

# Legal reconstruction of dual authority: The mayor's ex-officio role in Batam City governance

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## Abstract

Batam City is a national strategic area with the status of a Free Trade Zone and Free Port, managed under the Batam Development Authority (BP Batam). The dualism of authority between the Batam City Government and BP Batam creates overlapping functions, licensing delays, and investment barriers. To address this issue, Government Regulation Number 62 of 2019 was issued, establishing an ex-officio policy where the Mayor of Batam simultaneously serves as Head of BP Batam. This research uses a normative juridical method with statutory, conceptual, legal philosophy, and comparative approaches to analyze the ex-officio policy from the perspective of General Principles of Good Governance (AUPB) and rule of law principles. The research findings show that this policy effectively improves coordination, accelerates services, and promotes economic growth, but still leaves legal issues including normative gaps regarding authority limits, accountability mechanisms, potential conflicts of interest, and minimal public participation. Therefore, this research recommends regulatory reconstruction through Government Regulation that clearly distinguishes the authorities of the City Government and BP Batam, establishes legally binding coordination procedures, and strengthens oversight mechanisms and community participation. These efforts are expected to create effective and accountable institutional governance in accordance with constitutional principles.

**Keywords:** *ex officio, mayor of Batam, Batam Authority, general principles of good governance, legal policy*

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## 1. Introduction

Indonesia as a unitary state divides the administration of government into two levels, namely central government and regional government, as stipulated in Article 18 of the 1945 Constitution of the Republic of Indonesia. The city of Batam is a national strategic area that has a geostrategic position on international shipping routes and borders directly with Singapore, so that since 1984 it has been established as a model for capital and investment. Its development has led to a dualism of authority between the Batam City Government and the Batam Free Trade Zone and Free Port Authority (BP Batam), particularly in land management, licensing, and development. This dualism is rooted in the provisions of Government Regulation No. 46 of 2007, which establishes the management of free trade zones by BP Batam under the President, while also implying an overlap of functions and authority with the local government.

The existence of regional autonomy in Batam has led to dualism of authority between the Batam Government and the Batam Authority. There is an overlap of authority in several areas in Batam, including licensing, land management, facilities and assets, and others. Various problems have arisen due to this dualism, resulting in a decline in investment, slowed economic growth in Batam, and a decrease in Batam's competitiveness. The government has implemented a Free Trade Zone (hereinafter referred to as FTZ) as a strategy to enhance global competitiveness (Hidayat & Hidayat, 2010). The main problem studied is how this dualism of authority affects governance and how the ex-officio policy can serve as a solution to these issues. This directly impacts reduced employment opportunities, stagnation of the manufacturing industry, and the weakening of Batam's attractiveness as a strategic investment area.

Global competitiveness is an annual report from the World Economic Forum that provides an assessment of a country's welfare. According to the Global Competitiveness Report, a country's welfare is determined by its economic productivity, which is measured by the value per unit of goods and services compared to the population, capital, and natural resources. Increasing foreign exchange reserves from foreign investment inflows into the region, as well as attracting domestic investment to develop export-oriented industries, are the objectives of the FTZ. Meanwhile, the purpose of implementing the FTZ in Batam is to advance the domestic manufacturing industry, thereby increasing employment, production volume, and export value. However, to date, the implementation of the FTZ has deviated from

its original objectives. The implementation of the FTZ in Batam has actually deviated from its original objectives, as reflected in investment stagnation and low public participation in decision-making.

When the government first began developing this policy, the objective was to prepare Batam City as an industrial, trade, ship transfer, and tourism zone. Additionally, Batam City was developed based on the progress of neighbouring countries directly adjacent to Batam City, which at the time was still a sub-district, thereby granting the city its special status. Pursuant to Article 6(2)(a) of Presidential Decree No. 41 of 1973 on the Batam Island Industrial Zone (hereinafter referred to as Presidential Decree No. 41 of 1973), Batam Island, with its status as an Industrial City, was granted management rights to the Chairman of the Batam Authority. With this regulation, it is hoped that it will promote development and ensure the growth of Batam City as an Industrial City. Further, the land area within Batam City is further explained in Minister of Home Affairs Decree No. 43 of 1977 on Land Management in the Batam Island Industrial Area (Ministerial Decree No. 43 of 1977) and Presidential Decree No. 28 of 1992 on the Expansion of the Work Area of the Batam Island Industrial Area. The history of this regulation needs to be understood systematically as it forms the basis for the emergence of the dualism of authority as well as the urgency of this research.

