



# JURNAL IDHAM SUDAH TERBIT

## DI DOAJ

*by Riani*

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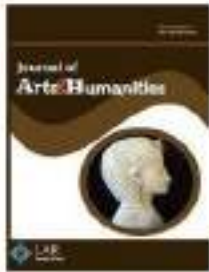
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## Political Paradigm of Complete Systematic Land Registration Law to Actualize Economic Growth Compliance in Batam City, Indonesia

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### 1. Introduction

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of the land registration system is a tick full intended, for the formal organizing institution, in this case the Batam City Land Office, in practice to refer and based on to the three main pillars paradigm (Lubis, 2000) as anchor and/or a permanent foundation. The three paradigms as the pillars in question are based on philosophical foundation. It is intended that the implementation of the complete systematic land registration must be carried out based on the Pancasila values, as the basis of the State, outlook on life, and the personality spirit of the Indonesian people. Next paradigm is a paradigm both in conducting a complete systematic land registration in question must be done right under the terms of the norms of law (Rumengan and Idham, 2015) as mandated in the State Constitution, namely the 1945 Constitution of the Republic of Indonesia. While the third basic paradigm for carrying out the activities of registration of complete systematic land must also be carried out based on Indonesia is the law. In its implementation, the implementation of complete systematic land registration, especially in Batam City, has carried out by the Government in this matter by the Land Office of Batam City Qq.

The Ministry of Agrarian Affairs and Spatial Planning of the Republic of Indonesia should be assumed to have not been implemented maximally based on the three paradigms as meant above. From the author's observation, there are still many overlooked land areas owned by the lower class, especially in the outskirts of Batam City, namely in the village, and/or under village areas in the coastal areas of Batam City until now there is no complete systematic land registration by the Batam City Land Office.

The results of the study directly to the field, one of which is a concrete example of concrete systematic land registration, has not been implemented by the Batam Land Office, namely in the old village area which is a coastal area and fishing community in Kampung Tua Teluk Lengung, Kabil village, Nongsa Subdistrict, Batam City, Riau Islands Province. With such conditions it is reasonably suspected that matters relating to land consolidation (Sitorus and Nomadyawati, 1995) have not been implemented as they should. It should be based on the three pillars of the intended paradigm, and based on the provisions of section 19 of Law Number 5 of 1960, concerning Basic Agrarian Regulations, which is usually abbreviated as UUPA, the Government in carrying out land registration activities (Kartasapoetra et al, 1986) especially with regard to a complete systematic land registration program, should be prioritized for people whose economic capacity is low.

In the meantime, more technical provisions concerning land registration are based on Government Regulation Number 24 of 1997, concerning Land Registration, actually the implementation of land registration (Hutagalung, 1985) is meant to be carried out by the Government in a sustainable and sustainable manner. The results of the implementation of the land registration system tweaking complete, especially in Batam, especially to the rural areas generally inhabited by fishing communities with low income in the economy, then the existence of land certificate (Proof of Rights) will contribute concrete (Ali, 1979) to strengthen working capital as a source of life, because land that has status/certification will have a higher value as a credit guarantee at certain bank. In line with this, the certified land ownership rights also provide legal certainty for the rights holders.

Based on some fundamental things that are paradigmatic as stated by the authors in the section above, the Government should in this case the Land Office of Batam City have to immediately implement a complete systemic land registration activity as intended more broadly, equitably and sustainable, in order to encourage the realization of increased economic growth especially in Batam City. Land problems in Batam City due to the problem of the land administration system that is about differences in data about land owned by the Batam Authority and the National Land Agency (BPN) of Batam City. Previously, the Batam Authority Agency claimed that only about 36 thousand data of land entered into its database system, while at BPN the Right to Build (SHGB) issued was around 230 thousand. Regarding data differences between BP Batam and BPN, it was more due to lack of communication and coordination between the two agencies.

## 2. Literature review

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As secondary data that will be used by the author to carry out an analysis of complete systematic land registration to actualize the populist economic plants in Batam City, namely in the form of primary legal materials, secondary legal materials and tertiary legal materials, the author can be presented then in the classification as referred to below:

## 2.1 Legal basis for complete systematic land registration

In this section provides the primary legal materials that is as the primary basis in carrying out systematic land registration in Batam complete the form: some legal norms and provisions which is written in term in which Pancasila as well as the lofty ideals and worldview of Indonesian people, several legal norms and chapters as stipulated in the State Constitution namely the 1945 Constitution of Republic of Indonesia, and various relevant Regulations related to the implementation of land registration in Indonesia in general, and including the implementation of complete systematic land registration. For secondary legal materials as literature material will be referred to in several books relating to the implementation of legal politics with the agrarian field and land, such as (Parlindungan, 1989; 1981; 1983; 1984; 1990 and 2009). Some books are referred to in essence the theme related to land registration in Indonesia, which connected to implementation Landreform, and integrated with a variety of problems faced, about agrarian law, as well as to raise the topic with regard to the Right to Manage according to the system BLA (Basic Law Agrarian). Other sources of literature which are also used as references by the author in implementing the complete systematic land registration also refer to several other literary sources one of them (Ali, 1979; Hutagalung, 1985; Kartasapoetra, et al., 1986; Gautama, 1990 and Sitorus, 1995).

