

## LEGAL DYNAMICS DUAL POSITIONS OF BATAM MAYOR AS HEAD OF BP BATAM

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### Abstract

*This article discusses the legal dynamics of the dual position of the Mayor of Batam as the Head of BP Batam. The focus of this research emphasizes the implications arising from the policy of Government Regulation No. 62/2019, which requires one individual to hold two strategic positions at once, namely as Mayor of Batam, who is authorized to manage the autonomous region and as Head of BP Batam who is authorized to manage investment and development of the Batam area into a special economic zone. This study aims to evaluate the implementation of this dual position policy. Using empirical legal research methods through interviews, literature review, and qualitative analysis, the findings indicate benefits such as increased synergy between economic development and public services. It allows for better coordination in managing the interests of the city and the industrial estate. However, this dual management structure risks weakening Batam's regional autonomy status and creating conflicts of interest that may affect the objectivity of decision-making. On the one hand, this policy is considered a practical solution to resolve the leadership dualism that has been occurring. On the other hand, this policy creates consequences and challenges. This study concludes that to optimize the benefits and minimize conflicts, it is necessary to harmonize more transparent regulations, more effective supervision, and the commitment of officials to prioritize the public interest for implementing local Government in Batam City.*

**Keywords:** *dual positions, regional autonomy, synergy, conflict of interest*

### A. Background

Batam experienced the problem of leadership dualism after the implementation of decentralization<sup>1</sup> in Indonesia, since Law Number 22, the Year 1999 on Local Government, was enacted. This regulation then changed the governance in Batam City. Batam, originally designed as an industrial estate through Presidential Decree No. 65 of 1970 under the leadership of the Batam Authority Agency or BP Batam, became an autonomous region under the leadership of the Batam City Government. Because of due to the existence of

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<sup>1</sup> Article 1 point 8 of Law Number 23 of 2014 concerning Regional Government (Decentralization is the transfer of Government Affairs by the Central Government to autonomous regions based on the Autonomy Principle)

Article 21 of Law Number 53 Year 1999 on the Establishment of Batam City, which states that:<sup>2</sup>

1. With the establishment of Batam City as an Autonomous Region, the Batam City Government involves the Batam Authority Agency in administering Government and development in the region.
2. The status and position of the Batam Authority Agency, which supports the advancement of National and Regional Development in connection with Law Number 22 of 1999 on Regional Government, need to be improved.
3. Government Regulation shall further regulate the working relationship between the Batam City Government and the Batam Authority Agency.
4. The Government Regulation, as referred to in paragraph (3), shall be issued no later than twelve months from the date of the inauguration of Batam City.

Based on the provisions of this article, it appears that BP Batam is also included in the administration of Government and development in Batam City, provided that there is a Government Regulation related to harmonizing authority relations between BP Batam and Batam City Government. Unfortunately, Article 21 has never been implemented correctly.<sup>3</sup>

As written in Law No. 53 of 1999, the absence of the promised PP caused a conflict of authority between BP Batam and the Batam City Government, which gave birth to sectoral egos in both institutions.<sup>4</sup> The dualism of authority occurs because of BP Batam's ego drive, which feels that it built Batam first.<sup>5</sup> Meanwhile, the Batam City government feels that it has authority based on regional autonomy.<sup>6</sup> To avoid this conflict, BP Batam and the Batam City Government have made several Memorandums of Understanding (MoU), but the agreement has not been implemented, so the conflict of dualism of authority hurts

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<sup>2</sup> Article 21 Paragraphs (1), (2), (3); and (4) of Law Number 53 of 1999 Concerning the Establishment of Pelalawan Regency, Rokan Hulu Regency, Rokan Hilir Regency, Siak Regency, Karimun Regency, Natuna Regency, Kuantan Regency, Sengingi Regency, and Batam City.

<sup>3</sup> Alfiandri and Mahadiansar, "The Impact of Planning the Change of Free Trade Zone to Special Economic Zone in Batam City," *KEMUDI: Journal of Government Science*, Vol. 04 (February 2020): 294.

<sup>4</sup> Winda Roselina Effendi and Dendi Sutarto, "The Impact of Conflict of Authority Between the Batam City Concession Agency and the Batam City Government on the Implementation of Good Governance in Public Services in Batam City," *Dimensional Journal*, Vol.8 (March 2019): 44-53.

<sup>5</sup> Alexander Yanuard Dalla and Friska Natalia Hutabarat, "Overlapping Authority for the Development of the Batam Special Economic Zone," *Matra Pembaruan: Journal of Policy Innovation*, Vol.2 (July 2018): 139-148.

<sup>6</sup> Nur Hadiyati, "Understanding the Problems of Land Management Rights of Batam City in the Framework of Establishing Batam as a Special Economic Zone," *Journal of Jurisprudence*, Vol.2. (January 2019): 51-65.

economic growth and investment life in Batam and nationally.<sup>7</sup> The central Government considered this in drafting Government Regulation Number 62 of 2019 concerning the Second Amendment to Government Regulation Number 46 of 2007 concerning the Batam Free Trade Zone and Free Port; Article 2A, paragraph 1a stipulates that the Mayor of Batam holds the Head of the Batam Free Trade Zone and Free Port Concession Agency, as referred to in paragraph (1), *ex-officio*.<sup>8</sup> The *ex-officio* concept is equated with concurrent positions<sup>9</sup>. So, the Mayor of Batam has two authorities in two different institutions, namely his authority as Mayor of Batam City, which is regulated in Law Number 23 of 2014 concerning Regional Government. His authority as Head of the Batam Concession Agency based on Government Regulation Number 41 of 2021 concerning the Implementation of Free Trade Areas and Free Ports, in the context of Batam today, the concurrent position of the Mayor of Batam as the Head of the Batam BP shows a unique unity in local Government in Indonesia because no regions in Indonesia with the status of autonomous areas have implemented a similar policy. The dual position policy aims to overcome the dualism of leadership in Batam, which previously became an obstacle in coordinating development and investment management. By unifying the roles of Mayor and Head of BP Batam, the Government hopes to improve efficiency and effectiveness in decision-making and implementation of development policies in Batam city so that the rate of economic growth in Batam can return to its glory as in 1990-1991, with achievements of 17% and even up to 31.28% per year.<sup>10</sup>

Historically, the dual position is not a new thing. Examining the history of its leadership, BP Batam was once led by Ibnu Sutowo, who was also the President Director of Pertamina and Minister of Oil and Gas Affairs (ESDM) for the period 1971-1976. Then, it was also led by J.B. Sumarlin, who served as Minister of Administrative Reform, Deputy Chairman of Bappenas, and Chairman of Opstib for two years. Furthermore, from 1978 to 1998, B.J. Habibie, who served as Minister of Research and Technology then, was also mandated to be the Head of the Batam Authority.<sup>11</sup> However, the previous dual positions were a combination of two professional positions appointed directly by the President and selected before the era of regional autonomy. This condition is undoubtedly different from the concurrent position of the Mayor of Batam as Head of BP

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<sup>7</sup> Nurasni, "Implementation of Functional Decentralization and Deconcentration in the Transformation of the Authority Relationship between Batam City Government and the Batam Free Trade Zone and Free Port Enterprise Agency," Master of Law Science, (University of Indonesia, 2019): 8.

