



**EFFECTIVENESS OF THE LEGAL GRANTING LAND MANAGEMENT RIGHTS  
BY THE BATAM ENTERPRISES AGENCY VERSUS KAMPUNG  
TUA NONGSA BATAM CITY**

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**ABSTRACT**

The transfer of land rights is a legal act that must be carried out in the presence of a public official appointed by the State. The legal act of transfer aims to ensure that the legal act can be made in the form of an authentic deed which provides valid evidentiary power.

This research aims to determine the effectiveness of services, obstacles and efforts of the Batam Concession Agency in the land allocation process for land management and granting land rights. This research was carried out by conducting interviews with directly related parties and collecting data from various sources.

In particular, land in Batam which has been granted Management Rights since 1973 based on Decree of the President of the Republic of Indonesia Number 41 of 1973 which gives the authority to the manager to give it to a third party, accompanied by letters of authority but not yet certified, can transfer land rights and make an authentic deed. at the Notary based on the rules contained in the Letter of Agreement (SPJ) issued by the Authority which is now called the Batam Concession Agency (BP Batam).

**Keywords : Allocation, Land, Old Village**

**A. Background of the problem**

God Almighty has gifted several important factors in human life and one of them is land. Land in human life is a source of life and also a place where humans stand



in their daily survival. Humans and land have a very strong relationship, because land has economic value in all aspects of human life. The economic value in question is creating welfare and prosperity for the people. In terms of regulating and controlling problems that will arise due to land, Indonesia has issued Law Number 5 of 1960 concerning Basic Agrarian Principles Regulations as the National Land Law. In general, land is divided into private land and state land. Titled land is land that is controlled by the state, but its use is not direct because there are certain parties above it who have encumbered rights to people appointed by the state. The second is State Land, which means land that is directly controlled by the state. The meaning of "directly controlled" means that the land is not encumbered by other parties, only the state controls it. Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that "Earth, water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". The meaning of being controlled does not mean that it is wholly owned by the state, but rather that the state is the highest body of authority in Indonesia which is given the authority to organize, regulate, use, allocate, maintain and supply natural resources, water and earth, regulate and determine legal relations and legal actions between individuals regarding natural resources, water and earth. agrarian aspect, land is one of the elements of the earth known as the earth's surface. Land in this case does not mean regulating land from all aspects, but only regulating one aspect, namely regulating land in the juridical aspect known as rights. Article 4 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Principles Regulations explains that "On the basis of the State's right to control as intended in article 2, it is determined that there are various rights to the surface of the earth, which are called land which can be given to and owned by people either alone or together with other people and legal entities" in this article it is explained that land is a part of the earth. is an empty island in the form of wilderness with almost no pulse of life, but there are several groups that previously inhabited this island. They work as fish catchers and farmers, they are not much involved in changing the physical form of this island which is an expanse of wilderness. In 1970, Batam began to be developed by Pertamina into an operational and logistics base for the gas



and oil industry. Then, based on Presidential Decree Number 41 of 1973, the entire development of Batam was entrusted to a government agency called the "Batam Island Industrial Development Authority" or now known as the "Batam Free Port Area Concession Agency". In order to consolidate development as a function of Batam Island, several Presidential Decrees or Ministerial Decrees and Directorate Generals were formed, as per the stages of Leadership/Development of the Batam Authority at the planning and initial development stages. At these stages it is to support agriculture, activities and offshore oil exploration.

In the history of land use on Batam Island, Batam Island was first carried out by the Batam Authority, at that time the head of the Batam Authority, Ibnu Sutowo. Then several Presidential Decrees were issued which declared Batam Island an industrial area and then the Government chose several places as Bonded Ware Houses, the places appointed were Kabil, Batu Ampar and Sekupang. The ruler of the Bonded Ware House at that time was Persero Batam. In 1975-1978, during this period the emphasis was on maintaining and consolidating existing asset infrastructure, this was related to the emergence of a crisis within Pertamina, with the Chairman of the Batam Authority at that time, Prof. Dr. Soemarlin. When led by Prof. Dr. Soemarlin, the Batam Authority was confirmed as the manager and user of land on Batam Island. At that time, the Batam Authority began to have full power over the land on Batam Island. The Batam Authority has the authority to plan land, including handing it over to third parties in accordance with the provisions of the law. By giving it to a third party, the Batam Authority also has the right to receive money to replace the land given, known as the Authority's Annual Mandatory Money or known as UWTO. The Batam Authority's powers did not stop there, but on May 14 1977 a Ministerial Decree was issued which gave the Batam Authority the authority to control the development of trade traffic on Batam Island. In a short time, the Batam Authority had additional authority, namely the delegation of authority to manage and assess investment applications on Batam Island.

In 1978-1983, with the Chairman of the Batam Authority BJ. Habibie further confirmed the plans and development of main infrastructure, in the world economic conditions which are currently experiencing a recession. BJ. Habibie was appointed as



