



# JURIDICAL ANALYSIS OF HANDLING VITAL OBJECTS IN THE PERSPECTIVE OF ENSURING PUBLIC SAFETY AND ORDER: A STUDY ON VITAL OBJECTS IN WATER CATCHMENT AREAS AND RESERVOIRS LOCATED IN THE BATAM CONCESSION AGENCY

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## ABSTRACT

*Threats and security disturbances to vital objects, either directly or indirectly, have an impact on the national economic system, and, at a particular level, have an impact on politics, the state administration system, and national security. The vital objects have a critical role in encouraging national development and may have a significant impact on the country's economic system, political and government systems, and national security. The issue addressed in this study is how to handle vital objects in order to improve the community's security and order in the catchment area and reservoirs situated within the Batam concession agency. How to implement vital object handling with the goal of enhancing public order and security. What factors become impediments? Solutions for the safe handling of vital objects with the goal of enhancing community security and order. The purpose of this research is to ascertain the legal arrangements for the handling of vital objects with the goal of ensuring security and public order in the Batam Concession Agency's catchment area and reservoirs. In addition, to decide how the legal analysis of handling vital objects will be implemented in order to ensure community security and order. Moreover, to identify elements that become impediments as well as solutions for handling vital objects with the goal of ensuring the security and order of the people living in the Batam Concession Agency's catchment and reservoir region. This study employs a descriptive methodology in order to collect primary data via field research utilizing a normative legal research approach. The results indicated that the handling of vital objects in the context of strengthening community security and order (A Research Study on Vital Objects in Catchment Areas and Reservoir Areas located in Batam Concession Agency) has been implemented largely successfully, despite the presence of numerous obstacles in the field, particularly legal obstacles that accompany the performance of the law. As a result, it is anticipated that laws governing the preservation of protected forest areas and reservoirs will be implemented effectively, including the imposition of penalties against community members who commit the crime of forest area destruction.*

**KEYWORDS:** *Vital Objects, Security, Public Order, Catchment Area, Reservoirs*

## INTRODUCTION

Today, the issue of security and order has taken on a more strategic position. This may be observed in the increasing proportion of threats and disruptions to security and order, which come with a variety of risks and consequences. Threats and security disruptions to vital objects such as airports, ports, processing plants, storage and distribution of fuel oil, and water supply systems continue to expand in scope, posing a variety of risks and consequences. The advancement of science and technology, as well as the growing complexity of community issues (social exclusion) (Silver, 2007), have resulted in a variety of possible security breaches affecting a

variety of vital objects, resulting in financial losses, property damage, and even fatalities.

Threats and security disruptions to vital objects have a direct or indirect effect on the national economic system and, to a slightly lesser degree, on political stability, the state administration system, and national security. The vital objects have a critical role in supporting national development and may have a significant impact on the national economic system, political system, and governance, as well as national security.

Given its critical role, the vital object needs enhanced system security built on top of normal system security in order to mitigate security risks and effects from threats and disruptions. Standards for



vital object security systems may be used to evaluate the performance of vital object security systems. In addition, to establish guidelines for the protection of vital objects, the Minister of Human Resources of the Republic of Indonesia issued Decree No. 77 K/90/MEM/2019 and the Minister of Energy and Mineral Resources issued Regulation No. 48 of 2018. In the Ministerial Decree, the National Vital Objects in the Energy and Mineral Resources Sector are areas/locations, buildings/installations, and/or businesses that concern the livelihood of the people, state interests, and/or strategic sources of state revenue in the energy and mineral resources sector. According to Presidential Decree No. 63/2004, the vital objects have the following characteristics.

- 1) Threats and disruptions may result in disasters on humanity and development;
- 2) Threats and disruptions may it cause national disruptions in transportation and communications; and/or
- 3) Threats and disruptions may it result in a obstacle of the state government's administration.

According to the Presidential Decree, Vital Objects require that the standard configuration of security for each vital object meet the quality or capability requirements established by the Indonesian National Police and that security systems undergo periodic audits. This guideline for vital object security systems includes security patterns, standard configuration, security implementation capability standards, security audit management, and supervision and control.

To ensure that vital object managers adhere to the security system standards for vital objects, Ministries/Non-Departmental Institutions that regulate vital objects may issue a policy requiring the mandatory implementation of security system standards and conducting periodic audits of the vital object security system's performance. Some criteria/indicators may be used to evaluate the performance of the vital object security system, including the following: internal security policy, security planning, security standards and procedures, security personnel qualification, security technology, cooperation and coordination system with the police, self-security cooperation with the community and stakeholders, supervision and control.