In a number of sources, the literature essentially raises topics related to the interpretation of the Basic Agrarian Law, the Land Redistribution Program in Indonesia as a meaning of solving land tenure problems, and land ownership, discussing the land law as a guarantee of the Right to Manage for the successful use of land, explaining Indonesian jurisprudence on agrarian law, and then analyzing the rights on land and condominium. In the meantime, other sources of literature as a basis for the analysis of complete systematic land registration are also based on other sources of literature such as (Robert R. Wright, Susan Webber Wright, 1985), in this literature presents the topic of Appropriation of Land Rights. Relevant to the matter referred to in several other books, it is also used as a reference for analyzing complete systematic land registration, namely by referring to (Soetikrijo, 1994 and Friedman, 2001), in these two sources of literature spreading topics concerning Agrarian Politics National and substance relating to mortgage rights, principles, basic provisions and problems faced by banks (a study of the Underwriting Rights Act).

## 2.2 Practical legal basis of complete systematic land registration

In this section some sources of literature will be explained as the legal basis for the approach to complete systematic land registration practices, especially in Batam, one of which the author will refer to and based on various legal norms and chapters as contained in Law Number 5 of 1950 concerning Basic Regulations on Agrarian Principles which are commonly abbreviated and referred to as UUPA (Parlindungan, 1984). Related to this matter the special chapter to be used as a reference in the implementation of complete systematic land registration is chapter 19 of the UUPA, in the provisions of chapter 19, it is explicitly stated that the implementation of land in Indonesia is carried out in principle by the Government with the following provisions: to ensure legal certainty by the Government, land registration is carried out in the entire territory of the Republic of Indonesia according to the provisions regulated by Government Regulation.

Furthermore, in this provision it is also determined that the land registration includes: measurement, mapping and land bookkeeping, registration of land rights and the transfer of these rights and the granting of proof of rights, which acts as a strong evidentiary tool. In the meantime, land registration is carried out keeping in mind the state and community, socio-economic traffic needs and the possibility of implementation according to the consideration of the Minister of Agrarian Affairs. At the end of this chapter 19, the Government must also make/form a Government Regulation that regulates the costs associated with land registration, with one provision that the people who are not able to be released from the payment of these costs.

With regard to the above, specifically in the implementation of complete systematic land registration, it must also refer to various laws and regulations, one of which is Law Number 26 in 2007, About Spatial, and for the registration of complete systematic land, especially in Batam should also refer to the Regional Regulation (Perda) Government Batam, which specifically regulates spatial planning within the area of Batam. At present the Batam City Spatial Planning Law is stipulated based

on Regional Regulation Number 1 of 2017, concerning Batam City Spatial Planning. Relevant to this, technically the implementation of complete systematic land registration in the area of Batam municipalities and should also refer to the provisions stipulated in Government Regulation Number 24 of 1997 concerning Land Registration. Therefore the Governments' region is as part of *Free Trade Zone (FTZ)*, where part of the area of Batam status Right to Manage (*Parlindungan*, 1989) which is under the control of the Concession Agency (BP) Batam, then in terms of implementing the land registration system is a tick complete City these Batam to operators land registration in this case the Office of Land Affairs in Batam City, also must refer to various provisions of the Laws and Regulations, especially those which regulate the existence of the Batam Concession Agency (BP) to implement the Government policy regarding the *Free Trade Zone (FTZ)* which includes municipalities and regions Batam, Bintan District, and Karimun District. The sources of the afore mentioned Laws and Regulations must in principle be carried out by the authorities in registering land in Batam City in synergy and not contradicting each other by prioritizing the integration of an integrated and sustainable system.

### 2.3

#### Basic analysis of complete systematic land registration to achieve popular economic growth

In this section various sources of literature will be explained in the form of secondary data, in the form of several books that provide reinforcement in terms of implementing complete systematic land registration to actualize the growth of the peoples' economy in Batam City. Some sources of literature as intended can be described as (Gie, 1968; Seidman, 1978; Peranginangin, 1982; Prakoso, et al. 1985; Hardjosoemantri, 1994; Mahendra, 1996; Sjahdeini, 1999; Hamzah, et al., 2000; Beckmann, 2000; Shidarta, 2000; Soedjendro, 2001; Riyadi, et al., 2003; Sutanto, et al., 2003; Widjanarto, 2003; Kalo, 2004 and Arifin, 2011). Various sources of literature referred to in principle from the substance unfolded, giving a comprehensive meaning to the results of the implementation of a complete systematic land registration are intended to generally strengthen the creation of a condition the ability of sustainable environmental functions to meet the basic needs of all aspects of life is necessary for peoples' and humanity life.

There is another side of substance in literature sources also give meaning to the creation of an order of life through ordinances settlement healthy housing, and in particular substance present in the literature sources are intended to provide realization of the concrete on the rule of law on the right of a plot that has been certified (*Proof of Rights*), as well as unit of land which are the results of systematic registration complete with the issuance of certificates, of course from an economic perspective will provide a significant increase in value to be used as collateral for the right holders to a particular bank in terms of fulfilling working capital to carry out business activities and trade, in order to improve their welfare and at the same time this will contribute for maintaining sustainable economic growth especially for the people in Batam City.

