

# JURIDICAL ANALYSIS OF LAND REGISTRATION PROPERTY RIGHTS ON THE MANAGEMENT RIGHTS OF THE BATAM COMPANY AGENCY TO CONFIRM LEGAL CURRENCY (RESEARCH STUDY AT THE BATAM CITY LAND OFFICE)

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## ABSTRACT

*Management rights are rights to control from the state whose authority is partially delegated to the holder. The Management Rights owned by the Batam Island Industrial Area Development Authority authorizes to plan, use and hand over parts of the land on Batam Island to third parties in accordance with the prevailing laws and regulations. In other words, with the status as the holder of Management Rights, the Batam Island Industrial Area Development Authority is authorized to partially allocate existing land on the island of Batam according to its designation to third parties and recommend applications for such land rights to the Head of the Batam City Land Office. This study uses a descriptive method with normative and sociological research types using a normative approach (legal research) to obtain primary data through field research (research). The results of the study show that First: Legal arrangements for registration of land ownership rights above the management rights of the Batam Concession Agency. The land registration system currently adopted by the Basic Agrarian Law and Government Regulation Number 24 of 1997 is a mixed system between a positive system and a negative system in which all the advantages and disadvantages of the positive system and the negative system are closed; Second: Implementation of Land Registration with Ownership Rights on Management Rights of Batam Concession Agency to Confirm Legal Certainty. The land registration process carried out by the Batam City Land Office has been carried out well, namely carried out by the Adjudication Committee and has been carried out in accordance with the procedures mandated in Government Regulation Number 24 of 1997 concerning Land Registration; Third: Obstacles/obstacles factors and solutions for Registering Owned Land on the Management Rights of the Batam Concession Agency to Confirm Legal Certainty is that most land owners only have documents in the form of Plots so that the process must be taken care of from the beginning starting with the issuance of UWT invoices, issuance of PL Pictures , Issuance of Skep, PPL and Recommendations from the Batam Concession Board.*

**Keyword :** *Land Registration, Property Rights on Management Rights, Batam Concession Board*

## INTRODUCTION

The basis for the status of Management Rights in Batam City is contained in Presidential Decree No. 41 of 1973 concerning Batam Island Industrial Area which states that all land areas located on Batam Island are handed over with Management Rights to the Chairman of the Batam Island Industrial Area Development Authority. The

Batam Island Industrial Area Development Authority, or also known as the Batam Authority is the authority responsible for the development and growth of industrial areas on Batam Island. The Management Right owned by the Batam Authority gives the authority to plan, use and hand over parts of the land on the island of Batam to third parties in accordance with the provisions of the applicable laws. In other words, with the status as the holder of Management Rights, the Batam Authority is authorized to partially allocate land on the island of Batam according to its designation to third parties and recommend applications for such land rights to the Head of the Batam City Land Office. Thus, there are differences in technical procedures in managing land rights in Batam City, whose land status is Management Rights land with other regions in Indonesia whose land status is state land. In areas where the status of the land is state land, the land certification process can be carried out in a simple manner, namely, from the basis of rights, it can be directly applied to the local Land Office. Meanwhile, for areas whose land status is Land with Management Rights such as in Batam City, the land certification process is first carried out through a request for land allocation first to the holder of Management Rights, which in this case is the Batam Authority.

In its development, the Batam Authority was later changed to the Batam Free Trade Area and Free Port Concession Agency, or also known as the Batam Concession Agency or BP Batam for short based on the Government Regulation of the Republic of Indonesia Number 46 of 2007 concerning Free Trade Zone and Free Port of Batam. One of the transitional provisions in the Government Regulation states that the Management Rights over land under the authority of the Batam Island Industrial Area Development Authority shall be transferred to the Batam Free Trade Area and Free Port Concession Agency. Based on the provisions in the Basic Agrarian Law (UUPA), various types of land rights that can be granted and owned by individuals or legal entities are: Ownership Rights (HM), Business Use Rights (HGU), Building Use Rights (HGB), Right to Use (HP), Right to Rent, Right to Open Land, Right to Collect Forest Products and other rights of a temporary nature (Sholih Mu'adi, 2010). Based on the author's knowledge, in Batam City itself there are several types of land rights owned by individuals or legal entities, which are stated in the form of a certificate issued by the Batam City Land Office. The land rights include Ownership Rights, Building Use Rights and Use Rights. Of the many types of land rights issued on the Management Rights of the Batam Concession Agency, the author is interested in studying further about the existence of land with Property Rights status.