In this case, as one of the managers of vital objects in Batam, the Batam Concession Board has the right to obtain land management rights in accordance with the provisions of Batam Concession legislation in order to conduct activities for the use and supervision of water catchment areas and reservoirs located in protected forests. A water catchment area is a watershed area that extends from the reservoir's outer border to its upstream, and

contains, among other things, natural reserves, nature conservation areas, and protected forests.

The Batam Concession Agency, as the owner and manager of the reservoirs, utilizes and supervises the catchment area, which includes monitoring and maintaining the safety of the dam and securing and maintaining the catchment area. Based on the regulations of the Head of the Batam Concession Board No. 24/2016, the regulations of the Head of the Batam Concession Board No. 19/2019, and No. 20/2019, the activity was carried out by the environmental facility business entity together with the General Manager of water resources, waste, and the environment, the Directorate of asset security with the sub-Directorate for environmental and forest security, and the sub-unit for safeguarding assets and vital objects. The situation overlaps with the supervisory authority of the Ministry of Environment and Forestry, which has given the technical supervision authority to the protected forest management unit II Batam, which is tasked with and functions in forest protection, forest security, law enforcement, advocacy, consultation, and assistance in the forestry sector.

Most dams managed by the Batam Concession Agency were constructed prior to the Minister of the Environment issuing the Borrow-to-Use Forest Area Permit, which means that there were no regulations established by the government/state regarding the borrow-to-use forest area during construction. All drinking water resources or reservoirs in Batam are situated inside protected forest areas, according to forestry statistics. It was formerly a conservation forest. However, since its usage for reservoirs or dams can not be controlled, it has been turned into a protected forest. In order to overcome security breaches involving vital objects, it is crucial to establish a coordination framework that defines the roles and responsibilities of each participant. This coordination system is required to ensure that security disruptions to vital objects may be addressed promptly and efficiently, mitigating the security impact.

Given the background of thought, the study problem formulation is as follows:

- 1) What is the legal arrangement to handle the vital objects in the perspective of strengthening community security and order in the context of catchment areas and reservoirs located at the Batam Concession Agency?
- 2) What is the implementation handling for the vital objects from the perspective of strengthening community security and order in the context of catchment areas and reservoirs located at the Batam Concession Agency?



- 3) What are the inhibiting factors and solutions to handling the vital objects from the perspective of strengthening public order and security in the context of catchment areas and reservoirs located at the Batam Concession Agency?

Therefore, several research objectives, among others, are arranged as follows.

- 1) Understanding the legal arrangements for handling vital objects in the perspective of strengthening public security and order.
- 2) Understanding the implementation of handling vital objects in the perspective of strengthening public security and order in the context of water catchment areas and reservoirs located in the Batam Concession Agency.
- 3) Understanding the inhibiting factors and solutions for handling vital objects in the perspective of confirming public safety and order in the context of water catchment areas and reservoirs located in the Batam Concession Agency.

The current research will contribute to theoretical and practical benefits. Theoretically, this research will provide enrichment for the development of legal science, especially in the land sector, considering that this study provides clarity regarding the handling of vital objects. In practice, this research will provide useful information to stakeholders, in particular, the Batam Concession Board and the general public, who need legal certainty over land ownership rights.

## LITERATURE REVIEW

The purpose of the conceptual framework is to understand the correlation between certain concepts explored. The concept is one of the theory's concrete elements. However, further elaboration in the shape of even an operational definition is required.

## JURIDICAL ANALYSIS

Analysis is the process of synthesizing a huge quantity of raw data and then grouping or separating the pertinent elements and pieces in order to connect the gathered data and solve the issue. Analysis is an effort to systematically characterize patterns in data in order for the analysis findings to be examined and interpreted. While juridical refers to something that is recognized by law, is based on law, and has an effect on violations. Juridical also refers to a rule that is considered law or has its validity justified in the viewpoints of the law, whether it's through regulations, habits, ethics, or even morals that serve as the basis for its assessment.

In this research, the authors define juridical analysis as an activity that entails identifying and dissecting the components of an issue for further

examination and then relating them to the law, legal regulations, and relevant legal standards as a means of resolving the problem. The activity of juridical analysis is to explore pertinent laws and other supporting documentation in order to develop findings as remedies or answers to issues. The aim of the juridical analysis activity is to develop a mentality for law-abiding problem resolution, particularly in the area of legal politics in land registration.