### 2.4 Economic growth

The economic system that dominates traditional society is agriculture, with traditional farming methods. Human labor productivity is lower than the next growth stage. This society is characterized by a hierarchical structure so that social and vertical mobility is low. The level of investment is higher and it starts a dynamic development (Muda and Dharsuky, 2016; Sirojuzilam et al., 2016; 2017 & 2018 and Muda and Hutapea, 2018). This model of development is the result of the industrial revolution (Nurlina and Muda, 2017; Sihombing et al., 2015; & 2018; Nasution et al., 2018 and Muda et al., 2018). The consequence of this change, which includes the development of agriculture, is the work pressure on excessive primary sectors.

A prerequisite for pre-takeoff conditions is an industrial revolution that took place in the last century. Economic development is a process, with the process the real national income of an economy increases over a long period of time (Tarnizi et al., 2016; 2017; Muda et al., 2015 & 2017; Muda & Naibaho, 2018; Muda and Nurlina, 2018 and Tripriyono et al., 2018). Economic development is an effort to increase per capita income and increase productivity per capita by increasing capital equipment and increasing skills. Through economic development, the implementation of economic activities will run

more smoothly and be able to accelerate the process of economic growth. The existence of economic development is possible to create jobs needed by the community, thus reducing unemployment (Muda, 2010; Muda and Rafiki, 2014; Dalimunthe et al., 2015; Suriadi et al., 2015; Muda et al., 2015 & 2017). The creation of jobs due to direct economic development can improve the level of national income. Economic development requires the improvement of the quality of human resources so that in this case, it is possible that science and technology will develop rapidly (Lubis et al., 2016; 2017; 2018). Thus, it will further improve the welfare of the community. The state budget, through units that handle revenue and expenditure, plays an important role in influencing economic growth. Budget management policy greatly influences the quality of the budget.

The State Revenue and Expenditure Budget (APBN) still shows a deficit in 2014 and in the 2018 Draft State Budget, this is because Indonesia still adheres to budget deficit (Azlina et al., 2017; Erlina et al., 2017; Nasir et al., 2017; Yahya et al., 2017; Agustina et al., 2018 & Eriadi et al., 2018). Government expenditure is planned to be greater than government revenue to fulfill the purpose of statehood. This budget deficit is usually taken if the government wants to stimulate economic growth. This is generally done if the economy is in a recession. To achieve economic growth, the role of government in the economy is needed. Basically the role of government in the economy is very broad. One form of activity can be summarized in the government budget framework. A country's budget can be arranged differently depending on the country's economic conditions. Decentralization will enable governance to be able to drive economic growth, and be able to meet the needs of the community (Rasdianto et al., 2014; Muda, 2014; Muda and Dharsuky, 2015; 2017 & 2018). The ability of local governments to realize prosperity, which is reflected in increased income, is one measure of good governance performance. One form of implementation of decentralization in financial management is fiscal decentralization. Fiscal decentralization can be defined as the independence of local governments in planning, managing and empowering the income and expenditure set out in the regional government budget.

### 3. Methodology

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In this section the author will specifically explain clearly matters relating to the methods (Ronny Hanitljo Soemitro, 1990) for writing this journal. In line with the things referred to in this section will also be explained about the substance relating to the theoretical and concept framework, which will be used by the author as a knife of analysis to discuss several variables in the title of the journal in order to find the construction of the completion and the ultimate goal of writing this journal. Especially with regard to the writing methods, that the author in principle uses normative writing methods (Soekanto and Mamudji, 2003; Achmad et al., 2017; Badaruddin et al., 2018; Dilham et al., 2018; Erlina et al., 2018; Kesuma et al., 2018; Softiyah et al., 2018; & Muda et al., 2018) which is supported by sociological (empirical) matters. The basis of the normative writing is to rely on the secondary data through library studies which include primary legal materials (Kountur, 2003), secondary and tertiary as described in the section above. While the sociological (empirical) writing methods of the author has conducted interviews through the staff of Batam City Land Office, namely (Lestari Wiyono, Public Administration staff at the Batam City Land Office, in the Community Rights and Empowerment Determination section, which has been interviewed directly (Burhan Bungin, 2003) to the person concerned on Wednesday, July 25, 2018, at 02.30 pm, at the Batam Land Office, and the results of this interview in the methods approach are primary data.

Regarding the construction of the theoretical framework (Riduwan, 2002 and Erlina et al., 2018), in this case the author uses the Utilitarianism theory, as is commonly known as Jeremy Bentham (Rasjidi and Putra, 1993). As a basis for the consideration of the author using Jeremy Bentham's theory, it is expected that from the results of the implementation of a complete systematic land registration in Batam City, one of the main objectives achieved is to give a sense of utilitarianism to the community. It is understandable that people with low economic capacity (Idham, 2005) and has obtained service from the Government in the case of complete systematic land registration, which in the first place the rights to the plot of land have not been certified, then after the land registration of the community land unit has been granted a certificate, then in fact the intended matter will manifest a sense of utilitarianism for the right holders the land in question. At the same time, the people who hold the rights on the land will also

obtain legal certainty (Robert B. Seidman, 1978) and this will simultaneously provide a significant increase in economic value to the certified land rights. Some others

literature sources to provide reinforcement in the context of giving the writing methods referred to in several books that are the authors' references, namely: (Soemitro, 1990; Mahadi, 1991; Surlasumatri, 1999; Sidharta, 2000; Kusumaatmadja, 2002; Rasjidi and Rasjidi, 2001; Riduwan, 2002; Rahardjo, 2002; Bungin, 2003; Kountur, 2003 and Soejono and Abdurrahman, 2003).