<sup>8</sup> Government Regulation No. 62/2019 on the Second Amendment to Government Regulation No. 46/2007 on the Batam Free Trade Zone and Free Port.

<sup>9</sup> Article 1 point 20 of Law of the Republic of Indonesia Number 21 of 2011 concerning the Financial Services Authority.

<sup>10</sup> Team of Batam Concession Agency Authors, Revealing the Facts of Batam Development in the Era of B.J. Habibie (Batam: BP Batam, 2014), 17.

<sup>11</sup> *Ibid.*

Batam, which combines professional and political positions after the implementation of regional autonomy with the broadest possible principle. Based on this principle, the Batam City government should have full authority in its administration. However, in the context of Batam, there is BP Batam, also included in local government and development administration.<sup>12</sup> So, the question arises as to whether this dual position policy is appropriate.

Looking at the background of its formation, the policy of concurrent position of the Mayor of Batam as the head of BP Batam does reap pros and cons. It raises constitutional law *problems*, mainly when reflecting on the design of regional autonomy in Indonesia as stipulated in Article 18 of the 1945 Constitution, which is territorial decentralization in which the Unitary State of the Republic of Indonesia (NKRI) is divided into provinces and the provinces are divided into districts and cities.<sup>13</sup> Provincial and Regency/City regions have a regional government. As Bagir Manan states, the local Government is a lower-level territorial government unit entitled to regulate and manage specific government affairs in the field of state administration as its domestic affairs.<sup>14</sup> Thus, no territorial space in Indonesia is separated from this division. Furthermore, the existence of the Mayor of Batam, who also serves as the Head of BP Batam, creates interesting legal dynamics that need to be investigated.

## B. Identified Problem Formulation

The identification of the problems discussed in this paper are:

1. What are the legal dynamics of the concurrent position policy of the Mayor of Batam as Head of BP Batam?
2. What are the legal consequences of concurrent positions in local government administration in Batam City?

## C. Research Methods

This research uses empirical legal research with a qualitative approach. Based on Shank, the qualitative approach is a systematic empirical approach.<sup>15</sup> The data analysis techniques used in this research are data collection, reduction, and presentation. Data collection techniques in this study used documentation studies and field studies. Documentation studies were conducted by collecting mass media data and government agency reports. Field studies in this study are by conducting interviews with related parties. The inference technique used is the deductive inference method, which is a way of thinking by concluding from

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<sup>12</sup> Alfiandri and Mahadiansar, *Op.Cit.*

<sup>13</sup> Article 18 of the 1945 Constitution

<sup>14</sup> Bagir Manan, *Welcoming the Dawn of Regional Autonomy*, (Yogyakarta: Center for Legal Studies FH UII, 2001), 57.

<sup>15</sup> R. A. Manchester, "Qualitative research in performing arts medicine," *Medical Problems of Performing Artists*, 26(2), (2011): 63-64.

general premises to specific premises, and then, from some of these conclusions, recommendations can be made to interested parties.<sup>16</sup>

#### D. Research Findings and Discussion

Government Regulation No. 62/2019 on the Second Amendment to Government Regulation No. 46/2007 on the Batam Free Trade Zone and Free Port requires a leadership restructuring by imposing a concurrent policy of the Mayor of Batam as the Head of BP Batam, which is considered a practical solution to resolve the dualism of authority between BP Batam and Batam City Government but also raises various interesting legal dynamics to be analyzed, primarily related to the implications for local Government and potential conflicts of interest.

##### 1. Legal Dynamics of Batam Mayor's Dual Position as Head of BP Batam

The policy of the concurrent position of Batam Mayor as Head of BP Batam aims to resolve the dualism of authority that occurs between BP Batam and the Batam City Government. This dualism occurs because different legal structures and substances support the existence of these two institutions, but both have the authority to manage the Batam area.

**Table 1.** Matrix of Legal Basis of BP Batam and Batam City Government

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<sup>16</sup> Bahder Johan Nasution, *Research Methods in Legal Science*, (Bandung: Mandar Maju, 2008), 35.

Legal Substance (Legal Foundation)	Legal Structure		Information
	BP Batam	Batam City Government	
Presidential Decree Number 74 of 1971 concerning the Development of Batam Island into an Industrial Area			Not applicable
Presidential Decree (Keppres) Number 41 of 1973 concerning the Batam Island Industrial Area			Still valid
Law Number 5 of 1974 concerning Principles of Regional Government			Not applicable
Presidential Decree Number 7 of 1984 concerning Working Relations between the Municipality of Batam and the Batam Island Industrial Regional Development Authority			Still valid
Government Regulation instead of Law (Perpu) Number 1 of 2000 concerning Free Trade Areas and Free Ports			Still valid
Law Number 36 of 2000 concerning Stipulation of Government Regulations instead of Law Number 1 2000 concerning Free Trade Areas and Free Ports Becomes Law.			Not applicable
Law Number 22 of 1999 concerning Regional Government			Not applicable
Law Number 53 of 1999 concerning the Establishment of Pelalawan Regency, Rokan Hulu Regency, Rokan Hilir Regency, Siak Regency, Karimun Regency, Natuna Regency, Kuantan Singing Regency, and Batam City			Still valid
Law Number 34 of 2000 concerning Amendments to Law of the Republic of Indonesia Number 18 of 1997 concerning Regional Taxes and Regional Levies			Still valid
Presidential Instruction Number 3 of 2003 concerning National Strategy Policy for e-Government Development			Still valid
Law Number 26 of 2007 concerning Spatial Planning			Still valid
Law Number 44 of 2007 concerning the Determination of Government Regulations instead of Law Number 1 of 2007 concerning Amendments to Law Number 36 of 2000 concerning the Determination of Government Regulations instead of Law Number 1 of 2000 concerning Free Trade Areas and Free Ports into Law -Law Becomes Law			Not applicable
Government Regulation Number 46 of 2007 concerning the Batam Free Trade Zone and Free Port.			Still valid
Batam Free Trade Zone and Free Port Council Regulation Number 3 of 2008 concerning Batam Free Trade Zone and Free Port Business Entities			Still valid
Presidential Decree Number 9 of 2008 concerning the Batam Free Trade Zone and Free Port Council			Still valid
Decree of the Coordinating Minister for Economic Affairs as Chair of the National Council Number 59 of 2008 concerning Guidelines for the Institutional Formation of Free Trade Zone and Free Port Concession Bodies			Still valid
Presidential Regulation Number 49 of 2009 concerning Regional Councils and Concession Boards for Free Trade Zones and Free Ports of Batam, Bintan, and Karimun.			Still valid
Decree of the Batam Free Trade Zone Chairman and Free Port Council No. KPTS/19/DK-BTM/X/2010 concerning the Determination of Personnel for Free Trade Zone and Free Port Business Entities			Still valid
Regulation of the Chairman of BP Batam Number 4 of 2010 concerning Staffing of the Batam Free Trade Zone and Free Port Concession Agency			Still valid
Regulation of the Chairman of BP Batam Number 10 of 2011 concerning Organizational Structure and Work Procedures			Not applicable
Government Regulation Number 5 of 2011 concerning Amendments to Government Regulation Number 46 of 2007 concerning the Batam Free Trade Zone and Free Port.			Still valid
Presidential Regulation Number 87 of 2011 concerning Spatial Planning for the Free Trade Area and Free Port of Batam, Bintan, and Karimun.			Still valid
Law Number 23 of 2014 concerning Regional Government.			Still valid
Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning the Regional Government			Still valid
Regulation of the Chairman of BP Batam Number 5 of 2015 concerning Organizational Structure and Work Procedures			Not applicable
Presidential Decree Number 8 of 2016 concerning the Batam Free Trade Zone and Free Port Council			Still valid
Presidential Regulation Number 62 of 2019 concerning the Second Amendment to Government Regulation Number 46 of 2007 concerning the Batam Free Trade Zone and Free Port			Still valid
Batam Free Trade Zone and Free Port Council Regulation Number 1 of 2019 concerning the Organization and Work Procedures of the Batam Free Trade Zone and Free Port Concession Agency (Regulation of the Head of the Batam Free Trade Zone and Free Port Concession Agency Number 20 of 2019 concerning Organization and Work Procedures of Business Units within the Batam Free Trade Zone and Free Port Concession Agency)			Still valid

