

JURIDICAL ANALYSIS OF RIGHTS REGISTRATION PROCESS ON LAND AND OWNERSHIP STATUS TO CONFIRM LEGAL ASSURANCE (STUDYRESEARCH IN THE AGENCY OFFICE NATIONAL LAND BATAM CITY)

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ABSTRACT

Land registration aims to guarantee legal certainty and certainty of land rights. By holding land registration, the parties concerned can easily find out the status of the legal status of the particular land they are dealing with, their location, area and boundaries. And also as a condition for the implementation of orderly land administration. The purpose of this study is to find out the legal arrangements regarding the process of registering land rights and ownership status in order to confirm legal certainty and how to implement, constraint factors and solutions to problems that occur in the community. This research uses normative legal research methods. The normative method is writing that uses primary materials or data. In normative legal research, library materials in the form of basic data which in the study are classified as secondary data. Secondary data can include primary legal materials, secondary legal materials and tertiary legal materials. The results of the study indicate that the legal arrangements regarding the responsibilities of the Batam City National Land Agency in the process of registering land rights have been carried out well by the Batam City National Land Agency in order to realize legal certainty for the people of Batam City. However, in carrying out their duties there are still obstacles in the process of registering land rights in Batam City because of the imbalance of authority with the Batam Concession Agency as the holder of land management rights in Batam City. So, the solution is expected to have special regulations regarding this so that the process of registering land rights in Batam City can run in accordance with the laws and regulations.

Key words: Land Rights Registration, Ownership Status, Legal Certainty

1. PRELIMINARY

Land Registration is a series of activities carried out by the Government continuously, continuously and regularly covering the collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists, regarding land parcels, land above space, space Underground and flat units, including the issuance of a letter of proof of their rights for plots of land, above ground space, basement rooms that already have rights and ownership rights to the apartment units and certain rights that encumber them.

In order to guarantee legal certainty and legitimacy from the State, every control and use of land, including in the handling of land issues, must be based on law while still being based on the constitution as regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. and the Basic Agrarian Law Number 5 of 1960 (Supplementary Gazette of the State Gazette Number 104 of 1960).

Returning to the central topic and theme which is also a strategic part of the title of this thesis, namely the gap phenomenon between what is ordered according to the laws and regulations (*das sollen*) and what is happening in the field (*das sein*). In this case the Batam City Regional Regulation which regulates spatial planning has in fact not been able to answer

this problem. This is because there has not been a synergy between the Batam City Government spatial planning arrangements and the spatial planning arrangements regulated by the Batam Concession Agency (BP Batam). Because the Batam Concession Agency (BP Batam) is the holder of power over the Land Management Rights (HPL) in Batam City.

This refers to Presidential Decree Number 41 of 1973 article 6 paragraph (2) which reads: "All land areas located on Batam Island are handed over, with land management rights, to the Chairman of the Batam Island Industrial Area Development Authority". The land management rights authorize the chairman of the Batam Island Industrial Area Development Authority to use the land for the purposes of carrying out his duties, hand over parts of the land to third parties with usufructuary rights in accordance with the provisions of Article 41 to Article 43 of the Law. Agrarian Principal and receive income/compensation money and annual mandatory money.

Different from other areas, after Batam is managed by the Batam Concession Agency (BP Batam) in the Batam City Region, for registration of land rights, land management, buying and selling of land rights in Batam City, you must first obtain permission from the Batam Concession Agency (BP Batam). Every legal subject who wants to register land rights in Batam City must pay an annual fee, which is now known as the Annual Mandatory Money (UWT) which each region has a different land zone value.

This is a recommendation to start the process of issuing certificates at the National Land Agency (BPN) of Batam City. Not only that, Land Rights Holders also have to pay Transfer Fees for Land and Building Rights or also called (BPHTB) with different land zone values for each region before the certificate can be issued by the National Land Agency (BPN) of Batam City.

