

Juridical Analysis of Government Policies on Ownership of Rights to Flats (Research Study In Kampung Utama, Batam City)

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Juridical Analysis of Government Policies on Ownership of Rights to Flats (Research Study In Kampung Utama, Batam City)

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Abstract. *The policy of ownership of the right to the flats is an important aspect in the arrangement of vertical housing in Indonesia, especially in dense urban areas such as Kampung Utama Batam City. The background of this research focuses on the complexity of ownership dualism between individual property rights over units and collective rights to common parts, common objects, and common land. Conflicts of interest and management problems often arise, hindering the optimal implementation of policies. The purpose of this study is to analyze the implementation of government policies on ownership of rights to apartment units in Kampung Utama Batam City, identify existing obstacles, and provide recommendations for improvement. The research method used is a normative juridical approach with case studies. Data was collected through analysis of legal documents, interviews with stakeholders, and field observations. The analysis was carried out using positive legal theory from John Austin to understand the existing legal framework, legal system theory from Lawrence M. Friedman to evaluate the interaction between legal structure, substance, and culture, and legal certainty theory from Sudikno Mertokusumo to assess the clarity and predictability of applicable laws. The results of the study show that although the policy has been well drafted in Law No. 20 of 2011 concerning Flats, its implementation in the field still faces various obstacles. Dualism of ownership, unclear certificate status, complex administrative procedures, and lack of legal socialization are some of the main problems found. Strengthening the role of the Flats Owners and Occupants Association (P3SRS), the use of digital technology for administrative procedures, and increased supervision and law enforcement were identified as solutions to overcome these obstacles. The suggestions provided include increased coordination between related agencies, active community participation in the management of flats, and simplification of administrative procedures by the government. More effective implementation is expected to provide better legal certainty and create a harmonious residential environment in Kampung Utama Batam City.*

Keywords: Government Policy, Rights Ownership, Flats, Main Village, Batam City

1. INTRODUCTION

² Residence has a strategic role in the formation of the character and personality of the nation and as one of the efforts to build a complete Indonesian human being, with identity, independence, and productivity. The construction of flats and consumers who will buy and occupy them, must pay attention to the importance of the status of land rights on which the flats are built, whether they are in accordance with the provisions of applicable laws, so as not to cause problems in the future for both flat investors and especially for the interests of consumers who buy flats. The construction of flats is intended to provide decent housing for people and legal entities. Therefore, the housing must meet the requirements, both in terms of health, comfort and the beauty of the house.¹ The main problem faced by developing countries including Indonesia is the problem of population settlements, especially in big cities. The obstacle faced is the limited urban land. The current regulations are not moving as fast as the

¹ Supriadi, 2012, Hukum Agraria, Jakarta, Sinar Grafika, hal. 245

development of the times. Law Number 16 of 1985 is considered inadequate to deal with the demands of everyone's needs, especially affordable housing for low-income people and community participation as well as the responsibility and obligation of the state in organizing flats. For this reason, it is necessary to improve the laws and regulations that can cover all problems related to flats.

Law Number 20 of 2011 concerning Flats (Rusun Law) is a firm legal basis for the organization of flats based on the principles of welfare, justice and equality, nationality, affordability and convenience, efficiency and benefit, independence and togetherness, partnership, harmony and balance, integration, health, sustainability and continuity, safety, comfort and convenience as well as security, order and regularity.² According to Article 17 letter c of Law Number 20 of 2011 concerning Apartments, apartments can be built on land with Building Use Rights or Usage Rights that are above Management Rights. Management Rights are the right to control from the state, the authority and implementation of which are partly delegated to the holder, with the method of delegation of part of the authority, the holder of Management Rights can grant building use rights or usage rights to a third party through a written agreement.

The construction of flats above Management Rights must first encumber the Building Use Rights or Usage Rights above the Management Rights because according to the provisions of Article 17 letter c of Law Number 20 of 2011 concerning Flats, flats above Management Rights can only be built on land with the status of Building Use Rights or Usage Rights. The Building Use Rights must have been obtained before the construction of the flats is carried out, where the application for rights above the Management Rights land, namely Building Use Rights according to the provisions of Article 4 paragraph (2) of the Regulation of the Minister of State for Agrarian Affairs/Head of BPN Number 9 of 1999 concerning Procedures for Granting Rights to State Land and Management Rights is that the applicant for Building Use Rights must first obtain an appointment in the form of a land use agreement with the owner of the Management Rights.