## VITAL OBJECTS

Vital objects are areas, places, buildings, and businesses that concern the dignity of life of people, interests, and/or large sources of state income that have the potential for vulnerability and can shake economic, political, and security stability in the event of security disturbances. The authors assume that the legal arrangements for handling vital objects that are focused on are water catchment areas and reservoirs located in protected forests. The high rate of logging crimes, namely by committing theft of wood, is a threat and challenge to security and order. community, which in turn hinders development efforts to achieve community welfare. As a consequence of frequent logging and water pollution around protected forests in Batam City.

## SECURITY AND ORDER

Security and order in society is a dynamic condition as one of the prerequisites for the implementation of the national development process in the context of achieving national goals marked by ensuring security, order, and law enforcement, as well as the establishment of peace. The capability to foster and develop the potential and strength of society to prevent and overcome overall law violations and other situations of disturbance that may disturb the public.

According to Tata Tenram Kerta Raharja, safety has four main points, namely the feeling of being free from worries, the feeling of being free from risk, and the feeling of inner peace. Security is a condition that is free from all kinds of disturbances and obstacles. Meanwhile, the order is a condition in which the social unit that includes members of the community can play a role in accordance with existing provisions. Therefore, the notion of order is a condition in which all activities function and play a role in accordance with existing provisions. Security and public order are a situation that is needed by the community in terms of development and socializing with other communities.

According to the Law of the Republic of Indonesia, Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Article 1 number 5, concerning security and public order, is one of the prerequisites for the implementation of the



national development process in the context of achieving national goals marked by guaranteed security, order, and upholding the law. The establishment of peace, which includes the ability to foster and develop the potential and strength of the community in preventing, preventing and overcoming all forms of law violations and other forms of disturbances.

The notion of security and public order, as mentioned, is a basic need of the community who want a safe, peaceful, and orderly atmosphere in the order of life. This is related to the hopes and desires of the community, who crave a feeling of being free from physical and psychological disturbances, free from fear and all kinds of threats of danger, and a feeling of inner and outer peace and serenity. These rights are natural human rights based on natural law. Because humans have rights known as living shadows from God, every individual has the right to sovereignty, the right to exist, the right to function and the right to be protected.

#### Water Catchment Area

The catchment area is the watershed area from the outer boundary of the reservoir to its upstream; and what is meant by "land in water catchment areas" are, among others, nature reserves, nature conservation areas, and protected forests. The Batam Concession Agency, as the holder of land management rights, carries out utilization and supervision activities for the water catchment area and reservoir located in the forest.

#### Protected forest

A protected forest is a forest or large area of land that contains a collection of flora and fauna species that are formed naturally or not. Forest areas designated as protected forest areas have a role as a provider of clean water reserves, flood prevention, erosion control, urban lungs, and many others. A Protected forest is also a term for a forest whose sustainability is protected in order to avoid damage caused by humans, continue to run according to its ecological function and be used for the common good. Protected forest implies an intention that protected forest can be designated in the highlands as a catchment area, along rivers, or on the edges of the coast.

The main assets of this protected forest are trees that stand as barriers to reduce mass movements such as rock, erosion, landslides, debris flows, and floods. The protective effect of this protected forest can only be ensured if the management of the silvicultural system used does not have a significant adverse impact on the surrounding environment. This paper presents an overview of the meaning, benefits, examples, legal basis, regulations, and problems of protected forests that occur in Indonesia. Often, people generally think that protected areas and protected forests are the same thing. Protected areas

and protected forests are actually two different things, but they are closely related to each other. Protected areas include forest and non-forest areas, while protected forests are protected areas located in forest areas. So simply, a protected forest is part of a protected area.

Based on Presidential Decree Number 32 of 1990 concerning Management of Protected Areas, a protected area is an area designated with the main function of protecting environmental sustainability, which includes natural resources, artificial resources, and historical and cultural values of the nation in the interest of sustainable development. Protected areas also include protected forests that have the characteristic of protecting the surrounding area and the area below it. This forest is useful for regulating water systems, preventing flooding and erosion, and maintaining soil fertility. As explained in the sub-heading above, the functions and real benefits provided by protected forests are as a distinctive area and able to provide protection to the surrounding area as a water management area, an area to prevent flooding and erosion, and a unique area for maintaining soil fertility.

### JURIDICAL AND NON-JURIDICAL INHIBITING FACTORS

The actions of forest management and utilization, on the one hand, will provide great benefits for mankind (community). However, if forest management and utilization is carried out in such a way as to cause damage, then it will cause harm to mankind. One of these losses occurred as a result of the absence of a legal basis on which to prevent arbitrary acts against the forest. Therefore, we need a set of laws that regulate the use and management of forests, as well as the role of the state in managing forests so that they remain sustainable. With the law that regulates and protects forests, it is expected to minimize the occurrence of forest damage, which has broad implications for the harmonious environment. The legal basis formed will be very good with the support of criminal aspects that can limit and regulate the imposition of sanctions for anyone who destroys and pollutes forests.