Holders of land rights cannot be separated from the method and legal certainty of the transfer of land rights, whether it is a transfer through buying and selling, grants, inheritance, or auctions. Transfer of rights due to the sale and purchase of land with usufructuary rights, the holder of the name of the certificate in Batam City also has special requirements, namely having to ask permission from the Batam Concession Agency (BP Batam), known as the Transfer of Rights Permit (IPH) before the transfer process can be carried out. rights by the competent authority.

However, this is not in line with the duties of the Batam City National Land Agency (BPN), which actually has the task of formulating and determining policies in the land sector, including implementing policies in the field of determining land rights, land registration, and community empowerment. As well as an institution that regulates land acquisition. In carrying out his duties in terms of land registration, the Head of the Office of the National Land Agency (BPN) is assisted by PPAT and other officials assigned to carry out certain activities according to applicable Government Regulations.

Therefore, in this case the government continues to strive to help the community to obtain complete legal certainty through proof of ownership or land certificates that are legal and recognized by the State. With the revival of the Complete Systematic Land Registration (PTSL), giving an appeal to the National Land Agency (BPN) to immediately issue thousands of land certificates for free, is considered very helpful in realizing the purpose of the land registration, namely providing legal certainty and legal protection.

This is a new development for the City of Batam, where the holder of land rights that have not been registered can register their land through the National Land Agency (BPN) for free, especially for plot holders, and holders of land rights can also ignore some files and special provisions. which are required by the Batam Concession Agency (BP Batam) including delaying the payment of the Annual Mandatory Money (UWT).

In the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency (BPN) of the Republic of Indonesia Number 28 of 2016 concerning the Acceleration of the National Agrarian Program through Systematic Land Registration. The regulation explains that the right recipient submits the original proof of ownership, and for BPHTB owed the right recipient is required to make a statement of the outstanding BPHTB. If the evidence of community land ownership is incomplete or does not exist at all, it can be proven by a written statement regarding physical control of the land parcel in good faith by the person concerned.

In addition to these programs, the government continues to strive for the creation of synergy and efficiency in the spatial planning of Batam City. Based on the situation in question, the Mayor of Batam has been officially appointed and inaugurated as an Ex-Officio official, namely serving as the Head of the Batam Free Trade and Free Port Concession Agency (BP Batam), which was inaugurated on 27 September 2019 in Jakarta. The author hopes that in the future the legal arrangements regarding Batam City Regional Regulations (Perda) will no longer overlap with the Spatial Planning on Land Management Rights (HPL).

2. FORMULATION OF THE PROBLEM

1. How is the legal arrangement for the process of registering land rights and ownership status in order to confirm legal certainty (Research Study at the Batam City National Land Agency Office)?
2. How are the implementation, constraint factors, and solutions to the process of registering land rights and ownership status in order to confirm legal certainty (Research Study at the Batam City National Land Agency Office)?

3. METHODOLOGY

3.1 Research Approach

The approach method in this research is a statutory approach (statue aproac), a normative research also uses a statutory approach relating to land rights registration process because what will be studied are the legal rules that are the focus and the central theme of the research. This research paper uses a mixed research method, namely normative legal research methods and empirical legal research. Normative legal research studies the law that is made as a rule or rule that applies.

The approach method used in this research is normative and empirical juridical, that this approach is carried out by studying and reviewing applicable legal rules, especially with regard to law. the process of registering land rights and ownership status in order to confirm legal certainty

3.2 Data Sources and Data Collection Tools

Sources of data in this study are primary data and secondary data. Primary data sourced from various policies and regulations issued by the process of registering land rights and ownership status in order to confirm legal certainty. Secondary data collection is done through library research by reviewing books, journals, research results, conventions and laws and regulations as well as through internet media related to research problems. Primary data was obtained by conducting field research by interviewing informants and respondents related to the object of this research.

3.3 Data analysis

The data that has been obtained, both primary data from field research, and secondary data obtained from library research are generalized and then analyzed qualitatively. This data

analysis is an effort to find and organize data systematically to increase the researcher's understanding of the problem under study and present it as a research finding.

