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THE FULFILLMENT OF THE PRINCIPLES OF LEGAL CERTAINTY AND JUSTICE IN THE REGULATION OF THE DUAL AUTHORITY OF THE MAYOR AS EX-OFFICIO IN THE BATAM CITY

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ABSTRACT

This study examines the fulfilment of the principles of legal certainty and justice in the regulation of the dual authority of the Mayor of Batam as ex-officio Head of the Batam Authority (BP Batam). The main issue is whether the ex-officio arrangement complies with the General Principles of Good Governance (AUPB) as stipulated in Law No. 30/2014 and how the normative, philosophical, and conceptual construction of such an arrangement is structured. The method used is normative legal research (doctrinal) with a legislative, conceptual, and philosophical approach; data sources include legislation, court decisions, and scientific literature; analysis is conducted deductively-inductively and constructively. The findings indicate that the appointment of the Mayor as ex-officio Head of BP Batam, as regulated by Government Regulation No. 46/2007 as amended, including Government Regulation No. 62/2019 and Government Regulation No. 4/2025, has the potential to synchronize policies and simplify coordination, but simultaneously raises serious issues related to legal certainty, overlapping authorities (permitting, land, spatial planning), elusion of oversight mechanisms, and the risk of conflicts of interest. This study recommends three normative options: (1) clarifying the legal basis, scope, and accountability mechanisms for the ex-officio position through legislation/Government Regulations; (2) considering the separation of the position of Head of the BP from the Head of the Regional Government and placing independent professional management; or (3) if maintaining ex-officio, designing explicit checks and balances mechanisms (single-window integrated licensing, inter-agency SOPs, recusal mechanisms) to ensure legal certainty, accountability, and fairness for the public.

KEYWORDS

Dual Authority, Ex-Officio, Mayor of Batam, General Principles of Good Governance, Legal Certainty

CITATION

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Introduction.

Article 21 of Law No. 53 of 1999 establishes Batam as an autonomous region whose administration and development involve the Batam Authority. This has led to dualism of authority between the Batam City Government and the Batam Authority (BP Batam), particularly in terms of licensing, land management, facilities, and assets. This dualism has caused various problems such as a decline in investment, economic slowdown, and reduced competitiveness. The FTZ policy, which was intended to attract investment and enhance industrial competitiveness, has not been implemented optimally. Batam was initially planned as an industrial city by the Batam Authority, and even though it has now been transformed into a free trade zone and free port by Government Regulation No. 46 of 2007 and subsequently amended by Government Regulation No. 5 of 2011, the authority's control remains unchanged from the start.

Under Government Regulation of the Republic of Indonesia No. 46 of 2007 concerning the Batam Free Trade Zone and Free Port, provisions were made for the dissolution of the existing Batam Authority and the establishment of the Batam Free Trade Zone and Free Port Management Agency (BP Batam) as the replacement institution. Additionally, this regulation likewise governs the management rights that were antecedently granted to the Batam Authority. Article 4 of Government Regulation No. 46 of 2007 provides that management rights over land formerly under the Batam Authority's control, along with land management rights exercised by the Batam City Government within the Batam Free Trade Zone and Free Port Area, shall be transferred to BP Batam consistent with relevant laws and regulations. (Rangkuti, 2004). Currently, BP Batam holds the management rights for Batam City.

In 2019, President Widodo enacted Government Regulation Number 62, a revision to Government Regulation Number 46 from 2007, both relating to the Batam Free Trade Zone and Free Port. This updated regulation clarifies that the Batam Development Authority (BP Batam) will be headed by the City Mayor, effectively combining the roles of local government leader and head of the development authority. This measure aims to resolve the longstanding issue of dual leadership that had previously hindered effective governance in Batam City, establishing the Mayor of Batam as the ex-officio head of BP Batam. With these changes, the researcher is interested in conducting research on the changes that have occurred in the decision-making and governance held by the Mayor of Batam. The researcher attempts to examine the legal politics of the dual authority of the Mayor of Batam as the ex officio of BP Batam with the application of the General Principles of Good Governance (hereinafter referred to as AUPB) in the city of Batam.

