

## Model of Strengthening Effectiveness of Land Registration in Kendari City

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**Abstract.** The purpose of this study is to analyze the strengthening of land information quality in Village, to analyze the strengthening of land information quality in Land Office Kendari City, and to formulate a model of strengthening the effectiveness of land registration in Kendari City. The research approach is qualitative with focus on the quality of information in the Village, the quality of information in the Land Office, and the effectiveness of land registration which includes quality, quantity, and timeliness of work completion.

The data collected are primary data and secondary data. The research informants were determined purposively and snowball sampling. Data collection techniques are interview, observation, documentation, and audio-visual. Data analysis technique used is comparative analysis. Using this analysis, the empirical findings and conclusions that have been obtained are then compiled and matched with theories or concepts of land registration that have been implemented so far.

The results showed that the implementation of land registration in Kendari City has not been fully effective, so it is necessary to strengthen the information in the Village and in the Land Office. The model for strengthening the effectiveness of land registration is done through the construction of a database of land parcels in Village that can complement each other with data in the Land Office.

**Keywords:** Effectiveness, Quality of Information, and Land Registry

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### I. Introduction

Land Office is a public organization assigned to carry out land tasks at the district / city level. One of the tasks in the field of land is to conduct land registration as mandated by Article 19 of Law Number 5 Year 1960 on Basic Agrarian Basic Law abbreviated as UUPA. Article 19 Paragraph (1) of the Law on the Law of the Republic of Indonesia states that to ensure legal certainty by the Government there is a registration of land throughout the territory of the Republic of Indonesia in accordance with the provisions stipulated by Government Regulation. Under the provisions of Article 19 of the UUPA and the rules of the above implementation, the Land Office as the organizer of the tasks of land registration in the district / city can realize several things, namely. First, the quality aspect, ie, Resulting in a certificate of land rights with physical data and juridical data presented capable of providing certainty of subjects, objects, and land rights. This is in accordance with the purpose of land registration to provide assurance of legal certainty of land rights. Second. The quantity aspect, namely the increase of the number of parcels of land listed as a form of government duty to register all plots of land in the territory of Indonesia.

Land registration at Land Affairs Office is carried out through project activities such as Prona, Proda, and across sectors, as well as through routine activities with PNPB mechanism. The implementation of land registration is one of the public services. To improve the quality of land services and in order to implement Law Number 25 Year 2009 on Public Service and also to adjust the development and demands of public service needs in the field of land, the government has stipulated Regulation of Head of National Land Agency Number 1 of 2010. One of the components The arrangement of land services is the timeliness of completion of work. Therefore, the third aspect of focus in the implementation of land registration is the timeliness of the completion of the work. In the development of land registration in Indonesia, since the enactment of BAL on 24 September 1960, these three aspects mentioned above, have not been fully realized. After running for almost 55 years under the RPJMN 2015-2019, there is a central issue of legal certainty of land ownership and positive land registration to improve legal certainty of land rights. The legal certainty of land rights is a central issue because the strategic tools to realize have not been met.

The coverage of the national land basis map as a tool for administering land and subject matter data is still low (23.26 percent), and the low number of registered and certified land parcels outside the forest area (51.8 percent).

Quality aspect. The most urgent issue regarding the quality of land registration is the still widespread land cases that occur in the country. The latest data of the Ministry of Agrarian and Spatial Planning / National Land Agency, stated that until the month of September 2013, the number of cases reached 4,223 cases of land consisting of the remaining cases in 2012 as many as 1,888 cases and new cases as many as 2,335 cases. The number of cases completed through litigation and non litigation is 2,014 cases or 47.69% (BPN-RI, 2013). Meanwhile, according to the Secretary General of the Agrarian Reform Consortium, the number of agrarian conflicts in Indonesia throughout 2013 has nearly doubled compared to 2012. The conflicts of citizens with plantation and mining companies are most common. Noted 369 conflicts over 1.28 million hectares of land involving 139,874 families of farmers or fishermen. In 2012, there were 1983 conflicts over 963,939 hectares of land and involved 141,195 farm families (Risnarto, 2014: 10). The number of cases is expected to decrease and even disappear as the establishment of a special deputy handling land issues. However, in reality, the land cases have not been fully addressed until now.

