

## **Legal Analysis of the Legal Role of State Attorney Assistance at the Batam District Attorney's Office Related to the Settlement of the Handover of Housing Infrastructure, Facilities, And Public Utilities (Psu) In Batam City**

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***Abstract.*** *The handover of Public Infrastructure, Facilities, and Utilities (PSU) from developers to local governments is a mandatory legal obligation that plays a crucial role in ensuring sustainable public services, particularly within rapidly growing residential areas such as those in Batam City. In practice, the handover process still faces significant challenges, including administrative inconsistencies, technical inadequacies, and low compliance among developers. This study aims to analyze the implementation of legal assistance provided by the State Attorney (Jaksa Attorney Negara/JPN) of the Batam District Prosecutor's Office in supporting the Batam City Government during the PSU handover process, as well as to identify the factors hindering the effectiveness of such legal assistance and propose appropriate solutions. This research employs an empirical juridical approach by collecting data through document analysis, interviews, and examination of meeting minutes between government agencies and developers. The data were analyzed using the theories of legal certainty, authority, and legal system theory to provide a comprehensive understanding of the role and position of JPN in facilitating PSU settlement. The findings indicate that legal assistance by JPN is carried out through systematic stages, including the issuance of a legal assistance order, clarification with developers, verification of administrative and physical PSU documents, provision of legal recommendations, and facilitation of mediation. This assistance significantly strengthens legal certainty and enhances the government's ability to resolve PSU handover issues, including the successful recovery of substantial regional assets. Nevertheless, the effectiveness of legal assistance is constrained by several factors, such as administrative disorder, inconsistencies in inter-agency data, non-compliance by developers, incomplete documentation, and PSU conditions that do not meet technical standards. The recommended solutions include*

*strengthening inter-agency coordination, enhancing early-stage construction supervision, establishing an integrated PSU database, and ensuring more intensive and continuous legal assistance.*

**Keywords:** Assistance; Attorney; Government; Infrastructure; Legal.

## 1. Introduction

Batam City is one of the national strategic areas that is experiencing rapid development in the housing sector.<sup>1</sup> Massive housing development requires the provision of adequate Public Infrastructure, Facilities and Utilities (PSU), such as neighborhood roads, drainage channels, parks, places of worship and other public facilities.<sup>2</sup> National regulations, specifically Law No. 1 of 2011 concerning Housing and Residential Areas, stipulate that the provision and handover of Public Works (PSU) is the developer's responsibility after the construction process is completed. This obligation aims to ensure the continued management of public facilities by local governments for the benefit of the community.<sup>3</sup>

Empirical conditions in Batam City show that the implementation of the obligation to hand over PSU is not running as it should.<sup>4</sup> Based on the results of mentoring between the Batam City Housing, Residential Areas, and Parks (Perkim) Agency and the Batam District Attorney's Office, it was found that of 671 housing complexes, only 365 had submitted PSU handover requests by early 2025. This data indicates that developer compliance with PSU handover obligations remains low. Most developers have not submitted documents, have not completed technical requirements, or have not even responded to request letters from local governments.

The problem is further complicated by the fact that 306 housing complexes have not yet submitted a PSU handover application. This creates a vacuum in public facility management authority, as the government cannot repair or upgrade facilities without legal status as regional assets. This situation directly impacts the community, with examples including damaged neighborhood roads, clogged drainage, and poorly maintained social facilities.

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<sup>1</sup> INE Laia, L. Salsabila, and KT Loden, "Ambiguity and Economic Growth in Batam City," Proceedings of the National Seminar on Social Sciences and Technology (SNISTEK), 6 (2024), p. 240.

<sup>2</sup> F. Sabilia, I. Caisarina, and A. Salsabila, "Identification of Characteristics of Slum Settlement on Krueng Daroy Riverbanks," Rumoh Journal of Architecture, 11(2) (2021), p. 40.

<sup>3</sup> F. Kurniawan, R. Salman, E. Agustin, and IG Pratidina, "Strengthening the Regulatory Model in the Field of Infrastructure Provision Financing in Indonesia," UNIID Symposium II 2017, 2(1) (2017), p. 175.