### JURIDICAL INHIBITING FACTORS.

There are three aspects of law enforcement in the forestry sector that can not be separated from each other as part of the legal system. (1) the legal substance regulated and contained in Law no. 41 of 1999 and its implementing regulations, and other laws and regulations relating to forestry law. (2) the legal structure, namely law enforcement officers, starting from investigators, public prosecutors, as well as judges (including ad hoc judges), and legal advisers. Do law enforcers work properly according to their respective duties and authorities and





coordinate well as part of the integrated criminal justice system? (3) legal culture, which is related to community participation, both individuals, social groups, social organizations, NGOs, and universities in forestry law enforcement.

In Article 47 of Law no. 41 of 1999 concerning Forestry, it is stated that forest area protection is an effort to (1) prevent and limit damage to forests, forest areas, and forest products caused by human actions, livestock, fire, natural forces, pests, and diseases; and (2) maintain and safeguard the rights of the state, communities, and individuals to forests, forest areas, forest products, investments, and instruments related to forest management.

The purpose of forest protection is to maintain the sustainability and function of the forest, and to maintain the quality, value and use of forest products. Furthermore, in Article 46 of Law Number 41 of 1999, it is stated that the purpose of forest protection is so that forest functions, which include protection functions, conservation functions, and production functions, can be achieved. Thereby, forest protection is an effort to prevent forest destruction.

There are four kinds of forest protection in Government Regulation Number 28 of 1985, namely: (1) Protection of forest areas, forest reserves, and other forests; (2) Protection of forest land; (3) Protection against forest destruction; and (4) Protection of forest products.

## ILLEGAL LOGGING

One form of crime in the forestry sector, as mentioned above, is timber theft, or better known as illegal logging. Some interpret illegal logging as illegal logging, which includes all activities in the forestry sector related to harvesting, managing, and trading timber that are against the law. Illegal logging is a series of activities of logging and transporting wood to the processing site to export timber that are carried out illegally because they do not have a permit from the competent authority. Such an act is contrary to the applicable law and is seen as an act that could damage the forest. Thus, it can also be stated that illegal logging includes acts of forest destruction that have an impact on the emergence of losses both from economic, ecological and socio-cultural aspects.

Illegal logging is a crime because the impacts are very broad, covering economic, socio-cultural and environmental aspects. This crime is a potential threat to social order and can lead to tensions and conflicts in various dimensions, so that forest crimes actually deviate from the norms that underlie social life and order. The impact of forest damage caused by illegal logging is not only felt by people living around the forest, but also nationally, regionally, and internationally, because forests do not only belong to

certain communities or countries, but belong to the universal community as the lungs of the world.

Creating Agricultural and Fisheries Land around the Reservoir

Batam City has six reservoirs that have a single purpose, namely as a provider of raw water. The condition of the city of Batam, which does not have springs, makes reservoirs a source of life. Around 90 percent of Batam's clean water needs depend on the availability of water in reservoirs. The reservoir is also the only source of drinking water. Not only for people's daily needs, water is also very much needed for industrial needs. The absence of water in the reservoir will affect the economy of Batam City. Industrial operations and infrastructure development processes in Batam all require water. So the reservoir has an important role in life in Batam. The function of the reservoir in Batam, which is single-purpose, is only capable of providing raw water to accommodate the falling rainfall. The reservoir in Batam can not be used for other activities because it does not have a spring and only depends on rainfall. Batam does not have a water source from the ground because the type of soil layer is impermeable or can not absorb water. Activities around the reservoir, both agriculture and fishing, will affect the capacity of the reservoir alone. Batam's special soil conditions mean reservoirs in Batam also need to be maintained to maintain the availability of reservoir water in the long term. To maintain the existence of reservoirs and the availability of water in the city of Batam, the Batam Concession Agency divides the reservoir resilience zone into three zones. The first zone is the reservoir alone, the second zone is 500 meters from the core zone, and the third zone is from the buffer to the existing space limit.

The juridical obstacles that accompany the performance of law enforcement against crimes in the forestry sector can come from factors of legal substance and from law enforcement officials. In terms of legal substance, there are several problems that interfere with the performance of law enforcement against criminal acts in the forestry sector, namely: (1) Forestry Criminal Law provisions can not touch intellectual actors; (2) Difficulty in Proving Forestry Crimes; (3) The Scope of the Formulation of Criminal Offenses and Sanctions is still narrow; (4) Ecological Compensation is not determined; (5) No Special Judicial Institution for Forestry Crimes has been established.

