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Land Registration for the Community in the Kampung Tua Area, Batam City

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Abstract: The problem of land registration in the Kampung Tua area of Batam City reflects the complex dynamics between the historical recognition of local communities and the formal agrarian legal system that applies in Indonesia. Until now, most of the land in Kampung Tua does not have a land rights certificate, even though it has been controlled by the community for generations. The dualism of authority between the Batam City Government and the Batam Business Agency (BP), as well as the insynchronization of regulations and spatial data, are the main obstacles in the process of legalizing people's rights. This research aims to analyze the land registration process in Kampung Tua, identify the types of rights granted to the community, and uncover obstacles and formulate strategic solutions in the context of local land policies. The method used is juridical-empirical, with a descriptive qualitative approach through document studies and in-depth interviews with relevant agencies, such as BPN, BP Batam, City Government, and community leaders. The results of the study show that the clarity of the legal status of land in Kampung Tua is very urgent to provide protection of community rights and encourage agrarian justice. It is necessary to strengthen single authority, prepare contextual technical regulations, and socialize legal procedures to the public in a more participatory manner.

Keywords: Land Registration, Old Village, Land Rights, Legal Certainty.

INTRODUCTION

Land is a strategic resource that has social, economic, cultural, and even political value in people's lives. Land ownership and control are closely related to legal certainty, because without clear legality, the potential for conflict becomes very high. Legal certainty over land is essential for every individual or community to obtain state protection for their rights. This is regulated in Article 19 paragraph (1) of Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA) which states that the government is obliged to organize land registration throughout the territory of the Republic of Indonesia to ensure legal certainty for land rights holders.

One of the areas that shows the classic problem of legal uncertainty over land is *Kampung Tua* in Batam City, Riau Islands Province. *Kampung Tua* is a traditional settlement of local

communities that existed before Batam developed into an industrial area through Presidential Decree Number 41 of 1973 concerning the Designation of Batam Island as an industrial area to support national economic activities. The Batam City Government through the Mayor's Decree Number 105/HK/IV/2004 has designated 37 points of Kampung Tua as historical areas. However, based on data from the Batam City Land Office in 2024, only 7 villages have obtained land rights certificates.

The main problem lies in the overlap of authority between the Batam City Government and the Batam Business Agency (BP), as well as the status of the land that has not been *clear and clean*. According to Boedi Harsono, land registration is not just administrative, but the main instrument in ensuring legal certainty with strong legal proof power for its owners. (Boedi Harsono, 2005:166) On the other hand, the people of Kampung Tua inherited the land from their ancestors for generations, but did not have formal documents recognized by the state.

This situation is exacerbated by the fact that land management in Batam is in a dualism of authority. BP Batam, which holds the Management Rights (HPL) over almost the entire Batam area based on Presidential Decree No. 41 of 1973, and the Batam City Government, which has authority over community administration and spatial planning. (Hengki Andora, 2020:43) This dualism makes it difficult for people to obtain certificates of ownership over their land, even after the central government issued Government Regulation Number 62 of 2019 which stipulates the Mayor of Batam as the Head of BP Batam *ex officio*.

In addition, Kampung Tua is not just an ordinary administrative zone, but has high historical, cultural, and sociological value. Batam City Regional Regulation Number 2 of 2014 even stipulates Kampung Tua as a cultural heritage area that needs to be maintained and preserved. Therefore, the delay in granting land legality in this area is not only a matter of land administration, but also a form of neglect of the cultural heritage of the local community.