<sup>4</sup> M. Miswulandari, Legal Review of Criminal Law for Corporations in the Housing and Residential Area Sector, Dissertation, Sultan Agung Islamic University, 2024, p. 23.

Concrete examples of Public Procurement (PSU) obstacles are evident in several major developer projects in Batam. Projects by PT Glory Point, such as Glory Tanjung Riau, Glory Tiban Indah, Glory Sadai, Glory Hill, and Glory Royal Residence, exhibit a significant variety of issues. Some housing developments have not yet submitted Public Procurement (PSU) applications despite construction completion, housing developments with incomplete PSUs or undeveloped roads, and housing developments facing land status issues and unpaid property tax (PBB) arrears. These findings were recorded in the Minutes of the Perkim Meeting dated September 16, 2025, which showed that several projects were in red or yellow status due to document discrepancies or unfulfilled obligations by the developers.

Another obstacle is evident in the process of sending Request Letters (SP) from the Public Works and Housing Agency to developers. According to progress documents, of the 306 housing complexes that have not yet submitted applications, 160 have received SPs, but the response has been minimal. A total of 111 housing complexes received SP1s, 34 received SP2s, and 15 received SP3s, but many still have not submitted responses or the required documents. This situation reflects the limited effectiveness of administrative measures taken by local governments in encouraging developer compliance.

The developer's non-compliance resulted in the government being unable to budget for the construction or maintenance of the public water utility (PSU), as the facility was not yet a government asset. The public suffered the most, as the PSU is a vital element for the comfort and security of their homes. This situation created legal uncertainty regarding who was responsible for managing this public facility.<sup>5</sup>

Efforts to overcome these obstacles have been made through a legal assistance mechanism by the Batam District Attorney's Office through the State Attorney (JPN). The JPN's authority is stated in Article 30 paragraph (2) of the Attorney General's Law,<sup>6</sup> which mandates the prosecutor's office to provide legal assistance, legal considerations, and other legal actions to the government. The Batam City Government, through the Department of Housing and Settlements, officially submitted a Request for Legal Assistance on January 13, 2025, which was then followed up with a Legal Assistance Order Letter PRIN-1676/L.10.11/Gph.2/07/2025, as the basis for implementing legal assistance.

*Legal assistance* the services provided by JPN include legal analysis of developer documents, assistance in coordination meetings, legal recommendations regarding mechanisms for accelerating the handover of PSU, and mediation between local governments and developers. In several official meetings, JPN

<sup>5</sup> MJ Siregar, "New City Development Policy in Indonesia: Between Business Facilitation and Public Services," NALARs, 11(2) (2012), p. 121.

<sup>6</sup> Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia (jo. Law No. 11 of 2021).

provided input on document completeness, improvements to PSU SOPs, and legal steps that can be taken if developers remain non-compliant. This form of assistance strengthens the government's legal position and provides a more measurable direction for resolution.

One concrete illustration is seen in PT Tanamas Duta Niaga's response letter, which stated that the PSU could not be handed over due to internal issues and land administration. JPN's assistance helped the government assess whether this reason had a strong legal basis or was simply a form of deferral of obligations. JPN's presence provided certainty for local governments in determining appropriate and measured legal action.

Academic studies on the role of the Prosecutor's Office (JPN) in resolving public disputes (PSU) are still very limited. Previous research has tended to discuss the JPN's authority in general in civil and state administrative matters without detailing the practice of providing assistance in very specific cases, such as housing PSUs. This gap highlights the need for further research that incorporates aspects of administrative law, regional asset governance, and the effectiveness of non-litigation prosecutorial actions in resolving public issues.

## **2. Research Methods**

Empirical legal research is an approach that focuses on the application of normative rules in real contexts in society or the field.<sup>7</sup> This approach is also known as a sociological approach, as it seeks to understand how law operates in the social interactions between local governments, housing developers, and the State Attorney General of the Batam District Attorney's Office. With this approach, the research not only examines the laws and regulations regarding PSU but also examines the practice of implementing legal assistance in resolving PSU handovers in Batam City.