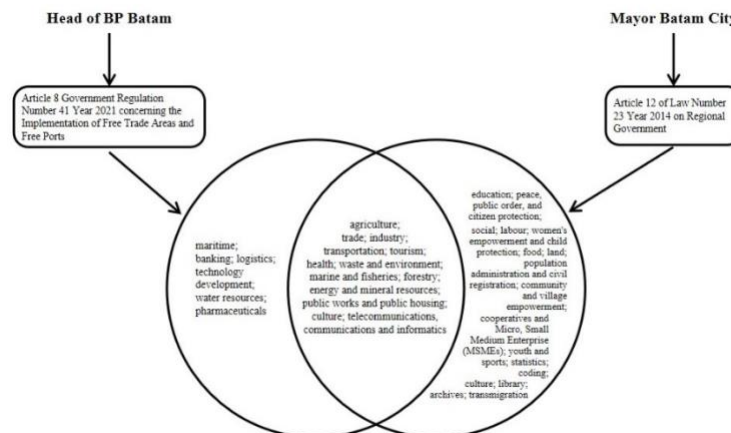
Source: Processed by the Author, 2024

The existence of BP Batam, formerly known as Otorita Batam based on Presidential Decree No. 41 of 1973, has the authority to manage Batam Island. Its position was strengthened after the issuance of Law No. 36 of

2000 as amended by Law No. 44 of 2007, Government Regulation No. 46 of 2007 as amended by Government Regulation No. 5 of 2011, and the second amendment by Government Regulation No. 62 of 2019. Meanwhile, the existence of Batam City Government is regulated in Law Number 22 Year 1999 as amended several times into Law Number 23 Year 2014 on Regional Government and amended again with Law Number 9 Year 2015 on the Second Amendment to Law Number 23 Year 2014 on Regional Government.<sup>17</sup>

Batam City, one of the economic and investment centers in Indonesia, has a fairly complex government structure. Nevertheless, BP Batam and the Batam City Government have the same intersection of affairs or sectors of authority, so the concurrent policy of the Mayor of Batam as Head of BP Batam is a very strategic momentum to synergize the two in formulating the direction of Batam's future policies.

**Chart 1.** Sectoral Intersection of the Affairs/Authority of the Mayor of Batam and the Head of BP Batam



Source: Processed by the Author, 2024

The concurrent position of the Mayor of Batam as Head of the Batam Concession Agency (BP Batam) opens up significant opportunities for regional development. One of the main opportunities is the creation of more substantial synergies between local government policies and the investment and economic development programs BP Batam runs. With one individual controlling both entities, policy coordination, and implementation can be done more effectively and efficiently, reducing

<sup>17</sup> Muhammad Zaenuddin et al., "Institutional Dualism between the City Government and the Batam Concession Agency and its Impact on Economic Performance in Batam", *Journal of Business Administration*, Vol.1, No.2, (September 2017): 75.

overlaps and speeding up the decision-making process.<sup>18</sup> This dual leadership allows for a more holistic approach to regional development. The Mayor can ensure that programs run by BP Batam are in line with the priorities and needs of the local community, resulting in more relevant policies that positively impact the community's welfare. For example, incoming investments can be directed to support infrastructure projects that benefit public services, such as road construction, health facilities, and education.<sup>19</sup> Integrating both institutions' visions and missions can also enhance Batam's attractiveness as an investment destination.

**Table 2.** Vision and Mission of the Position of Mayor of Batam and the Position of Head of BP Batam

MAYOR OF BATAM 2020-2024 period		HEAD OF BP BATAM 2019-2024 period	
Vision	Mission	Vision	Mission
The realization of Batam as a Modern and Prosperous City of the Civil World	<ol style="list-style-type: none"> <li>1) Realizing equitable economic growth through improving the quality and diversification of economic activities based on regional uniqueness and advantages</li> <li>2) Realizing sustainable city development supported by advanced, friendly, safe, beautiful, and comfortable infrastructure, utilities, and transportation systems by spatial planning</li> <li>3) Creating human resources that are competitive, cultured, productive, and have noble character</li> <li>4) Continuing to accelerate development in hinterland areas for equality and to support the economy of Batam City</li> <li>5) Realizing good, responsive, effective, and efficient governance based on information technology in improving services to the community.</li> </ol>	Contribute to increasing investment to realize the vision of an advanced Indonesia president and vice president who is sovereign, independent, and has a personality based on cooperation.	<ol style="list-style-type: none"> <li>1) Increasing investment competitiveness in KPBPB Batam to support a productive, independent, and sustainable economic structure;</li> <li>2) Strengthening BP Batam's clean, effective, and trustworthy KPBPB manager capacity.</li> </ol>

Source: Processed by the Author, 2024

With consistent and integrated leadership, investors can feel more confident that the local Government and BP Batam will fully support their projects, which can drive increased investment and regional economic growth.<sup>20</sup> BPS noted that Batam's economy grew significantly throughout

<sup>18</sup> John Doe, "Governance Challenges in Dual Leadership Positions", *Journal of Public Administration*, 45, no. 2 (2020): 123-145.