Granting of Building Use Rights above Management Rights must be registered in the land book at the Land Office. Building Use Rights are granted for a maximum period of 30 years and can be extended for a maximum period of 20 years and can be renewed if the term of the Building Use Rights and its extension has expired. Extension of Building Use Rights above Management Rights is carried out upon the application of the Building Use Rights holder

² Undang-Undang Nomor 20 Tahun 2011 Tentang Rumah Susun

no later than 2 years before the term of the Building Use Rights and its extension expires with the approval of the Management Rights holder which is then recorded in the land book at the Land Office. Based on the background description above, the author raises several problems that will be discussed further. The problems are as follows:

1. How is the legal regulation of government policy on ownership rights to apartment units?
2. How is the implementation of government policy on ownership rights to apartment units?
3. What are the obstacles and solutions to the implementation of government policy on ownership rights to apartment units?

Based on the formulation of the problem stated above, it can be seen that the objectives of this research are:

1. To find out and analyze the legal regulations of government policies on ownership of rights to apartment units.
2. To find out and analyze the implementation of government policies on ownership of rights to apartment units.
3. To find out and analyze the obstacles and solutions to the implementation of government policies on ownership of rights to apartment units.

2. LITERATURE REVIEW

Land registration determines the legal relationship between a person and land as a fixed object. The legal relationship between a person and land as a fixed object is included in land law and is not part of agrarian law. This can be concluded from the definition of Land Law according to Herman Soesangobeng, namely¹¹: A collection of regulations that regulate the synergistic relationship of various branches of law and the legal status of civil rights of people over land as fixed objects, which are controlled to be owned or utilized and enjoyed by humans, either personally or in the form of a living together. Likewise, land registration in Indonesia according to the principle of speciality, the land that is registered must be clearly known and the location of the land must be real and also adheres to the principle of publicity, including that everyone can know who owns a plot of land, how large it is and whether there are any burdens on it and also adheres to the negative principle, meaning that ownership of a plot of land registered in someone's name does not mean absolute, because it is possible to question

who the owner is through the District Court.³

The definition of land registration as stipulated in Article 19 paragraph (2) of the UUPA is supplemented by Article 1 paragraph (1) of Government Regulation Number 24 of 1997, namely as follows: A series of activities carried out by the Government continuously, sustainably and regularly, including the collection, processing, bookkeeping and presentation as well as maintenance of physical data and legal data, in the form of maps and lists, regarding land plots and apartment units, including the provision of certificates of proof of rights for land plots for which rights already exist and ownership rights to apartment units and certain rights that encumber them. Land registration is a prerequisite in efforts to organize and regulate the allocation, control, ownership and use of land including to overcome various land problems. Land registration is intended to provide certainty of rights and legal protection for land rights holders with proof of land certificates as an instrument for organizing land control and ownership and as a control instrument in the use and utilization of land.⁴

Agrarian law can be briefly said that land law is the law that regulates the relationship between people and land with other people. So it is the protection of people's interests against other people regarding land.⁵ In the agrarian scope, land is part of the earth, which is called the earth's surface. Land as part of the earth is mentioned in Article 4 paragraph (1) of the Basic Agrarian Law, namely on the basis of the state's right to control as referred to in Article 2 which determines the existence of various rights to the earth's surface, which is called land, which can be given to and owned by people, either alone or together with other people and legal entities. The object of land law is the right to control land. Land control rights contain a series of authorities, obligations and/or prohibitions for the rights holder to do something with the land that is claimed. "Something" here is what is allowed, obligatory, and/or prohibited to be done, which is the benchmark for distinguishing between the various land control rights regulated in the relevant State Land Law.⁶

The definition of land registration as regulated in Article 19 paragraph (2) of the Basic Agrarian Law is carried out in a simple and easy to understand manner because it only includes measuring, mapping and bookkeeping of land, registration of land rights and the transfer of these rights, as well as the provision of proof of rights documents, which serve as strong evidence. Based on Article 19 paragraph (1) of the Basic Agrarian Law, the purpose of land