## **3. Results and Discussion**

### **3.1. Implementation of Legal Assistance by the State Attorney Overview of the Batam District Attorney's Office and the Role of the JPN**

The Batam District Attorney's Office is a law enforcement agency that exercises the authority of the Republic of Indonesia's Attorney General's Office at the city level, including civil and state administrative functions through the DATUN Section. The JPN at the Batam District Attorney's Office is responsible for providing legal assistance, legal advice, and other legal actions to the local government in order to protect the legal interests of the state and the public. This role is crucial in Batam City because hundreds of housing complexes require verification and

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<sup>7</sup> Abdulkadir Muhammad, 2004, Law and Legal Research, Bandung: Citra Aditya Bakti, p. 134

completion of the obligation to hand over PSU (Public Land Ownership) from developers to the local government.

Empirical conditions indicate that Batam City has 671 housing complexes, with 365 housing complexes having submitted PSU applications, while 306 housing complexes have not submitted any applications at all. This administrative backlog has prevented the government from managing public facilities as regional assets. The Batam District Attorney's Office, through the JPN, is present to strengthen the legal capacity of the Batam City Government, particularly the Housing, Residential Areas, and Parks (Perkim) Department, in addressing these obstacles. JPN assistance is carried out based on a Perkim Legal Assistance Request Letter and is reinforced by a Legal Assistance Order.

The JPN's role becomes significant when the government faces uncooperative developers, incomplete documentation, and discrepancies between physical and administrative data. As the state's legal advisor, the JPN ensures that every government action is within the law.

### **Stages of Implementation of Legal Assistance in Resolving PSU**

The implementation of legal assistance by the State Attorney (JPN) of the Batam District Attorney's Office in the settlement of Public Infrastructure, Facilities, and Utilities (PSU) is a structured, systematic process, and is based on a predetermined legal framework. This legal assistance is implemented to support the Batam City Government in resolving various administrative and substantive issues that hinder the PSU handover process from the developer to the local government. The legal assistance stages not only function as a form of legal protection for the government, but also provide legal certainty in the provision of public services. The implementation of legal assistance includes several main stages that are interrelated, starting from the application stage to the completion and asset recovery stage.

a. The first stage is a request for legal assistance from the Batam City Housing, Residential Areas, and Parks Agency (Perkim). The request was submitted after the government discovered various serious issues related to the Public Land Use (PSU), including the high number of housing complexes that had not yet submitted their PSU. Data shows that of the total 671 housing complexes in Batam City, only 365 have submitted the handover process, while 306 housing complexes have not submitted any application at all. This situation creates uncertainty in the management of public facilities. The Batam District Attorney's Office then followed up on the request for assistance by issuing a Legal Assistance Order, which provides the legal basis for the JPN to carry out its duties.

b. The second stage is a problem inventory and administrative analysis. At this stage, the JPN collects all documents and lists of housing developments that have submitted PSU handover applications, as well as housing developments

categorized as problematic. The inventory is conducted by reviewing company legal documents, approved site plans, permit documents, as-built drawings of utility networks, and land status data. The inventory results indicate that most developers lack complete documentation, and many lack final site plans or legal documents related to PSU technical matters. These initial administrative findings serve as the basis for the JPN to determine the direction of further assistance.

c. The third stage is clarification and coordination meetings with developers. The National Land Agency (JPN) was present alongside Perkim (Ministry of Housing and Settlements) in a series of technical meetings with various developers. These meetings discussed obstacles preventing developers from submitting their PSUs. In several meetings, developers such as PT Tanamas Duta Niaga and PT Glory Point cited reasons related to delays and internal obstacles, including land issues, incomplete documents, and the need for technical adjustments. The JPN served as a legal enforcer in these meetings, explaining developers' obligations under regulations and issuing administrative warnings in the event of non-compliance. The JPN's presence legitimized the clarification process, encouraging developers to be more cooperative.

