

IMPLEMENTATION OF POLICY REGULATION OF THE MINISTER OF AGRARIAN AND SPATIAL/HEAD OF NATIONAL LANDSCAPER AGENCY NUMBER 12 OF 2017 CONCERNING ACCELERATION OF FULL SYSTEMATIC LAND REGISTRATION BY THE NATIONAL LAND AGENCY IN CIAMIS DISTRICT

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ABSTRACT

The research began with a miscommunication when counseling regarding the implementation of the Systematic Complete Land Registration policy between the National Land Agency and the Village Government and the Village Adjudication Committee which was held in Cicapar Village, Banjarsari District, Ciamis Regency. This happens because the National Land Agency as the policy implementer does not participate in assisting in the implementation of the field, even though it is clear in the rules that the National Land Agency must be directly involved in the field and there are inconsistencies with the rules or decisions regarding levies carried out by the Village Government and the Village Adjudication Committee to the community. The purpose of this study is to order the administration of land. The method used in this research is analytical descriptive research method. Based on the research that has been obtained, the results of the Policy Implementation of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 12 of 2017 Concerning the Complete Systematic Land Registration Acceleration by the National Land Agency in Cicapar Village, Banjarsari District, Ciamis Regency are not going well. This is due to non-compliance with the National Land Agency on existing regulations and the low quality of implementing resources in the field. The obstacles of the findings of the research results are miscommunication when counseling to the community, the absence of a special office for the Village Adjudication Committee, the low quality of the resources of the Village Adjudication Committee, the majority of which only received education up to high school level, and none of the Village Adjudication Committees have experience in the land sector. Then as for the efforts made to overcome the obstacles faced by implementing coordination first before implementing the agenda or activity.

Keywords : *Implementation, Public Policy, Full Systematic Land Registration.*

Introduction

To obtain legal certainty and certainty of land rights Law No. 5 of

1960 concerning the Basic Agrarian Affairs has placed an obligation on the Government to carry out registration of

existing land throughout Indonesia. In addition to rights holders to register their existing land rights in accordance with applicable regulations, it is also to provide legal concern to the community regarding the election of land rights that are encouraged by government policies.

This legal certainty guarantee is contained in the provisions of Article 19 paragraph (1) of Law No. 5 of 1960 concerning Agrarian Principles, which reads as follows: "To guarantee legal certainty of land and rights by the Government, land registrations are carried out in all regions of the Republic of Indonesia according to the provisions regulated by Government Regulations"

This stipulation implies that matters relating to ownership, control and use of land must be followed by land registration activities both owned by the community and by the Legal Entity to the Land Office to obtain legal certainty over the rights to the land under their control or possession.

Land registration is a series of activities carried out by the government continuously, continuously and regularly including collection, processing, bookkeeping and reviewing and maintaining physical and juridical data in the form of maps and lists of plots of land and units of flats, including the provision certificate of proof of rights for parcels of land with pre-existing rights and ownership rights to the unit of flats and certain rights which burden it. By holding the land

registration, the parties concerned can easily find out the status or legal status of the particular land that it faces, its location, area and boundaries, who owns it and what burdens are on it.

At this time was born the policy of the government regarding Complete Systematic Land Registration regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 12 of 2017 concerning the Acceleration of Systematic Complete Land Registration, as for the scope and purpose of the policy as contained in article 3 paragraphs (1) and (2) as follows:

1. The scope of this Ministerial Regulation is the acceleration of the implementation of the Full Systematic Land Registration (PTSL) program carried out village by village in the regency and kelurahan for urban areas in urban areas which includes all parcels of land in the entire territory of the Republic of Indonesia.
2. The purpose of the Full Systematic Land Registration (PTSL) program is to accelerate the provision of legal certainty and legal protection of community land rights in a sure, simple, fast, smooth, safe, fair, equitable and open manner and accountable, so as to improve the welfare and prosperity of the community and the country's economy, and reduce and prevent land disputes and conflicts.