³ A. P. Parlindungan, Op.cit. hal. 18

⁴ Adrian Sutedi, Sertifikat Hak Atas Tanah, Cetakan Kedua, Sinar Grafika, Jakarta, 2012, hal. 59

⁵ Sudikno Mertokusumo, Op.cit, hal. 3

⁶ Budi Harsono, Op.cit, hal. 253

⁸ registration is determined as follows: "To guarantee legal certainty, the government will carry out land registration throughout the Republic of Indonesia according to the provisions regulated by Government Regulations". Land registration with ¹⁰ the Torrens System, introduced by Robert Torrens which first occurred in South Australia and was enacted in 1858, which in its development was adopted by many countries. The countries that adopted the ¹⁰ Torrens system include New Zealand, Western Canada, Algeria, Tunisia, Congo, Spain, Norway, Yamaica, the United States, the Philippines, Malaysia, India.⁷

The legal framework for land rights in Batam City has several unique features that distinguish it from other cities or districts in Indonesia. This is mainly related to ¹⁵ the status of Batam City as part of the Free Trade Zone and Free Port which is regulated by special laws and regulations. ¹⁵ The Free Trade Zone and Free Port status granted to Batam City is a strategic effort to promote rapid economic growth and increase foreign direct investment. As part of this effort, Batam offers a number of economic incentives, including tax exemptions, import and export facilitation, and ease of asset ownership and land rights for foreign investors. This aims to create a conducive business environment that not only attracts foreign investment but also promotes international trade. From a legal and regulatory perspective, the Free Trade Zone and Free Port status requires a specific legal framework that includes land rights, work rules, environmental protection, and financial administration. This legal framework is designed to ensure that activities in the free trade zone can be carried out effectively while complying with international standards and national interests.

BP Batam (Badan Pengusahaan Batam) plays a key role in land management and investment in Batam. BP Batam is responsible for granting business permits, land utilization, and providing other related services in the area. BP Batam operates in a semi-autonomous model and has the authority to make policies that may differ from central government policies related to land use and utilization. Batam Business ⁸ Agency (BP Batam) has a central role in the management and development of the Batam Free Trade Zone and Free Port. As an institution established by the Indonesian government, BP Batam is tasked with coordinating all infrastructure development and management activities, as well as services to investors and local residents. Its functions include granting investment permits, land and resource management, and developing infrastructure and public services.⁸

⁷ Adrian Sutedi, Op.cit, hal. 4

⁸ Panjaitan, Halomoan. 2014. Kumpulan Skematis Peraturan Pertanahan & Hak Pengelolaan Di Pulau Batam. Batam: BP Batam, hal. 82

In the context of land rights, Batam generally follows the same regulations as other cities in Indonesia under the Basic Agrarian Law (UUPA) 1960. However, in practice, there is flexibility in the application of Building Use Rights (HGB) and Use Rights to support economic activities in the free trade zone. HGB and Use Rights in Batam are often applied with faster and more efficient procedures, in accordance with investment and business objectives. Building Use Rights (HGB) and Right to Use Regulations are two forms of land rights that are very important in the context of land law in Indonesia, including in the operation of strategic areas such as Batam. Building Use Rights (HGB) grants rights to individuals or legal entities ¹⁴ to construct and own buildings on land that they do not own. The implementation of HGB and Right to Use in Batam is strictly regulated by BP Batam, which acts as the main manager of land and infrastructure rights. Through this mechanism, BP Batam is able to control land use efficiently while ensuring that the economic development of the area is in accordance with existing strategic planning.

This regulation is very important to ensure that land use in ¹⁵ the Batam free trade and free port area is carried out in a way that supports economic growth while paying attention to social justice and environmental sustainability. Thus, HGB and Hak Pakai become key instruments in sustainable development and fair land resource management in Batam. In the context of land regulation in Indonesia, restrictions on foreign ownership are an important issue that is strictly regulated by law. Indonesia has a relatively protectionist policy regarding land ownership by foreign citizens. In general, foreign citizens are not allowed to own land (ownership rights) directly in Indonesia. This is in accordance with the Basic Agrarian Law No. 5 of 1960 which only allows Indonesian citizens and legal entities established under Indonesian law and domiciled in Indonesia to own land rights. However, foreigners can obtain land rights through several other mechanisms such as Right to Use, Right to Build (HGB), and Right to Lease for Buildings on the land.