The application of general ex officio authority is found in the procurement of goods/services, where the head of an agency acts as a Budget User based on his position. This authority includes establishing the winner of a tender or signing a contract and must comply with all elements of AUPB, such as legal certainty, benefit, impartiality, accuracy, openness, and good service. Violations of these principles may result in the annulment of decisions by the Administrative Court and may potentially lead to civil or criminal liability. In principle, ex officio authority is an authority inherent to the position, without specific delegation, whether in the administrative sphere (issuing permits, recommendations, supervision) or the judicial sphere (a judge's authority to uphold justice even beyond the scope of the petition) (Jamil & Nur, 2022).

Dual authority (ex officio) in governance is a phenomenon that often sparks debate in both theoretical and practical spheres, as it touches on fundamental issues of separation of functions, accountability, and prevention of conflicts of interest. The regulatory foundation for determining dual authority existence is derived from the General Principles of Good Governance (AUPB) structure established under Article 1 point 17 and Article 10 paragraph (1) of Law Number 30 of 2014 concerning Government Administration. AUPB comprises principles including legal certainty, utility, impartiality, diligence, prohibition of abuse of authority, transparency, public interest, and good service, which together serve as the ethical and legal underpinnings of government administration (Hadjon, 2002).

From the perspective of the theory of authority in administrative law, which is explicitly regulated in Article 11 to Article 13 of Law No. 30 of 2014, every form of authority must be traced through a clear step of authority whether it comes from attribution, delegation, or mandate because each type of source of authority has different juridical consequences, both in terms of the scope of implementation and accountability. In institutional practice, whether at the Agency, Regent/Mayor, or Ministry/Institution level, dual authority arrangements should be expressly stated in legislation. This is necessary to avoid overlapping functions, ensure bureaucratic effectiveness, and prevent conflicts of interest that can undermine the principles of good governance (Zaenun & Hamid, 2022).

The application of AUPB as the basis for impeaching a sitting President represents a paradigm of critical importance, given that AUPB functions philosophically to remedy shortcomings, uncertainties,

incompleteness, and lacunae in legal norms during the implementation of good, clean, and authoritative governance, despite the considerable difficulty in achieving good and clean governance. This study was conducted to address the legal issue of whether the AUPB can serve as a basis for the exercise of authority by the Mayor of Batam, who also holds the ex-office position of BP Batam during his term of office, and how its regulatory framework is constructed, examined from philosophical, normative, and theoretical perspectives, so that these findings can serve as a model and ethical guideline for the implementation of a mayor holding dual positions in the future.

In response to these legal issues and problems, within the Indonesian context, the existence of the AUPB as a new paradigm to serve as a basis for the exercise of authority by the Mayor of Batam, who also serves as the ex-office head of BP Batam during his term of office, becomes a primary issue that is urgently in need of examination, essential, i.e., fundamental and genuine, and massive: namely, on a large scale when the AUPB is used as the basis for the impeachment of the President.

2. Literature Review

A fundamental aspect of government is that every act of state administration must be based on legally valid authority, whether that authority is attributed, delegated, or mandated. In his work *Introduction to Indonesian Administrative Law*, Philipus M. Hadjon underscores that authority derives from three sources, specifically attribution, delegation, and mandate (Hadjon, 2002). Hadjon also explained the difference between delegation and mandate (Hadjon, 2002), that delegation is the transfer of authority from one government body to another, while a mandate is more of an execution on behalf of the mandator without transferring legal responsibility. However, in Administrative Law doctrine, the term *ex officio* has a specific meaning, namely authority that is automatically attached to a person because they hold a certain position, without requiring additional assignment or delegation. In the context of Indonesian administration, this term is often considered a special form of attribution, because it arises spontaneously when a person suddenly holds a certain position regulated by law.

The relationship between these concepts in the framework of the General Principles of Good Governance (AUPB), as regulated in Law No. 30 of 2014, is very important. Article 8 paragraph (1) requires that government officials may only establish decisions or take actions if they have legitimate authority. In the GPGO test, the three sources of authority, attribution, delegation, and mandate, are examined to ensure the legality of the action. Hence, *ex officio* does not stand as a separate element in the GPGO, but is a form of attribution authority that must be tested. If an action is taken by an official with legitimate *ex officio* authority (in accordance with regulations), then the element of authority in the GPGO is fulfilled. Conversely, if an action is taken without authority, whether through attribution, delegation, or mandate, the decision may be deemed defective due to formal or legal invalidity and may be subject to annulment, as stipulated in the Administrative Governance Law (Law No. 30/2014) and reinforced in administrative jurisprudence.