Chairman of the Batam Authority and Major General TNI Soedarsono as Chairman of the Implementing Body. On June 7 1980, the Minister of Justice issued a decision making Batam Island a special area in the field of immigration, followed by the delegation of authority in the field of trade and cooperatives. On March 9 1983, Batam Island was designated as the entry point for foreign tourists, and the Batam Authority was given the freedom to develop tourism on Batam Island. In this case it is not limited to developing tourism, but also to attract investors for the tourism sector, at this time the construction of air and sea ports has begun. Since then, a period of capital investment, industry and development began. The Batam Authority has marketed Batam Island extensively to various foreign countries, apart from that, the Batam Authority has also established representative offices in several foreign countries. This brought investors to come to Batam Island to invest their capital. Also in 1984, the government designated all areas of Batam Island as well as Tanjungsauh, Kasem, Janda Berias, Ngenang and Moi-moi Islands as bonded areas. In the seconds when development was progressing smoothly, Government Regulation Number 30 of 1983 was formed concerning the formation of the Municipality of Batam, whose government area included the Districts of East Batam, West Batam and Akhirpadang. This regulation was formed as a result of the birth of dualism of leadership on Batam Island. The President then issued Presidential Decree Number 7 of 1984 which regulates the cooperative relationship between the Batam Municipality and the Batam Authority with the aim of ensuring that the governance of the two leaderships can run smoothly. The growing mobility of population and immigrants has had an impact on environmental damage and social problems in Batam City. Management Rights Regulations, National land law is characterized by Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, promulgated on September 24 1960 in the State Gazette of the Republic of Indonesia of 1960 Number.104-TLNRI Number. 2043. This law is better known as the Agrarian Principles Law. Basic Agrarian Law in Article 33 Paragraph (3) of the 1945 Constitution as stated in Article 2 Paragraph (1) of the Basic Agrarian Law

Based on the description above, the author wants to research this matter which is contrary to the aim of the law itself, the aim of the law is to achieve the aim of the law,



namely to uphold an orderly social order and uphold order and balance. So the author took the title of scientific work: **"EFFECTIVENESS OF THE LAW GRANTING LAND MANAGEMENT RIGHTS BY THE BATAM ENTERPRISE AGENCY VERSUS KAMPUNG TUA NONGSA, BATAM CITY "**

## **B. Formulation of the problem**

Based on the description above, the problem formulation can be drawn as follows:

1. What is the effectiveness of the law granting land management rights by the Batam Administration Agency to Old Villages in Nongsa District?
2. What are the obstacles encountered in granting land management rights by the Batam Administration Agency to Old Villages in Nongsa District ?

## **C. Research methods**

In carrying out this research, the researcher **used** a type of normative legal research. Normative legal research is conceptual legal research as contained in statutory regulations and conceptually existing in other legal rules that exist in society regarding a particular legal problem. In this research, researchers used a type of normative research, namely research carried out by reviewing statutory regulations or other regulations applied in resolving a particular legal problem. Normative research is often called doctrinal research where the object of study is are statutory regulatory documents and library materials which constitute basic data which in research science is classified as secondary data.<sup>1</sup> According to Soerjono Soekanto, legal research can be divided into:<sup>2</sup> Normative Legal Research, consisting of:

1. Research into legal principles
2. Research on legal systematics
3. Research on the level of legal synchronization
4. Legal history research
5. Comparative legal research

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<sup>1</sup> Soerjono Soekanto, Normative Legal Research, (Jakarta, PT Raja Grafindo Persada, 2003) p.23

<sup>2</sup> *Ibid* pg 67



In accordance with the type of research, namely normative legal research (normative juridical), more than one approach can be used. In this research, a statutory approach and a concept approach are used. The legislative approach is carried out to examine the statutory regulations that regulate. In the perspective of legal theory, justice is the main goal of the natural law school. Where the natural law school holds the view that law is universal and eternal.<sup>3</sup> In the Indonesian context, justice is in line with the values stated in Pancasila as the basis of the state. The fifth verse in Pancasila states that social justice is for all Indonesian people. Based on this verse it can be said that justice must be aimed at all citizens without exception as an embodiment of Indonesia's diversity. To realize social justice, development can be done that is oriented towards the welfare of all Indonesian people. In development, legal development is an aspect that cannot be separated. This is because the law functions as a means of development/renewal of society, as expressed by Mochtar Kusumaatmadja.

Mochtar Kusumaatmadja stated that law is a means of societal renewal.<sup>4</sup>

#### **D. Research Results and Discussion**

##### **1. The effectiveness of the law granting land management rights by the Batam Administration Agency to Old Villages in Nongsa District**

Every company generally has a company organizational structure. The preparation of a company's organizational structure is the first step in starting the implementation of organizational activities, in other words the preparation of an organizational structure is a planned step in a company to carry out the functions of planning, organizing, directing and supervising, the company's organizational structure specifies the division of work and shows how the functions or activities are carried out. diversity that is linked to some extent, also indicates the degree of specialization of work activities.

The organizational structure is part of the composition of members who work according to their fields, along with the organizational structure in the Batam Free

<sup>3</sup> Lili Rasjidi, *Basics of Philosophy and Legal Theory*, PT. Citra Aditya Bakti, Bandung, 2011, p. 47.

<sup>4</sup> Otje Salman and Eddy Damian (ed), *Legal Concepts in the Development of a Collection of Prof.'s Writings. Dr. Mochtar Kusumaatmadja, SH, LL.M.*, PT. Alumni, Bandung, p. 83.





Trade Zone and Free Port Concession Agency. BP Batam's vision is to make the Batam region a leading economic region in Asia Pacific and a major contributor to National Economic Development. To realize this vision, BP Batam's mission was formulated, among other things, to realize Batam as an export-oriented green industrial area and to make Batam a superior marine tourism area and international trade transshipment. The Batam Business Agency (BP Batam) operates every Monday to Friday where the activity time is from 08.00 WIB to 17.00 WIB for Monday to Friday and on Saturday it operates from 08.00 WIB to 12.00 WIB. Daily activities carried out by the Batam Concession Agency (BP Batam), For your information, initially the Batam Concession Agency (BP Batam), this company, On October 26 1971, after seeing Batam's development prospects, President Soeharto issued Presidential Decree Number 74 concerning Development Development Batam Island is an industrial area.