d. The fourth stage is technical verification and field inspection. In this process, JPN not only provides administrative assistance but also ensures compliance between documents and field conditions. Field inspections are conducted in conjunction with the Perkim technical team to evaluate whether the PSU being constructed complies with standards and regulations. Field findings indicate that many PSUs do not meet standards, such as unpaved neighborhood roads, clogged or improperly installed drainage channels, incomplete electricity and clean water networks, and incomplete social facilities. These non-conformities are recorded in the inspection report, which then forms the basis for legal recommendations.

e. The fifth stage is providing legal recommendations and resolution directions. The Prosecutor's Office (JPN) issues recommendations to the Housing and Settlement Agency (Perkim) regarding legal steps the government can take. These recommendations include requests for document revisions from developers, orders to improve the physical condition of the Public Works Unit (PSU), clarification of land ownership status, and affirmation of the obligation to hand over the PSU in accordance with statutory regulations. These recommendations are not coercive like a court ruling, but they have strong persuasive power because they are issued by the Prosecutor's Office, a state institution. Many new developers demonstrate good faith after the JPN issues legal recommendations.

f. The sixth stage is mediation and facilitation of conflict resolution. In some cases, the JPN mediates disagreements between local governments and developers, particularly when there are differing interpretations of PSU development obligations or the status of assets to be transferred. This mediation is crucial for preventing legal disputes and expediting administrative resolution.

The JPN assesses the issue based on legal provisions and then offers a compromise to avoid stalling the process.

g. The seventh stage is strengthening legality and preparing a handover report. If the developer has fulfilled its obligations, both in terms of documentation and physical condition, the JPN will assist the government in preparing the PSU handover report. This document serves as formal proof that the PSU has been handed over and is ready to become a regional government asset. This stage finalizes the legal assistance as it provides the legal basis for the government's management of the PSU.

h. The eighth stage is the recovery and rescue of regional assets. JPN's assistance has resulted in the handover of PSUs from 12 developers with a total asset value of Rp 631,798,523,000. This demonstrates that legal assistance not only expedites administration but also significantly impacts the rescue of state assets.

The legal assistance provided by the Batam District Attorney's Office (JPN) is carried out through a measurable mechanism, built on intensive coordination, in-depth legal analysis, and technical collaboration with the local government. These stages ensure that the repurchase process is carried out in accordance with the principles of legality, accountability, and public interest. This assistance not only improves administrative processes but also increases developer compliance and strengthens the government's position in upholding legal obligations.

### **Field Findings regarding the Implementation of Legal Assistance**

Field findings in the implementation of legal assistance by the State Attorney (JPN) of the Batam District Attorney's Office describe the actual conditions of the implementation of the handover of Infrastructure, Facilities, and Public Utilities (PSU) in various residential areas in Batam City. These findings were obtained from the results of coordination meetings, minutes of meetings with developers, examination of administrative documents, physical verification of the field, and the results of evaluations of developer responses to government requests. Field findings provide a comprehensive picture of the real obstacles faced by local governments and how JPN plays a role in addressing them.

Batam City has a total of 671 housing complexes, but only 365 have submitted their land use (PSU) handover requests, while 306 have not submitted any requests at all. This situation creates a significant disparity between the number of residential areas occupied by residents and the number of PSUs legally handed over to the local government. This data imbalance is a key factor in the need for legal assistance so the government can take appropriate and measured legal action.

### **3.2. Inhibiting Factors in Completing PSU Handover**

#### **1) Obstacles from Local Government**

Obstacles from local governments are a significant factor contributing to the slow and suboptimal handover of Public Infrastructure, Facilities, and Utilities (PSU) in Batam City. These obstacles stem from various internal factors related to coordination, regulations, human resources, and the institutional capacity of the technical agencies handling PSU completion. Analysis shows that despite government efforts to improve administrative mechanisms, several fundamental obstacles remain that directly impact the effectiveness of PSU completion.