<sup>19</sup> Jane Smith, "Autonomy and Accountability in Local Government," *International Review of Administrative Sciences* 58, no. 3 (2019): 67-89.

<sup>20</sup> Michael Brown, "Transparency in Public Administration," *Public Integrity Journal*, Vol. 34, no. 1 (2021): 34-56.



2022, with a percentage of 6.84 percent. This is inseparable from the dual position that synergizes the Batam City Government and BP Batam programs in one direction.<sup>21</sup> From the Foreign Investment (PMA) aspect, foreign investment in Batam City received a positive signal throughout 2022. Based on the records of the Ministry of Investment/Investment Coordinating Board (BKPM) of the Republic of Indonesia, foreign investment in Batam City increased by 48.5 percent or amounted to USD 746.85 million with a total of 1,738 projects. This figure has increased significantly compared to 2021, recorded at only USD 504.17 million. Meanwhile, the value of FDI in Batam City has also increased during the first semester (January-June) of 2023. BP Batam noted that the change in the Foreign Direct Investment (FDI) value increased by 1.56 percent compared to the same period the previous year.

On the other hand, changes in FDI projects in the first semester of 2023 also significantly increased, with an achievement of 142.39 percent compared to the same period in 2022. Batam City's positive growth is indeed inseparable from the central government policy that integrates the Batam City Government-BP. Thus, the synchronization of Pemko and BP Batam policies under dual leadership will continue to bring changes and create a better leap in Batam City's new history.<sup>22</sup>

Based on the interview with Nurasni S.H., M.H., the Head of Legal and Drafting of Laws and Regulations of Batam City Government explained that "This dual position policy is good for the effectiveness of work from the side of the City Government and BP because the communication line is with the same leader. So far, the performance is also good, although it may look *heavier* in BP Batam," he said on October 4, 2023, when met at the Batam City Government office.<sup>23</sup> Safei also delivered almost the same statement as the Public Relations Bureau of BP Batam, which agreed that this dual position policy is good for accelerating Batam City's Development.<sup>24</sup>

Thus, this dual position policy can accelerate progressive regional development. The advantages found in Ady Muzwardi's research include:<sup>25</sup>

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<sup>21</sup> BP Batam Editorial Team, Ex-Officio Position of BP Batam Benefits Ease of Investment and Infrastructure Development of the City," <https://bpbatam.go.id/jabatan-ex-officio-bp-batam-bermanfaat-pada-kemudahan-investasi-dan-pembangunan-infrastruktur-kota/> (accessed on April 5, 2024).

<sup>22</sup> *Ibid.*

<sup>23</sup> Interview with Nurasni S.H.M.H., Head of Legal Section and Drafting of Laws and Regulations of Batam City Government, Batam City Government Office (October 4, 2023)

<sup>24</sup> Interview with Safei, Public Relations Bureau of BP Batam, BP Batam Office (October 4, 2023)

<sup>25</sup> Ady Muzwardi, "Job Analysis of ex-officio Head of Batam Indonesia Free Zone Authority (BP Batam): Relationship between Performance and Political Relation," *Journal of Master of Public Administration* 1 (April 2021): 41-54.

1. Synchronization between RPJMD of Batam City and Strategic Plan of BP Batam
2. Utilization of Shared Assets
3. SOTK (Organizational Structure of Work Procedures) that support each other
4. Harmonization of services/permits.

Although it has several advantages, this dual position policy also brings complexities and challenges that must be faced in the leadership periodization of the Mayor of Batam as the Head of BP Batam.

## 2. **Legal Consequences of Dual Positions on the Implementation of Local Government in Batam City**

In the context of autonomous regions, the local Government of Batam City is led by the Mayor, the head of the city-level region. The Mayor of Batam, as the head of the area, has duties, powers, and obligations as stated in Article 65 of Law Number 23 of 2014 in *conjunction with* Law Number 9 of 2015 concerning Regional Government, which essentially provides the broadest possible autonomy to manage existing resources in the region for the prosperity of the people as mandated by Article 18 of the 1945 Constitution, namely: 1. The principle of hierarchical regional division in Paragraph (1); 2. The principle of autonomy and co-administration in Paragraph (2); 3. The principle of democracy in Paragraph (3) and Paragraph (4); and 4. The principle of the broadest possible autonomy is in Paragraph (5).<sup>26</sup>

**Table 3.** Matrix of Duties, Authorities, and Obligations as Mayor of Batam

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<sup>26</sup> Rusdianto Sesung, *Regional Autonomy Law: Unitary State, Special Region, and Special Autonomous Region* (Bandung: PT Refika Aditama Publisher, 2013), 45-46.

MAYOR OF BATAM			
Based on Article 65 of Law Number 23 of 2014 concerning Regional Government		Based on Article 12 of Law No. 23/2014	
TASK	AUTHORITY	OBLIGATION	REGIONAL GOVERNMENT AFFAIRS
lead the implementation of Government Affairs which fall under the authority of the Region based on the provisions of laws, regulations, and policies established together with the DPRD	submit draft regional regulations; Enact regional regulations that have received joint approval from the DPRD; Establish regional regulations and regional head decisions;	uphold and practice Pancasila, implement the 1945 Constitution of the Republic of Indonesia, and defend and maintain the integrity of the Unitary State of the Republic of Indonesia;	Mandatory Government Affairs relating to Basic Services as intended in Article 11 paragraph (2) include: a. education, b. health, c. public works and spatial planning; d. public housing and residential areas;
maintain public peace and order	take certain actions in urgent situations that are needed by the Region and the community	comply with all provisions of laws and regulations;	e. peace, public order, and community protection; And f. social.
Prepare and submit a draft Regional Regulation on RPJPD and a draft Regional Regulation on RPJMD to the DPRD for discussion with the DPRD, as well as prepare and determine the RKPD	Carry out other authorities by the provisions of statutory regulations.	developing democratic life; Maintain ethics and norms in the implementation of Government Affairs which fall under the authority of the Region;	Mandatory Government Affairs which are not related to Basic Services as intended in Article 11 paragraph (2) include: a. labor, b. empowering women and protecting children; c. food; d. land; e. environment;
Prepare and submit a draft Regional Regulation on the APBD, a draft Regional Regulation on changes to the APBD, and a draft Regional Regulation on accountability for implementing the APBD to the DPRD for joint discussion.		Implement the principles of clean and good governance. implementing national strategic programs, And Establish working relationships with all regional vertical agencies and all regional apparatuses.	f. population administration and civil registration; g. community and village empowerment; h. population control and family planning; i. transportation; j. communications and informatics; k. cooperatives, small and medium enterprises; l. capital investment, m. youth and sports; n. statistics; o. coding; p. culture; q. library; And r. record management.
represents the Region inside and outside the court and can appoint a legal representative to represent him by the provisions of the laws and regulations			Elective Government Affairs as intended in Article 11 paragraph (1) include: a. maritime affairs and fisheries; b. tourist; c. agriculture; d. forestry; e. energy and Mineral Resources; f. trading; g. industry; and h. transmigration
, which carries out other duties by statutory provisions.			

