 85.
- Krishna D. Darumurti dan Umbu Rauta. 2000. *Otonomi Daerah Perkembangan Pemikiran dan Pelaksanaan*. Bandung: Citra Aditya Bakti.
- Lawrence M. Friedman. *Sistem Hukum, Perspektif Ilmu Sosial*. Nusa Media: Bandung. 2009. Hal 5.
- Maria S.W. Sumardjono. *Tanah dalam Perspektif Hak Ekonomi Sosial dan Budaya*. Kompas: Jakarta. 2008. Hal 29.
- Muhammad Fauzan. 2006. *Hukum Pemerintahan Daerah Kajian tentang Hubungan Keuangan antara Pusat dan Daerah*. Yogyakarta: UII Press.
- Padmo Wahjono. *Indonesia Negara Berdasarkan Atas Hukum*. Ghalia Indonesia: Jakarta. 1983. Hal 7.
- Rahardjo Adisasmita, *Pembangunan Kawasan dan Tata Ruang*, Graha Ilmu, Yogyakarta, 2010, hlm. 88.
- Soepandi. *Memori Karya Bhakti Kepala Satuan Pelaksana Masa Bhakti 1988-1993*, Jakarta. 21 Desember.
- Suharsimi Arikunto. *Prosedur Penelitian: Suatu Pendekatan Praktek*: Jakarta, PT Rineka Cipta. 2002. Hal 64.
- S.H. Sarundajang. *Babak Baru Sistem Pemerintahan Daerah. Kata Hasta*. Jakarta: 2005.
- Buku Profil Kota Batam Tahun 2015-2016 oleh Pemerintah Kota Batam
- Putusan Mahkamah Agung Nomor: 9/G/2020/PTUN.TPI, tahun 2020.
- Putusan Mahkamah Agung Nomor: 12/G/2021/PTUN.TPI, tahun 2021.

Pasal 14 ayat (3) Peraturan Pemerintah Nomor 36 tahun 2005 tentang Peraturan Pelaksanaan Undang-undang Nomor 28 Tahun 2002 tentang Bangunan Gedung

Bagian 2 Bab B Nomor 1 Poin (a) Peraturan Menteri Pekerjaan Umum Nomor 24/PRT/M/2007 tentang Pedoman Teknis Izin Mendirikan Bangunan Gedung.

Keputusan Presiden Nomor 41 Tahun 1973 tentang Pengelolaan dan Penggunaan Tanah di Daerah Industri Pulau Batam.

Pasal 4 Keputusan Presiden No. 41 Tahun 1973

Peraturan Pemerintah (PP) No 46. Tahun 2007 tentang Kawasan Perdagangan Bebas dan Pelabuhan Bebas Batam.

Peraturan Pemerintah Nomor 38 Tahun 2007, Tentang Pembagian Urusan Pemerintahan

Prosiding Seminar Nasional Tanah Adat Tahun 201 hal 271.

Undang-undang Nomor 32 Tahun 2004 tentang Pemerintahan Daerah

Undang-undang Nomor 36 Tahun 2000 tentang Perdagangan Bebas Dan Pelabuhan Bebas.

Abdulkadir Muhammad. Hukum dan Penelitian Hukum. Cet. 1. PT. Citra Aditya Bakti: Bandung. 2004. hlm 52.

Afifuddin, dkk. Metodologi Penelitian Kualitatif. CV Pustaka Setia: Bandung, 2009. Hal 10.

Arifin Syamsul. Metode Penulisan Karya Ilmiah dan Penelitian Hukum, Cetakan I: Medan. Medan Area University Press. 2012. Hal 122.

Arikunto Suharsimi. Metodologi Penelitian. Bina Aksara: Yogyakarta. 2006. hal 14.

Hanif Nurcholis. 2005. Teori dan Praktik Pemerintahan dan Otonomi Daerah. Jakarta: PT. Grasindo.

Idham. Konsolidasi Tanah Perkotaan Dalam Perspektif Otonomi Daerah Guna Meneguhkan Kedaulatan Rakyat Dan Negara Berkeadilan. Alumni: Bandung. 2014. Hal 20.

J, Kaloh. 2003. Kepala Daerah: Pola Kegiatan, Kekuasaan, dan Perilaku Kepala Daerah dalam Pelaksanaan Otonomi Daerah. Jakarta: Gramedia Pustaka Utama.

Soerjono Soekanto. Faktor-faktor Yang Mempengaruhi Penegakan Hukum. UI Press: Jakarta. 1983. Hal 35.

Soerjono Soekanto & Sri Mamudji. Penelitian Hukum Normatif (Suatu Tinjauan Singkat). Rajawali Pers: Jakarta. 2001. Hlm 13-14.

Winahyu Erwiningsih. Hak Menguasai Negara Atas Tanah. Universitas Islam Indonesia. Total Media: Yogyakarta. 2009. Hal 101.

Zein, Ramli. "Hak Pengelolaan dalam Sistem UNDANG-UNDANGPA". Jakarta: PT Rineka Cipta. 1995. hlm 7.

<https://batampos.co.id/2021/08/06/alokasi-lahan-segera-ditarik-jika-tak-dibangun>, diakses pada tanggal 16 Mei 2023

<https://bpbatam.go.id/pages/read/410-sejarah-batam> diakses pada tanggal 16 Mei 2023

<https://bpbatam.go.id/en/tentang-batam/sejarah-batam/> diakses pada tanggal 14 Agustus 2023

<https://www.batamnews.co.id/berita-54865-sejarah-penting-bp-batam-era-rintisan-hingga-metropolitan.html> diakses pada tanggal 14 Agustus 2023

www.ekon.go.id/berita/view/sosialisasi-status-lahan-dan.1458.html#VdXTkdD-LqA diakses pada tanggal 14 Agustus 2023