4. RESULTS AND DISCUSSION

1. Legal Arrangements Regarding the process of registering land rights and ownership status in order to confirm legal certainty (Research Study at the Batam City National Land Agency Office).

Batam, is one of the developed cities in Indonesia where this area has the largest economic growth and development in the Riau Islands province. Batam was developed in the early 1970s as a logistics and operational base for the oil and gas industry by Pertamina. Different from other cities in Indonesia, this large area of land in Batam is managed by the Batam Concession Agency (BP Batam). The regulation on land management rights is further regulated in other provisions which will be explained in this thesis. Land management rights are rights to control from the state whose authority is partially delegated to the holder.

Therefore, in Batam City as the first step for the process of registering land rights and issuing certificates, they must go through the process of allocating land first through the Batam Concession Agency (BP Batam) as the holder of land management rights (HPL). As for what underlies the Batam Concession Agency (BP Batam) as the holder of land management rights, it is stated in Presidential Decree Number 41 of 1973 concerning the Batam Island Industrial Area which contains the following:

article 1

1. Batam Island, which is included in the territory of the Riau Province Level I Region, is designated as an Industrial Area, hereinafter in this Presidential Decree called Batam Island Industrial Area.
2. In connection with what is stipulated in paragraph (1) of this article, the entire area of Batam Island is the working environment of the Batam Island Industrial Area.

Section 2

The development, control and exploitation of the Batam Island Industrial Area shall be carried out by and accountable to:

- a. Batam Island Industrial Area Supervisory Agency.
- b. Batam Island Industrial Area Development Authority.
- c. Batam Island Industrial Area Company.

Article 3

The Batam Island Industrial Area Supervisory Board has the following duties:

- a. Supervise the implementation of policies on the development and control of Batam Island development carried out by the Batam Island Industrial Area Development Authority.
- b. Synchronizing the policies of Government Agencies related to the development of Batam Island.
- c. Provide implementation instructions to the Batam Island Development Authority regarding the development of Batam Island as an Industrial Area in accordance with the general policy of the Government in the field of development.

The composition of the Batam Island Industrial Region Supervisory Board consists of:

1. Minister of State for Economy, Finance and Industry/Chairman of BAPPENAS as Chairman concurrently Member.
2. Minister of Home Affairs, as Member.
3. Minister of Finance, as Member.
4. Minister of Trade, as Member.
5. Minister of Industry, as Member.
6. Minister of Transportation, as Member.
7. Chairman of the Investment Coordinating Board, as a Member.
8. Governor of Riau Province, as a Member.

In carrying out its duties, the Batam Island Industrial Area Supervisory Agency is responsible to the President.

Article 4

1. The Batam Island Industrial Area Development Authority is the authority responsible for the development of the Batam Island Industrial Area development and has the following duties:
 - a. Develop and control the Development of Batam Island as an Industrial Area.
 - b. Develop and control transshipment activities on Batam Island.
 - c. Planning for infrastructure needs and the exploitation of infrastructure installations and other facilities.
 - d. Accommodate and examine applications for business licenses submitted by entrepreneurs and submit them to the relevant agencies.
 - e. Ensuring that licensing procedures and the provision of services needed in establishing and running a business on Batam Island can run smoothly and orderly, everything to be able to foster the interest of entrepreneurs to invest in Batam Island.

The composition of the Batam Island Industrial Area Development Authority consists of a chairman, vice chairman, and secretary. In carrying out its duties, the Batam Island Industrial Area Development Authority is assisted by an assistance team consisting of the following elements:

- a. Ministry of Finance (Directorate General of Taxes and Directorate General of Customs and Excise).
- b. Ministry of Transportation (Directorate General of Sea Transportation).
- c. Ministry of Trade (Directorate General of Trade).
- d. Ministry of Manpower, Transmigration and Cooperatives (Directorate General of Manpower Development and Use).
- e. Ministry of Home Affairs (Directorate General of Agrarian Affairs).
- f. Ministry of Justice (Directorate General of Immigration).