AUPB is explicitly formulated by the legislator in the Administrative Government Law; Article 10 of Law No. 30 of 2014 details the eight elements of AUPB: legal certainty, utility, impartiality, accuracy, non-abuse of authority, transparency, public interest, and good service so that AUPB is not merely a moral guideline but a normative benchmark that must be considered by every Government Agency/Official in making administrative decisions/actions. The element of authority in AUPB has three main sources according to administrative law doctrine, namely attribution, delegation, and mandate. *Ex officio* authority is one form of attribution, where authority is directly attached to a specific position without requiring additional assignment or delegation. This means that a person holding that position automatically has the right and obligation to act within the scope of authority regulated by laws and regulations. In the context of the AUPB, *ex officio* is not a separate element but part of the 'authority' element that determines the validity of a decision. If an action is taken by an official who has *ex officio* authority in accordance with normative provisions, then the authority element in AUPB is fulfilled; conversely, if the action is taken by an official who does not hold a position that includes such authority, then the decision is potentially flawed in terms of authority and violates the principle of not abusing authority as stipulated in Article 17 of Law No. 30 of 2014.

In Indonesia's administrative and judicial legal system, authority is defined as the right and power granted by legislation to certain officials or institutions to act or make decisions that are binding on other parties. Authority can be classified into several types, including attributive authority, delegative authority, mandate authority, and *ex officio* authority. *Ex officio* authority is authority inherent to a position without requiring delegation or a specific request from another party, and thus remains inherent as long as the position is held (Ridwan, 2016). In religious court practice, *ex officio* authority often arises when judges issue rulings

related to 'iddah, mut'ah, and madliyah alimony even though this is not requested by the respondent, based on Article 41(c) of Law No. 1 of 1974 on Marriage, which regulates the obligations of a former husband towards his former wife after divorce. Legally, this authority is often questioned due to the prohibition of the *ultra petita* principle as stipulated in Article 178(3) of the HIR, which prohibits judges from ruling beyond what is requested. This is in line with the view of the Supreme Court, which positions ex officio as an instrument to fulfil Gustav Radbruch's three legal objectives, namely certainty, justice and utility, so that its validity is not only measured by procedural formalities, but also by the substance of social justice to be achieved (Rahardjo, 2014).

3. Research Method

This research implements normative legal research (doctrinal research) that addresses positive legal norms, principles, and legal doctrines related to the dual authority question regarding the Mayor of Batam's role as ex-officio Head of BP Batam, considered within the context of the General Principles of Good Governance (AUPB). Normative legal research was chosen because it is oriented towards the discovery of law in concreto for the resolution of specific legal problems, based on the legal positivism view that there is no law outside of written norms (Wignjosoebroto, 2013)

This study uses three approaches, namely: (1) the statute approach to examine all regulations related to the issue of dual authority and test their consistency (Marzuki, 2017), (2) a conceptual approach based on legal concepts developed by experts, and (3) a philosophical approach to examine the philosophical foundations of dual authority regulation from the aspects of ontology, epistemology, and axiology. The legal sources used include primary legal materials in the form of legislation, court decisions, and legal principles; secondary legal materials in the form of books, papers, and legal articles. This study uses three approaches, namely: (1) the statute approach to examine all regulations related to the issue of dual authority and test their consistency (Marzuki, 2017), (2) a conceptual approach based on legal concepts developed by experts, and (3) a philosophical approach to examine the philosophical foundations of dual authority regulations from the aspects of ontology, epistemology, and axiology. The legal sources used include primary legal materials in the form of legislation, court decisions, and legal principles; secondary legal materials in the form of books, papers, and legal articles (Soekanto & Mamudji, 2007).