There are several regulations relating to land rights, namely Law Number 3/prp/1960 concerning Control of Fixed Objects Owned by Individual Dutch Citizens (p3mb), Law Number 51 of 1960 concerning Prohibition of Using Land Without the Entitled Permission or their Proxy, Government Regulation Number 40 of 1996 concerning Business Use Rights, Building Use Rights and Land Use Rights, Government Regulation Number 39 of 1973 concerning Procedures for Determining Compensation by the High Court in Connection with the Revocation of Rights to Land and Objects Above that, Cabinet Presidium Regulation Number 5/prk/1965 concerning Confirmation of the Status of Houses or Land Owned by Legal Entities Who Have Been Abandoned by Their Directors or Management, Presidential Decree Number 55 of 1993 has been revoked by Government Regulations in Lieu of Law Number 65 of 2006 concerning Land Acquisition for the Implementation of Development in the Public Interest, Presidential Decree Number 32 of 1979 concerning Principles of Policy in the Context of Granting New Rights to Land from the Conversion of Western Rights, Presidential Decree Number 9 of 1973 concerning Implementation of Revocation of Rights to Land and Objects on It , MNA/Kabpn Regulation Number 1 of 1994 concerning Provisions for Implementing Presidential Decree Number 55 of 1993, MNA/KaBPN Regulation Number 3 of 1999 concerning Delegation of Authority to



Grant and Cancel Decisions Granting Rights to State Land and MNA/KaBPN Regulation Number 91 of 1999 concerning Procedures

Granting and Cancellation of State Land Rights and Management Rights. The principle of the rule of law guarantees certainty, order and legal protection with the core of truth and justice. Certainty, order and legal protection require that legal traffic in people's lives require evidence that clearly determines the rights and obligations of legal subjects in society. Apart from being made before a public official in order to obtain its authenticity, the deed in question must be made in the form determined by the Legislation and the public official before whom the deed is made must have the authority to make this deed, in the place where the deed is made. Land cannot be separated from humans because land is an important factor in human life. Land is a place for settlement, a place for human activities, even after death they still need land.

The right to control the state must be seen in the context of the state's rights and obligations as owner (domein) which are public, not as eigenaar which are private. The meaning of this understanding is that the state has the authority to regulate, plan, implement, and at the same time supervise the management, use and utilization of national natural resources. Management rights during the Indonesian government were an answer to the development needs and objective conditions of the Indonesian nation and state. Based on an interview with a notary employee in Batam who handles the transfer of documents at the Batam Business Agency, the problem is that the counter that serves to carry out applications for Transfer of Rights Permits, Location Determination Endorsements, Location Determination Registrations, Location Determination Agreement Letters and Determination Decision Letters There is only 1 counter at each location in the Sumatra building and applications submitted are limited to each person making the application.

Meanwhile, in Batam, based on Decree of the President of the Republic of Indonesia Number 41 of 1973 concerning the Batam Island Industrial Area in article 6 "All land areas located on Batam Island are handed over, with management rights, to the chairman of the Batam Island Industrial Area Development Authority", so that all existing land In Batam, both those who have not been certified and those who have





been certified, transferring rights must first carry out a Transfer of Rights Permit (IPH) to obtain permission from the Batam Concession Agency (BP Batam) so that the land given to a third party who owns the land is registered with the Concession Agency. Batam (BP Batam) before then for those who already have a certificate or who will submit an application for a certificate, it will be processed at the State Land Agency (BPN).

Based on an interview with Denny Tondano, Head of Land Procurement and Allocation Sub-Directorate, that within a month they had received more than 4,000 permits per month, where they only worked from checking to signing by the Batam Concession Agency (BP Batam) to granting the permits in around two and a half minutes. Meanwhile, it is not possible to add additional staff because only 1 person signs the granting of permits for the more than 4,000 permits issued each month from the head of the division of rights and it is impossible to be represented by other staff.

So the solution that can be given by the author to the Batam Concession Agency (BP Batam) is to add staff, both at the counter who accepts licensing applications, including those who process, check incoming applications, they must add additional staff, so that they can help both the Batam Concession Agency (BP Batam) as well as from the applicant. And minimizing Authority letters proving land ownership because it is felt that there are too many Authority letters that must be taken care of when you want to change the name or transfer the name of ownership from the seller to the buyer, be it Location Determination (PL), Letter of Agreement (SPJ), Letter Decree (SKEP), Planning Fatwa, Building Construction Permit (IMB) and other letters.

Moreover, each letter must be processed by a different counter that accepts the application, besides confusing the applicant, the time period required from processing one letter to another until completion takes up to approximately 2 years. The person who receives the application for authority letters should only be at one counter receiving the application with one application to take care of all the transfer of names of all the authority letters needed for the transfer of rights from the seller's name to the buyer's, rather than each letter having a counter. who receive each one from a different counter recipient, and with different time periods so that it makes lay people or general



people who carry out the arrangement become confused if they are doing it for the first time differently from the Notary's staff who are used to helping or services that usually provide services to assist those carrying out transactions in their offices to transfer rights to land with management rights, both certified and uncertified, because the State as a public servant should provide convenience, a simple and uncomplicated process and low costs.

There are six rights that must be combined in land registration, namely Security, starting from the stability of the system so that someone will feel secure in these rights either because they bought the land or tied up the land as collateral for a debt. Simplicity, simple so that everyone can understand, Accuracy, that there is accuracy in the registration system more effectively, Expedition, meaning it can be done smoothly and immediately so as to avoid unclear things which can result in protracted land registration, Cheapness, namely gnats the low cost can be as cheap as possible, Suitability to circumstances, that is, it will still be valuable both now and in the future in the future of the registration and Completeness of the record, consisting of the recording must be complete, moreover there are still lands that have not been registered and likewise registration of each particular land based on the conditions at the time it was registered.

That the sale and purchase of land according to western law consists of two parts, namely "Sales and Purchase Agreement" and "Delivery of Rights", these two things are separate from each other so that even though the first has been completed, it is usually a Notarial deed but if the second has not been done then the status of the land is still under the control of the seller. Indeed, the State is required to provide easy, simple and cheap services for its people, so in its practice to minimize problems and minimize the time spent at the counter as an intermediary in receiving application documents, they give priority to the general public who take care of the transfer of their rights themselves because apart from that they only bring one document, namely processing their transition.