The granting of management rights continues despite changes to the status of Batam City to a free trade zone and free port in 2007. Specifically, for Batam City, Government Regulation No. 46 of 2007 was issued, with several amendments regulated in Government Regulation No. 5 of 2011 on Amendments to Government Regulation No. 46 of 2007 on the Batam Free Trade Zone and Free Port. In 2019, President Jokowi signed Government Regulation No. 62 of 2019 on the Second Amendment to Government Regulation No. 46 of 2007 on the Batam Free Trade Zone and Free Port. In GR No. 62 of 2019, it is explained that BP Batam will be led by the Mayor or a dual role as Head of Government and Head of BP Batam, thereby resolving the dualism issue that has long been the biggest obstacle in the governance system of Batam City. With the appointment of the Mayor of Batam as Ex-Officio of BP Batam (Subekti & Tjitrosoedibio, 1979). Therefore, this research explicitly aims to analyze the effectiveness of the ex-officio policy from the perspective of General Principles of Good Governance (AUPB) and rule of law principles, while simultaneously identifying the remaining normative weaknesses.

This research has uniqueness compared to previous studies because it highlights the ex-officio policy in the specific context of Batam, which has the status of a Free Trade Zone and Free Port. Unlike studies on special regions such as Special Administrative Regions in China or Union Territories in India that focus more on regional autonomy relations with central control, this research provides a new perspective by linking ex-officio practices with the implementation of AUPB and rule of law principles. Thus, this research not only contributes to the literature on special regional governance, but also expands academic discourse on how constitutional principles are applied in unique institutional designs in Indonesia.

The research questions formulated are: (1) what are the legal and governance implications of the ex-officio policy of the Mayor of Batam as Head of BP Batam? (2) to what extent is this policy aligned with AUPB and rule of law principles? (3) what kind of regulatory reconstruction model can address the dualism of authority and strengthen government accountability?

By formulating research objectives and questions clearly, this research contributes theoretically in enriching constitutional law studies related to the dualism of authority in special regions, as well as practically providing policy recommendations for the government to realize effective, accountable, and participatory institutional governance.

## **2. Literature Review**

### ***2.1. Authority in Indonesian Administrative Law***

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 *Introduction to Indonesian Administrative Law*, Philipus M. Hadjon (2002) emphasises that authority is obtained through three sources: attribution, delegation, and mandate. Hadjon further explained the difference between delegation and mandate: delegation involves the transfer of authority from one government body to another, while a mandate concerns execution on behalf of the mandator without transferring legal responsibility.

In Indonesia's administrative and judicial legal system, authority is defined as the rights and powers granted by legislation to certain officials (Pakpahan et al., 2024) or institutions to act or make decisions that are binding on other parties (Berlian & Vega, 2023). Authority can be classified into several types, including attributive authority, delegative authority, mandate authority, and ex officio authority.

## ***2.2. Ex Officio Authority***

Ex officio authority refers to power inherent in a position without requiring delegation or a specific request, and it remains inherent as long as the position is held (Ridwan, 2016). In religious court practice, ex officio authority is often exercised when judges issue rulings on ‘iddah, mut’ah, and madliyah alimony even if not requested by the respondent, based on Article 41(c) of Law No. 1 of 1974 on Marriage. Legally, this authority is sometimes questioned due to the prohibition of the ultra petita principle, stipulated in Article 178(3) of the HIR, which forbids judges from ruling beyond what is requested.

The Supreme Court has positioned ex officio authority as an instrument to fulfil Gustav Radbruch's three legal objectives, certainty, justice, and utility, so that its validity is measured not only by procedural formalities but also by the pursuit of substantive social justice (Satjipto, 2014). In administrative practice, ex officio authority manifests in two ways: (1) Ex officio administrative officials, who exercise authority because of their position, such as issuing permits, recommendations, and supervision; (2) Ex officio judges/courts, who have the authority to establish facts, apply the law, and enforce legal protection even beyond the parties' petitions when necessary for justice. Legal scholarship views ex officio authority as an instrument of legal protection inherent in the judicial function to uphold substantive justice (Jamil & Nur, 2022).