The domain of public policy studies includes policy formulation, policy implementation, policy

evaluation, and policy advocacy. Thus, policy implementation is the second step in the overall process of public policy studies. The birth of the policy departs from the existence of a problem faced by the community and the problem needs to be solved. The policy can be in the form of statements of parties who have authority, in the form of general ideas or action steps to overcome problems in the form of oral statements and written documents (Pardjaman et al. 2010).

Based on preliminary results and preliminary observations in the field by the author in Cicapar Village, Banjarsari Subdistrict, Ciamis Regency it is known that there are problems regarding the Complete Systematic Land Registration carried out by the National Land Agency as the implementer of the policy, as evidenced by the following indicators:

1. Lack of communication between the Village Government and the Village Adjudication Committee and the National Land Agency. This happened when counseling to the community which was only carried out by the Village Adjudication Committee and the Village Government without being accompanied by the National Land Agency which should all the community be involved in the outreach, but what happened was only the community who did not yet have the land certificate involved.
2. Low quality of human resources of the Village Adjudication Committee

chosen by the Village Head and do not have experience in the field of land. The majority of the Village Adjudication Committee education chosen by the Village Government only up to senior high school level besides all of the Village Adjudication Committee none of which have experience in the field of land and that was silent during the implementation of a Complete Systematic Land Registration in the field.

3. Unclear division of work, tasks and responsibilities in the field which are only charged to the Village Adjudication Committee. Whereas the Adjudication Committee from the National Land Agency only came at the time of land survey.

Theoretical Framework

Talks about the concept of implementation are always associated with policy terms. This means that every time people talk about implementation, what is meant is policy implementation. The problem of implementing public policy is very basic in people's lives because it is this implementation that determines "who gets what" in society.

The process and formulation of policies do not end, if a policy has been determined, because whether or not a good or right policy has been set will be proven from the results obtained in its implementation. If referring to the meaning of implementation in the Big Indonesian Dictionary (KBBI), namely:

"Implementation is the implementation and application". Implementation and application here implies the policies that have been formulated and determined to be implemented and implemented so that the objectives of the policy can be realized. Then Mazmanian and Sabatier (Agustino 2014:139) define policy implementation as: Implementation of basic policy decisions, usually in the form of laws, but can also take the form of orders or important executive decisions or judicial decisions. Typically, the decision identifies the problem to be addressed, states explicitly the goals or objectives to be achieved, and various ways to structure or regulate the implementation process.

The Edward III policy implementation model (Agustino 2014: 149-153) calls the public policy implementation model the direct and indirect impact on implementation. In the approach proposed by Edward III, there are four factors or variables that determine the successful implementation of a policy, namely:

1. Communication.

Successful policy implementation requires that the implementor knows what needs to be done. What are the goals and objectives of the policy must be transmitted to the target group (target group) so that it will reduce the distortion of implementation. If the goals and objectives of a policy are unclear or even unknown to the target group, then there is a possibility of

resistance from the target group. As Edward III put it as follows:

The first variable that influences the successful implementation of a policy, is communication. Further communication largely determines the success of achieving the objectives of public policy implementation. Effective implementation occurs when decision makers already know what they are going to do. Knowledge what they will do can run if the communication goes well, so that every policy decision on implementation must be transmitted (or communicated) to the appropriate personnel. In addition, the policies communicated must also be precise, accurate, and consistent. Communication (or information transmission) is needed so that decision makers and implementers will be more consistent in implementing every policy that will be applied to the community. There are three indicators that can be used or used in measuring the success of the communication variables mentioned above, namely (1) Transmission, (2) Clarity, and (3) Consistency.

2. Resources.

Although the contents of the policy have been clearly and consistently communicated, if the implementor lacks the resources to carry out, the implementation will not be effective. These resources can be in the form of human resources,

namely the implementor's competence, and financial resources. Resources are important factors for implementing policies to be effective. Without resources, policies will only remain on paper as documents. Like the translation put forward by Edward III follows:

The second variable or factor that influences the successful implementation of a policy is resources. Resources are another important thing, in implementing policies. The resource indicator consists of several elements, namely: (1) Staff, (2) Information, (3) Authority, and (4) Facilities.