When viewed from a regulatory point of view, there are no Ownership Rights over Management Rights. At least this is contained in Government Regulation No. 40 of 1996 concerning Cultivation Rights, Building Use Rights and Land Use Rights which states that basically land rights that can be granted on Management Rights land are Building Use Rights and Use Rights. In addition, the provisions contained in Presidential Decree No. 41/1973 concerning Batam Island Industrial Area states that the Management Right authorizes the Chairman of the Batam Authority to hand over parts of the land to third parties with Use Rights. In fact, according to the Head of the Batam City Land Office at the time, Asnaedi there were 14,571 property rights certificates that had been issued by the Batam City Land Office. If traced back, the issuance of Certificates of Ownership in Batam City began with the existence of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 6 of 1998 concerning the Granting of Certificates of Ownership for Residential Houses on land with an area of 600 square meters and below. The decision of the State Minister for Agrarian Affairs/Head of the National Land Agency was then followed up with a Decree No. 734/UM-KPTS/XII/1998 concerning Issuance of Recommendation Certificate of Ownership for Residential Houses which was signed by Ismeth Abdullah, Chairman of the Batam Authority at the time.

In the decree signed by the Chairman of the Batam Authority, it is stated that the Batam Authority can hand over the land area of Management Rights and provide recommendations to the Batam City National Land Agency to issue a certificate of Ownership for settlements with a land area of less than 600 square meters. This certificate of ownership rights for settlements is given to people who own houses with a simple house classification. The existence of a discourse to reduce the status of the certificate of Hak Milik to be Hak Guna Bangunan which was rolled out by the Batam Concession Agency is a follow-up to the recommendation given by Commission IV of the House of Representatives of the Republic of Indonesia regarding the certificate of Ownership that has been issued by the National Land Agency of Batam City on land Batam Concession Agency Management Rights by issuing a notification letter to the Batam City National Land Agency numbered B/3722/A3.4/KL.00.01/8/2019. There are two important points in the recommendations of Commission IV of the House of Representatives of the Republic of Indonesia, namely the reduction of Ownership Rights to Building Use Rights to comply with the provisions contained in Article 21 and Article 41 of Government Regulation Number 40 of 1996 concerning Hak Guna Usaha, Hak Guna Bangunan and Hak Guna Bangunan. Use Over Ground. The second point states that in order to follow up the process of degrading the status of Hak Milik to Hak Guna Bangunan, the Batam Concession Agency will

implement it in accordance with applicable regulations. The discourse on the reduction of Ownership Rights to Building Use Rights carried out by the Batam Concession Agency is of course inversely proportional to the essence of Hak Milik which is a hereditary right, the strongest and most fulfilled. In fact, the purpose of the community who manages to increase their land rights from Hak Guna Bangunan to Hak Milik is to strengthen legal certainty over the land they own to become stronger without having to renew the validity period of their rights at a certain time by paying the Annual Mandatory Money (UWT).

## **LITERATURE REVIEW**

### **Literature / Theory**

The Grand Theory for writing this thesis using the theory of Utilitarianism is a reaction to the metaphysical and abstract characteristics of legal philosophy in the eighteenth century. (Idham, 2014). Jeremy Bentham, as its discoverer points much of his work to severe criticisms of the entire conception of natural law. Bentham is not satisfied with the vagueness and imprecision of theories of natural law, where Utilitarianism presents one of the periodic movements from the abstract to the concrete, from the idealistic to the materialistic, from the a priori to the experiential. This flow movement is expressions/demands with the characteristics of the nineteenth century. According to this school, the purpose of law is to provide as much benefit and happiness as possible to citizens, which is based on a social philosophy which reveals that every citizen craves happiness, and the law is one of its tools.