To avoid the occurrence of multiple interpretations of the journal title as intended, in this section the author will also explain the conceptual framework. Theoretically (Brammen, 2002), that what is meant by the conceptual framework is an operational definition of several important variables as contained in the title of this journal, therefore the author for the next part in this section will explain the definition of some of these variables which are definitions operational. Juridical analysis, in this case it is intended that the scope of the discussion of this journal is only focused on the discussion of the realm of the field of jurisprudence in which the basis of its analysis is based on legal doctrine and based on various Laws that is relevant to the substance of this journal. Law politics is what legal politics is used by a country to actualize its national ideals, of course in this case it is associated with the implementation of the complete systematic land registration and the legal politics used is to be based on the values of Pancasila as the basis of the State, the Constitution of the State of 1945 Constitution of the Republic of Indonesia, and Indonesia is a state of law (Gazalba, 1978 and Idham, 2005). Intended land registration is a series of activities carried out by the Government continuously and regularly, including collection, management, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists, concerning land unit and units of flats, including the granting of proof of their rights on units of land that already have their rights and ownership rights to units of flats and certain rights which burden them (Parlindungan, 2009). In formal juridically the definition of land registration as intended, in the opinion of the author has included and at the same time applies in connection with the implementation of a complete systematic land registration in Batam City.

In this section, it is in line with the explanation above that its section can be explained as meant by popular economic growth (Kalo, 2004), especially for the people of Batam City is a significant increase in business activities in the form of services and trade in the lives of people in Batam City especially for people whose land units already have a certificate there will be an increase in the addition of working capital to finance all forms of business activities and this can increase economic growth and at the same time be able to contribute to improving the welfare of peoples' lives in Batam City.

#### **4. Results and discussion**

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##### **4.1 Result**

Based on some important substances and as variable of core that has been described in the section above, in this section authors will spread more about the result and discussion on the substance of the journal title that is associated with the legal political registration of systematic land to actualize the economic growth for the people early in Batam. The construction of the analysis and discussion is as coherent as will be explained in the section below:

##### **4.1.1 Construction of political paradigm of complete systematic land registration law in the operational perspective on the field**

In this section, it will be explained earlier about the meaning of paradigm. The terminology and/or understanding of paradigm (Lubis, 2000) was first put forward by Thomas S. Kuhn in the 1940s, said Kuhn vocabulary of paradigm is derived from Latin which is written with paradigm which means Pattern and in English is written by the paradigm. Furthermore, Kuhn said that the paradigm that gives meaning to Pattern that must contain two elements of understanding. The first method in the sense that the Pattern is a constellation of thoughts which must contain values, temporary assumptions/opinions, there is a technique adopted to insure answer the values of truth. While the second element of understanding in the meaning of the pattern must be able to solve the secret element of knowledge that is capable of overturning turn on all the assumptions and conditions that have been there before. Focused on understanding this paradigm (Idham, 2005) asserts that paradigm paradigmatic word connotes something that is fundamental and very basic nature, in this definition of paradigm



which can also be interpreted as a mindset. Especially regarding the understanding of this paradigm the same thing has also been raised by (Lubis, 1994). Relevant to this, especially with regard to the application of the legal political paradigm of implementing complete systematic land registration in Batam City, in its implementation as a basic reference that must be carried out by the organizers in this case the Batam City Land Office, then the legal political paradigm used as grounding namely: **First**, it should be resting and based on the values Pancasila as Basic of Country: Belief in the one and only God; fair and civilized humanity; The unity of Indonesia; Popularism led by wisdom, in deliberation and representation; and Social Justice for All Indonesians. Paradigm Legal politics at this level in the opinion of the author is also interpreted as a paradigm (Soetikno, 1994) which is philosophical. This implies that the five precepts contained in Pancasila as the basis of the state in question are also the philosophy of the nation's view of life as well as the soul and personality of the Indonesian. Therefore, according to the author's opinion and the entire process of phasing the implementation of land registration (Parlindungan, 1991) complete systematic Batam City should not breach or disagreement with the values of Pancasila.