## ***2.3. Dual Authority and the Principles of Good Governance (AUPB)***

Dual authority (ex officio) in governance often sparks debate because it raises issues of separation of functions, accountability, and the prevention of conflicts of interest. The normative foundation for evaluating dual authority lies in the Asas-Asas Umum Pemerintahan yang Baik (AUPB), as set out in Article 1(17) and Article 10(1) of Law No. 30 of 2014 on Government Administration. The AUPB includes principles of legal certainty, utility, impartiality, diligence, prohibition of abuse of authority, transparency, public interest, and quality service, serving as the ethical and legal pillars of governance. Hadjon (2002) argues that AUPB is not merely an ethical principle but also a normative standard to evaluate the legality of public officials' actions, including dual authority, in order to prevent maladministration.

#### ***2.4. Constitutional and Normative Foundations***

The 1945 Constitution of the Republic of Indonesia is recognised both as a product of history and as a guide through the nation's political dynamics (Fadjar, 2003). Its interpretation has given rise to diverse political and legal practices over time. Three key issues emerge in the case of Batam's governance arrangement, where the mayor simultaneously serves as the head of BP Batam:

***Philosophical problem (ontological aspect).*** The change in the mayor's authority requires adjustments in administrative procedures and AUPB application. However, Government Regulation No. 62 of 2019 lacks sufficient reliance on AUPB as a foundation for governance. As a result, the absence of regulations that align the mayor's ex officio authority with AUPB constitutes an incomplete legal norm (uncomplete norm) requiring immediate formulation.

***Normative problem (constitutional norms).*** The AUPB has not yet been explicitly integrated into the 1945 Constitution as a basis for the exercise of authority by the mayor of Batam, who also serves ex officio as head of BP Batam. This omission results in incomplete norms, as the Constitution (e.g., Article 7A) does not adequately regulate the breadth of authority held by the mayor, making the position vulnerable to misuse.

***Theoretical problem (limitation of authority).*** The absence of AUPB as a legal basis contradicts the principle of limitation of authority, which is meant to prevent abuse of power (*détournement de pouvoir*). Since the Constitution serves to establish and restrict state power, the incorporation of AUPB as a normative foundation is essential for the exercise of authority by the mayor of Batam in his dual role.

### **3. Methodology**

This study employs a normative legal research method (doctrinal research), which places law as a binding norm and principle. Its primary focus is to reconstruct the legal politics of regulating the dual authority of the Mayor of Batam as ex-officio Head of BP Batam, based on the principles of Asas-Asas Umum Pemerintahan yang Baik (AUPB) as stipulated in Law No. 30 of 2014 on Government Administration. The research is designed qualitatively using a normative-juridical approach, with the aim of examining the consistency and completeness of norms governing the dual authority of the Mayor of Batam, while at the same time offering a

conceptual model for regulatory reconstruction that is consistent with the rule of law and the principles of AUPB.

To achieve this, the study employs several approaches. A statutory approach is used to analyse the 1945 Constitution of the Republic of Indonesia, Law No. 23 of 2014 in conjunction with Law No. 9 of 2015 on Regional Government, Government Regulation No. 46 of 2007 in conjunction with Government Regulation No. 62 of 2019 on the Batam Free Trade Zone and Free Port, and other relevant legal instruments. A conceptual approach is applied to discuss theories of authority, including attribution, delegation, mandate, and ex-officio authority. A legal philosophy approach is adopted to examine the ontological, epistemological, and axiological dimensions of authority and governance. In addition, a comparative approach is undertaken to review institutional models of special regional governance in other countries that may serve as references for reconstructing Indonesia's regulatory framework.

The legal materials analysed in this research consist of three categories. Primary materials include the 1945 Constitution, laws and government regulations relating to regional government and the Batam Free Trade Zone, as well as relevant court decisions. Secondary materials consist of academic literature, journal articles, expert opinions in administrative law, and publications on regional governance and ex-officio practices. Tertiary materials, such as legal dictionaries, encyclopedias, and other supporting references, are also utilised. Data is collected through library research, employing literature searches, documentation, and legal document analysis.