The above problem emphasizes the importance of an in-depth and empirical legal study related to the land registration procedure in Kampung Tua, the type of rights that should be granted, and the obstacles that cause the certification process to not run optimally. According to Sudikno Mertokusumo, legal certainty is a protection against arbitrary actions and is an important basis in realizing justice for citizens. (Sudikno Mertokusumo, 2002:37)

RESEARCH METHODOLOGY

This research uses a juridical-empirical approach, which is a method that not only examines the applicable written legal norms (*in abstracto*), but also how these laws are applied in social reality (*in concreto*). This approach is very relevant to be used to explore legal issues that arise in the practice of land registration in the Kampung Tua area of Batam City, especially those related to administrative, institutional, and dynamic obstacles between the community and state institutions. According to Soerjono Soekanto, the juridical-empirical approach is a method that focuses on observing legal phenomena in society and relating them to the applicable legal system. (Soerjono Soekanto, 2006:51)

This type of research is descriptive analytical, which aims to provide a systematic and comprehensive overview of the empirical facts and legal characteristics that develop in the context of the object of research. Thus, this study not only explains how the ideal law regulates land registration, but also how the norm is implemented by the National Land Agency (BPN), the Batam Business Agency (BP), the Batam City Government, and how the people of Kampung Tua experience it in their daily lives.

The location of the research is centered in Batam City, especially on 37 points of Kampung Tua which have been determined by the Mayor of Batam through Decree Number 105/HK/IV/2004. Batam City was chosen as the location because the land registration case in this area has unique characteristics, namely the dualism of authority between the local government and BP Batam, as well as the status of Kampung Tua land which is in the middle

of the tug-of-war between historical value and strategic investment needs. This condition reflects the complexity of land governance that is distinctive and interesting to study academically.

In data collection, this study uses two types of techniques, namely:

1. The study of documents, which is carried out on laws and regulations, academic literature, policy archives, and other relevant official documents, such as Law Number 5 of 1960, Government Regulation No. 24 of 1997, Presidential Decree No. 41 of 1973, Government Regulation No. 62 of 2019, as well as Decrees and Regional Regulations issued by the Batam City Government. This technique aims to obtain secondary data that contains the legal and policy framework that is the basis of juridical analysis. (Amiruddin and Zainal Asikin, 2017:118)
2. The interviews, which were conducted in a semi-structured manner with key informants, namely officials from the Batam City BPN Office, BP Batam, the Batam City Government Land Office, as well as community leaders and administrators of the Batam Heritage Treasure Cluster (RKWB) organization. This interview is intended to explore primary data, namely their experiences, perceptions, and obstacles they face in the Kampung Tua land registration process. According to Lexy J. Moleong, semi-structured interviews allow flexibility in the exploration of issues, but still adhere to a systematic framework of questions. (Lexy J. Moleong, 2013:186)

After the data is collected, the next step is data analysis which is carried out qualitatively-descriptively. This analysis aims to identify patterns, cause-and-effect relationships, and the influence of legal structures on social realities in the field. The data obtained from the field are compared and interpreted on the basis of authority theory, policy implementation theory, and legal certainty theory, so that scientific conclusions can be drawn that explain the gap between normative law and applicable law in practice.

The qualitative analysis method also allows the researcher to decipher the meaning of various statements of the speakers, as well as relate them to the structural and institutional context that affects the land registration process in the Kampung Tua area. Thus, this research is not only descriptive, but also analytical and interpretive, as suggested by Miles and Huberman that qualitative analysis focuses on deconstructing the meanings contained in social interactions and legal policies. (Matthew B. Miles and A. Michael Huberman, 1994:10–12)

RESULTS AND DISCUSSION

Land Registration Process in Kampung Tua

Land registration is an important element in the agrarian legal system in Indonesia because it provides formal legality to the possession and ownership of land. This process ensures legal certainty for individuals and community groups in accessing and defending their rights. In practice, land registration is carried out based on Government Regulation Number 24 of 1997 concerning Land Registration which applies nationally and regulates procedures for measurement, judicial data collection, bookkeeping, and issuance of land rights certificates by the Land Office (BPN).

However, land registration in Batam City, especially in the *Kampung Tua area*, has different characteristics and is more complex than other regions in Indonesia. This difference is due to the unique history of land management in Batam, as well as the dualism of authority between the Batam City Government and the Batam Business Agency (BP). Since 1973, based on Presidential Decree Number 41 of 1973, the entire area of Batam Island has been controlled and managed by the Batam Authority (now BP Batam) with the status of Land Management Rights (HPL).