Middle Theory In this thesis the author uses the middle theory the author uses using the legal system theory from W. Friedmen that the effectiveness and success of law enforcement depends on three elements of the legal system, namely the legal structure (structure of law), legal substance (substance of the law) and legal culture. The legal structure concerns law enforcement officers, the legal substance includes legislation and legal culture is a living law adopted in a society. The structure of the legal system consists of the following elements, the number and size of courts, their jurisdiction (including the types of cases they are authorized to hear), and the procedure for appeals from court to court. Structure also means how the legislature is organized, what the President can and cannot do, procedures are followed by the police and so on. Thus, the legal structure (legal structure) consists of existing legal institutions intended to carry out existing legal instruments.

According to Talcott Parson, there are four important functions that are absolutely needed for all social systems, including adaptation (A), goal attainment (G), integration (I), and latency (L). These four functions must be owned by all systems in order to survive, the explanation is as follows: Adaptation is a very important function here the system must be able to adapt by tackling critical external situations, and the system must be able to adapt to the environment and can adapt to the environment. for his needs;

## **LITERATURE CONCEPT**

### **Land Registration of Ownership**

Article 1 point 1 of the Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration states that land registration is a series of activities carried out by the government continuously, continuously and regularly, including collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data. in the form of maps and lists, regarding plots of land and units of flats, including the provision of certificates of proof of rights for parcels of land that already have rights and Ownership Rights on flat units as well as certain rights that encumber them. (Sukarno Aburaera, 2015). Land registration activity is an administrative activity carried out by the owner of land rights, both in the transfer of rights or the granting and recognition of new rights. The registration activity provides a clarity on the status of the land.

Owner right is a type of land right known in the Basic Agrarian Law (UUPA). The definition of property rights based on the provisions of the Basic Agrarian Law is that property rights are hereditary, strongest and most complete rights that people can have on land..

### **Batam Concession Agency Managment Rights**

Management right is the right of control from the state whose authority is partially delegated to the holder to plan the designation and use of land, use the land for the purposes of carrying out its duties, hand over parts of the land to third parties and/or cooperate with third parties. (Idham, 2013).

The Batam Concession Agency, formerly known as the Batam Island Industrial Area Development Authority or also known as the Batam Authority, is the authority responsible for the growth and development of industrial areas on Batam Island. The Batam Authority was later changed to the Batam Free Trade Area and Free Port Concession Agency or also called the Batam Concession Agency based on the Government Regulation of the Republic of Indonesia Number 46 of 2007 concerning Batam Free Trade Area and Free Port. One of the transitional provisions in the Government Regulation states that the Management Rights over land under the authority of the Batam Island Industrial Area Development Authority shall be transferred to the Batam Free Trade Area and Free Port Concession Agency. In other words, the Management Right of the Batam Concession Agency is the right to control land by the state whose authority is given to the Batam Concession Agency as the agency responsible for the development of industrial areas as well as the free trade area and free port of Batam to plan the allocation and use of land on Batam Island, using the land. for the purpose of carrying out their duties and handing over parts of the land to third parties to be used in accordance with their designation.

## Ownership of Land Rights

Ownership to land that occur because of the provisions of the Act means the Law that stipulates the property rights. For example, ownership rights to land that come from the conversion of land that used to belong to adat, this right adjustment also occurs in land rights that are subject to Western law (eigendom, Erfpacht, and opstal). The conversion of Western rights can be property rights, Cultivation Rights, Building Use Rights, and Use Rights based on the provisions of the conversion of the BAL. (Boedi Harsono, 2014). According to Article 20 paragraph (1) of the LoGA, the definition of property rights is as follows: hereditary, strongest and most complete rights that can be owned by people on land, keeping in mind the provisions in Article 6. other. Property rights are hereditary, strongest and fullest rights that people can have on land. The granting of this attribute does not mean that the right is an absolute, unlimited and inviolable right. The words hereditary mean that land ownership rights do not only last for the life of the right holder, but if a legal event occurs, namely with the death of the right holder, it can be continued by the heirs. The strongest word means that property rights to land can be encumbered with other land rights, for example, encumbered with building use rights, usufructuary rights, and other rights. Ownership rights to this land must be registered. While the word full means that the land ownership rights have given broad authority to the right holder in terms of using the land.