In the context of residential home ownership, the government through BP Batam often facilitates housing development for local and immigrant communities. The availability of land for housing is regulated to ensure that industrial and commercial development does not ignore the housing needs of local residents.⁹ On the other hand, strict regulations or restrictions on access to home ownership can create social and economic disparities, and exacerbate housing problems for low-income groups. In many areas, including large cities and special economic zones, pressure on the housing market often increases with rapid economic growth and

⁹ Seda, Frans. 2003. *Membangun Indonesia: Studi Kasus Batam*. Jakarta: Pustaka Sinar Harapan, hal. 47

urbanization. This can lead to rising land and property prices, making it increasingly difficult for the majority of local residents to own a home.¹⁰

3. RESEARCH METHOD

In the thesis research entitled "Legal Analysis of Government Policy on Ownership of Rights to Apartment Units (Research Study in Kampung Utama, Batam City)", the application of normative and empirical legal analysis research methods.⁸³ This type of research is normative legal research supported by empirical research. Normative legal research is also called library research. It is called library research because this research is only aimed at written regulations so that this research requires secondary data. This research will use a normative legal approach to analyze laws and regulations relevant to the research.¹¹

Using a normative legal approach to analyze the existing legal framework and its relevance to the research object. Then applying qualitative analysis to data from case studies, interviews, and relevant literature to obtain a real picture of this research by adopting an empirical legal approach.¹² The location of this research was carried out in the Riau Islands Province, precisely in Batam City. The population is all elements related to the research object. The sample used by the researcher is a random technique to find out for sure related to the research to be studied. As for the sample used by the author is a purposive sampling technique in determining respondents and informants who will be interviewed to meet the primary data needed to complete the research.

4. RESULTS AND DISCUSSION

1. Legal Regulation of Government Policy Regarding Ownership of Rights to Apartmen Units

Law Number 20 of 2011 concerning Apartments (Apartment Law) provides a comprehensive legal framework for the organization of apartment buildings in Indonesia. The following are several important articles that regulate ownership of apartment units along with explanations and legal analysis. Article 1 Paragraph (1) of Law Number 20 of 2011 concerning

¹⁰ Giddens, Anthony. 2010. Teori Strukturasi: Dasar-dasar Pembentukan Struktur Sosial Masyarakat. Yogyakarta: Pustaka Pelajar, hal. 93

¹¹ Irawan Suhartono, Metode Penelitian Sosial Suatu Teknik Penelitian Bidang Kesejahteraan Sosial lainnya, Bandung: Remaja Rosda Karya, 2009, hal. 64.

¹² Ibid, hal. 65.

Apartment buildings are multi-storey buildings constructed in an environment divided into functionally structured parts, both horizontally and vertically, and are units that can each be owned and used separately, especially for residential areas equipped with shared parts, shared objects, and shared land. This right is protected by the Certificate of Ownership of a Condominium Unit (SHM Sarusun), which guarantees legal certainty for the owner and provides legal proof of ownership of the unit. However, this ownership is not free from collective responsibility for the common parts, common objects, and common land. Condominium owners must contribute to the maintenance and management of these common parts through the Association of Condominium Owners and Occupants (P3SRS). This creates a complex legal relationship in which individual ownership must be aligned with the collective interests of all residents of the condominium.

Article 17 Types of Land for Establishing Flats: Flats can be established on land with ownership rights, building use rights or use rights over state land, and building use rights or use rights over management rights. Article 17 of Law No. 20 of 2011 concerning Flats regulates the types of land that can be used to establish flats. This article stipulates that flats can be established on land with the status of Ownership Rights, Building Use Rights (HGB), or Use Rights over state land, as well as Building Use Rights or Use Rights over Management Rights. Article 47 Certificate of Ownership Rights for Apartment Units (SHM Sarusun): This certificate is proof of ownership of an apartment unit that is individual in nature and separate from joint rights to common parts, common objects, and common land. Certificate of Ownership Rights for Apartment Units (SHM Sarusun) provides legal certainty to apartment unit owners because this certificate is legal proof of individual ownership of the unit. The legal certainty provided by SHM Sarusun is very important in the context of property ownership, especially in complex apartment environments. SHM Sarusun ensures that unit owners have full rights to use, transfer, and inherit their units.