Legal analysis was conducted using deductive-inductive reasoning, starting from general legal issues to specific ones, using theories of authority, the rule of law, legislation, and the concept of AUPB. Methods of interpretation, legal construction, and amendment were used to address the issue of incomplete norms in the regulation of the dual authority of the Mayor of Batam.

4. Result and discussion

4.1. The Position and Authority of the Mayor of Batam in the Regional Government System

Constitutionally, the Mayor is the head of the region and a member of the regional government, together with the Regional People's Representative Council (DPRD), within the framework of decentralisation of concurrent government affairs in accordance with Law Number 23 of 2014 concerning Regional Government. This law places regional heads as holders of executive authority at the regency/city level to lead the implementation of affairs under regional authority, maintain peace and order, compile and submit the Regional Long-Term Development Plan (RPJPD) and the Regional Medium-Term Development Plan (RPJMD) to the DPRD, establish the Regional Government Work Plan (RKPD), and implement national strategic programmes with accountability obligations through Accountability Report (LKPD) to the DPRD and LPPD to the Central Government through the Governor as the representative of the central government. This basic framework shows that the position of the Mayor is autonomous but remains within a hierarchical and coordinated national government system.

Batam's uniqueness lies in the overlapping legal regimes: on the one hand, Batam is an autonomous region led by a Mayor; on the other hand, the entire region (with certain exceptions) has been established as the Batam Free Trade Zone and Free Port (FTZ) since Government Regulation No. 46 of 2007 concerning the Batam Free Trade Zone and Free Port, for a period of 70 years. This FTZ regime established the Batam Authority (BP Batam), which was given special authority to manage strategic economic activities (trade, maritime, industry, transportation, banking, tourism, logistics, technology, energy, health/pharmaceuticals, and others) along with related public infrastructure aspects, thereby creating a 'dual' institutional structure within a single region.

To reduce institutional friction, Government Regulation (GR) No. 62 of 2019 amending GR No. 46 of 2007 on the Batam Free Trade Zone and Free Port introduced a 'joint planning' mechanism between the Batam Development Agency and the City Government (coordinated by the Regional Council) and, most importantly, establishes the Mayor of Batam as the ex officio Head of BP Batam through the addition of Article 2A. Normatively, this is intended to unify spatial and investment policy directions so that licensing, spatial planning, and public infrastructure services do not run counter to each other. However, its validity remains within the framework of Law 23/2014, whereby the Mayor as regional head still has regional accountability obligations, while as ex officio Head of BP Batam, he exercises special authority over ports and free trade.

Recent developments confirm this structure. Government Regulation (GR) No. 4 of 2025, which is the third amendment to GR No. 46 of 2007, maintains the ex officio status of the Mayor as Head of BP Batam and adds a new provision that the Deputy Head of BP Batam is ex officio held by the Deputy Mayor. This affirmation is intended to strengthen the chain of command and synchronise cross-institutional policies, including when the Head of BP is unable to perform his duties, which was previously anticipated through the provision of acting officials in Presidential Regulation (Perpres) No. 62 of 2019 concerning the National Strategy for the Acceleration of Population Administration for the Development of Vital Statistics (Nugraheni & Islami, 2024). From a governance perspective, this minimises the risk of 'two commanders' in one public policy, but also requires separation of roles (conflict of interest mitigation), transparency, and effective oversight mechanisms.

In practice, the crucial points of authority lie in licensing, land affairs/state land under Management Rights (HPL), and spatial planning. A number of studies have shown that the historical dualism of authority between the Municipal Government and the Authority/Management Board, particularly in land licensing, land preparation, planology recommendations, and investment services, has become a source of transaction costs and uncertainty for business actors (Dalla & Hutabarat, 2018) to identify and propose a clear division of zoning authority (Zaenuddin et al., 2017) to demonstrate the impact of institutional dualism on Batam's economic performance, (Paramita et al., 2021) to map local actors in the formulation of ex officio policies, (Tari, 2022) to review the normative basis of Article 2A of Presidential Regulation (Perpres) Number 62 of 2019 on the National Strategy for Accelerating Population Administration for the Development of Vital Statistics. Abra (2024) highlights the policy problems between the BP and the Municipal Government. All these findings are consistent: without the integration of licensing processes and clarity of authority boundaries, the potential for overlap will persist even though the ex officio arrangement has been applied.