Source: Processed by the Author, 2024

Amidst the complexity of his duties and responsibilities as a regional head, the Mayor of Batam also plays a vital role as the Head of BP Batam. As a regional head, the Mayor of Batam has duties and responsibilities that include governmental duties such as planning, implementing, and supervising the implementation of local government policies and work programs. In addition, the Mayor also has responsibilities for development and public services. Meanwhile, as the Head of BP Batam, the Mayor of Batam has the duty and authority to manage, develop, and construct special economic zones in Batam City as stipulated in Government Regulation 41 of 2021.

**Table 4.** Matrix of Duties, Authorities, and Obligations as Head of BP Batam

DUTIES AND FUNCTIONS OF THE HEAD OF BPBATAM	
Based on Article 8 paragraph (3) Government Regulation Number 41 of 2021 concerning the Implementation of Free Trade Areas and Free Ports	
TASK	FUNCTION
Carrying out the management, development, and development of KPBPB Batam by the functions of KPBPB.	Coordinating the implementation of tasks, coaching, and providing administrative, financial, and human resource support to all organizational units within the Batam Business Agency;
	Formulation and implementation of provisions in the field of strategic policy;
	Formulation and implementation of provisions in the areas of area management and investment;
	Formulation and implementation of provisions in the business sector.
	Management of State property, which is the responsibility of the Batam Concession Agency;
	Land management is guided by the Batam, Bintan, and Karimun Regional Spatial Plan, And
	Supervise the implementation of the duties of the Batam Concession Agency.
Make the necessary provisions for the management, development, and development of KPBPB;	Make provisions as long as they do not conflict with statutory requirements;
	Make provisions as long as they do not conflict with statutory requirements;
	Issue business permits and other permits required for entrepreneurs who establish and run businesses at KPBPB Batam by statutory provisions;
	Make regulations in the field of determining tariffs for services provided or managed by the provisions of statutory rules;
	. Carry out other duties and authorities, which include: 1. Carrying out management and development by the functions of KPBPB; 2. Process business permits whose authority has been delegated to the Batam Business Agency; 3. Implement One-Stop Integrated Licensing Services; 4. Carrying out asset management and exploitation, including administration, development, and coaching; 5. Carry out land management in the work area of the Batam Concession Agency.
Determine financial management, procurement, equipment, human resources, and a remuneration system based on merit and good governance principles.	e. Managing Batam Enterprise Agency employees, which includes: 1) Procurement; 2) Appointment; 3) Placement; 4) Position; 5) Development; 6) Rank; 7) Position; 8) Salary, facilities, and other allowances; and 9) Awards, sanctions, and dismissal
The Enterprise Agency develops activities in the economic sector in the fields of agriculture, trade, maritime, industry, transportation, banking, tourism, logistics, technology development, health, water resources, waste and the environment, pharmaceuticals, marine and fisheries, forestry, energy and resources minerals, public works and public housing, culture, telecommunications, and other fields.	

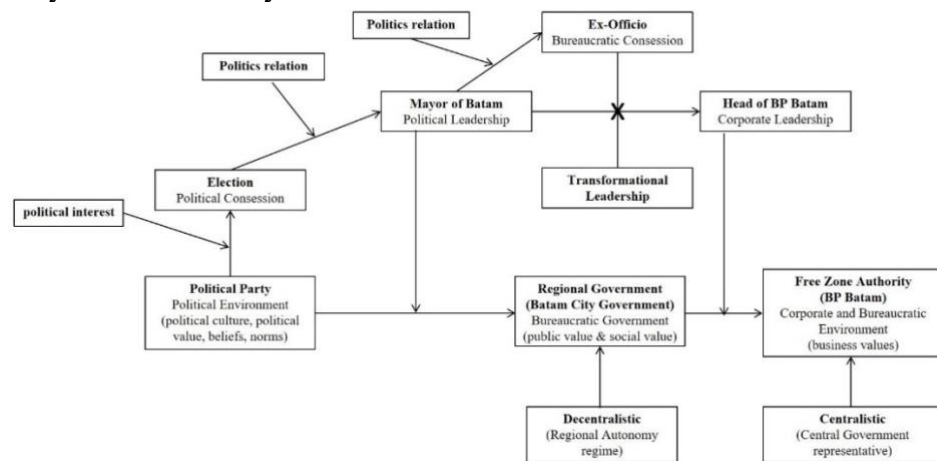
Source: Processed by the Author, 2024

Under such conditions, can the Mayor of Batam perform two roles at once? Will all duties and obligations be carried out correctly and on target? This question arises because the policy of concurrent position of the Mayor of Batam as Head of BP Batam creates new workloads and obligations for the official. But on the other hand, it also creates new rights in the form of position and income. In the context of the position, the duties as Mayor of Batam alone (single position) are already very much, let alone if added with the work as Head of BP Batam (dual position).

The granting of the *ex-officio* position of Head of BP Batam to the Mayor of Batam has the consequence of concurrent positions. This consequence creates leaders who must transform well because they lead two different institutions, namely Local Government Institutions and Non-Structural Institutions, in the form of Public Service Public Service

Agencies, namely the Concession Agency. Isharyanto, in his book entitled *State Institutional Law*, defines Non-Structural Institutions as what is known in the literature as independent state institutions or *auxiliary* state institutions.<sup>27</sup> Furthermore, in his research, Ady Muzwardi argues that the position of Mayor of Batam directly relates to the political party environment because the Mayor of Batam is an official born from political concessions. At the same time, the *ex-officio* position of Head of BP Batam also has political relations because it is attached to the position of Mayor. However, the *ex-officio* position of Head of BP Batam was born from a bureaucratic concession that aims as a middle ground to unite the vision of two government agencies. The concurrent position of the Mayor of Batam as Head of BP Batam gave birth to transformational leadership.<sup>28</sup> Ady also modeled the formation of the *ex-officio* Head of BP Batam and its political relations in a chart.

**Chart 2.** Model for the Establishment of Concurrent Positions of the Mayor of Batam City and BP Batam



Source: Ady Muzwardi, 2021

At the beginning of the *ex-officio* leadership of the Head of BP Batam, innovation to harmonize the licensing rules of the Batam City Government and BP Batam did not occur. One of the reasons for dual positions is to accelerate the processing of investor licenses. The planned transformational leadership has not fully integrated the service model. Based on the results of interviews with respondents from corporate elements (private companies), the formation of *the ex-officio* Head of BP

<sup>27</sup> Isharyanto, *State Institutional Law: Legal and constitutional studies on the development of the state administration of the Republic of Indonesia* (Yogyakarta: Deepublish, 2016).