The phenomenon in Southeast Sulawesi Province in 2016 land affairs cases reached 46 cases consisting of 29 civil cases and 17 cases State Administrative Court (PTUN). In addition to cases, there are also disputes and land conflicts of 14 disputes that occur between community groups and companies and between communities (BPN Sultra, 2016). Especially in Kendari City also experienced the same thing. In 2013 to 2015 there are 57 land cases that go to the Court. Register in 2016 there are the remaining civil cases in 1 case, State Administration cases 7 cases and 8 dispute disputes. Among the cases, there are 16 cases of double certificates.

Quantity aspect. Land registration in Kendari City has not been fully successful. Kendari City with an area of 295.89 km<sup>2</sup>, there are still areas of land that have not been registered. Data Computerized Land Activities (KKP) Land Office of Kendari City in 2016 shows the number of land titles that have been issued as many as 77,840 fields. While the number of parcels in Kendari City is estimated to reach 123,675 fields, so it is estimated that there are still 45,835 fields or 37 percent of which are not yet certified. Nationally, according to the Minister of Agrarian Affairs and Spatial / Head of National Land Agency, 56 percent of land is not certified (Sofyan Jalil, 21-10-2016). This indicates that the mandate of Article 19 of the BAL relating to the government's duty to register all plots of land in the territory of Indonesia has not been fully realized.

Aspects of timeliness of completion of work. Based on the CTF data of the Land Office of Kendari City on December 9, 2016 there were 961 application files that passed the time period from 19,898 application files entered to the Land Office. Particularly for land measurement activities, the CTF data of Kendari City 2016 shows the unfinished work of 885 applications from 2,624 applications submitted to the Land Office. The final check of CTF data on June 16, 2017 found an increase in the number of application files that exceeded the deadline of completion, which amounted to 989 files, covering delinquent 2014 counts of 32 files, 2015 by as many as 58 files, 2016 by 486 files, and In 2017 as many as 413 files. This shows the impression of uncertainty in the period of completion of work for some land registration applications.

The situation shows the conception and philosophy of legal certainty of land rights as referred to in LoGA has not been fully realized. The unquestioned legal certainty of land rights in addition to being the managerial problem of the Land Affairs Office in producing land certificates also raises public discontent. This problem requires improved governance in the field of land registration. Good governance of land registration can in fact be realized if the Land Office produces certificates of land rights in certain amounts of a certain quality that can guarantee legal certainty and legal protection for landowners.

Based on the above phenomenon, it is deemed necessary to study the effectiveness of land registration in Kendari City, which focuses on the following three questions.

- A. How to strengthen the quality of land information in Village as Kendari City.
- B. How to strengthen the quality of land information at the Land Office of Kendari City.
- C. How is the model of strengthening the effectiveness of land registration in Kendari City.

## **II. Literature Review**

Modern organizational theory asserts that organizations are not closed systems that are related to stable environments but organizations are open systems related to environmental changes (Subkhi and Jauhar, 2013: 81). Katz and Khan (1966) in the Steers (1984: 11) says that organizations need to adapt to a changing environment if it is to survive.

More strictly speaking by Von Bertalanffy (1972) in the Steers (1984: 12) open system is a group of interrelated elements and relate to their environment. Open systems theory Daniel Khatz and Robert Khan postulate that organizations (the organized activities of an individual group are repeated within and bound by space and time) have fundamental systemic properties in energy input, transformation and energy output (Harmon and Mayer , 2014: 221). Steers (1984: 12) adds that the general notion of open systems is simple, which includes three basic components, namely input, processing, and output. Input represents all factors instilled in an organization by the external environment. Entries include money, new workers, raw materials, new equipment, and so on. These inputs are then processed into a variety of outputs returned to the environment (eg finished products, profits, or investment returns, retired or dismissed workers, and so on). Open systems recognize dynamic interactions with their environment (Robbins, 1994: 14).

