

Juridical Analysis Of Technology-Based Services To Support Increased Investment In The Free Trade Area And Free Port Of Batam (Research Study At The Batam Concession Agency)

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ABSTRACT. Technological developments to date have had a rapid impact on all aspects of life, including economic aspects and aspects of government administration; many things have arisen and have had positive impacts, such as ease of access to information and simplification of services by the government. So that technology-based services can be prepared and implemented based on a policy that cannot be separated from the legal theory that binds it. In order to support ease of investment services, the Government has initiated an Online Single Submission (OSS) system since October 2017 as an implementation of Presidential Regulation Number 91 of 2017 concerning the Acceleration of Business Implementation and has conducted concept trials in three locations, namely: Purwakarta, Batam, and Palu. The design of this Information Technology-based system is basically by interconnecting and integrating the existing licensing service system at BKPM/Central PTSP (SPIPISE), a regional PTSP that uses the Ministry of Communication and Information's SiCantik system. In practice, the licensing implemented uses a one-door system, which makes it quicker for investors to process port permits. In this case, BP Batam provides services in the form of Indonesia Batam Online Single Submission or IBOSS. Licensing that previously used manual or conventional methods has switched to an electronic system connected directly to the national system. Port permits are now also handled directly by the BP Batam One-Stop Integrated Services (PTSP) Directorate, which impacts the speedy completion of port permit processing. However, in implementing technology-based services, it is essential to pay attention to regulatory or legal aspects so that implementation remains safe and does not cause material or non-material losses. To safeguard data, the application guarantees that the data recorded by Business Actors is only for Business Licensing services. However, even though there are guarantees or clauses, comprehensive research must still be carried out regarding technology-based services in order to support increased investment, considering that data security is an essential thing in running services.

Keywords: Juridical Analysis, Technology-Based Services, Increased Investment, Free Trade, Free Ports

Introduction

The development of technology to date has had a rapid impact on all aspects of life, including the economic aspects and aspects of government administration; many things arise and have a positive impact, such as easy access to information and facilitated services by the government. The use of technology in the implementation of government is beneficial for all elements involved in it. This convenience also affects the level of the economy in line with economic globalization, which is a fundamental change in the world economy and will continue at an accelerated rate following technological changes, which are also accelerating.¹ Such as the implementation of investment which is one of the important things for economic development and improving the welfare of the people of Batam City.

¹ Tulus TH Tambunan, *Globalisasi dan Perdagangan Internasional*, (Bogor: Ghalia Infonesia Tahun 2004), hlm. 1.

Batam City, part of the Riau Islands Province, has a land area of 715 km² (square kilometers), while the total area reaches 1,575 km² (square kilometers)². The investment sectors developed in Batam City include manufacturing, services, tourism, and trade.³ The ease of investment is supported by Batam's strategic location in international trade, incentives such as exemption from import duties, VAT, and Income Tax, modern infrastructure, competitive investment costs for export-oriented industries, clean and healthy environment, and safety and comfort. In 2022, Batam's investment realization reached Rp. 13.63 trillion. Given Batam's strategic location for export-import, it is unsurprising that it has excellent opportunities for foreign investors. Foreign investment in Batam does not only come from Asian countries but also from European countries. If examined further, 64% of foreign investment comes from Singapore. European countries such as France and Germany are the second largest foreign investments in Batam. The other top five are Taiwan and Hong Kong.⁴

The location of Batam Island in terms of international trade routes is a busy route in the world and has a vital role as one of the gateways and spearheads for the Indonesian economy; this is the main thing considered to establish the Batam Area as a KPBPB. The unique and special geographical position makes Batam a central position because it can be used as one of the entry points for investment, goods, and services from abroad that can be used to improve the welfare of the Indonesian people.