Article 48 Certificate of Ownership of Building Units of Condominium (SKBG Sarusun): This certificate is given for buildings of condominiums built on land with building use rights or use rights over state land. The Certificate of Ownership of Building Units of Condominiums (SKBG Sarusun) provides legal certainty regarding building ownership for owners who build on state land.⁹¹ SKBG Sarusun is a certificate that recognizes the owner's rights to the building they built, even though the land beneath the building is state-owned or under management rights. This ownership is legally recognized and regulated by Law Number 20 of 2011 concerning Condominiums, which allows owners to own and manage buildings without having full rights to the land on which the building stands.

2. Implementation of Government Policy on Ownership Rights to Apartment Units in Kampung Utama, Batam City

The implementation of government policies on ownership rights to apartment units is comprehensively ¹³ regulated in Law Number 20 of 2011 concerning Apartments. This law regulates the types of land that can be used to build apartments, ownership certification, the rights and obligations of apartment unit owners, and the role of the government in organizing apartments. In addition, Government Regulation Number 4 of 1988 concerning Apartments and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 1999 concerning Procedures for Granting Rights to State Land and Management Rights also regulate the technical implementation related to the establishment and management of apartments. Ownership of a condominium unit (rusun) in Indonesia is strictly regulated through various forms of legality that provide legal certainty and protection of rights to the owner. This legality is important to ensure that the owners of the rusun units have valid legal evidence of their ownership, and have clear rights and obligations related to the use and management of shared property.

- ¹¹ a. Certificate of Ownership of a Condominium Unit (SHM Sarusun)
- b. Certificate of Ownership of a Condominium Unit Building (SKBG Sarusun)
- c. Building Permit (IMB) and Approval of the Association of Condominium Unit Owners and Occupants (P3SRS)
- d. Deed of Sale and Purchase (AJB) and Deed of Mortgage Encumbrance

In this context, apartment developers must obtain building use rights (HGB) or usage rights over the land they manage before building and selling apartment units. This process often causes problems, especially if administrative procedures are not followed strictly or if there is a change in land status during construction or after the sale of the unit. One of the main problems that arises is uncertainty for unit owners regarding the legal status of their land and buildings. If the HGB or usage rights are not extended or if there is a dispute regarding management rights, owners of SHM Sarusun and SKBG Sarusun may face the risk of losing their ownership rights or face additional costs to maintain their rights. This can cause concern and uncertainty among unit owners, which has a negative impact on property values and the stability of the apartment property market. The managers or developers of flats (rusun) have a big responsibility regarding the legality of unit ownership by buyers. If the developer fails to

provide legal certainty such as a ¹¹ Certificate of Ownership of Flat Units (SHM Sarusun) or Certificate of Ownership of the Flat Building (SKBG Sarusun) to the unit owner, they can be considered to have violated the contractual and legal obligations stipulated in the sale and purchase agreement and related laws and regulations.

The implementation of government policies on ownership rights to apartment units in Kampung Utama, Batam City can be analyzed comprehensively using John Austin's positive legal theory, Lawrence M. Friedman's legal system theory, and Sudikno Mertokusumo's legal certainty theory. Positive legal theory emphasizes the importance of clear regulations and strict sanctions to ensure compliance. Legal system theory emphasizes the importance of the interaction between legal structure, substance, and culture for the successful implementation of policies. Meanwhile, legal certainty theory highlights the need for clarity, fairness, and predictability in the law to provide guarantees and protection for apartment unit owners. With this approach, the analysis can provide an in-depth picture of the effectiveness of policies and areas that need improvement to create a more stable and safe residential environment.