3. Disposition.

Disposition is the character and characteristics possessed by the implementor, such as commitment, honesty, democratic nature. If the implementor has a good disposition, then he will be able to run the policy as well as what is desired by policy makers. When the implementor has a different attitude or view from the policy maker, the policy implementation process also becomes ineffective. The following variable dispositions according to Edward III:

The third variable that influences the level of successful implementation of public policy, is disposition. Disposition or attitude of the policy implementer is the third important factor in the approach regarding the implementation of a public policy. If

the implementation of a policy is to be effective, then the implementers of the policy must not only know what will be done but also must have the ability to implement it, so that in practice there is no bias. Important things that need to be considered in the disposition variable are: (1) Appointment of Bureaucrats, and (2) Incentives.

4. Bureaucratic Structure

The organizational structure in charge of implementing the policy has a significant influence on the implementation of the policy. One important structural aspect of every organization is the existence of standard operating procedures (Standard Operating Procedures), SOPs become guidelines for every implementor in acting. Organizational structure that is too long will tend to weaken and hinder the implementation of policies, namely complicated and complex bureaucratic procedures which in turn causes activities to be hampered. As stated by Edward III as follows:

The fourth variable that influences the success rate of public policy implementation is the bureaucratic structure. Even though resources for implementing a policy are available, or policy implementers know what should be done, and have a desire to implement a policy, it is likely that the policy cannot be implemented or realized because there are weaknesses in

the bureaucratic structure. Such a complex policy requires the cooperation of many people, when the bureaucratic structure is not conducive to the available policies, this causes resources to be ineffective and impedes the course of the policy. Two characteristics, according to Edward III, which can boost the performance of bureaucratic/organizational structure towards better are as follows: (1) Standard Operating Procedures (SOP), and (2) Implementation of Fragmentation.

Research Method

The research method is a scientific method of how a research will be carried out to obtain data with specific purposes and uses. The method used in this research is descriptive research method. According to Darmadi (2013: 186), the definition of descriptive research methods is proposed:

Descriptive research methods relating to data collection to provide an overview or affirmation of a concept or symptom, also answer questions relating to a research subject at this time, for example attitudes or opinions towards individuals, organizations, and so on. Descriptive data are generally collected through questionnaire surveys, interviews or observations.

Result and Discussion

Development is a continuous and sustainable effort to improve

civilization and humanity in order to create a just, prosperous, morally and ethically competitive society. Complete Systematic Land Registration is a land registration activity that is carried out simultaneously for the first time which includes all objects of land registration that have not been registered or that have been registered in a village / kelurahan area or other similar name.

The Acceleration Adjudication Committee is a committee formed by Decree of the Head of the Land Office to carry out activities in the context of accelerating the land registration process for the first time, including the collection and determination of physical and juridical data concerning one or several land registration objects for the purpose of registration. The PTSL Adjudication Committee consists of:

- a. The Chairperson of the Committee concurrently holds a member held by an employee of the Land Office;
- b. Deputy Chairperson in charge of agrarian infrastructure and concurrently a member held by an employee of the Land Office who understands the affairs of the land infrastructure;
- c. Deputy Chairperson in charge of agrarian legal relations concurrently a member held by a Land Office employee who understands the affairs of the land law relationship;
- d. Secretary held by an employee of the Land Office;

- e. The Head of the local Village / Kelurahan or a Village / Kelurahan Administrator who he appoints; and
- f. Members of the Land Office element as needed.

Mazmanian and Sabatier (Agustino, 2014: 139) define policy implementation as: "Implementation of basic policy decisions, usually in the form of laws, but can also take the form of orders or important executive decisions or judicial decisions. Typically, the decision identifies the problem to be addressed, states explicitly the goals or objectives to be achieved, and various ways to structure or regulate the implementation process".

The definition of Mazmanian and Paul Sebatier emphasizes the implementation of policies is an implementation of decisions that are usually in the form of regulations or orders.