The implication of this HPL status is that people, including those living in Kampung Tua, do not automatically have rights to the land they occupy for generations. Instead, their

rights must be recognized and legalized through a longer and bureaucratic registration process. One of the main requirements for land registration in Kampung Tua is the need to obtain a recommendation from BP Batam. This recommendation is an initial requirement that must be met before the community can apply for a certificate to the Land Office. (Hengki Andora, 2020:84)

In addition to the recommendation from BP Batam, the people of Kampung Tua must also have a Decree of Prospective Participants (SK Capes) issued by the Mayor of Batam. The Capes Decree serves as administrative legitimacy that the individual or family applying for the certificate is a native or heir of the residents of Kampung Tua before Batam was developed as an industrial area. Thus, the land registration process in Kampung Tua not only contains juridical aspects, but also contains historical and cultural aspects.

This procedure is certainly different from other regions in Indonesia, where people only need to show proof of physical possession or the basis of rights (e.g. deeds, deeds of sale and purchase, or inheritance), and then apply for registration directly to the Land Office. In Batam, the process must go through two different institutions (BP Batam and Batam City Government) before reaching BPN, so that the time and procedural stages become longer and more complicated. (Amiruddin and Zainal Asikin, 2017:118)

This situation is even more complicated because not all Kampung Tua land has a clear boundary map and a *clear and clean* legal status. A lot of land in Kampung Tua overlaps with the allocation of land for investment, or is under BP Batam's development plan. As a result, many land registration applications by the community were rejected or postponed because there was no synchronization between BP Batam's land data and the Batam City Government. (Maysha Andini, 2025:89–90)

The government seeks to solve these problems through strategic policies outlined in Government Regulation Number 62 of 2019. In this regulation, the President stipulates that the position of Head of BP Batam is held ex-officio by the Mayor of Batam. This step aims to end the dualism of authority and unite the coordination line in the management of the Batam area, including in the land sector.

The unification of the authority has a positive impact, especially in the land registration process in Kampung Tua. Some of the previously convoluted administrative procedures began to be simplified as it no longer required two different agencies to approve each stage of the process. Now, the policy issued by the Mayor is also institutionally binding on BP Batam, because the functional positions of the two have been combined.

However, these structural changes have not been fully followed by technical changes on the ground. In many cases, implementation is still slow due to limited human resources, overlapping spatial data, and resistance from parties who previously enjoyed the bureaucratic status quo of dualism. In other words, although normatively institutional integration has occurred, its effectiveness still requires time and further policy adjustments. (Boedi Harsono, 2005:166)

In addition, not all people of Kampung Tua understand the new procedures that apply after Government Regulation No. 62 of 2019. The lack of socialization and low legal literacy make it difficult for people to navigate the land legalization process. This indicates the need for a more participatory and educational approach, so that people are not only the object of policy, but also active subjects in fighting for their rights to land. (Lexy J. Moleong, 2013:276)

Although various obstacles still exist, the integration between BP Batam and the Batam City Government remains a significant advance in the history of land management in Batam City. This step provides a great opportunity to solve old problems that were previously stalled due to sectoral egos between institutions. In the context of Kampung Tua, this is also an important momentum to realize agrarian justice for indigenous peoples who have been marginalized legally and administratively. (Sudikno Mertokusumo, 2002:37)

Land registration in Kampung Tua is ultimately not just a matter of bureaucratic procedures, but a representation of the struggle of local communities to obtain state recognition of their historical rights. With policy reform and the unification of authorities, it is hoped that the land certification process in Kampung Tua can run more inclusively, efficiently, and in favor of social justice. (Winarno, 2014:220)

Types of Land Rights Given to the Old Village Community

The granting of land rights to the community is a form of legal protection as well as state recognition of the control and legal use of land. Within the framework of national agrarian law, the granting of these rights is regulated in Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA), which divides the types of land rights into property rights, business use rights, building use rights, use rights, lease rights, land clearing rights, and the right to collect forest products. Among these rights, only a part is relevant to be granted to the community in the Kampung Tua area of Batam City, depending on the status of the land and the purpose of use.