The permit application is also made directly by the buyer without giving power of attorney to other people who may not know about the state or condition of the land so



that if there are any deficiencies requested by the Batam Concession Agency (BP Batam) counter staff, they will be quickly filled without waiting. The right to control the State of the State belongs to the State as the ruling organization of the Indonesian nation at the highest level, namely regulating and administering its allocation, use, supply and maintenance, Determining and regulating the rights that can be had over (part of) the earth, water and space. space, and Determining and regulating legal relationships between people and legal actions concerning earth, water and space. Where the implementation of the right to control the State is necessary and does not conflict with national interests according to applicable regulations. Where the holder of management rights remains subject to the State's control rights whose regulations or policies are made by the central government.

Because many people who use the services of a notary in processing the transfer of their documents have to be delayed because they are waiting for the completeness of the documents, both from the buyer and the seller, especially if it turns out that the seller or buyer is already outside the area, the documents being processed will be delayed because Waiting for the documents to be completed can take months. So accuracy and understanding is needed for the Notary as a provider of convenience services in helping his customers to carry out the transfer of rights for whatever documents are needed and what payments must be paid before making an application to the Batam Business Agency (BP Batam), because if If there is even the slightest negligence, there will be a risk of delaying a person's file for processing the transfer of their rights at the Concession Agency, especially the processing that takes the longest, namely the issuance of a Letter of Agreement (SPJ) and a Letter of Decree (SKEP). It takes more than a year for the transfer of rights for documents. the authority letter normally without any problems, especially if in the future there are problems due to the lack of required conditions. Effendi Wargan stated that management rights include rights to land registered according to Government Regulation Number 10 of 1961 concerning Land Registration. Muhammad Bakri stated that according to its nature and principles, state authority which originates from the right to control land by the state is in the hands of the central government.



Autonomous regions (now regional governments), only have this authority if there is a delegation or delegation of authority to implement land control rights by the state from the central government to the Regional Government. It is hoped that the Batam Business Board (BP Batam) will provide clear and permanent rules regarding the procedures and documents required to be attached to the application submitted to it so that both the public and the notary do not feel that it is difficult because the State is being sued. to make things easier for society, not the other way around. What is meant by the principles of land registration as regulated in article 2 of Government Regulation Number 24 of 1997 are simple, safe, affordable, up-to-date and open. The purpose of these principles is the Simple Principle, so that the basic provisions and procedures can easily be understood by interested parties, especially land rights holders, the Safe Principle, that land registration needs to be carried out carefully and meticulously, so that the results can guarantee legal certainty in accordance with the purpose of land registration itself, the Affordable Principle, for affordability for parties who need it, especially taking into account the needs and capabilities of economically weak groups. Land registration services must be affordable for those who need them, up-to-date principles, adequate completeness in their implementation and continuity in data maintenance. The principle of the rule of law guarantees certainty, order and legal protection with the core of truth and justice. Certainty, order and legal protection require that legal traffic in people's lives require evidence that clearly determines the rights and obligations of legal subjects in society.

The Batam Concession Agency (BP Batam) always strives to overcome the problems of land allocation application services for land management and granting land rights. BP Batam since 2012 has tried to build an integrated electronic service system known as Batam Single Window (BSW). However, this system was only able to function in 2014. At the time the integrated electronic service system was implemented, there were many shortcomings that the public complained about and almost no one wanted to use it, because the number of documents submitted each day was limited to hundreds, besides that, it was also difficult to use the system. the. On October 1 2019, BP Batam transferred its integrated electronic service system from BSW to Land



Management System (LMS). With the implementation of the new integrated electronic service system, the public can submit land permit documents without being restricted like the previous system. LMS users are also divided into three, namely developers, notaries and individuals. In the past, BSW could only serve 40 to 60 documents per day out of 150 incoming documents, but in this LMS the system can accommodate document submissions. In this case, the effectiveness of the services of the Batam Concession Agency before and now in the process of applying for land allocation for land management and granting land rights based on the Legal Effectiveness Theory can be assessed as not yet effective, which can be measured from 5 (five) factors, namely:

- a. The legal factor itself is that in processing documents there are no regulations that clearly regulate the time period or period for the completion process for processing land allocation documents.
- b. Law enforcement factors, BP Batam employees' limitations in verifying data completeness means it takes a long time.
- c. Facilities or facilities factor, BP Batam has available tools such as computers, printers and others to carry out its duties.
- d. Community factors, there are still many people who are confused about the time period for the process of completing land allocation documents.
- e. Cultural factors, people are used to processing BP Batam documents which takes a long time, up to months or years.

## **2. Obstacles encountered in granting land management rights by the Batam Administration Agency to Old Villages in Nongsa District**

Based on the results of an interview with one of the Notary/PPAT employees, the majority of processing of land allocation documents is now carried out or done online, which is through an online system directly from BP Batam by registering an account directly in the system and uploading the required documents that have been determined by BP Batam. In this case, the required documents must first be scanned one by one so they can be entered online. If there is a lack of data, it must be searched first independently so that the application that will be submitted can be followed up. The processing of land allocation documents can not only be carried out by the





Notary/PPAT, but can also be carried out by the general public. There are also people who take care of it independently without using the services of a Notary/PPAT, it's just that people in general don't know how to use the online system currently implemented. People who don't understand how to use the online system can also go directly to BP Batam's One Stop Integrated Service (PTSP), there are still counters there that will help people with the processing directly, but it's just that the requirements submitted still have to be done online and people have to Bring document files that have been scanned first. If people do not bring document files, they will be assisted by the Helpdesk which has been provided and there will be assistance from officers to scan the required documents before going to the counter, but in this case it can take quite a long time because the documents are scanned. which is a lot and can only be done per sheet.