<sup>28</sup> Ady Muzwardi, *Op.Cit.*

Batam only unifies the leadership style. Still, it does not unify services (*one-room services*). In addition, the concurrent position of the Mayor of Batam as the Head of BP Batam during the early period of his leadership was more oriented toward developing physical infrastructure rather than harmonizing licensing rules. Based on an interview with the Deputy Secretary for Community Welfare of Karang Taruna Batam City, Muhammad Izzudin Alhafiz, "the land utilization permit is still taken care of by BP Batam, but the construction permit is taken care of by Batam City Government. In other words, the ownership of the land is still fully under the authority of BP Batam. The construction of the building is under the authority of the Batam City Government, so the community is charged with UWTO (Obligatory Annual Authority Money) paid to BP Batam every 30 years, and PBB (Land and Building Tax) paid to Batam City Government every year."<sup>29</sup> Thus, the synergy between the Batam City Government and BP Batam, established by the *ex-officio* Head of BP Batam, is more about infrastructure development and management.<sup>30</sup> This condition should require harmonization of regulations so that the community is not burdened with double obligations.

Combining a political position (Mayor) and a non-political/professional position (Head of BP Batam) in the *ex-officio* scheme creates uncertainty. Sometimes, it is not clear when the official acts as Mayor and when he acts as Head of BP Batam. This is because both positions are run by the same person with different interests and orientations. With its centralized design, BP Batam is *single-purpose* and is only oriented to the economic sector in industrial development and investment, which is *profit-oriented*. In contrast, with its decentralized design, Batam City Government is *multi-purpose* and performs various general Government functions.<sup>31</sup> Which is *socially oriented*. In addition, BP Batam also has less public responsibility than the Batam City Government but has the flexibility to carry out business practices.<sup>32</sup> BP Batam's business units include the Facilities and Environment Business Entity, which provides housing, buildings, agribusiness, parks, water, and waste; the BP Batam Hospital Business Entity; Port Business Entity; Airport Business Entity; and Information and Communication Technology.<sup>33</sup> In addition, through the financial governance of the Public

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<sup>29</sup> Interview with Muhammad Izzudin Alhafiz, Deputy Secretary for Community Welfare of Karang Taruna Kota Batam, via Zoom (February 26, 2024)

<sup>30</sup> A. Nurdin, "BP Batam's Breakthrough in the Hands of Ex Officio," *Bisnis Liputan 6* (2020), <https://www.liputan6.com/bisnis/read/4160172/gebrakan-bp-batam-di-tangan-ex-officio> (accessed April 17, 2024).

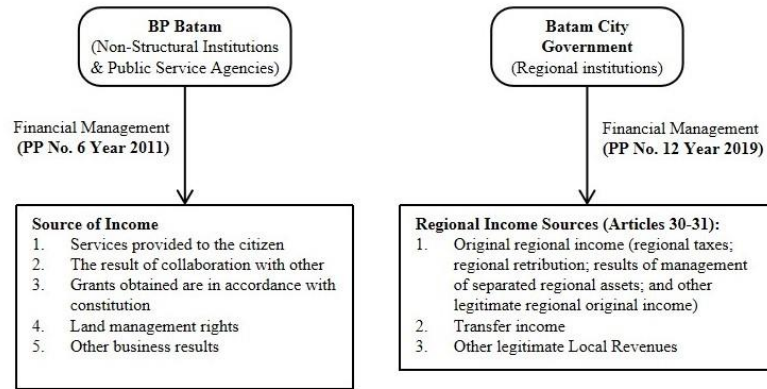
<sup>31</sup> Nurasni, *Op. Cit.*

<sup>32</sup> *Ibid.*

<sup>33</sup> BP Batam Team, "Business Unit" 2023. <https://bpbatam.go.id/unit-bisnis/> (accessed April 17, 2024).

Service Agency (BLU), BP Batam is given the discretion to cultivate its sources of income.

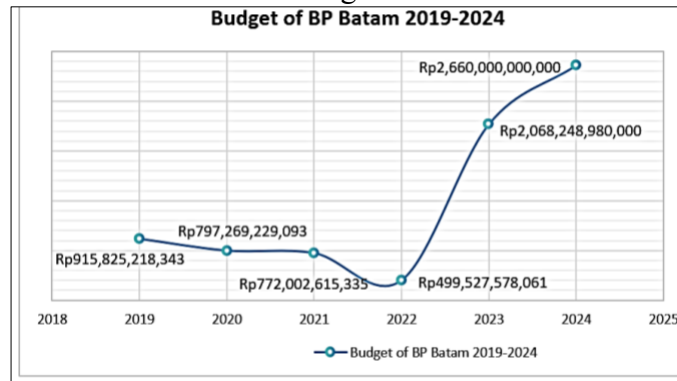
**Chart 3.** Comparison of Financial Management of BP Batam and Batam City Government



Source: Processed by the Author, 2024

In addition to the above<sup>34</sup>, BP Batam may also receive revenues from APBN and APBD in a separate budget section, thus acting as a budget user, equivalent to ministries/agencies in the central Government.<sup>35</sup> Thus, BP Batam has a considerable budget to implement its programs.<sup>36</sup>

**Figure 1.** 2019-2024 BP Batam Budget Chart



<sup>34</sup> Article 9 paragraph (5) of Government Regulation of the Republic of Indonesia Number 6 Year 2011 on Financial Management at the Batam Free Trade Zone and Free Port Enterprise Agency.

<sup>35</sup> Ministry of Finance, Directorate General of Treasury. Institutional and Governance Study of the Batam Free Port and Trade Zone Concession Agency, Tanjungpinang, 2014.

<sup>36</sup> BP Batam, Strategic Plan of the Batam Concession Agency 2020-2024, [https://e-ppid.bpb Batam.go.id/wp-content/uploads/2021/01/Renstra\\_BP\\_Batam\\_2020-2024.pdf](https://e-ppid.bpb Batam.go.id/wp-content/uploads/2021/01/Renstra_BP_Batam_2020-2024.pdf), 133 (accessed on April 10, 2024).

Source: Processed by the Author, 2024

**Table 5.** Programs of BP Batam 2020-2024

<b>BP Batam Programs or Activities for 2020-2024</b>	
<b>Infrastructure Programs/Activities</b>	<b>Non-Infrastructure Programs/Activities</b>
1. Batam Hang Nadim Airport Development Program 2. Road and Drainage Development Program 3. Sea Port Development Program 4. Raw Water, Waste, and Environmental Development Program	1. HR Development 2. Make Rules and Regulations 3. Marketing 4. Planning and Design Studies 5. Asset Utilization 6. Land supply 7. Information Technology Development

Source: Processed by the Author, 2024

This condition is inversely proportional to Batam City Government's limited financial resources and government programs covering many sectors, as described in Table 3 in this paper. In addition to the duties, obligations, and local government affairs that are the scope of work of the Mayor of Batam as stipulated in the Local Government Law, Muhammad Rudi, as the Mayor of Batam, also had 6 priority programs during his leadership.