The analysis of data is conducted using four methods: deductive, inductive, interpretive, and constructive. Deductive analysis is used to derive normative implications from existing legal principles, while inductive analysis draws conclusions from practices related to ex-officio authority. Interpretive analysis addresses multi-interpretable norms, and constructive analysis is applied to build a conceptual model of regulation aligned with the principles of AUPB. Research validity is ensured through the triangulation of legal sources, including primary, secondary, and tertiary materials, and by comparing findings with administrative law theory and practices in other regions.

This research, however, has limitations due to its normative character. It does not analyse the direct empirical impacts of ex-officio authority on actors and stakeholders in Batam. For this reason, further studies are recommended to complement the results of this research with empirical approaches, such as surveys, interviews, or field-based case studies, in

order to provide a more comprehensive understanding of the implications of ex-officio authority in governance.

## **4. Findings and Discussion**

### ***4.1. Legal Policy in the Formation of Ex-Officio Policies in Batam City***

The ex-officio policy in Batam City, which establishes the Mayor of Batam as the Head of the Batam Business Entity (BP), is a form of institutional arrangement that is laden with political and legal dimensions (Ritonga et al., 2022). This arrangement is regulated through Government Regulation No. 62 of 2019 as an effort to overcome the long-standing problem of dualism of authority between the Batam City Government and BP Batam. For years, this dualism has caused overlapping functions, policy disharmony, and delays in licensing and investment processes. From a legal policy perspective, this policy has led to a shift in the power structure, whereby one figure holds control over two institutions that are different in function but interrelated in the management of regional government and economy. Conceptually, this kind of centralisation can improve coordination, but at the same time it harbours the potential for serious problems related to regulation, distribution of authority, and public accountability (Abra, 2024).

The results of legal analysis show that the ex-officio policy has indeed succeeded in improving inter-institutional coordination and accelerating licensing processes and investment, as reflected in Batam's economic growth data which is higher than the national and provincial averages (Zaenuddin, 2025; Tari et al., 2024; Achmad et al., 2024). However, this effectiveness is only short-term because there are still fundamental problems in the form of normative gaps, unclear authority boundaries, and weak accountability mechanisms. Thus, these findings confirm an imbalance between administrative benefits and the risks of undemocratic governance.

From a legal legitimacy perspective, the existence of ex-officio positions in Batam has sparked debate because it is considered to deviate from the principle of decentralisation stipulated in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This article emphasises the importance of respecting the existence and rights of customary law communities and establishing a balanced structure of government between the central and regional levels. When one official holds two strategic positions with different scopes of authority, this balance is potentially disrupted. In the context of Batam, this situation came

under scrutiny when development policies for the Rempang Island area sparked community opposition. This case demonstrates how the centralisation of authority in ex-officio positions can disregard the principles of participation and protection of citizens' rights, especially when development policies conflict with the interests of local communities.

Additionally, this policy faces institutional challenges stemming from a lack of regulatory frameworks. To date, there are no clear technical regulations governing the procedures for appointing, removing, and holding accountable the Head of BP Batam who also serves as Mayor (Respationo, 2024; Handayani et al., 2024). The absence of detailed operational guidelines creates legal uncertainty, weakens the application of the AUPB, and opens up opportunities for maladministration. The legislative body, in this case the Indonesian House of Representatives, has even highlighted the potential for violations of regional government laws arising from this policy and proposed a review of its regulations. This situation indicates that the general legal basis needs to be supplemented with implementing regulations that govern ex-officio governance in detail, so that governance practices are not only formally valid but also comply with the principles of good governance.

To clarify the findings, the results Table 1 that compare aspects of effectiveness, accountability, and constitutional legitimacy of the ex-officio policy. This presentation helps illustrate the gap between administrative success and normative weaknesses.

**Table 1**

*Gap analysis*

| <b>Aspect</b>    | <b>Main Findings</b>   |
|------------------|--|
| Effectiveness    | Accelerates coordination, services, and investment   |
| Accountability   | Weak, no clear control mechanisms exist yet  |
| Legal legitimacy | Potentially deviates from the decentralization principles of the 1945 Constitution, requires more detailed technical regulations |