3. Obstacles and Solutions to the Implementation of Government Policy on Ownership Rights to Apartment Units in Kampung Utama, Batam City

Obstacles in the Implementation of Government Policy on Ownership Rights to Apartment Units in Kampung Utama, Batam City, namely:

a. Dualism of Ownership Description

Dualism of ownership between individual ownership rights over apartment units and collective rights over common areas, common objects, and common land often gives rise to conflicts of interest and management problems. Apartment unit owners have full rights over their units, but they also share responsibility for the maintenance and use of common facilities. Conflicts can arise when unit owners disagree on how to manage common areas or are unwilling to contribute to maintenance costs. This can hinder effective management and reduce the quality of housing.

b. Validity and Clarity of Certificate Status

The validity and clarity of the status of the Certificate of Ownership Rights for Apartment Units (SHM Sarusun) and the Certificate of Ownership of the Apartment Building (SKBG Sarusun) are often questioned, especially when apartments are built on land with management rights. Uncertainty regarding the legal status of the land can cause concern among unit owners, reduce property values, and trigger legal disputes. Complicated administrative processes and lack of transparency also worsen this situation.

c. Complex Administrative Procedures

Complex administrative procedures and red tape can hinder land registration and dispute resolution. Lengthy processes and high costs can be a barrier for unit owners, especially those with low incomes. This can reduce community participation in legal and administrative processes, which in turn reduces the effectiveness of policy implementation.

d. Lack of Socialization and Education

Lack of socialization and education regarding the rights and obligations of apartment unit owners and applicable legal procedures. Many unit owners do not fully understand their rights and obligations, as well as the procedures that must be followed for apartment ownership registration and management. This lack of understanding can result in non-compliance with existing regulations and policies.

e. Weak Supervision and Law Enforcement

Weak supervision and law enforcement by local governments and related institutions. Without effective supervision, violations of policies and regulations can occur, such as the absence of P3SRS formation by developers or misuse of common shares. Weak law enforcement also means that violations do not receive proper sanctions, reducing compliance and policy effectiveness.

f. Limited Resources and Infrastructure

In Batam City, the infrastructure and resources to support the registration and management of fiduciary guarantees may not be fully adequate. This includes the availability of information technology systems for efficient data recording and storage, as well as the training of personnel who manage this legal process. These limitations can result in slow processes and excessive bureaucracy, increasing the risk of errors and delaying the implementation of guarantees.

g. Stakeholder Understanding and Awareness

Lack of understanding and awareness on the part of shareholders and creditors regarding the potential and limitations of using shares as fiduciary collateral is also an obstacle. Inadequate education regarding the benefits and risks of fiduciary collateral can result in distrust and unpreparedness in utilizing this instrument. For example, shareholders may be reluctant to pledge their shares due to concerns about the potential loss of control over the investment or lack of information on how to protect their rights

in the transaction.

h. Market Fluctuations and Financial Risk

A volatile stock market can make it difficult to assess the value of the shares to be used as collateral, increasing the risk for both parties. These fluctuations can result in unstable collateral values, putting the creditor at risk of not being able to recover the full value of the loan if it were necessary to take over the shares.

Efforts to overcome obstacles to the implementation of government policies on ownership rights to flat units in Kampung Utama, Batam City, namely:

Local governments can improve socialization and education programs for apartment owners regarding their rights and obligations, as well as the importance of collective management. Training and workshops on shared property management can help owners understand their role in the maintenance and use of shared facilities. Optimizing the use of digital technology in the registration and extension of property rights certificates (SHM Sarusun and SKBG Sarusun) to increase transparency and efficiency. The online registration system can reduce administrative time and costs. Socialization Regarding Rights and Procedures: Conducting socialization to the community regarding the procedures for obtaining and extending ⁹ building use rights (HGB) and use rights on state land. Clear and easily accessible information can help unit owners understand the process that must be followed.

Owners of units who do not have ¹¹ a Certificate of Ownership of a Condominium Unit (SHM Sarusun) or Certificate of Ownership of a Condominium Building (SKBG Sarusun) need to immediately take care of this legality. This process involves registering ownership rights at the local Land Office by completing the necessary documents, such as a Deed of Sale and Purchase (AJB), IMB, and proof of ownership from the developer. The local government or related agencies can provide mass certification programs or legal aid services to assist owners who have difficulty in the administrative process. This certification is important to provide legal certainty over unit ownership and protect owners from potential disputes in the future.