## DISCUSSION

### 1. LEGAL ARRANGEMENTS FOR LAND REGISTRATION OF OWNERSHIP RIGHTS OVER THE MANAGEMENT RIGHTS OF THE BATAM CONCESSION AGENCY

The legal arrangements in this study include: the 1945 Constitution of the Republic of Indonesia; Basic Agrarian Law Number 5 of 1960 (State Gazette of the Republic of Indonesia 1960 Number 10); Law of the Republic of Indonesia Number 33 of 1954 concerning Deputy Notaries and Temporary Deputy Notaries in the State Gazette of the Republic of Indonesia (LNRI) of 1954 Number 101 and Supplement to the State Gazette of the Republic of Indonesia (TLNRI) Number 700; Law Number 14 of 1985 concerning the Supreme Court, in the State Gazette of the Republic of Indonesia (LNRI) of 1985 Number 73, and Supplement to the State Gazette of the Republic of Indonesia (TLNRI) Number 3316; Law Number 30 of 2004 concerning the Position of a Notary, in the State Gazette of the Republic of Indonesia (LNRI) of 2004 Number 117, and Supplement to the State Gazette of the Republic of Indonesia (TLNRI) Number 4432; Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN-P), in the State Gazette of the Republic of Indonesia (LNRI) of 2014 Number 3, and Supplement to the State Gazette of the Republic of Indonesia (TLNRI) Number 5491 ; Presidential Decree No. 41/1973 concerning Batam Island Industrial Area; Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 9 of 1999 concerning Procedures for Granting and Canceling State Land Rights and Management Rights. Civil Code (KUHPperdata).

The legal basis for the implementation of spatial planning in Indonesia is regulated by Law Number 26 of 2007 concerning Spatial Planning which was passed in Jakarta on April 26, 2007. The regulatory directions of this Law are: (1) To strengthen national resilience based on the insight of the archipelago, for the sake of maintain harmony and integration between regions and between the center and regions so as not to create gaps in the implementation of a comprehensive, holistic, coordinated, integrated, effective, and efficient spatial arrangement by taking into account political, economic, social, cultural, defense, security and environmental factors; (2) Spatial

planning that can harmonize the natural environment and the artificial environment, and the integration of their use; (3) Provide protection for the function of space and prevention of negative impacts on the environment due to the use of space; and (4) Spatial planning is based on a systems approach, the main functions of the area, administrative areas, regional activities, and the strategic value of the area. Spatial planning activities consist of 3 (three) interrelated activities, namely: spatial planning, spatial use and control of space utilization through spatial planning products in the form of Regional Spatial Plans (RTRW) which hierarchically consist of National Spatial Plans. (RTRWN), Provincial Spatial Planning (RTRWP), and Regency/City Spatial Planning (Regency/City RTRW).