Within the Batam Free Trade and Free Port Area, economic activities such as trade, industry, maritime, transportation, banking, tourism, and other fields are carried out by the Batam City Spatial Plan. In order to support the ease of investment service, the Government has initiated the Online Single Submission (OSS) system since October 2017 as the implementation of Presidential Regulation No. 91/2017 on the Acceleration of Business Implementation and has conducted concept trials in three locations, namely: Purwakarta, Batam, and Palu. The design of this Information Technology-based system is basically by interconnecting and integrating the existing licensing service system at BKPM / Central PTSP (SPIPISE), regional PTSP using the Ministry of Communication and Information's SiCantik system.

This is in line with the growth and development experienced by Batam, especially in the Free Trade Zone (FTZ) area. The government provides regulatory support to strengthen the Batam Free Trade Zone policy further. Through regulations regarding Free Trade Zones

² https://jdih.batam.go.id/?page_id=500 diakses terakhir pada 09 Mei 2023 pukul 21:03 WIB

³ <https://pusbang.bpbatam.go.id/detailpost/82-realisisi-investasi-di-batam-2022-berasal-dari-penanaman-modal-asing> diakses terakhir pada 09 Mei 2023 pukul 21:05 WIB

⁴ *ibid.*

and Free Ports (KPBPB) contained in Government Regulation (PP) Number 41 of 2021, one of which regulates regulations for licensing in Free Trade Zones and Free Ports (KPBPB). In this case, BP Batam provides services in the form of Indonesia Batam Online Single Submission or IBOSS. Licensing that used to use manual or conventional methods has turned into an electronic system and is directly connected to the national system. Port licenses are now also handled directly by the Directorate of One-Stop Integrated Services (PTSP) of BP Batam, which impacts the speedy completion of port licenses.⁵

In applying technology-based services, it is essential to pay attention to the regulatory aspects or legal arrangements so that in its implementation, it remains safe and does not cause material or non-material losses. To safeguard data, the application has guaranteed that the recording of Business Actor Data is only for the benefit of Business Licensing services. Despite the guarantee or clause, there must still be comprehensive research on technology-based services in order to support increased investment, considering that data security is an essential thing in carrying out services.

Research Methods

The type of method used in this research is normative juridical, legal research by researching library materials or secondary data as a basis for research by searching for regulations and literature related to the problem under study. The approaches used in this research are the statute approach and conceptual approach. The object of this research is the effectiveness of the preparation and implementation of technology-based services to Support Increased Investment in the Batam Free Trade Zone and Free Port implemented by the Batam Concession Agency. The data source in this research is obtained from several laws and regulations and library research consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The data collection method in this research is a document study (literature) from various laws and regulations, books, and other supporting legal materials related to law in Indonesia. In addition to document studies, this research also uses the method of direct interviews with parties related to the research conducted. The method of analysis in this research is carried out in a qualitative descriptive manner. The data is collected, reviewed, and then verified by the facts in the research.

⁵ <https://bpbatam.go.id/batam-free-trade-zone/> terakhir diakses pada 09 Juni 2023 pukul 23:38 WIB

Results and Discussion

Accuracy of Service to the Community

The Law on Public Services mandates that every Public Service Provider must compile, establish, and implement Service Standards by involving the Community and Related Parties. Service Standards are benchmarks used as guidelines for service delivery and references for assessing service quality. In order to meet the demands of community needs as a result of economic progress and demands for more comfortable services, organizers can provide tiered services by considering proportionality and community needs so as not to cause discrimination while upholding the principles of justice and not reducing the quality of service for the community in general.