Article 5

1. To organize the exploitation of the Batam Island Industrial Area, a State-owned enterprise is formed in the form of a Limited Liability Company in accordance with the provisions of the Commercial Code Stbl. 1847 : 23 jo. Government Regulation No. 12 of 1969.
2. The establishment of the Company as referred to in paragraph (1) of this article is regulated in a separate regulation.

Article 6

The designation and use of land in the Batam Island Industrial Area for the purposes of buildings, businesses and other facilities, related to the implementation of Batam Island development, is based on a land use plan in the context of developing Batam Island into an Industrial Area.

1. Matters relating to land management within the industrial area of Batam Island within the framework of the provisions referred to in paragraph (1) of this article shall be further regulated by the Minister of Home Affairs in accordance with the prevailing laws and regulations in the agrarian sector, with the following provisions:
 - a. The entire area of land located on Batam Island was handed over, with land management rights, to the Chairman of the Batam Island Industrial Area Development Authority.
 - b. The land management rights referred to in this sub-paragraph authorize the Chairman of the Batam Island Industrial Area Development Authority to plan the allocation and use of the land, to use the land for the purposes of carrying out his duties, to hand over parts of the land to third parties with usufructuary rights. with the provisions of Article 41 to Article 43 of the Basic Agrarian Law, and receive income/compensation money and annual compulsory money (UWTO).

Article 7

1. If it is necessary to carry out activities for the development of Batam Island as an Industrial Area, at the suggestion of the Batam Island Industrial Area Development Authority, certain areas within the Batam Island Industrial Area may be designated as Bonded Warehouse Business Areas as intended, in Government Regulation No. 20 of 1972.
2. The management and exploitation of Bonded Warehouse Business Areas in the Batam Island Industrial Area as referred to in paragraph (1) of this article is carried out by the Batam Island Industrial Area Concession Company.

Article 8

1. The appointment and dismissal of the Chairman and Members of the Batam Island Industrial Area Supervisory Board shall be carried out by the President.
2. The appointment and dismissal of the Chairman and Deputy Chairperson of the Batam Island Industrial Area Development Authority is carried out by the President.
3. The Secretary of the Batam Island Industrial Area Development Authority is appointed and dismissed by the Chairman of the Authority.
4. The members of the Assistance Team for the Batam Island Industrial Area Development Authority as referred to in Article 4 paragraph (3) of this Presidential Decree are appointed and dismissed by the Head of the Authority at the suggestion of the Minister/Head of the Department concerned.

Article 9

The details of the duties and working procedures of the Batam Island Industrial Area Supervisory Board and the Batam Island Industrial Area Development Authority shall be further regulated by the respective Chairpersons concerned. Then over time, through Government Regulation of the Republic of Indonesia Number 46 of 2007 concerning Free Trade Areas and Free Ports of Batam, the Batam Authority was officially dissolved and replaced by the Batam Concession Agency (BP Batam) as the holder of land management rights in Batam City. The contents of the Government Regulation of the Republic of

Indonesia Number 46 of 2007 concerning Free Trade Areas and Free Ports of Batam are as follows:

Article 1

1. With this Government Regulation, the Batam area is designated as a Free Trade Area and Free Port for a period of 70 (seventy) years after the enactment of this Government Regulation.
2. The Batam Free Trade Zone and Free Port as referred to in paragraph (1) includes Batam Island, Watch Island, Setokok Island, Nipah Island, Rempang Island, Galang Island and Galang Baru Island.
3. The fixed boundaries and coordinates of the area as referred to in paragraph (2) are as shown in the attached map which is an integral part of this Government Regulation.

Section 2

1. Within the Free Trade Area and Free Port of Batam, activities are carried out in the economic sector, such as the trade, maritime, industrial, transportation, banking, tourism and other fields.
2. Other fields as referred to in paragraph (1) shall be stipulated by a separate Government Regulation.
3. The development of activities in the economic sector within the Free Trade Zone and Free Port in the area as referred to in Article 1 paragraph (2) shall be carried out in accordance with the Batam City Spatial Plan.