In terms of actor dynamics, the formation and implementation of ex-officio policies in Batam shows the involvement of various parties with diverse interests. Findings shows that the actors involved can be grouped into the state, private sector, and community. The state group includes central and local government officials, including the Mayor who also serves as the Head of BP Batam. The private sector is represented by business actors and associations such as the Batam Chamber of Commerce and Industry (KADIN), while community elements are

represented by the mass media and local communities. Yet, community involvement in the policy formulation process is still very limited (Masse & Ilyas, 2024), similar to most countries in Asia and Africa (Begum & Ahmed, 2023; Islam & Rahaman, 2025). This condition shows the dominance of elite actors in decision-making, which in turn can weaken public accountability and reduce policy legitimacy. The situation is consistent with the findings, where although the ex-officio policy shows positive results in the investment climate, the dominance of state and private actors without community participation raises legitimacy issues. This aligns with previous literature on governance in special regions that emphasizes the importance of balance between administrative efficiency and public participation (Hao et al., 2022; Su et al., 2023; Dong et al., 2023).

This model, often likened to ‘one ship, one captain,’ is considered capable of simplifying decision-making processes, accelerating infrastructure development, and improving the investment climate. Economic growth data shows that during the implementation of ex-officio, Batam recorded a higher growth rate than the national and provincial averages, accompanied by a significant increase in foreign investment (Sahputra, 2023). For its supporters, these achievements prove that the concentration of authority can produce the administrative efficiency needed to manage a strategically competitive region at the international level. Although the economic results achieved are commendable, many studies emphasise that short-term success should not overshadow the principles of democratic and accountable governance (Pratiwi & Sari, 2017). Sound legal policy should ensure that institutional design is in line with the constitution and the principle of regional autonomy, so that power is not concentrated in the hands of a single figure or group. Therefore, institutional reconstruction is needed to clearly separate the positions of regional head and head of BP Batam, accompanied by strengthening coordination and supervision mechanisms. This reconstruction will not only prevent conflicts of interest and abuse of power, but will also build a stronger legal foundation for the sustainable management of Batam's free trade zone and free port.

The results of this research also have practical implications: (1) for policymakers, the need for derivative regulations to close normative gaps; (2) for academics, these findings can strengthen theory regarding the relationship between special institutional design and rule of law principles; and (3) for future research, it is important to add empirical studies on the impact of ex-officio on society and business actors.

#### ***4.2. Comparison of Special Regional Institutional Systems and Models in Other Countries***

Globally, countries design institutional models for special regions by considering the balance between local autonomy and national interests, and it is these differing objectives that shape the variety of institutional designs that exist. For instance, a comparative study of Special Administrative Regions in China shows that broad autonomy in the areas of law and foreign policy/paradiplomacy is used to maintain economic competitiveness and an international position that differs from other regions in the same country (Ip, 2016). In the United States, the status of the District of Columbia reflects a more centralised orientation: although D.C. has a local government governed by the Home Rule Act, Congress retains significant supervisory authority, creating a constitutional tension between the principles of local autonomy and federal oversight that is widely discussed in legal literature (Wright, 2014). In Australia, the Australian Capital Territory (ACT) combines real legislative autonomy with federal republic oversight mechanisms, including specific provisions on planning and national authority over strategic aspects of the capital city. In recent decades, the ACT has also become a laboratory for human rights policy (e.g., regional human rights legislation) (Walsh & Allen, 2024). Meanwhile, India's experience with Union Territories, particularly the NCT of Delhi, shows a hybrid model in which locally elected bodies operate alongside central executive oversight through the role of the Lieutenant Governor and legislative intervention. Recent legal debates have highlighted how control over “services” and central executive authority directly impact the quality of representation and accountability of local government (Singh & Singhal, 2021).

The cross-case comparison confirms that institutional design choices are not merely technical administrative matters, but rather reflect political priorities: whether a country chooses stability and central control, or flexibility and local autonomy. Each model has different consequences for accountability, government effectiveness, and the protection of citizens' legal rights (Turkel, 1987).

#### ***4.3. Evaluation of Ex-Officio Policy from a Constitutional Perspective***

From a constitutional perspective, ex-officio policies, namely the automatic appointment of officials to public office due to their other positions, need to be evaluated in terms of their compatibility with the basic principles of separation of powers, accountability, and government effectiveness. Theoretically, ex-officio practices can be considered legitimate

if they have a clear legal basis, strong administrative rationality, and do not interfere with the checks and balances mechanism (Traußnigg, 2025). However, in the context of local government, the combination of positions such as the Head of the Region who also serves as the Head of the Authority has the potential to create conflicts of interest and blur the lines of accountability (Schillemans & Bovens, 2011).