From the opinions expressed by Pararusman and Kotler, there are five dimensions to measure service quality; these dimensions are formulated by combining the two opinions. From the opinions expressed by Parausman and Kotler, there are five dimensions to measure service quality. This study is formulated by combining these two opinions, namely: (1) service facilities in supporting service delivery, (2) reliability of effective and efficient service system methods, (3) guarantee of security and privacy of service products, (4) affordable service product prices and proportions and fairness, (5) empathy or the level of intense relationships and mutual respect and respect between service providers and the public being served.⁶

Community participation in implementing Public Services is needed to ensure that Public Services are carried out transparently, accountably, and by the needs and expectations of the Community. Community participation is not only in the form of active participation in the preparation of Service Standards but also up to supervision and evaluation of the application of standards, performance evaluation and awarding, as well as the preparation of Public Service policies. The utilization of digital technology in public services will encourage the creation of effective, efficient, fast, and responsive public services; the ultimate goal of public services is to improve the welfare of the community. This welfare can be achieved, among others, by providing a place where services for the community can be accessed through one door. Therefore, establishing a Public Service Mall (MPP) in each district/city is crucial.

⁶ Ibid, Hlm 16

Implementation of Technology-Based Services at Batam Concession Agency

BP Batam is also implementing Government Regulation (PP) Number 41 of 2021 concerning implementing Free Trade Areas and Free Ports. In this case, BP Batam has made changes to the Organizational Structure and Work Procedures (SOTK), including the formation of a One Stop Integrated Service Work Unit (PTSP) and the formation of a Drinking Water Management System Business Unit (BU SPAM). Apart from that, the revitalization of the functions and organizational tasks of the Information Technology Management Work Unit, namely the Data and Information Systems Center (PDSI), was also carried out.⁷

One significant breakthrough is developing an integrated licensing system that enables businesses to obtain licenses more quickly and efficiently. This system not only reduces the lengthy bureaucracy but also accelerates the approval process, making it easier for investment players to start and develop businesses in Batam.

On the other hand, to accelerate licensing services, especially licenses issued by BP Batam, all licensing services will be completed at the Director level only. In this case, the Director of One Stop Integrated Services (PTSP) does not require approval at the level of the Member of Division, Deputy, or Head of BP Batam. With the concept of PTSP, the applicant only needs to come to one place and meet the counter officer to minimize the interaction between the applicant and the licensing officer and avoid unofficial levies. Information technology plays a vital role in facilitating services to the public. BP Batam has introduced an online platform that allows applications for licenses and other related services to be submitted online. This not only saves time but also reduces the complexity of the investment process. Up-to-date information on licensing and regulations can also be accessed easily through BP Batam's official website.

Online Single Submission (OSS) is a web-based application that serves to assist the process of filing complaints and licenses for subsequent action by the decision-making role; this Online Single Submission (OSS) web application provides information such as business application data, existing license data, regional agency data, regional licensing data, and others.⁸ Types of business licenses contained in the Online Single Submission System consist of Business licenses and Commercial or Operational licenses that can be submitted by business license applicants consisting of individual and non-individual business actors.

⁷ <https://bpb Batam.go.id/en/peran-strategis-bp-batam-dalam-memajukan-investasi-di-batam/> diakses terakhir pada 22 September 2023 pukul 21:25 WIB

⁸ <https://bpb Batam.go.id/investasi/perizinan-online/> diakses terakhir pada diakses terakhir pada 27 September 2023 pukul 19:27 WIB

IBOSS Application is an integrated Electronic Licensing Application owned by the Batam Concession Agency (BP). IBOSS application (electronic licensing application system) is integrated with the National Online Single Submission system in the Batam Free Trade and Free Port Area (KPBPB). Batam Electronic Integrated Licensing Application System (IBOSS) is an application owned by the Batam Concession Agency (BP) that is accessible online, easy, efficient, and transparent which is used to provide convenience and speed of licensing services both for entrepreneurs and the public through the development of an online-based and integrated licensing service system.⁹

The utilization of information technology by BP Batam through the Directorate of PTSP is carried out to facilitate investors who will invest in Batam. It is one form of public service implemented by BP Batam to the community to increase investment in Batam. In this context, it is still relevant to say that in conducting public policy services while still prioritizing and respecting the noble values of the law that live in the community.¹⁰

Implementation of Technology-Based Services

Implementation of BP Batam's licensing services is carried out through the Head of the Batam Free Trade Zone and Free Port Regulations (BP Batam Regulations) Number 28 of 2016 concerning the Implementation of Public Services within the Batam Free Trade Zone and Free Port Regulations, followed up with BP Batam Regulations Number 14 of 2017 concerning the Implementation of One-Stop Integrated Services.