Some land allocation documents take a short time, but some also take a very long time and there is even no clarity on the time needed to complete certain documents. Processing the Transfer of Rights Permit (IPH) takes approximately 14 (fourteen) working days, processing the UWT (Annual Compulsory Money) invoice takes around 30 (thirty) days, for processing the transfer of name of Location Determination Image (PL), Letter Land Allocation Decisions (SKPL), Land Allocation Agreement Letters (SPPL) take around 3 (three) months to 6 (six) months and some can even take up to 1 (one) year. Management of UWT, IPH and PL name changers are required to process the Land Allocation Decree (SKPL) and Land Allocation Agreement Letter (SPPL). People generally know SKPL as SKEP (Decision Letter) and SPPL as SPJ (Agreement Letter). When processing these two documents, there were no regulations or standard procedures that regulated the period or time period required to complete these two documents, even if asked directly to the officer, the officer could not answer. However, in management experience, it usually takes 3 (three) months to 6 (months) for notification for the land allocation owner to appear at BP Batam to sign the SKPL and SPPL. If the land allocation owner has signed it then the process of completing the two documents can be said to be will be completed in the near future.

Obstacles in the land allocation application process are not only encountered by Notaries/PPATs, in fact, based on several news sources such as Warta Rakyat and





Batam Pos, many entrepreneurs have also complained about document processing at BP Batam. In the Batam Post news on April 16 2021, there was one person who complained about the slow service at BP Batam, where there were people who had paid the Annual Mandatory Fee, but it had been 4 (four) months and they had not been called for the issuance of SKPL and SPPL. The public also complained that they did not know the flow of licensing, because they had not received information or socialization from BP Batam. The slowness of land document licensing services is contrary to what BP Batam is advocating. With the hope of accelerating licensing services, all licensing services at BP Batam require approval from the Director of One Stop Integrated Services (PTSP), no longer needing approval at a higher level.

In this case, obstacles were encountered in the process of applying for land allocation for land management and granting land rights at BP Batam, namely in processing the land allocation documents required by BP Batam but there was no clarity on the time period required for completing the land allocation documents. submitted and there are even no standard procedures and regulations that clearly regulate the time period or period required from the application or application process to completion. Apart from that, there is a lack of socialization from BP Batam regarding the process and procedures for processing land allocation documents and also the documents that must be owned in order to own land rights, so that the public is confused about the document processing process at BP Batam. It is grateful that people who can afford it can process land allocation documents using the services of a Notary/PPAT, but if people who are less well off have to take care of the documents independently and are even confused about what they have to do to process the land allocation documents.

Factors that become obstacles/obstacles to the implementation of the work area of Land Deed Officials (PPAT) in the Government Regulation Perspective can be analyzed using Lawrence M. Friedman's theory, namely 3 (three) elements of the legal system. The three elements of the legal system that influence the operation of the law, namely legal structure, legal substance, and legal culture. For this reason, the following are several obstacles/constraints that the author has identified based on the legal system



theory above. Structural components are institutions created by the legal system with various functions to support the functioning of the system. This component makes it possible to see how the legal system provides services for the regular processing of legal materials. Structural Components in the implementation of Government Regulation Number 37 of 1998 concerning Position Regulations for Officials Making Land Deeds (State Gazette of the Republic of Indonesia of 1998 Number 52, Supplement to State Gazette of the Republic of Indonesia Number 3746) and Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Land Deed Making Officials (PPAT) State Gazette of the Republic of Indonesia of 2016 Number 120 is Land Deed Making Officials (PPAT). Regarding the meaning of a deed, in Roman law a deed is referred to as a gesta or instrumenta forensia, also referred to as a publica monumenta or deed publica. These deeds are made by a public official (publicae personae). From the various words mentioned above then emerged the words publicare and insinuari, actis inseri, which means to register publicly. According to A. Pitlo, deeds are signed documents, made to be used as evidence, and used by the person for whose purposes the letter was made. Then, according to Sudikno Merto Kusumo, a deed is a signed document, which contains events, which are the basis of a right or agreement, which was made from the beginning intentionally for proof. Provisions regarding authentic deeds are regulated in Article 165 HIR, which has the same sound as Article 285 Rbg, which reads "An authentic deed is a deed made by or in the presence of an official authorized to do so, which is complete evidence between the parties and their heirs. and those who receive rights from it regarding what is stated in it and even as a mere notification, but the latter is only notified directly with the conditions in the deed."

The evidentiary strength of an authentic deed in this case has 3 (three) aspects that must be taken into account when the deed is made, these aspects are related to the evidentiary value, namely the external ability of the Notary's deed is the ability of the deed itself to prove its validity as an authentic deed. If seen from the outside (its birth) as an authentic deed and in accordance with the legal rules that have been determined



regarding the requirements for an authentic deed, then the deed is valid as an authentic deed, until proven otherwise, meaning until someone proves that the deed is not an authentic deed in appearance. In this case, the burden of proof is on the party who denies the authenticity of the Notary's deed. The parameters for determining a Notarial deed as an authentic deed are the signature of the Notary concerned, both on the minutes and the copy as well as the beginning of the deed (starting from the title) to the end of the deed.

The evidentiary value of a Notary's deed is from the external aspect, the deed must be seen for what it is and does not need to be contradicted outwardly with other evidence. If someone considers that a Notarial deed does not meet the requirements as an authentic deed, then the person concerned is obliged to prove that the deed is not outwardly an authentic deed. Denial or denial that outwardly a Notarial deed is an authentic deed, not an authentic deed, then the assessment of the evidence must be based on the requirements of the Notarial deed as an authentic deed. This kind of proof must be done through a lawsuit in court. The plaintiff must be able to prove that in appearance the deed that is the object of the lawsuit is not a notarial deed.