From the perspective of the rule of law, the construction of dual positions must be measured through their formal legality, including whether the arrangement has constitutional legitimacy and adequate implementing regulations (Sembiring, 2023). On the one hand, ex-officio can accelerate policy coordination and reduce overlapping authorities, especially in regions with special status that require central-regional policy synchronisation. On the other hand, the concentration of power in one figure can weaken horizontal and vertical oversight mechanisms and threaten the principle of power distribution that characterises a democratic rule of law state (O'donnell, 2004). Experience in several countries shows that such models are generally temporary and accompanied by strict oversight mechanisms, such as parliamentary oversight or judicial review, to ensure that the integration of positions does not evolve into absolute power practices. Thus, the evaluation of ex-officio policies must consider not only their administrative effectiveness but also their conformity with constitutional principles, especially the separation of powers, public accountability, and the protection of citizens' rights.

An empirical study of the application of ex-officio to the Head of BP Batam, where the Mayor of Batam serves as the Head of the Free Trade Zone and Free Port Authority ex-officio, shows that formal regulations do provide administrative legitimacy and help accelerate economic development policies, but also raise legal questions about accountability and potential conflicts of interest when one individual controls both local government functions and the authority to manage strategic areas (Achmad et al., 2024; Respationo, 2024). Other academic commentaries emphasise that such practices often succeed in improving central-regional policy coordination and the effectiveness of infrastructure project implementation, but only when accompanied by strong oversight mechanisms (e.g. procedural transparency, public financial reporting, and legislative/inspectorate oversight) to counterbalance the concentration of authority (Tari et al., 2024).

International comparisons enrich this assessment. In some US jurisdictions and authoritative port-related institutions, ex-officio membership makes the institutional structure

more connected to local government, thereby facilitating the synchronisation of transport policy and regional planning. However, classical legal studies also point to the risk of politicisation of public economic decisions if the control and accountability of independent institutions weaken (Tobin, 1958). Meanwhile, experiences in capital regions such as Delhi highlight how the arrangement of ex-officio positions or the delegation of central authority can trigger constitutional conflicts between central authorities (central representatives) and elected local governments. These cases warn that mechanisms for clarifying authority (e.g., through explicit legislation or court rulings) are essential to avoid administrative deadlock and the erosion of democratic legitimacy (Roychoudhury, 2023).

Based on empirical evidence and constitutional analysis, several evaluative principles can be drawn to assess ex-officio policies: first, legal legitimacy must be clear and testable; ideally, every ex-officio arrangement should be enshrined in legislation with a specific scope of authority; second, supporting oversight institutions (local legislature, public audit, litigation access) must be strengthened to curb potential abuse; third, the decentralisation of sensitive administrative functions (e.g. strategic asset management or licensing) requires countervailing mechanisms such as independent committees or stakeholder representatives to maintain a balance of public interests; and fourth, periodic evaluations based on performance indicators and legal-constitutional impact must be an integral part of ex-officio policy design. The combination of these principles helps ensure that the administrative benefits of the ex-officio model, such as rapid coordination and policy synergy, are not paid for with a loss of accountability and legal certainty (Paramita et al., 2021).

#### ***4.4. The Idea of Reconstructing the Authority of the Mayor of Batam***

The reconstruction of the authority of the Mayor of Batam needs to be placed within a clear legal framework as mandated by various laws and regulations. Law No. 53 of 1999 on the Establishment of Batam City explicitly stipulates that the working relationship between the Batam City Government and the Batam Development Agency must be regulated through government regulations; however, to date, the detailed regulations have not been implemented, leading to overlapping authorities. On the other hand, Law No. 36 of 2000 in conjunction with Law No. 44 of 2007 establishes Batam as a Free Trade Zone and Free Port, whose management is entrusted to the Batam Business Entity with strategic authority in the areas of land management, business licensing, and area development. This institutional arrangement was

further strengthened through Government Regulation No. 46 of 2007 (which has since been replaced, most recently by Government Regulation No. 41 of 2021), which stipulates that the Head of the Batam Development Agency is *ex officio* the Mayor of Batam. Meanwhile, Law No. 23 of 2014 on Regional Government provides the basis for the division of government affairs, but includes special areas such as Batam in separate regulations under central authority, thereby creating overlapping authorities that need to be clarified.