According to Meter and Horn (Agustino, 2014: 139) put forward the definition of policy implementation as follows: "Implementation are actions carried out either by individuals or officials or groups of government or private that are directed at the achievement of the objectives outlined in the policy decision."

From the opinions of the experts above it can be concluded that what is meant by implementation are actions to carry out a regulation or order carried

out by individuals or government officials to achieve certain goals.

In the Implementation of Complete Systematic Land Registration held in Cicapar Village, Banjarsari Subdistrict, Ciamis Regency has not been fully implemented properly, because there are some things that are not in accordance with the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 12 of 2017 Concerning the Acceleration of Systematic Land Registration Complete such as in the selection of the Village Adjudication Committee, as well as the determination of incentives collected from participants (communities) that are not in accordance with the rules and are indicated to be arbitrary.

This happens because the policy implementor in this case the National Land Agency does not carry out activities in accordance with the instructions in the rules relating to Complete Systematic Land Registration. Where it should be as mandated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 12 of 2017 Concerning Systematic Land Registration Acceleration that the Village Adjudication Committee is only tasked to assist, not as the core implementer in the activity and in the structure of committee in the regulation. It does not contain that the members of the Village Adjudication Committee are selected from the

elements of the community but what happens is that the community is involved in the committee.

The obstacles faced in implementing the policy of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 12 of 2017 Regarding the Acceleration of Complete Systematic Land Registration by the National Land Agency in Cicapar Village, Banjarsari Subdistrict, Ciamis Regency is indicated because of the low quality of the Village Adjudication Committee, which majority only consumes education up to senior high school level and none of the Village Adjudication Committees have experience in the field of land and supporting facilities that only depend on facilities owned by the Village Government.

Then in addition, the National Land Agency, as the implementer of the Systematic Land Registration policy, delegates authority in the field to the Village Government and the Village Adjudication Committee, while both the Village Government and the Village Adjudication Committee do not fully understand the technical implementation of the activities. Complete Systematic that was held in Cicapar Village, Banjarsari District, Ciamis Regency. And there is no clear division of labor and arranged in detail, so that in carrying out the agenda often there are mistakes such as in counseling, data collection and so forth.

The National Land Agency as a policy implementer is making efforts to overcome existing obstacles such as carrying out briefings and training so that the Village Adjudication Committee can find out in depth about Complete Systematic Land Registration, making it easier for the Village Adjudication Committee to carry out an agenda or activity.

Then re-coordinate between related parties (National Land Agency, Village Government, and Village Adjudication Committee) and obtained agreement that the Village Adjudication Committee before carrying out the agenda in the Systematic Complete Land Registration activities must request special direction from the National Land Agency and always carry out rapar coordination in order to minimize obstacles or errors that occur when implementing an agenda or activity.

Conclusion

In the implementation of Complete Systematic Land Registration held in Cicapar Village, Banjarsari Subdistrict, Ciamis Regency has not fully run well, because there are some things that are implemented not in accordance with the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 12 of 2017 Regarding the Acceleration of Systematic Land Registration Complete as in the selection of the Village Adjudication Committee, as

well as the determination of incentives collected from participants (communities) that are not in accordance with the existing rules and regulations and are indicated to commit arbitrariness. The obstacles faced in implementing the policy of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 12 of 2017 Concerning the Complete Systematic Land Registration Acceleration by the National Land Agency in Cicapar Village, Banjarsari District, Ciamis Regency is indicated because of the low quality of the Village Adjudication Committee, the majority of which are only the majority education up to high school level and none of the Village Adjudication Committees have experience in the field of land and supporting facilities that only depend on facilities owned by the Village Government. The National Land Agency as a policy implementer is making efforts to overcome existing obstacles such as carrying out briefings and training so that the Village Adjudication Committee can find out in depth about Full Systematic Land Registration (PTSL), making it easier for the Village Adjudication Committee to carry out an agenda or activity. Then re-coordinate between related parties (National Land Agency, Village Government, and Village Adjudication Committee) and obtained agreement that the Village Adjudication Committee before carrying out the agenda in the

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