**Table 6.** Priority Programs of the Mayor of Batam City for the Period 2020-2024

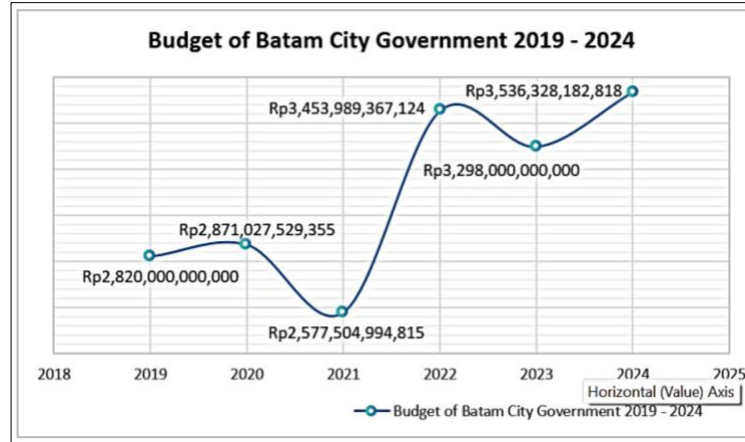
<b>6 Priority Programs for the Mayor of Batam for 2020-2024</b>	
Accelerating Recovery and Equitable Economic Development in the Context of Improving People's Welfare with Justice	
Equitable, high-quality, and sustainable development of infrastructure, utilities, urban areas, and transportation facilities	- Construction of the Madani Route Fly Over - Revitalization of Batu Ampar Harbor - Sekupang Hospital SEZ - Revitalization of Hang Nadim Airport - Public Service Infrastructure (MPP) - Infrastructure: Sultan Mahmud Riayat Syah Mosque, Tanjak Tanwirun Naja Mosque, Deer Park and Pond Park Sekupang, Batam Botanical Gardens, Parks and Pedestrians, Plantar Tanjung Riau, Pulau Putri, Raja Ali Haji Museum.
Improving the quality of superior and dignified human resources	
Increasing and Facilitating Maritime Based Investment and Regional Excellence	
Accelerating Development of the Hinterland Region	
Bureaucratic Reform in the Context of Improving Community Services	



Source: Processed by the Author, 2024

To carry out the duties, obligations, local government affairs at the municipal level, and priority programs of the Mayor, the following budget is used:

**Figure 2:** Budget Chart of Batam City Government 2019-2024



Source: Processed by the Author, 2024

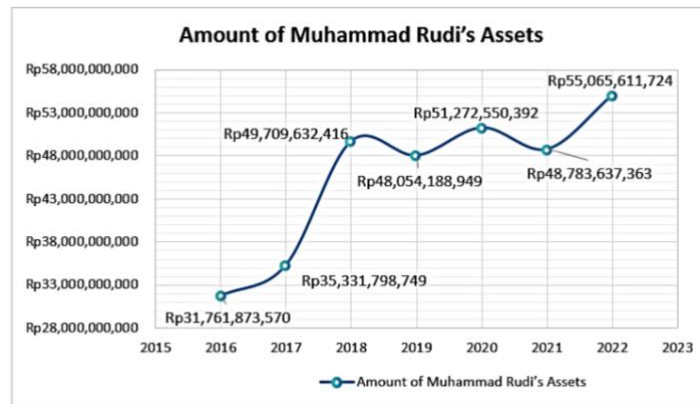
Regarding workload and finance, there is a potential for "one-sidedness" in implementing the concurrent position of the Mayor of Batam as Head of BP Batam. Moreover, the official's income as Head of BP Batam, which comes from the State Budget, is more significant than his income as Mayor of Batam, which comes from PAD. Reported by batamnews<sup>37</sup>, based on Letter Number B-105/KA/3/2017 dated March 8, 2017, the basic salary of the head of BP Batam is Rp 80 million. The minimum incentive is Rp 10,083,000; the maximum is Rp 48.4 million. The total is around Rp 128.4 million to 150 million. Meanwhile, PresMayor's Regulation (Perpres) No. 68/2001 on Position Allowances for Certain State Officials regulates the Mayor's allowance. According to the regulation, the Mayor's is Rp3.78 million per month. "The amount of allowance for State Officials as referred to in paragraph (1) for the Head of Regency/City is IDR 3,780,000 (three million seven hundred and eighty thousand rupiah), which is added with regional operational allowances determined based on Regional Original Revenue (PAD) and regulated in

<sup>37</sup> Editor batamnews, "Fantastic! Batam BP Head's Total Salary Rp 128 Million a Month, Here's What the Deputy Says." Batam News, <https://www.batamnews.co.id/berita-21893-fantastis-gaji-total-kepala-bp-batam-rp-128-juta-sebulan-ini-kata-deputi.html>. (accessed April 17, 2024)

Government Regulation Number 109 of 2000 concerning the Financial Position of the Regional Head and Deputy Regional Head.<sup>38</sup>

The double budget obtained by Muhammad Rudi as Mayor and Head of BP Batam is directly proportional to the amount of his wealth. This can be seen from the State Organizer Wealth Report (LHKPN), which increases yearly. However, in 2021, it decreased because his wife, Marlin Agustina, was also contesting the regional election to become Deputy Governor of the Riau Islands and was finally successfully elected. Even though his assets decreased in 2021, Muhammad Rudi no longer had any debts.

**Figure 3.** Chart of Assets of Officials who Concurrently Serve as Mayor and Head of BP Batam



Source: Processed by the Author, 2024

Muhammad Rudi and his wife Marlin Agustina, who now serves as Deputy Governor of Riau Islands, are listed as the wealthiest regional officials in Riau Islands province. The details of these assets are inseparable from the fact that Muhammad Rudi has a source of income from his position as Mayor Mayorlso his position as Head of BP Batam.<sup>39</sup> Since the concurrent position of Mayor of Batam as Head of BP Batam is very lucrative, many prospective candidates are vying to occupy this position. Even his wife is predicted to run for Mayor of Batam, carried by the Nasdem party in 2024. Meanwhile, Muhammad Rudi, also the Chairman of the DPW of the Nasdem Party of Riau Islands Province, will level up to participate in political contestation as a candidate for Governor of Riau Islands for the leadership period 2024-2029. Therefore, the *ex-officio*

<sup>38</sup> Article 4 of Government Regulation (PP) Number 109 of 2000 concerning the Financial Position of Regional Heads and Deputy Regional Heads.