**Second**, the legal political paradigm of implementing complete systematic and registration in Batam City must be carried out based on the norms and provisions as stipulated in the Constitution of the Republic of Indonesia, namely the 1945 Constitution of the Republic of Indonesia, one of them by observing section 33 subsection (3) which confirms that the earth, water and space, including the natural resources contained therein, are controlled by the state and used for the greatest prosperity of the people. Starting from section 33 of the Constitution, in a concrete manner in Law Number 5 of 1950 concerning Basic Regulations on Agrarian Principles, specifically the construction of legal norms contained in chapter 2 formulates the legal norms that are basic in nature (Ruchiyat, 1994) in carrying out the politics of agrarian law in Indonesia, of course including implementation of land registration, which exclusively confirms on the basis of the provisions in section 33 subsection (3) of the Constitution and matters as referred to in section 1 of the UUPA, that the earth, water, and space, including natural resources contained therein it is at the highest level controlled by the state as the people organization of power. In that subsection (2) of section 2 of the UUPA is further affirmed regarding the right to control of the state, which expressly authorizes: to regulate and administer the designation, use, supply and maintenance of the earth, water and space; determine and regulate legal relations between people with earth, water and space; determine and regulate legal relations between people and legal actions concerning the earth, water and space (Soetikno, 1994). Regarding these norms and provisions in the author's opinion that the existence of the state only has management authority, it does not have ownership, especially in terms of national political action on agrarian law.

**Third**, in carrying out the activities of complete systematic land registration in Batam City, the organizer in this case the Batam City Land Office in its implementation must be based on that Indonesia is a legal state. This norm has been explained in the beginning of section 1 (3) of the 1945 of Constitution of the Republic of Indonesia which explicitly states that the state of Indonesia is a state of law. These norms give meaning that the implementation of the registrant an exhaustive systematic and in Batam in implementation should not be violated (Mertokusumo, 1999) principles and characteristics of Indonesia is state law. The principle of the rule of law, does not contain three main provisions, namely: a high degree of respect for the law; equality before the law; and the law is implemented may not conflict with the provisions of the law itself or due process of law. Whereas the characteristics of the state of law, at least must contain three main provisions, namely: high visibility towards the implementation of Human Rights; Courts and independent judges; and implementation of Principle Legality. Based on the provisions of the principles and characteristics of this rule of law, the author argues once again that the implementation of a complete systematic land registration in Batam City must not be in conflict with the principles and characteristics that Indonesia is a rule of law.

#### 4.1.2 Construction of complete systematic land registration policy in the operational practice approach

Previously, it could be explained specifically for the Batam City area that all agrarian and land policies have special treatment compared to other regions in Indonesia. This can be

understood (Koestoer, 1997) because the status of the existence of Batam City Government, especially in terms of regulating the allocation of land rights, needs to be coordinated in an integrated manner with the Batam Concession Agency (BP), because most of the spread of field units Batam land in municipalities and in the state of Rights to Manage (HPL) under the control and supervision of Concession Agency (BP) Batam. This policy is stipulated by the Government that Batam City is one of the areas of the Free Trade Zone (FTZ) which includes the Bintan District and Karimun District, Riau Islands Province under one control by the Batam Concession Agency (BP).

Based on the explanation above, therefore, specifically in the implementation of complete systematic land registration in Batam City, in this case the organizer, the Batam City Land Office, must carry out integrated coordination in the implementation of the Batam Concession Agency (BP). In line with this, integrative coordination (Podgorecki and Whelan, 1987) must also be carried out with the Batam City Government. The data to be obtained from the rights of the Batam Concession Agency (BP) is in the form of a planning map of land rights with the Right to Manage (HPL) which is controlled on behalf of the Batam Concession Agency (BP). Subsequent data must be obtained from the Batam Concession Agency (BP), which is related to the names of legal subjects which typically consist of several limited liability companies both in domestic investment status and business entities in foreign investment status.

Further data also needs to be obtained from the Batam Concession Agency (BP) which is related to the point of location of the area and/or the area of the land unit which is still inhabited by people who have long lived in Batam City which is commonly referred to as the Old Village area which is so far from the observations of the authors in the field the existence and status of the Old Village in Batam City still has not received a complete handling of the settlement. While the data that must be obtained by the Land Office of Batam as an organizer of the implementation of the complete systematic land registration, one of which relates to governance and planning procedures regarding the allotment of rights land in the Batam City administration area which as long as this is as determined in the Regional Regulation (Perda) of the Government of Batam City Number 1 of 2017 concerning Batam City Spatial Planning. In line with this, other data that must be obtained from Batam Government is associated with the data that there are many communities that are explicitly squatters still inhabit/residing in a unit plot uncertain status (Soedjendro, 2001), whether it is in the Rights to Manage (HPL) section, whose authority is under the control of the Batam Concession Agency (BP), and/or out of the HPL, which is legally regulated under the control of the Batam City Government. HPL allotment arrangement under the control of Government of Batam City.

Referring to the above explanation, in principle, the flow of the process of complete systematic land registration in the city of Batam, at the initial stage of the Government through the Batam City Land Office, must carry out a careful data collection on the completeness of the juridical evidence and physical evidence, namely in the form of a KSB published by the Batam Concession Agency (BP). The next stage will be verified regarding the physical evidence in the field over the units of land for which the certificate is applied in this case, it must be clear stakes and boundary markers (Jayadinata, 1986). In line with this, verification is also carried out especially in other juridical evidences in the form of: Applicant's Identification Card, and Applicant's Family Card, as well as completeness of proof of payment of Land and Building Tax (PBB) and other provisions related to proof of repayment of the Authorized Annual Compulsory Money (UWTO). Especially for the obligation to pay the UWTO, based on mutual agreement between the Batam Concession Agency (BP) and the Batam City Land Office, the Government was given a policy to delay the UWTO payment obligation with the obligation status owed.