In the context of Kampung Tua, the dominant types of rights given are Property Rights (HM), Right of Use (HP), and Right to Use of Buildings (HGB). The choice of this type of right considers the legality of land tenure, the basic status of the land (especially because it was previously under the Management Rights/BP Batam), and the purpose of its use by the community. Property Rights are given to communities that control and use land for housing purposes for generations. As stipulated in Article 20 of the UUPA, property rights are the strongest and full rights to land, but can only be owned by Indonesian citizens.

For people who live in the Kampung Tua area and have met the administrative and historical criteria, property rights can be given as a form of strengthening the legal status of ownership. The process of granting this property rights usually starts with the release of part of the Management Rights by BP Batam, then continues with the determination of objects and subjects by the Batam City Government, then the submission of a certificate application to the local Land Office (BPN). (Hengki Andora, 2020:89) However, due to the characteristics of the Batam area which is still under the control of BP Batam, the granting of direct property rights still requires institutional recommendations from BP Batam as the holder of HPL.

The second type of right that is often granted is the Right to Use (HP), which is the right to use or utilize land that is directly controlled by the state or other parties for certain purposes. In many cases, the right of use is given to communities that have not been able to meet the full ownership criteria, for example due to overlapping land status or being in non-residential areas. Based on Article 41 of the UUPA, the right to use can be given to individuals and community groups as long as they use the land in accordance with their social functions. (Hengki Andora, 2020:91)

The right of use is more flexible and is a temporary solution that allows people to have legal legitimacy over the land they occupy without having to have ownership status. In some areas of Kampung Tua, especially those near port areas or investment zones, the granting of user rights is a compromise between community protection and economic development needs. (Maysha Andini, 2025:91-92) Although not as strong as property rights, the right of use still provides legal certainty because it is registered and has a certificate.

The third type of right that is also granted, although limited, is the Building Use Rights (HGB). This right is usually given to communities or groups that develop buildings for commercial businesses, flats, or public facilities. According to Article 35 of the UUPA, HGB is the right to erect and own buildings on land that does not belong to it, either state-owned or HPL. In Kampung Tua, HGB is given on the basis of the need to establish business buildings, such as shops, workshops, or rented houses that have existed for a long time and have economic value. (Boedi Harsono, 2005:287)

The provision of HGB also considers the potential of the local economy and the need for small-scale development in the Kampung Tua environment. However, HGB in this area still has to follow a formal mechanism and get approval from BP Batam and permission from the Batam City Government. In practice, the process of granting HGB can be slower due to technical provisions of spatial planning and the need to clarify land boundaries. (Boedi Harsono, 2005:288-289)

The mechanism for determining this type of land rights is not carried out unilaterally by the government, but through field verification and clarification of the social-control status of the community. Therefore, in addition to documents such as ID cards, KK, and proof of physical mastery, the people of Kampung Tua must also have a Decree of Prospective Participants (SK Capes) issued by the Mayor of Batam. This decree is the basis for verification that the individual or family is a natural resident or legal heir and deserves to receive land rights.

The policy of granting land rights in Kampung Tua also cannot be separated from the role of the Batam Business Agency, which previously held HPL as a whole. Since the issuance of Government Regulation Number 62 of 2019, where the Mayor of Batam serves as the Head of BP Batam *ex-officio*, the process of handing over some HPL to be converted into HM, HP, or HGB has become faster. This provides a great opportunity for accelerating the granting of rights to the people of Kampung Tua.

However, in its implementation, the granting of land rights still encounters various obstacles. One of them is the incomplete mapping of the boundaries of the Kampung Tua area, which causes uncertainty in determining the object of rights. In addition, the validation process of the Capes Decree requires coordination between institutions that are not fully integrated, so that some submissions are delayed or even rejected.

On the other hand, the people of Kampung Tua who have obtained land rights certificates, especially Property Rights and Right of Use, stated that the document provides a sense of security and increases the economic value of their land. This certification is a strong evidence tool and can be used for a variety of purposes, including banking access and small business development. Thus, the granting of land rights to the community not only has legal implications, but also significant social and economic impacts.