Certainty about the material of a deed is very important, that what is stated in the deed is a valid proof against the parties who made the deed or those who get the right and apply to the public, unless there is proof to the contrary (*tegenbewijs*). Testimony or statements contained in official documents (or news of events), or statements of the parties given/delivered in front of the Notary and the parties must be judged to be true. The words that are then poured/contained in the deed are considered to be true or every person who comes before the Notary whose information is then poured/contained in the deed should be judged to have said so truthfully.

If it turns out that the statements/statements of those present are not true, then this is the responsibility of the parties themselves. Notaries are apart of that kind of thing. In this way, the contents of the Notarial deed have the certainty of being true, becoming valid evidence for/between the parties and their heirs and recipients of their rights. To prove the material aspects of the deed, the person concerned must be able to prove that the Notary did not explain or state the truth in the deed, or that the parties who said the



truth (in the presence of the Notary) said it incorrectly, and reverse evidence must be carried out to deny the material aspects. from the Notarial deed. In the practice of making notarial deeds, these three aspects cannot be separated from one another. However, these aspects must be seen as a whole as a form of evidentiary assessment of the authenticity of a Notary's deed. In connection with the matters above, it cannot be denied that the Land Deed Drafting Officer (PPAT) has a very large role in providing legal certainty for land registration. There are changes to the working area of Land Deed Making Officials (PPAT), which was originally only one working area of the Regency/Municipal Land Office, now in accordance with the Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Deed Making Officials Land (PPAT) State Gazette of the Republic of Indonesia 2016 Number 120 has changed to province-wide, which is good news for Land Deed Drafting Officials (PPAT). The expansion of the work area of Land Deed Making Officials (PPAT) is interpreted as a new opportunity, because Land Deed Making Officials (PPAT) in a certain work area no longer need to "cross positions".

However, not all Land Deed Making Officials (PPAT) feel that expanding their work area is a good thing. This is because the expansion of the work area of Land Deed Making Officials (PPAT) to become province-wide is considered to have the potential to cause problems for Land Deed Making Officials (PPAT). The problems that Land Deed Drafting Officials (PPAT) may face when trying to "spread their wings" to other work areas in one province include difficulties when communicating with the National Land Agency (BPN). For example, the Land Deed Making Official (PPAT) in city On the other hand, the Land Deed Making Official (PPAT) from city Y will certainly have difficulty when wanting to check the certificate online because the account and password of the relevant Land Deed Making Official (PPAT) are not yet registered in the National Land Agency (BPN) database in city X.

The substantive component is the legal product. The legal products regarding the expansion of work areas are regulated in Article 12 paragraph (1), paragraph (2), and paragraph (3) of the Government Regulation of the Republic of Indonesia Number 24



of 2016 concerning amendments to Government Regulation Number 37 of 1998 concerning Regulations on the Position of Officials Making Land Deeds (PPAT) State Gazette of the Republic of Indonesia of 2016 Number 120. Where Article 12 paragraph (1) states that the work area of the Land Deed Drafting Officer (PPAT) is a provincial territory; Article 12 paragraph (2) states that the work area of Temporary Land Deed Making Officials (PPAT) and Special Land Deed Making Officials (PPAT) includes their work area as Government Officials which is the basis for their appointment, while Article 12 paragraph (3) states that further provisions regarding the work area of the Land Deed Drafting Officer (PPAT) is regulated by Ministerial Regulation.

Even though the Government Regulation was signed on June 22 2016 and promulgated on June 27 2016, Land Deed Making Officials (PPAT) have not been able to make land deeds in one province. This has been confirmed in Article 12 paragraph (3) of Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Officials Making Land Deeds (PPAT) of the State Gazette of the Republic of Indonesia of 2016 Number 120, that Officials Land Deed Makers (PPAT) must wait for further Ministerial Regulations regarding work area regulations. The Ministerial Regulation at the time the author wrote this thesis had not yet been published. The ministerial regulatory apparatus is considered slow and lacking efficiency in this regard. It is as if the Government Regulation that has been promulgated is not mature enough and without complete preparation, because we still have to wait for the ministerial regulation which has not yet been completed for almost 1 (one) year. Events like this automatically make Government Regulations regarding the expansion of the work area of Land Deed Officials (PPAT) meaningless.

The cultural component consists of values and attitudes that influence the operation of the law. In this writing, the cultural components referred to are the community and the National Land Agency (BPN). The community and the National Land Agency (BPN) have a big role in the successful implementation of Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Land





Deed Officials (PPAT) State Gazette of the Republic of Indonesia of 2016 Number 120 This is because the wider the working area of the Land Deed Official (PPAT), the potential for problems that arise will also become wider. One example is if the Land Deed Making Officer (PPAT) finds a client who is dishonest and even falsifies data and/or information, especially regarding land objects. Land Deed Officials (PPAT) will find it difficult to monitor land outside their jurisdiction. The National Land Agency (BPN), as the institution that carries out government duties in the land sector nationally, regionally and sectorally, is considered to be less effective in developing an online system for checks and other actions. This is because there are still several areas where the National Land Agency (BPN) has not yet implemented an online system. The author can explain the solution to the factors that become obstacles/constraints in the implementation of the work area of Land Deed Making Officials (PPAT) in the perspective of Government Regulations as follows. It cannot be denied that in connection with current developments, society increasingly needs the existence of Land Deed Making Officials (PPAT). The Land Deed Making Official (PPAT) has the role of recording all legal actions regarding land registration activities by making deeds as proof of the implementation of certain legal actions regarding land rights or ownership rights to apartment units which will be used as the basis for registering changes to land registration data. For this reason, Land Deed Making Officials (PPAT) must continue to update their knowledge according to current developments and know all the latest regulations. Agrarian and Spatial Planning (ATR)/National Land Agency (BPN) must be more effective and efficient in immediately issuing Ministerial Regulations regarding the expansion of the work area of Land Deed Drafting Officials (PPAT). The condition is constrained by Ministerial Regulations as implementing regulations for several articles in the Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Officials Making Land Deeds (PPAT) in the State Gazette of the Republic of Indonesia of 2016 Number 120 making it difficult for Officials to Make Land Deeds. The Land Deed (PPAT) means that the Land Deed Drafting Officer (PPAT) cannot provide maximum service to the community. L