Regarding the completeness of the juridical evidence as referred to specifically the implementation of complete systematic land registration in the city of Batam that are still structural constraints. This obstacle is in the form of the slow process of publishing the Ready-to-Build Plot (KSB) certificate, because all this time when a unit of land has the rights of the HPL portion, the allocation has been published by the Batam Concession Agency to the developer who will build a housing area and the administrative process settlement has not yet been completed. On the other side of an area from the Batam Concession Agency Right to Manage (BP) that has been published, explicitly on the field the land unit that has been handed over to the specified party has been abandoned. This means that the HPL land boundary is not directly processed for the implementation of physical development as a residential and residential area (the author interviewed with Lestari Wiyono, Public Administration staff

at the Batam City Land Office, in the Community Rights and Empowerment Determination section, which has been directly interviewed to the concerned on Wednesday, July 15<sup>th</sup>, 2018, at 02.30 pm, at the Batam City Land Office.

The following will be explained in connection with the implementation of a complete systematic land registration in the city of Batam which has been actualized by the Batam City Land Office, which starts from January 2018 to July 2018 as stated in the Table below.

Table 1: The Complete Systematic Land Registration in Batam City Realization from January 2018 to July 2018

| Number | Rights Type        | Number of Fields | Area (M <sup>2</sup> ) |
|--------|--------------------|------------------|------------------------|
| 1.     | Right of Ownership | 14,884           | 7,634,356              |
| 2.     | Cultivation Rights | 28               | 58,997,188             |
| 3.     | Right to Build     | 259,397          | 126,183,543            |
| 4.     | Freehold Title     | 1,263            | 2,446,714              |
| 5.     | Right to Manage    | 291              | 208,694,786            |
| 6.     | Waqf Rights        | 12               | 16,079                 |

Data source: Batam City Land Office - July 2018.

Against the appearance of the table above, it can be analyzed that the realization of systematic land registration is complete, especially for the status of Right to Build (Abdurrahman, 1984). Whereas from the perspective of land value to be used as working capital in supporting the business activities of the community at the lower level that for land with the status of ownership rights the collateral value is higher when compared to Right to Build. In the meantime, the overall realization of complete systematic land registration in the city of Batam until the end of July 2018 reached only 80%, and this complete systematic land registration program has not been carried out in a sustainable manner. The program is currently underway, the time period starts from January 2018 to September 2018 (Lestari Wiyono, General Administration staff at the Batam City Land Office, in the Community Rights and Empowerment Determination section, August 2018).

Furthermore, from the construction of the above table, if it is analyzed in a formal juridical manner and integrated with Jeremy Bentham's theory which is used as a theory and analysis knife in this journal, the author believes that the implementation of complete systematic land registration that has been implemented in Batam City has not met the desirable that is to actualize a sense of utilitarianism for the lower classes. According to Bentham, the principle put forward is to get the greatest sense of utilitarianism and be able to reduce the suffering and misery of the community, therefore in this case the Government in the context of carrying out systematic land registration in Batam City, should prioritize registration of rights land for the status of Rights Ownership (Sidiharta, 2000; Rasjidi and Rasjidi, 2001).

On the other hand that the implementation of a complete systematic land registration that has been carried out by the Batam City Land Office, in fact on the ground it has not been implemented comprehensively (Yamin and Lubis, 2004) especially for areas/areas on the outskirts of Batam which are mostly a coastal area with low income communities, namely as fishermen and fish farmers. In this regard the author has conducted research directly into the field, especially in the Kampung Tua Teluk Ljung area, Kabil Village, Nongsa District, Batam City, Riau Islands Province. Kampung Tua Teluk Ljung consists of two Neighborhood Associations, namely RT. 01 and RT. 02 under the Hamlet 22 area, which is inhabited by approximately 120 heads of households, the community of which around 70% depend on their livelihood as fishermen and the part time workers. For the sake of Kampung Tua is

five-six generations, the average age per the age of 60 years, the age of this Old Village has been 360 years old. In fact, once again the author affirmed that for Kampung Tua Teluk Ljung area until now there has not been complete systematic land registration. Another empirical fact is found in Kampung Tua Teluk Ljung, that the land unit as the site of settlement of houses/communities until the Batam City Government has not published SPT-

PBB (Notice of Land and Building Taxes Payable). Against the issuance of the SPT-

PBB, it is feared that when the Batam City Land Office will conduct a complete systematic land registration there will be a deadlock (Samuel P. Huntington, 1996) in terms of completing formal juridical administrative requirements. In line with this, the evidence of physical

control rights in the field on the rights on land of the people in Kampung Tua Teluk Lunggu, proof of their tenure rights (Sumardjono, 2001) is only limited to the proof of tenure rights, only signed by the Head of RT and RW Chair. Whereas from the under village, they have not been willing to provide reinforcement and sign the existence of the Proof of Physical Control (Wahab, Chairperson of RT. 01, Kampung Tua Teluk Lunggu, July 2018). Regarding legal issues (Zakaria et al, 2001) the status of Land Ownership Rights in Kampung Tua Teluk Lunggu, in the opinion of the author, it should be suspected that there has been a process of omission from the Government, especially from the Batam Concession Agency, to not immediately settle the right on land (Parlindungan, 2001) referred to the Kampung Tua Teluk Lunggu community, because the expanse of land units for the Kampung Tua Teluk Lunggu area is intended to be allegedly entered into and is part of the Right to Manage (HPL) controlled for and on behalf of the Concession Agency (BP) Batam.