The local government faces challenges in inter-agency coordination. Batam City has a complex authority structure, as land management involves the Batam City Government, the Batam Development Authority (BP Batam), and other technical agencies. Inconsistencies in regulations and information between the Perkim (Regional Housing Authority) and BP Batam often lead to discrepancies in Public Works (PSU) data, particularly regarding land status, PSU area, utility network layout, and the designation of social facilities. These discrepancies make the technical verification process more time-consuming, as the government must ensure the data used is completely valid before requiring developers to make corrections.

#### **Obstacles from Housing Developers**

Obstacles from developers are the most dominant factor hindering the handover of public utilities (PSU) to local governments. These obstacles vary widely, ranging from non-compliance, limited financial capacity, technical negligence, to internal legal issues within the companies. Analysis of various meeting minutes and Perkim data indicates that obstacles from developers are the primary reason why many public utilities (PSU) in Batam City have not yet been officially handed over to the government.

The first obstacle is developer non-compliance with construction and PSU handover obligations. Many developers failed to respond to SP1, SP2, or SP3 request letters. This non-compliance demonstrates a low level of commitment to fulfilling legal obligations. Some developers even failed to attend clarification meetings despite being officially invited. This non-attendance prevented the administrative process from proceeding, as clarification is a crucial step before technical verification.

The second obstacle is incomplete administrative documentation. Many developers lack updated legal documents for their business entities, approved final site plans, as-built drawings of utility networks, and land certificates. Some developers simply submit irrelevant or outdated documents. Incomplete technical

documentation prevents the government from ensuring that the public utility company (PSU) complies with the obligations agreed upon in the initial permit.

The third obstacle arises from the PSU's physical condition not meeting technical standards. Field inspections reveal various problems, such as unpaved neighborhood roads, dysfunctional drainage, incompletely installed utilities, and never-built social facilities. Developers often argue that PSU construction is expensive and is often neglected for efficiency or internal company reasons. This discrepancy results in the PSU not meeting the handover requirements, preventing the government from taking over.

### **PSU Technical and Administrative Barriers**

Technical and administrative obstacles in the completion of a PSU are significant factors because they are directly related to the physical quality of the PSU, the legality of documents, and data consistency between developers, local governments, and other agencies. These obstacles slow down the PSU handover process and often require repeated inspections, prolonging the completion time.

The first technical obstacle is the physical inconsistency of the PSU with established standards. Field inspections with the National Land Agency (JPN) and the Ministry of Housing and Settlements (Perkim) revealed that many PSUs did not meet minimum technical standards. Neighborhood roads were found to be unpaved, lacking shoulders, or with damaged surfaces. Many drainage channels lacked the required slope, leading to water pooling. Green open spaces and social facilities were not built despite being listed in the site plan. Utilities such as clean water, electricity, and telecommunications networks were not fully installed or did not meet the technical standards of the relevant operators. These inconsistencies prevented the PSUs from being handed over, as they could impose a long-term burden on the government.

Another technical obstacle relates to the lack of technical oversight during construction. Many developers fail to adhere to the approved technical specifications due to the lack of regular government inspections. Without oversight, developers are free to make inappropriate changes to reduce construction costs. When the PSU is ready for handover, these changes become major problems because technical standards are not met.

The first administrative obstacle is incomplete documentation submitted by developers. Documents such as as-built drawings, utility installation drawings, land certificates, and final site plans are often missing. Many developers also fail to submit supporting documents such as construction reports, PSU technical summaries, or approval documents from other agencies. Incomplete administrative documents prevent the government from evaluating whether developers have properly fulfilled all development obligations.

## **Solutions to Obstacles in PSU Settlement**

Solutions to the obstacles to resolving the PSU (public procurement) process need to be developed comprehensively, as the obstacles arise from various aspects, ranging from institutional, technical, and administrative aspects to developer behavior. A solution-oriented approach must involve legal action, capacity building, system improvements, and integrated coordination between the local government and the Batam District Attorney's Office.

The first solution is to strengthen cross-agency coordination. The regional government needs to establish a coordination system between Perkim, BP Batam, other technical agencies, and the National Land Agency (JPN) to ensure consistent PSU data. Integrated coordination will reduce data discrepancies that have hampered technical verification. Establishing a PSU coordination forum involving all parties could be a strategic step to regularly align information.