**E. Conclusion**

1. That the provisions of the new trademark law Number: 20 years That the effectiveness of the law regarding the services of the Batam Concession Agency in the process of applying for land allocation for granting land rights over the management rights of the Batam Concession Agency is not yet effective because there are still factors that hinder the effectiveness of its services.
2. That there are obstacles for Notaries/PPATs and the general public in the process of applying for land allocation for granting land rights over the management rights of the Batam Concession Agency, namely processing land allocation documents which takes a long time and there is no clarity on the period or time period required by the Agency Batam business in completing certain documents.

**F. Suggestion**

1. The public's lack of understanding regarding this auction means the need for education and knowledge about this auction so that it can be understood
2. Apart from the government, the public should also understand more about the implementation of land allocation documents which takes a long time and there is no clarity on the period or time period required by the Batam Concession Agency to complete certain documents.



## **BIBLIOGRAPHY**

### **A. BOOKS**

Andasasmita, Komar, 1981, Notary with History, Role, Duties, Secrets of His Office, Sumur, Bandung.

Adjie Habib, 2008, Indonesian Notary Law, Thematic Interpretation of Law No.30 of 2004 concerning the Position of Notaries, Refika Aditama, Bandung.

Adiwinata, Saleh, 1980, Understanding Customary Law According to the Basic Agrarian Law, Alumni, Bandung.

Alam, Wawan Tunggal, 2001, Law Talking about Cases in Everyday Life, Popular Millenia, Jakarta.

Ali, Chidir, 1991, Legal Entity, Bandung Alumni, Bandung.

Andasasmita, Komar, 1983, Notary at a glance, Alumni, Bandung.

Auslan, P.Mc, 1986, Urban Land and the protection of ordinary people, Gramedia, Jakarta.

Bernhard, Limbong, 2012, National agrarian law, Margaretha Library, Jakarta.

Bakri, Muhammad, 2007, The Right to Control Land by the State (New Paradigm for Agrarian Reform), Citra Media, Jakarta.

Chomzam, Ali Achmad, 2002, land law: land law series 1 granting rights to State land and land law series II certificates and their problems, Library achievement, Jakarta.

-----2002, Land Law I, Granting Rights to State Land, Selamat Pustaka, Jakarta.

Chulaemi, Achmad, 1992, Land Acquisition for Certain Needs in the Context of Development, Legal Issues Magazine Number 1 FH UNDIP, Semarang.

Erwiningsih, Winahyu, 2009, The State's Right to Control Over Land, Indonesian Islamic University, Total Media, Yogyakarta.



**Law Journal Borobudur International**  
**Vol 1 No 1, July 2024**

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Harsono, Boedi, 2007, Indonesian Agrarian Law, History of the Formation of Basic Agrarian Laws, Content and Implementation Volume 1 National Land Law 2007 Edition, Djembatan, Jakarta.

-----1999, Indonesian Agrarian Law, Collection of Land Law Regulations, Pt. Dbridge, Jakarta.

-----1971, Basic Agrarian Law: History of its Preparation, Content and Implementation, Volume II, Djangkat, Jakarta.

Hartanto, J. Andy, 2009, Legal problems of buying and selling uncertified land, Laksbang Mediatama, Yogyakarta.

Hutagalung, Arie Sukanti, and Oloan Sitorus, 2011, Regarding Management Rights, STPN Press, Yogyakarta.

HS, H Salim, and H. Abdullah, 2007, Contract and MOU Design, Sinar Graphics, Jakarta.

Ibrahim, Johnny, 2008, Normative legal research theory & methodology, Bayumedia Publishing, Malang.

Idham, Urban Land Consolidation in Regional Autonomy Perspective, PT. Alumni, Bandung, 2005, Print I, First Edition.

-----, Implementation of Agrarian-Land Political Law, Implementation of Rural Land Certification, PT. Alumni, Bandung, 2013, Print I, First Edition.

-----, Urban Land Consolidation from the Perspective of Regional Autonomy to Strengthen People's Sovereignty and Prosperous Country, PT. Alumni, Bandung, 2014, Print I, Second Edition.

Lubis, M. Solly, 1994, Philosophy of Science and Research, Mandar Maju, Bandung.

Kie, Tan Thong, 2011, Study of Notaries and Miscellaneous Notarial Practices, Second Printing, PT. Ichtiar Baru van Hoeve, Jakarta.

Koesoemawati, Ira and Yunirman Rijan, 2009, To Noaris, Achieve Hope of Success, Rineka Citra, Jakarta.

Makara, Taufik, 2004, basics of civil procedural law, Pt.Rineka Cipta, Jakarta.

Marzuki, Peter Mahmud, 2014, Introduction to Legal Studies, Kencana Prenada Media Group, Jakarta.



**Law Journal Borobudur International**  
**Vol 1 No 1, July 2024**

**ISSN: 2809-9664**

Manulang, Rinto, 2011, all things about house land and permits, PT Suka Buku, Yogyakarta.

Mertokusumo, Sudikno, 1988, agrarian law and politics, Karunika-Open University, Jakarta.

-----2008, Getting to Know the Law An Introduction, Liberty, Yogyakarta.

Moloeng, Lexi J, 2001, Rosdakarya youth qualitative research methodology, Bandung.

Miru, Ahmadi, 2007, Contract Law and Contract Drafting, PT Raja Grafindo Persada, Jakarta.