Further analysis from the author, all parties concerned should be, in this case the Batam City Government, Batam Concession Agency (BP) and the Batam City Land Office immediately conduct integrated coordination to resolve the intended problem. Concrete solutions to the settlement must immediately be published a Certificate of Release of the Rights on the land referred to to the Old Village community. That is, the expanse of land units especially for the Kampung Tua Teluk Lunggu area must be immediately removed from the Right to Manage (HPL) section which has been controlled by BP Batam (Parlindungan, 1989). In the meantime, especially to the Batam City Government immediately to publish SPT-

PBB (Notice of Land and Building Taxes Payable) which are the issuance process through the Batam City Government Revenue Service. If this can be done immediately by the parties concerned, according to the author, the implementation of complete systematic land registration activities in Kampung Tua Teluk Lunggu is intended to be carried out in accordance with the wishes and desires of the entire community of Kampung Tua Teluk Lunggu, in order to fulfill the feeling of utilitarianism they had dreamed of. Relevant to this, of course the presence of the Government must immediately actualize its actions in an effort to protect private rights on land of the people as intended (Mahadi, 1991 and Soetkinjo, 1994).

#### 4.2 Discussion

In a specific normative approach to land registration, it will be explained in advance regarding the qualifications or types of land registration. Based on the provisions in Government Regulation Number 24 of 1997, concerning Land Registration, that types of registration in Indonesia are divided into two categories. The first category is systematic land registration. Systematic land registration is a land registration activity for the first time that is carried out simultaneously which includes all the objects of registration of unregistered land in the area or part of a village/under village. While the second category is sporadic land registration. Intended for sporadic land registration is the land registration activity for the first time concerning one or several objects of land registration in a region or part of a village/under village area individually or in bulk. Sporadic land registration is carried out on the request of the parties concerned (Parlindungan, 2009). The explanation from the author that there is the difference in the formal legal juridical between systematic land registration and sporadic land registration is related to financing in carrying out its activities.

For systematic land registration regarding the financing, all of it is borne and is borne by the Government, and is aimed specifically at people with low economic capacity. This is in accordance with the mandate of section 19 subsection (4) of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles. Whereas for the implementation of sporadic land registration, the financing is fully supported by the applicant (Gautama, 1980 and Kusumaatmadja, 2002). Paying attention to the construction of the registration category in Indonesia as explained above, that the implementation of complete systematic land registration that has been carried out by the Batam City Land Office is meant, it can be concluded that the implementation of land registration is a category of systematic land registration. This means carry out the program in terms of financing, it is fully borne, becomes the burden of the Government. And towards this program, based on the results of the author's verification in the field, all of the participants and the applicants in the implementation of the complete systematic land registration were from the community that had low economic capacity (Sirojuzilam et al., 2016; Muda et al., 2017 & Tarmizi et al., 2017). Furthermore, this section explains the correlation of the implementation of complete systematic land registration in an effort to actualize peoples' economic

growth, especially in Batam City. From the observations of the authors in the field in an axiological manner (Gie, 1968 and Suriasumatri, 1999). The results of the implementation of a complete systematic land registration in Batam City are intended to have a positive impact in improving and realizing the peoples' economic growth as a participant in the complete systematic land registration program in Batam City. In another aspect, the implementation of complete systematic land registration in Batam City will also contribute positively to the creation of decent housing and settlement areas (Hamzah et al., 1990). In the opinion of the author of a housing and settlement area whose have the certificate of rights on land (Proof of Rights), the way of *mutatis* and *mutandis* will increase the sale value of the assets and buildings that are located on the land. In economically it will provide plus value as collateral to get working capital credit to finance all business activities which were undertaken by the community (Maheindra, 1996; Beckmann, 2000; Bratakusumah, 2003 and Riyadi, 2003).

In the meantime another positive impact on the results of the implementation of complete systematic land registration activities as well as to improve the quality of the function of environmental capabilities (Harcjasoemantri, 1994), because according to the author an expanse of land that has a certificate (Proof of Rights) in the field will be inhabited physical and factually and at the same time safeguarded by the rights holders. It certainly means the people who hold rights on land that have participated actively in the effort to carry out environmental protection and management (Robert R. et al., 1985 and Arifin, 2011). In the context of actualizing the growth of peoples' economy, especially for the city of Batam, then the results of the implementation of the registration of systematic land full referred to main point that will be the target that was related to the realization of social welfare, this is in accordance with the construction of the theoretical framework of Jeremy Bentham is to actualize a sense of community utilitarianism to escape misery. It will also synergize by analyzing in the meaning of a philosophical approach that emphasizes efforts to obtain utilitarianism (Cazalba, 1978 and Mahadi, 1991). Furthermore, on the results of the implementation of complete systematic land registration activities in Batam City as intended primarily in the context of strengthening assets and ownership assets owned by the community, especially from the aspect of rights of land and building, empirically these conditions will give reinforcement and plus value, and at the same time changes in social life in a better direction (Lawrence M. Friedman, 2001), towards the assets of the community in question. It means that the land unit that is controlled by the community whose proof of ownership has been certified in the perspective of business law, this value will continue to increase along with the passage of time. This at the same time gives the meaning of the Right of Ownership on land assets that have been certified as well as a form of productive investment in a sustainable manner, which in the end these assets will provide guarantees for peoples' economic growth for the people who hold the rights on the land, as the main point can also actualize the sense of utilitarianism of the community (Rahardjo, 2002) in a sustainable manner.