One-Stop Integrated Service (PTSP) is an integrated service in a single process from the application stage to the completion stage of the service product through one door. PTSP in BP Batam is organized by the Directorate of PSTP, a work unit organizing one-stop integrated services within BP Batam. This work unit carries out the process of preparing licensing documents issued by the delegation of authority and laws and regulations.

The service implemented by BP Batam is Electronic Service (PSE), which is a licensing service system organized electronically (online) so that the implementation of PTSP implements an integrated licensing service information system based on information and communication technology through PSE can be easily accessed by the public and the business world. The PSE implemented by BP Batam includes a business process automation application and information required in licensing services and is integrated through the Batam Single Window (BSW) application. The BSW application framework uses data and

⁹ <https://b-docs.gitbook.io/iboss/> diakses terakhir pada diakses terakhir pada 30 September 2023 pukul 19:14 WIB

¹⁰ Satjipto Rahardjo, *Sosiologi Hukum, Perkembangan Metode dan Pilihan Masalah*, Muhammadiyah University Press, Surakarta, 2002, h. 97.

information security systems, network connections, and supporting infrastructure carried out physically or using software. It is from the application of this integrated system that Electronically Integrated Business Licensing or Online Single Submission (OSS) is finally applied to the services available at BP Batam.

The Directorate of PTSP is a business unit of BP Batam that manages licensing in Batam, including Land Licensing, Business Licensing, Goods Traffic Licensing, Billboard Point Licensing, and others. BP Batam organizes integrated licensing services electronically through the Online Single Submission (OSS) system. Licenses managed by PTSP are regulated in Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing and Government Regulation Number 41 of 2021 concerning the Implementation of Free Trade Areas and Free Ports.

Obstacles to the Implementation of Technology-Based Services

So far, the public has connoted that the services provided by government officials to the public tend to be unsatisfactory and even unqualified. Electronically Integrated Business Licensing or Online Single Submission (OSS) is a Business License issued by the OSS Institution. Unsatisfactory service can be seen from the many complaints filed by the public to unscrupulous government officials who provide services to the community.¹¹

One of the demands and complaints often heard from people who deal with government officials is the complicated affairs due to rigid bureaucracy, also because the behavior of unscrupulous officials who provide services to the community is sometimes less communicative and less friendly. This fact requires concern from the government apparatus so the community can get excellent service. Demands and problems that are often heard from the community are business licensing issues. It should be noted that the issue of business licensing is a decisive aspect of the conduciveness of the business climate in the region. Then, the licensing process, especially business licensing, will directly affect the desire and decision of prospective entrepreneurs and investors to invest their capital. The business licensing aspect of regional autonomy has yet to improve the quality of services in business licensing significantly. There is a tendency after the implementation of regional autonomy for the amount of fees to increase.¹²

An increase does not match the high licensing cost in service quality. Many businesses complain about their disappointment with the quality of services provided by the

¹¹ Taufiq Effendi, *Tingkatan Pelayanan Publik*. (Suara Pembaruan, 9 Mei 22 Oktober 2003) halaman 12

¹² Phillipus M. Hadjon, *Pengantar Hukum Administrasi Indonesia*, Yogyakarta : Gajah Mada University.1993, halaman 14.

licensing bureaucracy, such as the need for more transparency of costs and procedures, complicated procedures, high costs that must be incurred, and discrimination against certain groups.

The implications of long and convoluted procedures impact entrepreneurs who have to bear losses in terms of time, cost, and energy. Entrepreneurs complain about the licensing bureaucracy that the longer the bureaucratic path or procedure that must be followed, the longer the costs that must be incurred. Several factors, including internal factors, cause the poor licensing bureaucracy.