Establish a one-stop service center that integrates all services related to the registration of apartment unit ownership rights to simplify the administrative process and reduce bureaucracy. Review and normalize administrative costs for apartment unit ownership rights registration, especially for low-income communities, to increase accessibility and participation. Unit owners who face legality issues due to developer negligence can take a collaborative approach with the developer and local government to find a solution. The local government can mediate between the owner and the developer to ensure the developer fulfills its obligations, such as submitting a certificate of ownership or forming a P3SRS. If the developer

is no longer contactable or responsible, the government can provide legal and administrative guidance that allows the owner to resolve the legality issues independently.

Conduct regular inspections of condominiums to ensure compliance with applicable regulations and policies. Local governments must ensure that developers and P3SRS comply with established standards. Establish an effective and prompt complaint mechanism to handle disputes between condominium owners, developers, or the government. Dispute resolution must be fair and transparent, providing legal certainty for all parties. Efforts to overcome obstacles and implement policies on ownership of apartment units in Kampung Utama, Batam City involve a comprehensive approach that includes strengthening legal and administrative structures, increasing the role of P3SRS, using digital technology, ongoing socialization and education, and effective supervision and law enforcement. By overcoming these obstacles, it is hoped that government policies can provide legal certainty, protect the rights of unit owners, and create a well-managed and harmonious residential environment.

5. CONCLUSION AND SUGGESTION

- **CONCLUSION**

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- a. The legal regulation of government policy on ownership rights to apartment units is comprehensively regulated in Law Number 20 of 2011 concerning Apartments, which covers various important aspects to provide legal certainty and protection of rights for owners. Article 17 regulates the types of land that can be used to build apartments, including Ownership Rights, Building Use Rights, and Use Rights over state land. Articles 47 and 48 regulate the issuance of Certificates of Ownership Rights for Apartment Units (SHM Sarusun) and Certificates of Ownership of Buildings in Apartment Units (SKBG Sarusun) which provide legal certainty for unit owners.
- b. The implementation of government policy on ownership rights to apartment units in Kampung Utama, Batam City faces a number of legal problems such as dualism of ownership between individual rights to units and collective rights to shared parts often giving rise to conflicts of interest and difficulties in joint management. The validity and clarity of the status of the Certificate of Ownership of the Unit of the Apartment (SHM Sarusun) and the Certificate of Ownership of the Unit of the Apartment Building

(SKBG Sarusun) are still critical issues, especially when the apartment is built on land with management rights. Complex administrative procedures and convoluted bureaucracy prolong the process of registering and managing property rights, while the lack of socialization and legal education leads to low public awareness and understanding of their rights and obligations.

- c. The implementation of government policies on ownership of apartment units in Kampung Utama, Batam City faces various obstacles, including dualism of ownership that causes conflicts in management, unclear status of the SHM Sarusun and SKBG Sarusun certificates, complex administrative procedures, and lack of socialization and legal education. To overcome these obstacles, efforts made include increasing socialization and education for unit owners, strengthening the role and function of the Association of Apartment Owners and Occupants (P3SRS), simplifying administrative procedures through the use of digital technology and the establishment of integrated service centers, and strengthening supervision and law enforcement by local governments.

- **SUGGESTION**

From this conclusion, the author can provide several suggestions, namely:

- a. It is recommended that managers or developers of flats (rusun) carry out responsibilities related to the legality of unit ownership by buyers such as the Certificate of Ownership of Flat Units (SHM Sarusun) or Certificate of Ownership of Flat Buildings (SKBG Sarusun) to unit owners.
- b. It is recommended that the community, especially owners and prospective owners of flat units, need to increase their awareness and understanding of the rights and obligations related to ownership of flat units and the importance of effective joint management.
- c. It is recommended that the Government regulate and supervise the process of building and selling flats in accordance with applicable legal provisions, such as Law Number 20 of 2011 concerning Flats, and also apply strict sanctions to developers who violate the provisions, including those who fail to provide legal ownership of flats to entitled residents.

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