In this context, institutional reconstruction must begin with the formulation of a Government Regulation as mandated by Article 21 of Law No. 53 of 1999, which serves as the legal framework to clearly distinguish the exclusive authority of the City Government and the exclusive authority of the Development Authority. The City Government must have full authority in the administration of general government affairs, public services, urban spatial planning, education, health, and public infrastructure, while the Business Entity holds control over the management of free trade zones, free ports, strategic investments, and large-scale land allocation. Cross-functional areas, such as strategic spatial planning and business licensing that have an impact on city and regional development, can be established as joint authorities with legally binding coordination procedures.

Strengthening institutional coordination can be achieved through the establishment of a permanent coordination forum consisting of the Mayor of Batam, the Head of BP Batam, representatives of the City Council, and relevant elements of the central government. This forum should be formally mandated to synchronise policies, resolve authority disputes, and monitor the implementation of joint programmes. In addition, the Mayor's Regulation can be used as a technical instrument to regulate the delegation of authority to regional apparatus, harmonise the integrated licensing service system with BP Batam, and integrate regional planning documents (RKPD) with the master plan for regional development, which is the domain of the Development Agency. This integration of planning and budgeting is important to ensure that the direction of Batam City's development is in line with national strategic area policies. With a clear division of authority, institutionalised coordination mechanisms, and adequate legal foundations, Batam can end institutional dualism and transform into a model of effective, accountable, and rule-of-law-compliant special regional governance.

## 5. Conclusion

This study concludes that the ex-officio policy establishing the Mayor of Batam as the Head of the Batam Free Trade Zone and Free Port Authority based on Government Regulation No. 62 of 2019 has been effective in overcoming the dualism of authority that has hampered policy synchronisation between the central and regional governments. This policy has resulted in improved institutional coordination, accelerated licensing services, and growth in investment and the economy in Batam City. However, from a legal-constitutional perspective, this policy still leaves fundamental issues, including gaps in norms (incomplete norms) regarding the scope of authority and accountability mechanisms for ex-officio officials, potential conflicts of interest due to the concentration of power in one figure, and limited public participation in the policy formulation process. This situation has implications for the weakening of the application of the principle of separation of powers and the General Principles of Good Governance (AUPB), necessitating a restructuring of regulations in line with the principles of the rule of law and regional autonomy.

Theoretically, this research contributes to the development of constitutional law studies by showing how the ex-officio concept must be tested not only in terms of administrative effectiveness, but also its compatibility with constitutional principles, public accountability, and distribution of power. Additionally, this research can serve as a reference in comparative studies of special regional institutions in various countries.

The findings confirm that the ex-officio model cannot be assessed solely in terms of administrative effectiveness, but must be tested from the perspective of legality, accountability, and conformity with constitutional principles. Therefore, it is recommended that the central government immediately draft a Government Regulation as mandated by Law No. 53 of 1999 to clearly distinguish the exclusive authority of the Batam City Government and the Batam Business Entity, complete binding coordination procedures, and establish a supervisory mechanism involving the City DPRD, the inspectorate, and public audit institutions. In addition, the establishment of a permanent coordination forum representing the central government, regional government, and community needs to be institutionalised as a means of policy synchronisation, resolution of authority disputes, and strengthening public legitimacy for the administration of government in Batam City.

In practice, this remphasizes the need for coordination forums with clear authority, transparent procedures in licensing, and public accountability mechanisms through audits and

open reports. Empirical evidence from the Batam case shows that the success of ex-officio in promoting new investment can be sustainable if supervised by legislative institutions and active community participation. Compared to previous studies that focused more on political or administrative aspects in special regional arrangements, this research offers academic contribution by integrating normative-constitutional analysis and institutional comparison. The focus on applying AUPB principles and rule of law in ex-officio policy in Batam is the main differentiator, as it highlights accountability and legal legitimacy challenges that are often overlooked in comparative studies. Therefore, the findings of this research are not only relevant for national policy formulation, but also provide a conceptual foundation that can be used to assess special regional governance models in other countries.

The limitation of this research lies in its normative juridical nature, so it has not yet depicted the direct empirical impact on local actors, business players, and the community. Follow-up research with an empirical approach is greatly needed to assess how ex-officio policy affects governance implementation, public trust, and regional development effectiveness.

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