Wargan, Effendi, 1995, Indonesian Agrarian Law, an Analysis from a Legal Practitioner's Point of View, Rajawali, Jakarta.

Parlindungan, Ap, 1994, Management Rights According to the UUPA System, Mandar Maju, Bandung.

Prajitno, AA Andi, 2010, what and who are notaries in Indonesia?, Putra Media Nusantara, Surabaya.

Prasetyo, Teguh, & Barkatullah, Abdul Halim, Philosophy, theory, & legal science, Rajagrafindo persada, Depok.

Rahardjo, Handri, 2003, Smart Ways to choose and apply for credit, Pustaka Yustisia, Yogyakarta.

Ranoemihardja, R. Atang, 1982, Development of Agrarian Law in Indonesia, Aspects in the Implementation of UUPA and Other Legislation in the Agrarian Sector in Indonesia, Tarsito, Bandung.

Rahmi, Elita, the existence of land management rights and the reality of Indonesian development, article in the legal dynamics journal, vol.10, no.3, (Purwokerto: Faculty of Law, Jendral Sudirman University, 2010), in the book Irawan Soerodjo (2014) HPL land law .

Ruchiyat, Eddy, 1984, Land registration system before and after the enactment of the UUPA, CV. Armico, Bandung.

Rashid, Harun Al, 1987, A Glance at Buying and Selling Land, Ghalia Indonesia, Jakarta.

Saleh, K. Wantjik, 1977, Your Rights to Land, Ghalia Indonesia, Jakarta.

Santoso, Urip, 2012, Agrarian Law Comprehensive Study, Kencana Prenadamedia group, Jakarta.



**Law Journal Borobudur International**  
**Vol 1 No 1, July 2024**

**ISSN: 2809-9664**

Sembiring, MU, 1997, Techniques for Making Deeds, Specialist notary education program, Faculty of Law, University of North Sumatra, Medan.

Sodiki, Achmad, 2013, agrarian legal politics, published by constitution press (konpress), Jakarta.

Soegondo, R, 1982, Notary Law in Indonesia, CV. Rajawali, Jakarta.

Soekanto, Soerjono, 1986, Introduction to legal research, UI Press, Jakarta.

Soimin, Sudaryo, 1944, Land Status and Land Acquisition, Sinar Graphics, Jakarta

Sorodjo, Irawan, 2014, land law on land management rights (HPL) Existence, regulation and practice, Laksbang mediatama, Yogyakarta.

Sihombing, Irene Eka, 2005, aspects of national land law in land acquisition for development, Trisakti University, Jakarta.

Sjaifurrachman and Habib Adjie, Aspects of Notary Responsibility in Making Deeds, (Bandung: Mandar Maju, 2011).

Subekti, Various Agreements, cet. 10, (Bandung : Citra Aditya Bakti, 1995),

Sunggono, Bambang, 2007, Legal Research Methodology, (Jakarta: RajaGrafindo Persda, 2007)

Sumardjono, Maria SW, 2008, Land in the Perspective of Economic, Social and Cultural Rights, Kompas Book Publishers, Jakarta.

-----2007, management rights: development, regulation and implementation, Legal pulpit, Faculty of Law, Gadjah Mada University, Yogyakarta.

Supriadi, 2006, Ethics & Responsibilities of the Legal Profession in Indonesia, Sinargrafia, Jakarta.

-----2012, Agrarian Law, Sinar Graphic Publishers, Jakarta.

Surchmad, Winarno, 1990, Introduction to Scientific Research, Tarsito, Bandung.

Tobing, GHS Lumban, 1999, Notary Regulations (Notary Reglement), Erlangga Publishers, Jakarta.

The Batam Island Industrial Area Development Authority, 2011, revealed the facts about the development of Batam in the Ibnu Sutowo-JB Sumarlin era, Batam.



**Law Journal Borobudur International**  
**Vol 1 No 1, July 2024**

**ISSN: 2809-9664**

Wuisman, JJJM, 1996, Research in the social sciences, volume I, UI Press, Jakarta.

Zein, Ramli, 1995, Management Rights in the UUPA System, Rineka Cipta, Jakarta.

**B. LEGAL REGULATIONS**

The 1945 Constitution of the Republic of Indonesia

Code of Civil law

Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, Supplement to State Gazette Number 2043

Law Number 30 of 2004 concerning Notary Positions, Supplement to the State Gazette of the Republic of Indonesia Number 4432

Law Number 2 of 2014 concerning the Position of Notary, Supplement to the State Gazette of the Republic of Indonesia Number 5491

Law Number 46 of 2007 concerning the Batam free trade area and free port, Supplement to the State Gazette of the Republic of Indonesia Number 4794

Government Regulation Number 36 of 1997 concerning Imposition of Fees for Acquisition of Land and Building Rights Due to the Granting of Management Rights, Supplement to the State Gazette of the Republic of Indonesia Number 3708

Government Regulation Number 8 of 1953 concerning Control of State Lands Supplement to the State Gazette of the Republic of Indonesia of 1953 Number 362

Regulation of the Minister of Agrarian Affairs Number 9 of 1965 concerning Implementation of Conversion of Controlling Rights over State Land and Provisions concerning Subsequent Policies

Minister of Home Affairs Regulation Number 5 of 1974 concerning Provisions Concerning the Provision and Grant of Land for Company Needs

Minister of Home Affairs Regulation Number 1 of 1977 concerning Procedures for Applications and Completion of Granting Rights to Land Parts of Land Management Rights and Their Registration

Government Regulation Number 10 of 1961 concerning Land Registration

Government Regulation Number 24 of 1997 concerning Land Registration, Supplement to the State Gazette of the Republic of Indonesia Number 3696

Presidential Decree Number 41 of 1973 concerning the Batam Island Industrial Area,