Article 3

1. All assets of the Batam Island Industrial Area Development Authority are transferred to the assets of the Batam Free Trade Area and Free Port Concession Agency, except for assets that have been handed over to the Batam City Government, in accordance with the Laws and Regulations.
2. Employees at the Batam Island Industrial Area Development Authority were transferred to employees at the Batam Free Trade Area and Free Port Concession Agency.

Article 4

1. Land management rights on land that are under the authority of the Batam Island Industrial Area Development Authority and land management rights on land that are under the authority of the Batam City Government located in the Free Trade Zone and Free Port of Batam as referred to in Article 1 paragraph (2) shall be transferred to the Zone Concession Agency. Free Trade and Free Port of Batam in accordance with statutory regulations.
2. The existing rights on the land management rights on the land as referred to in paragraph (1) shall remain in effect until their validity period ends.
3. For the extension/renewal of rights after the rights as referred to in paragraph (2) expires, it will be given in accordance with the laws and regulations.

Article 5

At the time this Government Regulation comes into force, all agreements, agreements, or cooperation as well as permits or facilities granted by the Batam Island Industrial Area Development Authority and the Batam City Government are declared to remain valid until their validity period ends.

Article 6

1. The Batam Free Trade Area and Free Port Concession Agency shall be established no later than December 31, 2008.
2. Prior to the establishment of the Batam Free Trade Area and Free Port Concession Agency, the duties and authorities were carried out jointly between the Batam City Government and the Batam Island Industrial Area Development Authority in accordance with their respective main tasks and functions.

After the process of allocating the land, then the next stage is the process of registering land rights at the National Land Agency (BPN) of Batam City. As for the legal basis for BPN as a national institution responsible for implementing land registration in Indonesia, it is stated in the Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration Articles 5 and 6 which reads as follows:

Article 5

1. Land registration is carried out by the National Land Agency.

Article 6

1. In the context of carrying out land registration as referred to in Article 5, the task of implementing land registration is carried out by the Head of the Land Office, except for certain activities which are assigned by this Government Regulation or the relevant legislation to other officials.
2. In carrying out land registration, the Head of the Land Office is assisted by PPAT and other officials assigned to carry out certain activities according to this Government Regulation and the relevant laws and regulations.

Then according to the Presidential Regulation of the Republic of Indonesia Number 20 of 2015 concerning the National Land Agency, the National Land Agency (BPN) has the task of carrying out government affairs in the land sector to assist the President in administering state government. The tasks are as follows:

1. formulation and stipulation of policies in the land sector.
2. formulation and implementation of policies in the fields of survey, measurement, and mapping.
3. formulation and implementation of policies in the field of determination of land rights, land registration, and community empowerment.
4. formulation and implementation of policies in the field of regulation, arrangement and control of land policies. formulation and implementation of policies in the field of land acquisition.
5. formulation and implementation of policies in the field of control and handling of land disputes and cases.
6. supervision of the implementation of tasks within the National Land Agency (BPN).
7. implementation of task coordination, development, and provision of administrative support to all organizational units within the National Land Agency (BPN).

2. Implementation, constraint factors, and solutions to the process of registering land rights and ownership status in order to confirm legal certainty (Research Study at the Batam City National Land Agency Office).

In the context of registering land rights, especially in Batam City, they must go through a land allocation process, in which the process is carried out by Batam Concession Agency (BP Batam) as the holder of land management rights (HPL). Land Management Rights (HPL) is part of the right to control the state, cannot be granted to individuals, both Indonesian citizens and foreign citizens. Land management rights can only be granted to certain legal entities in terms of the history of the birth of the Basic Agrarian Law No. 5 of 1960 (Supplementary Gazette of the State Gazette No. 104 of 1960), land management rights are land rights that were previously unknown in the Basic Law. Agrarian Affairs No. 5 of 1960 (Supplementary Gazette of the State Gazette No. 104 of 1960).