The community must be able to verify again on the land certificate you have, what is the status of the land rights, which we can inform you to the best of our knowledge that the regulation of land rights in the form of Hak Milik (HM) over Management Rights (HPL) has been regulated in a Ministerial Regulation. Domestic Affairs Number 1 of 1977 concerning Procedures for Application and Settlement of the Granting of Rights to Parts of Land with Management Rights and their Registration, but now it has been revoked by the issuance of Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency. 9 of 1999 concerning Procedures for Granting and Cancellation of State Land Rights and Management Rights, in which the Legislation which further regulates Property Rights (HM) over Management Rights (HPL) has not been reissued. Thus, the Ownership Rights (HM) above the Management Rights (HPL) which can be guaranteed with Mortgage Rights (HT) have not been explicitly regulated. Considering that Hak Milik (HM) is a hereditary, strongest and most complete right that can be owned by a person on land and Hak Milik (HM) can be used as debt security by being encumbered with Mortgage Rights (HT), this is as regulated in Article 20 and Article 25 of the Law. -Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles. Furthermore, we consider that Property Rights (HM) above Management Rights (HPL) can be analogous to the arrangement of Building Use Rights (HGB)/Use Rights (HP) over Management Rights (HPL), as stipulated in Government Regulation Number 40 of 1996 regarding Business Use Rights, Building Use Rights and Land Use Rights, that Building Use Rights (HGB)/Hak Use (HP) over Management Rights (HPL) can be charged with Mortgage Rights (HT) after obtaining written approval from the Management Rights holders (HPL). Property rights are hereditary, strongest and fullest rights that people can have on land. This right can be transferred and transferred to another party. Only Indonesian citizens can have property rights. The government also establishes legal entities that can have property rights and the conditions. Foreigners who acquire property rights due to inheritance without a will or mixing of assets due to marriage, as well as Indonesian citizens who have property rights and lose their citizenship are obliged to relinquish those rights within one year from the acquisition of said rights or loss of citizenship. If after this period of time, the right of ownership is not relinquished, then the right is nullified by law and the land falls to the state, provided that the rights of the other party that burdens it continue to exist. As long as a person in addition to his Indonesian citizenship has foreign citizenship, then he also cannot own land with property rights. Property rights are nullified if: A. the land falls to the state due to: (1) revocation of rights; (2) voluntary surrender by the owner; (3) abandoned, or (4) foreigners who get it based on inheritance or mixed assets due to marriage, loss of citizenship, as well as buying and selling, exchanging, giving, giving by will, and other acts intended to transfer property rights to foreigners, to a citizen who in addition to his Indonesian citizenship has foreign citizenship or to a legal entity not determined by the government.

## **2. IMPLEMENTATION OF LAND REGISTRATION OF OWNERSHIP RIGHTS ON BATAM CONCESSION BOARD MANAGEMENT RIGHTS TO CONFIRM LEGAL CERTAINTY (RESEARCH STUDY AT THE BATAM CITY LAND OFFICE)**

The Certificate of Ownership issued is valid as stipulated in the Basic Agrarian Law (UUPA). The ownership rights to the land that have been issued are valid as stipulated by the Basic Agrarian Law (UUPA), thus the ownership rights to the land are not included in the supervision of the Batam Concession Agency's land authority, because of the definition and nature of land ownership rights. mentioned in Article 20 paragraph (1) of the Basic Agrarian Law (UUPA) is a hereditary right, the strongest, and the fullest.

Because, the authority is not part of the authority of the Batam Concession Board. So that the ownership rights to land that have been issued are fully valid because the Basic Agrarian Law (UUPA) clearly and clearly emphasizes its power. The researcher then tries to find out whether there is a possibility for the issued land ownership rights to be canceled considering this happened because of mistakes made by the Batam Authority in the past in interpreting and implementing the mandate of the existing laws and regulations. Again, the researcher sought to find out about this, which stated that at this time there was no discourse from the Batam Concession Agency to apply for the cancellation of the issued Property Rights. The author is of the opinion that it is possible that one day

the interested parties may submit a request for cancellation through the Head of the National Land Agency in accordance with the prevailing laws and regulations. Personally, he is of the opinion that, even if the Batam Concession Board in this case is one of the parties concerned, then on the basis of Regulation of the Minister of Agrarian Affairs Number 9 of 1999 concerning Procedures for Granting and Cancellation of State Land Rights and Management Rights as stated in Article 106 to Article 107, namely the cancellation of land rights due to errors in the application of the legislation in this case applying the Decree of the State Minister of Agrarian Affairs/Head of the National Land Agency (BPN) Number 6 of 1998 concerning the Granting of Ownership Rights to Land for Residential Houses in Batam City which was formed under the legal umbrella of Presidential Decree No. 41/1973 Juncto Decree of the Minister of Home Affairs No. 43/1977.

### **3. OBSTACLES/BARRIERS AND SOLUTIONS FOR LAND REGISTRATION WITH OWNERSHIP RIGHTS ON MANAGEMENT RIGHTS OF THE BATAM CONCESSION AGENCY TO CONFIRM LEGAL CERTAINTY (RESEARCH STUDY AT THE BATAM CITY LAND OFFICE)**

That the transfer can be done by exchanging/moving the land. Juridical control is based on rights protected by law and generally gives the right holder the authority to physically take control of the land being held. However, there is also juridical control which, even though it gives the authority to physically control land that has been acquired, in reality the physical control is carried out by another party. Another definition of the transfer of land rights.