## NON- JURIDICAL INHIBITING FACTORS

Non-juridical barriers that become obstacles to the performance of law enforcement against criminal acts in the forestry sector are related to issues of legal structure and legal culture, which include: (1) Weak Coordination among Law



Enforcers; (2) Obstacles in the Confiscation Process; (3) Limited Funds in the Law Enforcement Process; (4) Lack of Law Enforcement Facilities and Infrastructure.

## CONCLUSION

Legal arrangements for handling the vital objects in the perspective of confirming community security and order have been carried out well, but there are still people who violate existing laws and regulations, namely committing illegal logging around reservoirs as a source of water for the people of Batam City.

The Implementation of Handling Vital Objects in the Perspective of Strengthening Community Security and Order shows that the Regional Government has carried out the handling of disturbances that often occur in Community Security and Order can be divided into three parts. First: Conventional Public Order and Security Disturbance, in the sense of being a social pathological symptom that is always attached, grows and develops in a universal society. Second, Disturbance in Security and Order of Conventional Society with a New Dimension, where the basic pattern or basic pattern is conventional deviant behavior, but in its development it has shown increasing intensity. Third, Disturbance in Security and Public Order as the impact of national development, which shows different characteristics from the two disturbances mentioned above, both in terms of motivation, fluctuations in threats, locus delictinya and in terms of victims.

Inhibiting factors/obstacles and solutions for handling vital objects from the perspective of confirming the security and order of the people in the catchment areas and reservoirs located in the Batam concession area. Juridical obstacles that accompany the performance of law enforcement against crimes in the forestry sector can come from factors of legal substance and from law enforcement officials. In terms of legal substance, there are several problems that interfere with the performance of law enforcement against criminal acts in the forestry sector, namely: First: Forestry Criminal Law Provisions can not touch intellectual actors; Second: Difficulty in Proving Forestry Crimes; Third: the Scope of the Formulation of Offenses and Criminal Sanctions is still narrow; Fourth: Ecological Compensation is not determined; Fifth: No Special Court for Forestry Crimes was formed. Non-juridical barriers that become obstacles to the performance of law enforcement against criminal acts in the forestry sector are related to issues of legal structure and legal culture, which include: First: Weak Coordination among Law Enforcers; Second: Obstacles in the Confiscation Process; Third: Limited Funds in the Law Enforcement Process; Second: Lack of Law Enforcement Facilities and Infrastructure.

Therefore, the solution that the authors offer is to increase legal awareness for law enforcers themselves and legal awareness for the community, and always keep the environment stable and produce quality water sources for human life..

## SUGGESTIONS

The government, as the legislator and implementer, is expected to make laws and regulations that specifically discuss vital objects in catchment areas and reservoirs located in protected forests, not to be mixed with other obvit regulations.

The Batam Concession Agency and the police are actually expected to implement comprehensive regulations so that the implementation of protected forest areas and reservoirs can be carried out as well as possible. With the treatment of providing sanctions for people who commit criminal acts of forest destruction.

The community is expected to always protect the environment, not throw garbage, create agricultural and fishing land and livestock, and not throw hazardous waste into reservoirs.

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## REGULATIONS

1. *Keputusan Menteri Energi Sumber Daya Manusia Republik Indonesia Nomor 77 K/90 / MEM / 2019 Tentang Penetapan Objek Vital Nasional Bidang Energi Dan Sumber Daya Mineral*
2. *Keputusan Presiden No. 63/2004 Tentang Kawasan Objek Vital*
3. *Peraturan Kepala Badan Pengusahaan Batam No 24/2016*
4. *Peraturan Kepala Badan Pengusahaan Batam No. 19/2019*
5. *Peraturan Kepala Badan Pengusahaan Batam No. 20/2019*
6. *Peraturan Kepala Kepolisian Nomor 13 Tahun 2017 tentang Pemberian Bantuan Pengamanan pada Objek Vital Nasional dan Objek Tertentu.*
7. *Peraturan Kepolisian Nomor 3 Tahun 2019 tentang Perubahan atas Peraturan Kepala Kepolisian Nomor 13 Tahun 2017 tentang Pemberian Bantuan Pengamanan pada Objek Vital Nasional dan Objek Tertentu*
8. *Peraturan Kepolisian Nomor 7 Tahun 2019 tentang Perubahan Kedua atas Peraturan Kepala Kepolisian Nomor 13 Tahun 2017 tentang Pemberian Bantuan Pengamanan pada Objek Vital Nasional dan Objek Tertentu.*
9. *Peraturan Menteri Esdm Nomor 48 Tahun 2018, Tanggal 14 Nopember 2018*