Land management rights are born and develop in accordance with the development of an area, every right that is obtained will immediately lead to obligations. Land management rights that are born from tenure rights where the rights of tenure that are born are attached by the authority, rights, obligations and prohibitions for the holder of the right. Likewise, the granting of land management rights to parties who have fulfilled the requirements and stipulated through the rules in land law, gives rise to legal rights and obligations both in terms of administration and implementation. One of the rights of the land management right holder is to receive income/compensation money and/or annual mandatory money (UWT).

The granting of land rights to land management rights is an application of the authority of the holder of land management rights and does not deviate from the law and the grant is carried out because basically land that can be granted with land management rights is land that is directly controlled by the State. The specialty of land management rights in Batam City is that it remains binding on the right holder, namely, even though the land parcels are controlled by other parties with various land rights, these rights are still bound and the ownership rights of the holder are not broken.

Allocation land is the handover of parts of land with land management rights for the Batam Concession Agency (BP Batam) to land users, to be used according to the designated designation. Applicants for land allocation are individuals, legal entities, religious bodies, and social entities that submit applications to the Batam Concession Agency (BP Batam). The initial steps for the land allocation process in Batam City are as follows:

1. Submission of land allocation to BP Batam.
2. The issuance of the principle permit/approval from the Head of BP Batam.
New location UWT Invoice issuance process for 30 years.
3. Business Plan Presentation (Initial land allocation plan must be in accordance with Batam City spatial planning).
4. Measurement in the field of land allocation.
5. Comprehensive check of land allocation submitted by applicants, both individuals and legal entities.
6. The Decree (SKEP) and Land Use Agreement (PPL) were issued.
7. Recommendation letter is issued.
8. Legalization of PI, Skep, Ppl Documents.

After the land allocation process is complete, then the process of registering land rights at the National Land Agency (BPN) of Batam City can be carried out. The basis for the process of registering land rights is the measurement of the part of the land to be registered until a map of the land parcel is published. After the map of the land parcel is published, the next step is to register the SK (Decree) which includes PI, Rekom, Skep, Ppl and other

documents. The SK must be registered no later than 3 months from the date of issue, if the 3 month period has passed then a new SK must be used. These steps are stated in full in the Regulation of the Head of the National Land Agency (BPN) of the Republic of Indonesia Number 1 of 2010 concerning Land Service Standards and Regulations which contain the following:

1. receipt and examination of application documents.
2. receipt of payment for land measurement and inspection fees.
3. soil surveying and inspection.
4. Issuance of Kantah Decree.
5. Issuance of Regional Office Decrees.
6. Issuance of Central BPN Decree.
7. Receipt of payment of SK rights.
8. Receipt of SK Rights and proof of payment of BPHTB.
9. Bookkeeping of rights and issuance of certificates.
10. Certificate submission.

Granting of Land Rights is a Government stipulation that grants a State Land Rights, including extension of the term of rights and renewal of rights as well as granting of rights over land management rights. Granting of land rights in general is the granting of rights to land parcels that meet certain criteria to recipients of rights who meet certain criteria which are carried out with a determination of the granting of rights. Extension of the term of the right is the addition of the validity period of a land right upon application before the right expires.

One of the constraint factors related to the allocation of land in Batam City is land that should have been built for housing but only half way through the construction was not continued so that it was abandoned. The limited land in Batam City should be able to be used for development but it is wasted. Because when they wanted to allocate the land, it turned out that the land was already owned by a person/legal entity.

If you look at the agreement letter, it is a mistake from the person/legal entity that owns the land because in the contents of the agreement it is written that 2 years after the allocation of the land it is obligatory to build a building. This greatly hampers the process of allocating land in Batam City, considering that Batam is an attractive city for investors to invest in and offers land for cultivation. So that it can have a bad impact on the economy of Batam City.