For the circumstances and situations that occurred in the field, the recommendation for a Hak Milik application was issued by the Batam Concession Agency (at that time it was still the Batam Authority), and based on that recommendation, the Batam City Land Office issued a certificate of Ownership. When the Batam Concession Agency stopped granting the recommendation for the Hak Milik application, the status of the existence of the Hak Milik certificate became a dilemma because the Batam Concession Agency had a discourse that it would withdraw the certificate of Ownership in Batam to be demoted to a Hak Guna Bangunan (HGB). In fact, in order to obtain ownership rights on land, the applicant is required to first pay the Non-Tax State Revenue (PNBP), the amount of which was determined based on Government Regulation Number 46 of 2002 concerning Tariffs for Non-Tax State Revenues Applicable to the National Land Agency.

Based on the existing data, presented by the resource person, it was recorded that the issuance of a certificate of ownership by the Batam City Land Office was last carried out in 2007. Generally, Ownership Rights in Batam were obtained through an Application for Enhancement of Rights at the Batam City Land Office, although there were also Ownership Rights issued by the Batam City Land Office, granted directly on the basis of a first-time entitlement application. According to the Batam City National Land Agency, the Certificate of Ownership that has been issued is legal. For parcels of land that have obtained the status as Ownership Rights, the Batam City National Land Agency will enclave or remove them from the Batam Concession Agency's Management Rights area map because they are no longer part of the said Management Rights area.

The practice of registering land with ownership rights over the management rights of the Batam Concession Agency has experienced ups and downs due to several factors, one of which is the regulations governing this matter. According to the Batam Concession Board, the granting of Ownership Rights over the Management Rights of the Batam Concession Agency is a practice that is not in accordance with the prevailing laws and regulations. For this reason, the Batam Concession Board as the holder of the Management Right will no longer issue a recommendation for a Hak Milik application for parts of land on Batam Island. That way, there will no longer be any application for an increase in rights to make parts of land on Batam Island as property rights at the Batam City Land Office.

### **RESEARCH METHODOLOGY**

The research method explains the entire series of activities that will be carried out in order to answer the main problem to prove the assumptions put forward. The research method used in this study is a combination of normative and empirical research with a juridical approach.

#### **1. Research Specification**

The type of research used is a combination of a normative juridical approach, namely laws and regulations related to the issues discussed (Rony Hanitjo Soemitro, 2011) and empirical or sociological legal research. A legal research

that obtains data from primary data or data obtained directly from the community. The data obtained were analyzed by comparing the provisions that are normative (das sollen) with the reality (das sein) that occurs in society. (Indra Muklis Adnan, 2014)

## 2. Location and resource persons

This study took at the Batam City Land Agency Office.

## 3. Data Collection Techniques and Data Collection Tools

- a. Document study, namely reviewing, reviewing and studying legal materials that are related to this research.
- b. In order to complete the data, interviews were conducted, namely conducting direct questions and answers with research resource persons to obtain answers and a complete picture of the problems in this study.
- c. List of questions, namely submitting a list of written questions openly to research sources about the problems in this research. In its form, a questionnaire must meet the following requirements:
  - 1) the questions to be asked are easy to understand. At the time of research, an interviewer may not intervene, that is, he should not provide additional information to the respondent in explaining the intent of the question, so that the interviewer provides information on what the respondent should have answered, so that the respondent is no longer free to answer. therefore the question should be easy to understand.
  - 2) the order of the questions must be such that they are easy to answer fairly.
  - 3) the length of the question must be considered
  - 4) the question must be able to get the expected answer (without having to affect the respondent). (Syamsul Arifin, 2012)

## Data Analysis

The data analysis used in this research is descriptive qualitative, namely the data obtained from the research are presented descriptively and processed qualitatively with the following steps:

1. The data obtained from the research are classified according to the problems in the research.
2. The classification results are then systematized.
3. The data that has been systematized is then analyzed to be used as a basis for drawing conclusions.