The quality of the State Civil Apparatus (ASN) still needs to be optimal in supporting government performance, so there are limitations in human resources. Human resources in ASN are the most critical element in the bureaucracy, not only in the physical sense of employees but concerning all aspects inherent in the employees, ranging from behavior, competence, knowledge, creativity, or other soft skills.

There is a phenomenon where unscrupulous bureaucrats use expensive and complicated permit processing procedures for personal gain by discriminating services to entrepreneurs. In this case, entrepreneurs who personally entrust the processing of business licenses to unscrupulous bureaucrats will get faster service than entrepreneurs who follow the predetermined path. Then, the cost of business licenses utilized by unscrupulous people does not go to the government treasury but to the personal pockets of unscrupulous bureaucrats. Therefore, seeing the poor service of the licensing bureaucracy, the community, and entrepreneurs can file a complaint for dissatisfaction with the licensing service provided by the local government. However, in practice, often, these complaints from entrepreneurs only become public assumptions without being channeled because only a few regions provide credible institutions to accommodate and follow up on various complaints from the business world.

One of these government actions is issuing Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services, better known as Online Single Submission (OSS). The regulation was issued based on the mandate of Presidential Regulation Number 91 of 2017 concerning the Acceleration of Business Implementation. Obstacles to the implementation of the Online Single Submission (OSS) system include a lack of Understanding of Business Actors on New Information on the Internet/Website Page, Uneven Internet Access in regions in Indonesia, Constraints on the Use of the Indonesian Standard Business Field Classification (KBLI), There are Business Actors who do not fulfill their commitments.

Solutions to overcome obstacles to technology-based services

All obstacles that occur in implementing Online Single Submission (OSS) that cannot be done quickly by DPMPTSP are the responsibility of the OSS Task Force. The OSS Task Force consists of task forces at the national, provincial, and district/city levels. The Online Single Submission (OSS) task force is also expected to be able to provide output for obstacles that occur in the implementation of the Online Single Submission (OSS) system.

One significant breakthrough is developing an integrated licensing system that allows businesses to obtain licenses more quickly and efficiently. This system not only reduces the lengthy bureaucracy but also accelerates the approval process, making it easier for investment players to start and develop businesses in Batam.

Since the inauguration of the Job Creation Law in 2020, the government has changed the business licensing procedure to a Risk-Based Licensing Approach conducted through one platform, namely the Online Single Submission (Integrated Online Licensing or OSS). This is a strategic step to simplify and harmonize regulations, especially business licensing, create and increase employment, and increase quality investment. In line with this mandate, BP Batam has implemented a Risk-Based Approach system through the OSS-RBA System in its services.¹³

Based on the interview with OSS BP Batam management staff Aryana Widiartha conducted on September 7, 2023, at the Public Service Mall, the information obtained is that OSS RBA is an online licensing system that is more detailed and more directed, where in issuing permits users must be guided to fulfill the requirements first before the permit is issued, this makes the implementation of OSS-RBA easier from the user's side but supervision becomes stricter because every permit issued must first fulfill all the requirements needed. Due to various applications, the dependency on each becomes very high; for example, if one of the licensing-related applications owned by the center is undergoing maintenance, the service will be disrupted, not only in Batam but nationally.

The solution that BP Batam can do is to report directly to the application owner either through the call center and make a video call or write officially through electronic mail. The fastest solution that can be given is through the call center and a video call. A quick response through face-to-face contact with the operator or technician who owns the application that faces problems will get a quick solution because the problem is directly addressed through the application.