Furthermore, in this section the author will present an explanation regarding the obstacles and solutions related to the implementation of complete systematic land registration in Batam City. From the author's observation in the special field, the constraints can be grouped into two parts, namely internal constraints and external constraints. Internal constraints are principally a lack of coordination between the three Government institutions in Batam City, namely the Batam City Government, Batam Concession Agency (BP), and Batam City Land Office. The concrete internal constraint is in the case of differences in data about the physical mastery of rights on land. It can be understood, especially the Batam Concession Agency (BP), which controls most of the rights on land of the people in Batam City with the status of Right to Manage. On the other hand the administration of Batam City is only allowed to make regulatory efforts in terms of its allotment (Davis, 1976), namely the rights on land out of the Right to Manage controlled by BP Batam. With this condition, the Land Office will face the difficulties in collecting data on legal subjects who have physical control over the rights on land. On the other hand, there are still many internal constraints on land units, especially for those which are inhabited by the community, according to the law. It is also included the internal constraints, that nowadays Kampung Tu area/area in Batam City has largely not been published SPT-PBB (Notice of Land and Building Taxes Payable). While the external constraints are still lacking in budget support for the implementation of complete systematic land registration in Batam City, especially in the Regional Government Budget (APBD). In that case, it can be explained that the budget to finance the implementation of complete systematic land registration activities in Batam City nowadays mostly came from the allocation of the

State Budget (APBN) through the budget of the Ministry of Agrarian Land Affairs/Land Agency of the Republic of Indonesia (Lestari Wiyono, staff General Administration of the Batam City Land Office, in the Community Rights and Empowerment Determination section, which has been carried out by direct interviews which concerned on Wednesday, July 25<sup>th</sup>, 2018, at 02.30 pm, at the Batam City Land Office). With regard to explanation above, the author provides a format of action for solutions to the constraints referred to, namely: First, in terms of overcoming internal obstacles between all parties involved in the implementation of complete systematic land registration as intended is by making legal system immediately to accelerate the integrative coordination to solve all forms of internal constraints. In this case the concrete form between the related parties must immediately form an Integrated Team which regulates clearly with respect to the main duties and functions of each party, and subsequently must be scheduled and technical coordination meetings continuously. Secondly, in order to find a solution to the problem of an external nature, in this context the author provides alternative solutions, especially to the related parties in this case the Batam City Government, they must immediately make an effort to increase the budget allocation in the Regional Government Budget, to finance the implementation of complete systematic land registration activities in Batam City. According to the author, this is important to be done to reach a significant enhancement as well as a complete acceleration of systematic land registration for people who face the low economy in Batam City, so that finally it will be able to contribute to the acceleration of popular economic growth in Batam City.

## 5. Conclusion

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At the end of this journal, the author will present the matters relating to the conclusions of the results of the juridical analysis of the complete systemic land registration law politics to actualize populist economic growth in Batam City. In terms of the legal political paradigm format for carrying out the complete systematic land registration activities, to the organizers in this case the Batam City Land Office in its implementation must be based on a philosophical political law paradigm which is based on the five precepts contained in Pancasila as the National Principle, philosophy view of the nation's life and as the soul of the Indonesian nation's personality. For further guidance and based on the provisions as mandated in the norms of the State Constitution, namely the Constitution of the Republic of Indonesia in 1945. Along with this, it also must guide the political law paradigm that Indonesia is a rule of law. The next conclusion in terms of carrying out the full systematic land registration activities is the organizers must actualize comprehensively for those who live and live in the outskirts of Batam City whose economic capacity is low, and most of this area is still in status of Kampung Tua area. The implementation must be equitable and sustainable continuously. In line with this matter between related institutions, in this case the Batam City Government, the Batam Concession Agency (BP) must carry out integrated coordination in a synergistic movement through the Integrated Team, in order to overcome internal and external problems by actualizing the acceleration of the implementation of registration activities complete systematic land in Batam City in a sustainable manner. Based on the results of the implementation of complete systematic land registration activities in Batam City, it axiologically concluded that it will provide the positive benefits to the community. Certainly, it will provide concrete contributions in the perspective of economic law and business law to accelerate popular economic growth for society in the city of Batam. In the context of the legal sociology approach, it will accelerate the occurrence of social change in a better direction that is improving welfare in order to actualize the community utilitarianism, especially in Batam City.

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