The types of data used in this study are primary data and secondary data, namely:

- a. Primary Data, is the main data obtained by researchers through interviews. The resource persons in this research are the parties involved in the registration of land rights of ownership over the management rights of the Batam Concession Agency to establish legal certainty (research study at the Batam City Land Office).
- b. Secondary data, is data obtained from literature books that support the subject matter discussed. Secondary data besides books can also be in the form of theses, theses, dissertations, journals, newspapers, seminar papers and others.

The data is obtained through a literature study by taking into account the existing laws and regulations as well as through the opinions of scholars or legal experts. The secondary data consists of

1. Primary Legal Materials, namely binding legal materials, namely Laws.
2. Secondary Legal Materials, namely legal materials that explain primary legal materials, consisting of books (literature), articles or papers, both presented in print and electronic form, as well as expert opinions (doctrine) relating to the problem under study.
3. Tertiary legal materials, namely materials that provide instructions and explanations of primary legal materials and secondary legal materials, for example: dictionaries, encyclopedias, and so on.

## CONCLUSIONS AND RECOMMENDATIONS

### CONCLUSIONS

Legal arrangements for registration of land with ownership rights over the management rights of the Batam Concession Agency, on land that has not been certified at the Batam City Land Office, have generally been carried out in accordance with the procedures for the provisions of Government Regulation Number 24 of 1997 and its implementing regulations. That the principle of safety in the implementation of land registration and after the issuance of the certificate has been achieved in the form of a certificate product issued by the Batam City Land Office, there are no significant problems such as the existence of multiple certificates or fake certificates. The land registration system currently adopted by the Basic Agrarian Law and Government Regulation No. 24/1997 is a mixed system between a positive system and a negative system, in which all the advantages and disadvantages of the

negative system and the positive system have been closed. Such a system at the present time is very compatible with the conditions of our country, although it must be admitted that there is a need for improvements to be adapted to developments and progress.

Implementation of Land Registration of Ownership Rights on Management Rights of the Batam Concession Agency To Confirm Legal Certainty (Research Study at the Batam City Land Office), the land registration process carried out by the Batam City Land Office has been carried out properly, namely carried out by the Adjudication Committee has been carried out in accordance with the procedures mandated in Government Regulation Number 24 of 1997 concerning Land Registration.

Factors Constraints/Barriers and solutions for Land Registration of Ownership Rights on Management Rights of the Batam Concession Agency to Confirm Legal Certainty (Research Studies at the Batam City Land Office) are currently concerning the regulations governing the registration of Property Rights on Management Rights of the Batam Concession Agency the. According to the Batam Concession Agency as the holder of Management Rights, there is currently no laws and regulations that state that the Batam Concession Agency can provide land parcels on Batam Island with Ownership Rights. According to the understanding of the Batam Concession Agency, on the contrary, land parcels on Batam Island can only be given to third parties as Building Use Rights or Use Rights.

## SUGESTION

The Regency/City Land Office must further improve the performance of its duties to provide information to the public, both regarding land registration information and providing information on what requirements the applicant must have when applying for land registration, so that there are no obstacles in the application for registration. land due to incomplete terms and evidence.

The community is expected to actively participate in land registration activities in order to provide guarantees of legal certainty and protection to holders of land rights as stated in the Basic Agrarian Law and national development goals as well as for the realization of equitable distribution of land parcels throughout Indonesia in general. Batam City in particular.

It is necessary to optimize the working mechanism within the Land Office so that obstacles in the implementation of land registration can be minimized.

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#### **B. Laws and regulations**

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3. Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris, dalam Lembaran Negara Republik Indonesia (LNRI) Tahun 2004 Nomor 117, dan Tambahan Lembaran Negara Republik Indonesia(TLNRI) Nomor 4432;
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5. Kitab Undang-Undang Hukum Perdata (KUHPerdata)

#### **C. Thesis Manual, papers, articles, journals and newspapers**

1. Buku Pedoman Penyusunan Proposal dan Tesis Program Magister Ilmu Hukum Pasca Sarjana (S2), Universitas Batam, 2016.