In the land sector, apart from the Management Rights (HPL) administered by BP Batam, the Municipal Government has also established a land management regime over the HPL of the Batam Municipal Government through technical regulations such as Batam Mayor Regulation Number 4 of 2025 concerning the Amendment to Batam Mayor Regulation Number 47 of 2023 on the Administration of Land Management over the Management Rights of the Batam Municipal Government. This indicates that, beyond the land within the HPL of BP Batam, there is also a land portfolio that is administratively managed by the Municipal Government, for example, for public services or settlement planning, yet it must remain aligned with spatial plans and the special authority of the area. Such a balance is crucial to prevent forum shopping in licensing and to ensure legal certainty over land rights such as *hak pakai* (right of use) or HGB (building rights) situated on HPL.

The position of the Mayor of Batam must also be read in conjunction with Batam's status as a hub for sectoral Special Economic Zones (SEZs), Nongsa, BAT, and the International Tourism & Health SEZ, established through separate Government Regulations. The existence of SEZs within the Free Trade and Free Port Zone (FTZ) adds another layer of sectoral policy (fiscal incentives, OSS, and customs facilities), demanding strict coordination between BP Batam as the managing authority of the zone, the Municipal Government as the autonomous authority (RPJMD, remaining local licensing, basic services), and the line ministries. Joint planning as stipulated in Government Regulation Number 46 of 2007 on the Batam Free Trade Zone and Free Port is key to preventing fragmentation of authority across these overlapping schemes.

From the perspective of governance and accountability, the ex officio position expands the Mayor's policy reach while simultaneously increasing integrity responsibilities. On the one hand, leadership consolidation facilitates planning integration, licensing simplification, and the synchronisation of strategic projects. On the other hand, as the Mayor remains subject to the local accountability regime (LKPJ, LPPD, oversight by the DPRD, Governor, and Minister of Home Affairs), the internal compliance design must ensure functional separation (e.g. investment decision-making within BP versus public service delivery within the Municipal Government), transparency (dual performance reporting), and recusal mechanisms in the event of conflicts of interest. The governance literature on Batam consistently recommends a truly integrated single-

window licensing system, a clear division of zoning authority, and the restructuring of cross-institutional SOPs (Zaenuddin et al., 2017).

The position of the Mayor of Batam lies at a unique intersection between that of a regional autonomous head under Law Number 23 of 2014 on Regional Government and that of the head of a special zone authority under Government Regulation Number 46 of 2007 on the Batam Free Trade Zone and Free Port. Government Regulation Number 46 of 2007 on the Batam Free Trade Zone and Free Port. The Mayor's authority covers both regional government affairs (decentralisation) and the special powers of the zone (free trade/free port) through the ex officio role. The main challenge is to ensure alignment of policies on spatial planning, licensing, land administration, and investment across different legal regimes, so that economic efficiency can be achieved without undermining the principles of democratic and accountable local governance.

4.2. The Principles of Legal Certainty and Justice in the Local Government System

Within the framework of administrative law, the principle of legal certainty requires that every public official's authority must have a clear normative basis, defined limits, and an established mechanism of accountability. Law Number 30 of 2014 on Government Administration explicitly places legal certainty and the prevention of abuse of power as objectives of good governance; administrative decisions or actions taken without a clear normative reference risk creating defects of authority and weakening official accountability, as they become difficult to monitor through either internal control mechanisms or judicial review (Ismed & Ismed, 2023). In the regional context, Law Number 23 of 2014 on Regional Government requires that the functions of a regional head operate within the framework of autonomy and accountability to the Regional People's Representative Council (DPRD) and the public. When one individual concurrently holds office under two different regimes of authority (local government and central authority), a normative tension arises that may undermine legal certainty itself. This statutory reference is therefore crucial as a foundational basis (Paramita et al., 2021).

Legal research reviewing the ex officio position of the Mayor of Batam as Head of BP Batam reveals problems of dual authority and normative disharmony. Abra (2024) explains that the ex officio configuration places two distinct authorities in the hands of a single figure across two different institutions, and assesses that this arrangement gives rise to issues of accountability design as well as potential conflicts of interest at the policy level. This study underlines the need for clear boundaries of authority and an accountability framework that does not overlap, in order to achieve the objective of legal certainty.