The solutions that can be carried out by the Batam Concession Agency (BP) Batam if the development process has not been implemented are as follows:

1. Warning letter from the building and land evaluation department.
2. Warning Letter 1 in 14 calendar days.
3. Warning letter 2 in 7 calendar days.
4. Warning Letter 3 in 7 calendar days.

Then if it is not ignored, a letter terminating the allocation of land will be issued from the Head of the Batam Concession Agency (BP Batam) so that the land can be allocated to other parties. It is published through print media and electronic media. In this case, the Batam Concession Agency (BP Batam) continues to improve evaluation and monitoring of current problems so that it can reduce vacant land that should have been transferred to other parties so that it becomes more useful.

Realizing objective and transparent land governance, realizing accountability in land allocation and related services that can be supported by an integrated electronic system,

Optimizing land management in order to support Batam's competitiveness as an investment destination. So that the land allocation is right on target and under strict supervision.

Constraint factors related to the process of registering land rights at the National Land Agency (BPN) of Batam City regarding the issuance of certificates include overlapping. Usually this happens during the measurement process in the field, which at the time of the measurement process it turns out that there are other rights on the land. For example, when the measuring officer from the National Land Agency (BPN) is measuring the land for which land rights will be registered, but when measuring it turns out that several meters of the land have been measured by the measuring officer from the Batam Concession Agency (BP Batam), due to a calculation error that causes land area is not as it should be.

When this happens, a re-measurement will be carried out by the measuring officer from the National Land Agency (BPN) of Batam City so that the measured land area is appropriate. To resolve this, this is usually done by means of inter-agency mediation and so far, nothing untoward has happened. In addition to these obstacles, there are also other obstacles in the administration section where the applicant does not bring complete files during the land rights registration process, or unpaid fees so that the land rights registration process is hampered.

The guarantee of legal certainty in the land sector is desired by both individuals and legal entities so that they can control the land legally and safely. Legal control is viewed from the aspect of the time/length of the individual or legal entity to be able to own the land and the content of the authority of the land rights itself. Meanwhile, secure land tenure means that it is free/protected from/against disturbances and there are efforts to overcome them. These disturbances can come from members of the community or by the authorities/government.

The existence of legal certainty in a country causes efforts to regulate law in a law set by the government. Regulations that are not based on a momentary decision are the prevailing legal system. A concept to ensure that the law is carried out properly so as not to cause harm to anyone, the law must be a guide, protect and protect the community from various crimes or harassment of individuals or groups is an understanding of the principle of legal certainty in the administration of the State.

Here, the law must not conflict and must be made with a formula that can be understood by the general public. in this principle. With this, the understanding of the principle of legal certainty and justice, namely the law applies not retroactively so that it does not damage the integrity of the existing system and is related to the existence of regulations and their implementation, legal certainty is expected to direct the public to have a positive attitude towards the state law that has been determined. - Basic Agrarian Law Number 5 of 1960 (Supplementary Gazette of the State Gazette Number 104 of 1960), the main purpose of land registration is to provide guarantees of legal certainty.

So obtaining a certificate is important as a guarantee of land rights guaranteed by law. The guarantee of legal certainty which is the purpose of land registration, includes:

1. Certainty of registered rights status This means that the status of the rights registered with the registration of the land will be known, such as Ownership Rights, Building Use Rights (HGB), Business Use Rights, Use Rights, Land Management Rights, Mortgage Rights, Ownership Rights to Flat Units, or Waqf Land.
2. Certainty of the subject of rights This means that it will be known who the holder of the rights to the land is by registering the land, whether it is an individual, a group of people together, or a legal entity.

3. Certainty of the object of rights This means that agricultural and non-agricultural land will be known, where the location of the land, the area or size of the land or the boundaries of the land with the registration of the land.

To provide information to interested parties including the Government so that they can easily obtain the data needed to carry out legal actions regarding registered land parcels and apartment units. Data presentation is carried out by the National Land Agency Office (BPN) in the Regency. / City which is carried out in a form known as a general register, which consists of a registration map, a land register, a certificate of measurement, a land book and a list of names.