In the context of agrarian justice, the granting of land rights in Kampung Tua can be seen as a form of state **recognition** of the history of customary and traditional land tenure, as well as a form of correction to the dominance of land management by the state or corporate institutions. This process needs to be monitored so that all eligible Kampung Tua people can obtain their rights fairly and transparently. (Sudikno Mertokusumo, 2002:63)

Obstacles in Land Registration in the Kampung Tua Area, Batam City

The land registration process basically aims to create legal certainty and protection of land rights for the community. However, in the Kampung Tua area of Batam City, the implementation of this process faces various structural, administrative, technical, and sociological obstacles, which directly hinder the settlement of the legality of the land of the local community. This obstacle does not only come from internal government factors, but also related to the complicated history of land governance in Batam and full of overlapping authorities.

One of the main obstacles is the still existence of authority dualism between the Batam City Government and the Batam Business Agency (BP). Although Government Regulation Number 62 of 2019 has unifies the positions of Mayor and Head of BP Batam *ex-officio*, in its technical implementation, this dualism has not been completely resolved. For example, applications for certification must still go through a separate verification process in two

agencies that have different bureaucratic cultures and operational standards. As a result, there was a slowdown in the coordination and handling of land registration applications.

Second, the lack of complete and up-to-date boundary maps for all points of Kampung Tua is also a serious obstacle. Most villages do not yet have official boundaries that are jointly recognized by the government, BP Batam, and the local community. This causes the emergence of territorial boundary disputes between individuals and between communities and investors or third parties who also claim land. (Hengki Andora, 2020:91) According to the Batam City Land Office, until early 2024, only about 19 of the 37 points in Kampung Tua have relatively complete spatial boundary maps.

Third, the **status of the land that has not been clean and clear** causes difficulties in the process of applying for land rights. Many plots of land are still registered in BP Batam's allocation for investment needs or have been contracted to the private sector, so it is legally difficult to transfer them to the community without a lengthy HPL release procedure. This situation causes local communities who have de facto controlled the land for decades to still be considered ineligible to obtain property rights or use rights. (Boedi Harsono, 2005:211-212)

Fourth, the lack of transparency and access to information regarding land registration procedures is also a real obstacle. Many people in Kampung Tua do not know the technical stages, the documents needed, or which institution to contact first. The lack of socialization from the government and BP Batam causes some people to feel unconfident in submitting applications, even feeling intimidated by the convoluted bureaucratic process. (Maysha Andini, 2025:94) This shows that the participatory approach is still weak in the implementation of local agrarian reform.

Fifth, the limited quality of human resources (HR) in the land sector, especially at the technical level of the implementer, also hinders the acceleration of certification. The process of measurement, judicial data verification, and historical validation requires professionals who understand the local context, but the number is very limited. In an interview with the staff of the Batam Land Office, it was stated that limited personnel are often the main reason for the delay in the follow-up of certificate applications.

Sixth, the lack of synchronization of data and systems between agencies, especially between the Land Office (BPN), BP Batam, and the Batam City Government, has also aggravated the situation. For example, land plot data that has been verified by the Government does not necessarily match the field map data in BP Batam, or the socio-economic data of residents from the sub-district is not in accordance with the SK Capes database. This condition creates overlapping bureaucracy and increases the waiting time for the registration process. (Amiruddin and Zainal Asikin, 2017:152)

Seventh, economic interests and pressure from third parties on the land of Kampung Tua are also often invisible obstacles. Because many villages are located in strategic locations, such as the beachfront, city center, or port area, not a few entrepreneurs or corporations are trying to control the land through investment schemes facilitated by BP Batam. This situation causes horizontal and vertical conflicts, even to the legal realm.

Eighth, the lack of clarity in policy and the limitations of technical regulations on the Kampung Tua certification procedure make it difficult for officials in the field to make decisions. Until now, there has been no special national regulation that explicitly regulates the settlement of the legal status of Kampung Tua as a socio-cultural entity and an object of agrarian law. The central government is only limited to issuing circulars or technical instructions that are sectoral in nature and are not binding across institutions.

