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RIGHTS OF LAND MANAGEMENT AND PROPERTY INVESTMENT IN BATAM ISLAND

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ABSTRACT

Batam Island is a special strategic territory for investment. Therefore, the Indonesian Government establishes Batam Authority as the institution which make all efforts to make the island will be destination of international investment. To this end, Government issued a regulation in the form of Presidential Decree, i.e. Decree No. 41 Year 1973 which granted Rights of Management for Batam Authority. The Right of Management granted an authority to plan the allocation and use of land granted, use the land for the implementation of duties, submit parts of the land to the third party under Right of Use and receive income or compensation as well as yearly obligatory money.

Batam Authority as the only institution which controls the development in Batam Island has successfully assumed the duties for 30 years without any significant problem. However, when Batam was changed its status into Autonomous Region, the Right of Management granted to Batam Authority became a problem. The problem was related to the authority in land issues because the lands under the autonomous region became the authority of the Regional Government. Under such a situation, there were two different institutions which handled one similar authority. It is in this situation that the problem occurred. Other problem was related to Batam Authority which granted lands which were not in line with the allocations and the investments related to them.

The research was empirical judicial in nature employing field study. Besides, to make the research more exhaustive, library study was also conducted. It was hoped that accurate data would be gathered. The data then would be described under narrative analysis method.

The results of research showed that, *first*, the authority of land service in Batam was unclear. If it was supposed to be consistent under the principle of *lex superior*, the authority was in the hand of City Government. However, if the the authority was taken over from Batam Authority, very complex problems would occur. *Second*, Batam Authority proved to go beyond their authority in granting Right of Management. *Third*, the impact of authority juxtaposition between City Government and Batam Authority was caused by the fact that Batam Authority allowed the lands which did not correspond to the planned allocation to investors. This caused uncertainty regarding the regulations. Investors and consumers became unprotected legally. Therefore, from the point of view of investors, investments in the field of property in Batam island were not promising. The situation was contrary to the purpose of Batam to realise the island as Special Economic Zone (SEZ)

Key word: *Right of Management, Regional Autonomy, Authority*

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