Similar findings have also emerged in other policy and legal studies (Aritonang & Maheswara, 2023) examining the conflict over the relocation of Rempang Island positions the ex officio status of the Mayor of Batam as one of the institutional backgrounds that generates a tug-of-war of authority between the interests of public service and those of the investment authority, a configuration which, if not framed by clear normative rules, risks obscuring accountability and triggering social resistance. A policy study by Paramita et al. (2021) also demonstrates the involvement of private actors in rejecting the ex officio arrangement on the grounds that it violates the prohibition on holding multiple offices and exacerbates conflicts of interest; this reinforces the argument that the design of dual authority undermines both procedural and substantive justice for affected residents.

On the other hand, the literature on positive law and regional policy shows that the dualism between the Municipal Government and BP Batam has long generated governance disharmony, particularly in relation to land affairs, licensing, and public service delivery. Rahman et al. (2021) has report on how the tug-of-war over land authority between the Batam Municipal Government and BP Batam is rooted in different regulatory regimes (regional autonomy versus free trade zone), thereby producing overlapping policies and uncertainty for residents and business actors. Hasanah et al. (2020) affirms that the relationship pattern between the two institutions tends to be that of "co-equal implementers" without a single accountability hierarchy, a condition which, in theoretical terms, weakens public control and creates a "grey zone" of responsibility.

Theoretically, legal certainty is also understood as the protection of justiciables from arbitrary action through norms that are clear, general, and predictable. Julyano and Sulistyawan (2019) affirms that the principle of legal certainty functions to prevent arbitrary administrative actions while at the same time guaranteeing citizens' expectations regarding both procedures and policy outcomes; in the context of Batam, the blurred boundaries between the capacities of the Mayor and the Head of BP Batam run counter to these parameters. Meanwhile, Effendi et al. (2025) note that the dualism in Batam more broadly demonstrates that this issue is not a temporary situation, but rather a structural problem that undermines the principle of justice,

as the benefits of policy tend to be distributed unevenly when investment preferences dominate over public services.

A normative solution consistent with the principles of legal certainty and justice would be: (i) affirming (or reconstructing) the legal basis of the ex-officio position through legislation or government regulation that sets out a definition of authority, role boundaries, and a single accountability mechanism; (ii) separating the position of Head of BP Batam from that of the regional head and assigning it to an independent professional, with a coordination forum ensuring central–local alignment; or (iii) if the ex-officio arrangement is retained, designing explicit checks-and-balances mechanisms, including access to judicial review in the Administrative Court for actions taken in a “dual capacity”. These recommendations are consistent with the mandate of the Law on Administrative Governance and the autonomy framework under the Law on Regional Government, and are reinforced by the findings of various studies which conclude that the dual authority design tends to generate overlap and uncertainty for citizens and businesses (Abra, 2024; Rahman et al., 2021).

4.3. The Legal Issues of the Dual Authority of the Mayor of Batam

The construction of the ex-officio arrangement whereby the Mayor of Batam simultaneously serves as Head of BP Batam raises fundamental issues of legal basis and legal certainty. No statute expressly authorises a regional head to concurrently hold office as the head of a central government authority with a corporatised character; as a result, normative ambiguities arise regarding role boundaries, forms of accountability, and reporting mechanisms, thereby weakening the principles of legal certainty and justice in local governance.

A further problem lies in overlapping competences, particularly in licensing, land administration/land under HPL (Right to Manage), spatial planning, and investment services, which renders administrative processes unsynchronised and increases transaction costs. In practice, it becomes difficult to ascertain whether a given policy is adopted in the capacity of mayor or head of BP Batam, producing bureaucratic uncertainty and the risk of regulatory forum shopping.