Ninth, the lack of community participation in policy advocacy and certification program oversight is also an unaddressed structural barrier. Many Kampung Tua communities do not yet have a strong enough citizen organization to collectively voice their aspirations to the government. This condition makes the certification process very top-down and prone to not

representing the interests of the indigenous residents of Kampung Tua. (Sudikno Mertokusumo, 2002:73)

Tenth, there are still informal practices such as illegal levies, brokerage, and data manipulation, which hurt the integrity of the land registration process. This phenomenon occurs due to the lack of openness of processes, high dependence on certain officials, and lack of an accountable digital system. In interviews with residents of Kampung Tua in Batu Merah and Tanjung Riau, some of them admitted that they experienced difficulties just because they were unable to "take care of" through unofficial channels.

The combination of all these obstacles creates a paradoxical condition: people who have lived in their ancestral lands for hundreds of years still have to re-prove their rights through modern, often impartial procedures. In fact, according to the principles of national agrarian law, land rights should contain elements of social justice, recognition of the history of possession, and alignment with structurally vulnerable groups. (Boedi Harsono, 2005:122)

To overcome these obstacles, it is necessary to reformulate the Kampung Tua land registration policy that is inclusive, responsive, and cross-sectoral. The central government must encourage the issuance of national regulations that specifically regulate the settlement of the legal status of the Old Village. In addition, data integration, human resource improvement, public education, and public oversight must be an integral part of a fair and sustainable land certification system.

CONCLUSIONS AND SUGGESTIONS

Conclusion

The problem of land registration in the Kampung Tua area of Batam City reflects the complexity of land governance in an area with a long history of informal control and dualism of state authority. Although various efforts have been made, the reality on the ground shows that the land registration process has not touched the entire Kampung Tua area thoroughly and evenly. Until now, there are still many village areas that have not obtained clarity on the legal status of their land, both in the form of Property Rights, Right of Use, and Right to Use.

This condition is caused by a number of structural and administrative factors, ranging from the duality of authority between BP Batam and the City Government, the overlap of land boundary maps, to the weak social verification system for the population status of the village community. These obstacles create legal uncertainty and delay the provision of rights protection that should be guaranteed by the state. Therefore, consistent policy synchronization and delegation of authority are urgent needs so that the land registration process is no longer hampered by the tug-of-war of institutional authority.

Legal certainty for land controlled for generations by the people of Kampung Tua is not only a matter of formal legality, but is a constitutional guarantee of the right to life and a sense of security for citizens. Without clarity on the legal status, communities are vulnerable to eviction, land speculation, and exclusion from the development process. Thus, clarity of legal status and the acceleration of land certification in the Kampung Tua area are very urgent to ensure the protection of community rights, social justice, and stability of regional development.

Suggestion

As a strategic step to improve this condition, the author proposes several recommendations that are normative and applicative.

1. The central government needs to strengthen sole authority in land governance in the Kampung Tua area, for example through the assignment of full authority to the Batam City Government or the drafting of separate laws or government regulations regarding the settlement of the land status of Kampung Tua. The elimination of dualism and clarity of the

- command structure will speed up the certification process and reduce conflicts of authority between agencies.
2. Intensive and comprehensive socialization is needed to the people of Kampung Tua regarding the procedure for registering land rights. This education should include information about the required documents, administrative stages, the rights and obligations of the applicant, and accessible institutions. Information disclosure is key so that the public can be actively involved and legally aware of the certification process, as well as minimize dependence on informal practices or harmful third parties.
 3. The government and related agencies need to immediately prepare and issue technical regulations that are implementive and contextual in order to accelerate land certification in Kampung Tua. This regulation must contain a social verification mechanism, procedures for releasing HPL collectively, and the integration of spatial data between agencies (BPN, BP Batam, Batam City Government). With strong regulatory and operational support, the land registration process can be carried out efficiently, accountably, and in favor of the community.

Finally, the reform of the land registration system in Kampung Tua is not solely a legal-formal project, but part of the process of state recognition of the history, identity, and rights of local residents. The success of this program will be a reflection of the alignment of national law towards indigenous and marginalized groups, as well as a strong foundation for the inclusive and sustainable development of Batam City.

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