The second solution is to build an integrated PSU database system. Data related to PSU status, developer documents, locations, and completion progress should be stored in a digital information system. This system will simplify document tracking, expedite administrative processes, and minimize data errors. The government can establish standard document formats that developers must use.

The third solution is to improve technical oversight from the outset of construction. Local governments can establish regular inspection mechanisms to ensure that the power plant (PSU) construction adheres to technical standards. This oversight from the outset will reduce the likelihood of non-compliance during handover.

The fourth solution is to utilize intensive legal assistance from the National Land Agency (JPN). JPN plays a crucial role in overseeing the administrative process, providing confirmation to developers, and assisting the government in assessing the legality of documents. This assistance can be extended to the early planning stages to ensure developers understand their obligations from the start of construction.

### **3.3. Analysis of Field Findings**

#### **1) Analysis of Field Findings with the Theory of Legal Certainty**

Analysis of field findings based on the theory of legal certainty indicates that various issues related to public procurement (PSU) in Batam City are rooted in ambiguity, non-compliance, and irregularity in the administrative and construction processes undertaken by developers. Legal certainty theory emphasizes the importance of clear, consistent, and predictable legal norms to regulate the behavior of the parties. Field findings indicate that this ideal condition has not been fully achieved in resolving PSU.

Data shows that of 671 housing developments, only 365 have submitted a PSU handover request, while 306 have not submitted a request at all. This situation reflects a lack of legal certainty because developers' obligations to hand over PSU are not being implemented according to regulations. This non-compliance prevents the government from officially managing public facilities, leaving residents in a state of uncertainty regarding the management of roads, drainage, open spaces, and housing utilities.

Incomplete administrative documents also reflect a lack of legal certainty. Many developers lack final site plans, as-built drawings, valid land certificates, and updated legal documents. This discrepancy between documents and field conditions indicates a lack of consistency between legal provisions and practice. This contradicts the legal certainty aspects proposed by Gustav Radbruch, particularly the elements of "clear formulation," "stability of rules," and "fact-based application of law." When developers fail to comply with technical and administrative standards, the rules that should provide certainty become ineffective.

#### **Relevance of Findings with Previous Research**

Analysis of the field findings demonstrates significant relevance to previous studies on developer obligations, the role of local governments, and the involvement of State Attorneys in resolving public asset issues. Previous research generally indicates that public asset management (PSU) problems in various regions in Indonesia are often caused by developer non-compliance, weak government oversight, and administrative inefficiency. Field findings in Batam City reinforce these conclusions.

Previous research has shown that many developers fail to submit their PSUs due to financial constraints, lack of legal awareness, and weak government sanctions. Field findings in Batam show a similar pattern: many developers fail to complete documentation, fail to respond to summonses, and fail to attend coordination meetings. Administrative irregularities were also identified as a major obstacle, as confirmed by previous research, which found that local governments often lack an integrated PSU database. Findings in Batam similarly suggest a lack of synchronization of data between Perkim and BP Batam.

#### **4. Conclusion**

The effectiveness of the JPN's legal assistance role in resolving the Public Works Procurement (PSU) in Batam City is influenced by a number of obstacles arising from various parties. Obstacles from the local government include limited technical human resources, a lack of integration of the PSU database, weak initial supervision, and suboptimal coordination between the local government and the Batam Free Trade Zone Authority (BP Batam). Obstacles from developers include non-compliance with request letters (SP1-SP3), incomplete documents, non-

conformity of the PSU's physical structure with technical standards, internal company issues, and problematic land status. Technical-administrative obstacles include data asymmetry, inappropriate construction specifications, and the complexity of asset legalization. Solutions to overcome these obstacles include strengthening cross-agency coordination, developing an integrated PSU database, increasing supervision from the start of construction, disseminating procedures to developers, implementing stricter administrative sanctions, facilitating mediation by the JPN, and utilizing more intensive legal assistance. These solution-oriented steps can increase the effectiveness of PSU resolution and strengthen the JPN's role as a strategic partner of the government.

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