The dual authority also generates dual accountability and oversight. As a regional head, the mayor is accountable to the local parliament (DPRD) and the local public; yet as head of BP Batam, accountability is directed to the central government. This duality opens the possibility of “control evasion”, namely, situations in which problematic policies may be “shifted” from the regime of local government to that of the central authority, or vice versa, thereby obstructing oversight mechanisms from fully assessing official conduct. Such a gap weakens the principle of checks and balances, since no single supervisory body has full jurisdiction over the official’s actions across both capacities. Even external oversight bodies such as the Audit Board (BPK) and the Corruption Eradication Commission (KPK) risk encountering jurisdictional limits in auditing or prosecuting, because the capacity in which the act was undertaken must first be distinguished between the municipal and BP Batam domains. This phenomenon aligns with the findings of Abra (2024) which reveals that the relationship of authority and policy between BP Batam and the Batam City Government is often unsynchronised, so that strategic policies can ‘take refuge’ in the regime that is more difficult to subject to oversight. Paramita et al. (2021) also emphasises that an ex-officio policy design without a clearly defined dual accountability mechanism carries the potential to facilitate the evasion of responsibility, since officeholders may exploit the ambiguity of institutional structures to avoid both legislative and administrative control.

From the perspective of office ethics and conflicts of interest, the merging of a public service-oriented role (local government) with a corporate-investment role (BP Batam) generates risks of decision-making bias, concentration of power in a single figure, and policy priorities skewed towards investment interests rather than citizens’ needs. Such concerns range from the potential abuse of authority to strategic land-use policies and concessions that are prone to partiality. The dynamics of local actors in promoting the ex-officio policy and its implications for governance illustrate how the configuration of actors influences the design of authority and its mechanisms of control.

Other implications touch upon bureaucratic professionalism and public participation. Your manuscript explains that the Batam City bureaucracy faces difficulty in distinguishing between instructions of “general governmental” nature and those of a “corporate BP” nature, thereby triggering organisational fragmentation and administrative disharmony. At the same time, the channels for participation and public grievance available within the local government regime do not automatically apply to actions taken in the capacity of BP head, making the social legitimacy of such policies vulnerable to decline. Zaenuddin et al. (2017) demonstrates practical consequences: procedural uncertainty, high compliance costs, and declining investor confidence.

Although Presidential Regulation (Perpres) No. 62 of 2019 on the National Strategy for the Acceleration of Population Administration for the Development of Vital Statistics designates the Mayor as the ex-officio

Head of BP Batam with the stated aim of unifying spatial and investment policy directions, the problems of accountability design and functional separation remain unresolved and require institutional engineering. This may include, for instance, a genuinely integrated single-window licensing system, cross-agency standard operating procedures, and recusal mechanisms in cases of conflict of interest. A clear separation of roles accompanied by formal coordination mechanisms, rather than the merging of offices, would better safeguard the principles of autonomy, transparency, and accountability. The literature on policy and public administration relating to Batam likewise underscores the need for a reconfiguration of governance to bring an end to the long-standing dualism of authority.

5. Conclusions

From the research result, the duality of the role of Mayor as Head of BP Batam ex-officio does give advantages concerning the integration of policy direction, synchronization of planning and streamlining in services of licensing. This institutional design, however, gives rise to a number of important concerns relating to legal certainty, accountability and potential conflicts of interest. The overlapping licensing, land, and planning competencies might lead to a regulatory forum shopping, muddled up bureaucracy, and confused division of accountabilities between local authorities and central government. Thus, internal supervision and external supervision are unable to monitor all of the policies completely, and there are escapes for evasion of control and spaces of abuse of power in respect of the theory. Legally, this condition runs contrary not only to legal certainty, but also to the prohibition of abuse of authority and procedure justice and substantive justice from the viewpoint of the rules of law and justice principles of the AUPB.

The findings highlight the urgent need for improving the normative development and governance of ex-officio powers in Batam. Suggestions: 1) Restructuring the legal basis of ex-officio as established in regulations including the definition of their respective duties, authorities, and the mechanism of single accountability application; 2) The formation of a truly integrated licensing single window mechanism through clear cross-agency SOPs; 3) The application of a mechanism of recusal so as to avoid conflicts of interests; and 4) Strengthening the function of independent oversight in order that policies can be tested in their position as the local government and also as the Head of BP Batam. With the measures above, it is expected that the balance between policy efficiency, legal certainty, and social justice in the city of Batam can be maintained.

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