¹³ <https://bpbatam.go.id/tingkatkan-pelayanan-investasi-bp-batam-gelar-pelatihan-oss-rba-bagi-sdm-ptsp/> diakses terakhir pada diakses terakhir pada 24 September 2023 pukul 21:48 WIB

BP Batam has also socialized the implementation of OSS-RBA in 2021. However, considering that Iboss users were not significant at that time, the socialization was more focused on the plan for the entry of consumer goods (RPBK), where goods entering Batam have a quota that is carried out at the end of each year for the needs of the following year. Licenses that are served include IUK (area business license), IOK (commercial operational license), goods entry permit, and goods release permit.

Conclusion

From the discussion in the previous chapter, conclusions can be drawn which are expected to answer the problems discussed in this research. The conclusions of this research are as follows:

1. Legal regulation of technology-based services applied by the Batam Concession Agency in increasing investment in the Batam Free Trade and Free Port Area has a firm basis. The legal arrangement for the implementation of Online Single Submission (OSS) licensing to improve the quality of public services is in the context of accelerating and increasing investment and business, business licenses issued by ministries/agencies and Local Governments to start, implement, and develop businesses and activities, need to be reorganized so that they become supporters and not otherwise become obstacles to business development and activities. Reorganization is carried out on the service system and regulations by the demands of the business world, technological developments, and global competition. The reorganization of the service system is carried out mainly in the One-Stop Integrated Service (PTSP)/ Integrated Service. PTSP services at the Central Government and Local Government are enhanced to be more efficient, serve, and modern. One of the most significant is providing the Online Single Submission (OSS) Electronic Integrated Business Licensing Service system. Through the OSS, Business Actors register and manage the issuance of Business Licenses and the issuance of Commercial and Operational Licenses in an integrated manner. Through the Online Single Submission (OSS), the Central Government and Regional Governments also issue Business Licenses submitted by Business Actors. Based on the above considerations, the Government deems it necessary to enact a Government Regulation on Electronically Integrated Business Licensing Services. The Integrated Service Unit of the Batam Concession Agency provides facilities as assistance to business actors to obtain licenses quickly.

2. The relationship between technology-based services and Service Improvement in the Free Trade Zone and Free Port of Batam when this research was conducted has been running well. Implementation of Online Single Submission (OSS) licensing in order to improve the quality of public services conducted by BP Batam is carried out for businesses to be able to use Online Single Submission (OSS) licensing services. However, there are requirements such as the Business Entity first taking care of the legalization of the deed of establishment or amendment of the deed through the online Legal Administration of Law (AHU) specifically for public companies, regional public companies, other legal-entities owned by the state, public broadcasting institutions, or public service agencies using the legal basis of formation, government regulations or regional regulations. The Business Entity then registers in the Online Single Submission (OSS) system by entering the Population Identification Number (NIK) of the Person in Charge of the Business Entity or the President Director and other information on the available Registration Form. Suppose other parties, such as Legal Consultants and Notaries, carry out the licensing process. In that case, the data entered into the Registration Form is the data of the Person in Charge of the Business Entity/Company.
3. In implementing a system, there are certainly obstacles in the application of technology-based services by the Batam Concession Agency in the Batam Free Trade and Free Port Area. Factors that become obstacles and solutions to legal arrangements for the implementation of Online Single Submission (OSS) licensing in order to improve the quality of public services are in the implementation of Online Single Submission (OSS) at the Integrated Service Unit of the Batam Concession Agency, namely the lack of understanding of business actors on new information on the Online Single Submission (OSS) website, the limited supply of data from the Directorate General of General Legal Administration (AHU) online which causes the need for manual data recording in the OSS system, the limited supply of data from the Directorate General of General Legal Administration (AHU) online which causes the need for manual data recording in the OSS Online Single Submission system, the lack of understanding of business actors in using the Indonesian Standard Business Field Classification (KBLI) as the basis for classifying business fields to issue licenses. The obstacle to the implementation of Online Single Submission (OSS) on a national scale is the lack of solid internet access in Indonesia, especially in archipelagic areas such as the Riau Islands, which makes business actors unable to obtain licenses on the Online Single Submission (OSS) website.

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