So that interested parties, especially prospective buyers or potential creditors, before taking a legal action regarding a certain plot of land or apartment unit, it is necessary and therefore they have the right to know the data stored in the registers at the Land Office. This is in accordance with the open principle of land registration.

Good land registration is the basis and embodiment of orderly administration in the land sector. In order to achieve the administrative order, each parcel of land and apartment unit, including the transfer, assignment and write-off must be registered. Urip Santoso in his book reveals that the parties who benefit from holding land registration consist of rights holders, for the government, and for potential buyers of creditors., wich one:

- a. Benefits for rights holders, including:
- b. Gain a sense of security.
- c. Can clearly know all data, both physical data and juridical data.
 1. Facilitate the implementation of the transfer of rights.
 2. Affects land prices to rise.
 3. Can be used as collateral for debt with encumbrances.
 4. There will be no mistake in determining the Land and Building Tax (PBB).
- d. Benefits for the government, including:
 1. One of the Land Order Chess programs, namely orderly land administration will be realized.
 2. Government activities related to land in the development sector will be realized.
 3. Disputes in the land sector are reduced, such as disputes over land boundaries and illegal land occupations.
- e. Benefits for prospective buyers or creditors, namely being able to easily get clear information about physical data and juridical data on land that will become the object of legal actions regarding land.

All this is done so that the community can fully obtain legal certainty, especially in terms of land. So that people get the same rights in land, especially in Batam City. The development carried out is basically for the welfare of the community and to carry out such development changes are needed and any changes that will be made concerning the interests of the community must be based on law. The law provides legitimacy for the implementation of public policies and as a rule, the law has shown its figure as a tool for implementing policies.

The policy is implemented by using the law as the basis for policy and making changes. The use of law to make changes in society is closely related to the concept of organizing socio-economic life in society.

If the socio-economic process is allowed to run according to the laws of society itself, then the law cannot be used as an instrument of change, but if the concept is the opposite, then the role of law is closely related to the concept of community development based on

planning. The emergence of modern law opens the door for problems that did not exist before which we now know as legal certainty itself.

A German legal philosopher named Gustav Radbruch taught that there are three basic legal ideas, which most legal theorists and legal philosophers identify as three legal goals, including justice, expediency and legal certainty. He also believes that positive law should not be changed frequently.

5. CONCLUSION

Based on the results of the research and discussion that have been described in Chapter III, the authors hereby make several conclusions as follows:

1. Registration of land rights on land with land management rights in Batam City, Riau Islands Province has created legal certainty and legal protection based on Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration. The basis for granting land rights is land with land management rights and the Industrial Area Development Authority/Batam Authority as the holder of land management rights who are authorized and in charge of all lands with land management rights on Batam Island to plan the designation and use of the land with such land management rights. The legal basis for the authority and power of the Batam Island Industrial Development and Development Authority/Batam Authority is the existence of a government decree through Presidential Decree Number 41 of 1973 concerning Batam Island Industrial Area.
2. The granting of land rights on land with land management rights in Batam City must comply with recommendations, letters of agreement, pictures of location determination, letters of land allocation or recommendations and the annual mandatory money period (UWT). This document is used as the basis for the application process for land rights on land with land management rights. The document also forms the basis for the Batam City Land Office in carrying out the process of determining land rights in Batam City in general. This situation makes the implementation of land administration in Batam City special and very influential on land administration activities in Batam City.

6. SUGGESTION

Based on the results of research and discussion that have been described in Chapter III, the authors hereby make some suggestions as follows:

1. It is hoped that there will be good coordination between the Batam Concession Agency (BP Batam) and the Batam City National Land Agency (BPN) Office, so that the community is not harmed and the legal certainty of their land rights is guaranteed.
2. It is necessary to improve performance and information systems that cover all aspects contained in the Batam Concession Agency (BP Batam) so that it can grow investment for investors in conducting industry in Batam City as well as supervision of the implementation of land rights arising from or on land management rights. land in the entire area of Batam City.

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