<sup>39</sup> Zaki Setiawan, "Wealth of 8 Regional Heads in Riau Islands, the Richest Mayor of Batam, 10 Times the Governor's," (2023), <https://www.kepri.pikiran-rakyat.com/> (accessed April 17, 2024).

leadership of the Head of BP Batam cannot be separated from political interests, such as utilizing the *ex-officio* position of the Head of BP Batam as political marketing to increase the electability of the incumbent officials. It is feared that this may lead to *abuse of power* or *superpowers* exercised by officials who hold concurrent positions because of the authority to use significant resources both as regional heads and as heads of business entities.<sup>40</sup>

This dual position policy does create new problems, such as potential conflicts of interest, in its implementation.<sup>41</sup> In addition, there is also the potential for abuse of power, which will have implications for decision-making that is more inclined to one side, making it unbalanced and less optimal for regional development. This is inseparable from the fact that the Mayor of Batam is a political position full of interests. Regarding the definition of political office, according to Miftah Thoha, since the reform era, neither bureaucratic career positions, state positions, nor political positions have been entirely classified in the Indonesian constitutional system. Therefore, the relationship between the three has become unclear. The leaders of political parties elected by the people or appointed by those elected as state officials are vague on how far they are related to their political parties. Moreover, it is unclear how far they are associated with using state facilities, including the budget and employees accompanying the position.<sup>42</sup> In particular, political officials themselves are appointed through political considerations.<sup>43</sup>

During his tenure, the Mayor of Batam faced significant challenges in maintaining integrity and transparency while holding two strategic positions: Head of the Region and Head of the Batam Concession Agency (BP Batam). One of the main challenges is the potential conflict of interest that arises from these dual responsibilities. When one individual is in control of the local Government and responsible for the investment and economic development, decisions may be influenced by personal or group interests, such as political parties, including the interests of the Central Government, which may not always be in line with the public interest.<sup>44</sup>

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<sup>40</sup> Chi Chi Gita Paramita et al., "The Role of Local Actors in Ex-Officio Policy Formulation in Batam City," Department of Public Administration FISIP Undip, <https://www.fisip.undip.ac.id> (accessed April 17, 2024).

<sup>41</sup> Deddik Harianto and Vieta Imelda Cornelis, "Review of Dual Position Based on Government Regulation Number 62 of 2019 concerning the Second Amendment to Government Regulation Number 46 of 2007 concerning the Batam Free Trade Zone and Free Port", APHTN-HAN Journal, Vol.1, No.1 (January 2022): 121-133.

<sup>42</sup> May Lim Charity, "The Irony of Dual Position Practices in the Indonesian Constitutional System," Journal of Legislation Vol. 13, No. 01 (2016): 2.

<sup>43</sup> Ida Hayu Dwimawanti, "Bureaucratic Neutrality and Public Service Quality," Journal of Civil Service Policy and Management, Vol.3 No.1 (June 2019): 47-53.

<sup>44</sup> John Doe, *Op.Cit.*

Conflicts of interest can interfere with the performance of the Mayor of Batam in carrying out his duties as head of the region and as Head of BP Batam. Conflict of interest may occur when the Mayor of Batam has different interests in his position as Head of BP Batam and Mayor of Batam. For example, as a regional head, the Mayor of Batam is interested in improving the quality of public services in Batam City. In contrast, as Head of BP Batam, the Mayor of Batam is interested in increasing business profits in Batam. In such a situation, the Mayor of Batam may experience pressure to choose between one interest and another.

A further challenge is that this dual management structure can potentially undermine Batam's regional autonomy, with the risk that central interests will dominate more than local needs and aspirations.<sup>45</sup> This could erode the principle of decentralization, which is the basis of regional autonomy in Indonesia. In addition, this dualism of roles also complicates the supervisory mechanism. DPRDs and other oversight institutions face challenges in monitoring the actions and policies of officials with dual powers. Therefore, Batam should be fully autonomous and run by the Batam City Government like other regions in Indonesia. In other words, BP Batam should be dissolved for the sake of legal certainty. Then, the Government can make Batam a particular autonomous region (otsus) as Aceh, Jakarta, Yogyakarta, and Papua with economic purposes, especially as an Indonesian region that is very close to Singapore and Malaysia so that Batam has the flexibility to manage its Government through the mechanism of regional autonomy with the broadest possible principle. In line with that, the author recommends that the process of filling the position of Mayor of Batam may use the competency test stage as well as verification of vision, mission, and campaign promises by the purpose of Batam as an economic special autonomy. In other words, there is no need for BP Batam to exist, but the Mayor has the capacity, and their agenda or program should align with the particular purpose. Therefore, a review of this dual position policy is needed. The central Government needs to evaluate the policy of the Mayor of Batam as *ex-officio* Head of BP Batam to ensure that its implementation does not reduce regional autonomy and remains by the principle of decentralization.

However, if this dual position condition is to be maintained, it requires stricter supervision to ensure accountability and transparency are maintained; revision of the *ex-officio* policy to remain by the design of regional autonomy in Indonesia; harmonization of more explicit regulations for legal certainty; increased coordination between institutions to minimize potential conflicts of interest and ensure optimal synergy in

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<sup>45</sup> Emily White, "Conflict of Interest and Public Trust," *Governance and Policy Review*, Vol.12, No. 4 (2020): 78-95.

the implementation of development programs; and increased public participation in the process of monitoring and assessing local government performance. In addition, the Mayor also ensures that the public interest remains the top priority in every policy and decision-making. Thus, this dual position can be valuable for faster and more sustainable regional development.

#### E. Conclusion

The dual position of the Mayor of Batam as the Head of BP Batam creates complex and challenging legal dynamics. On the one hand, it is considered a practical solution to resolve the existing leadership dualism. It provides benefits such as increased synergy between economic development and public services as it enables better coordination in managing the city's interests and the industrial estate. However, on the other hand, this dual role creates significant potential conflicts of interest. As Mayor, the official is responsible for the local interests and needs of the Batam Community. Meanwhile, as Head of BP Batam, the official must prioritize investment and economic development interests, which may not always align with the public interest. This conflict of interest may affect objectivity in decision-making. The existence of this dual management structure risks weakening the status of regional autonomy, so Batam should apply special autonomy with a note that the filling of the position of Mayor of Batam uses a competency test stage and verification of vision, mission, and campaign promises that are by the objectives of Batam as a special autonomy special economy. In other words, BP Batam does not need to exist, but the Batam Mayor must have the capacity, and their program must align with the special purpose. However, suppose this dual position policy is still to be implemented. In that case, it requires stricter supervision, revision of the ex-officio policy, harmonization of regulations, increased coordination between institutions, increased public participation in supervision, and commitment of officials to prioritize the public interest over personal interests or the interests of certain groups to create a clean and responsible government for the implementation of local government in Batam city.

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