The discussion of organizations, especially public organizations in this study is carried out using a modern approach, assuming that the public organization is an open system, with its interdependent elements; and because it allows the dynamics, adaptation, change and development within the organization in achieving common goals. In the modern approach, one of the core concepts to explain the purpose of the organization is its effectiveness. In fact Goodman and Pennings (Kasim, 1989: 8) argue that construct effectiveness is an analytical unit largely used by researchers to examine the ins and outs of the organization. Furthermore Steers (1984: 13) says that the review organization within the framework of the analysis of the open system has many advantages, especially when researching a topic on the effectiveness of the organization.

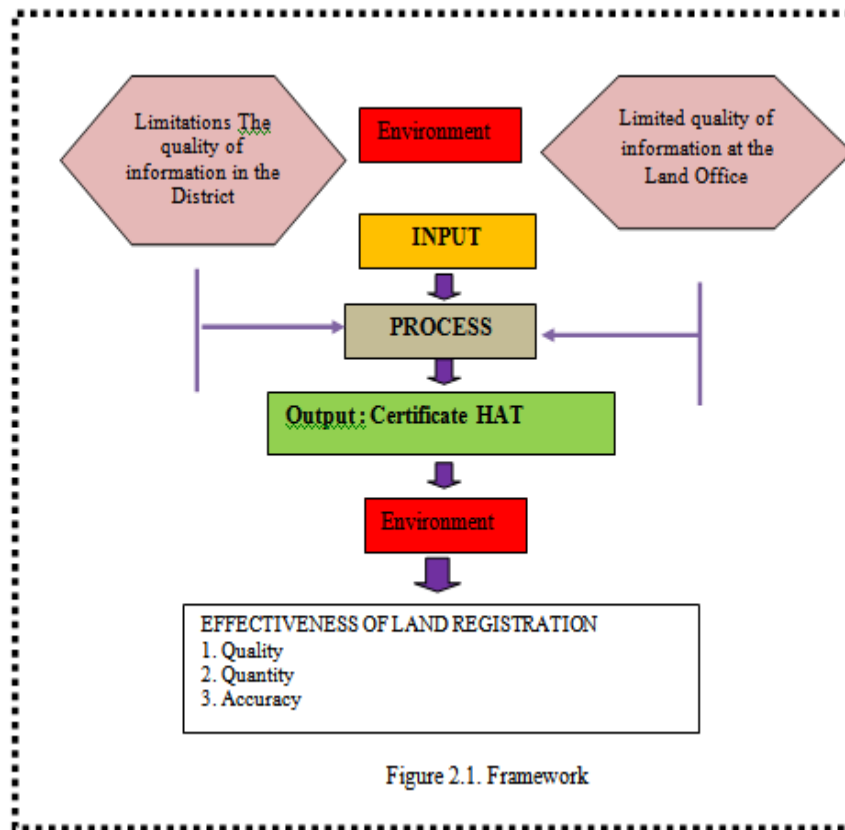
The effectiveness criteria in this study is adjusted to the land registration function. Robbins (1994: 56) says that the functions of the organization should be evaluated using different characteristic anyway and that the effectiveness of the organization must demonstrate its ways / means (process) as well as the results (outcomes). Referring to the view, the effectiveness criteria of land registration in this study consists of quality, quantity, and timeliness. The quality criterion refers to the purpose of land registration, namely the realization of legal certainty for the holder of his rights (Article 19 UUPA), so that the quality of the land titles certificate, including the absence of object errors, subjects, and types of rights to land. The quantity criteria relates to the government's obligation to register all land parcels in the territory of the Republic of Indonesia (Article 19 UUPA), so that the number of land titles produced is a benchmark for assessing the effectiveness of land registration. The timeliness of the implementation of land registration refers to the period of completion that must be obeyed by every executor of land registration as stipulated in Regulation of Head of BPN Number 1 Year 2010.

Implementation of land registration is a system that begins with the input of various materials or documents as an official requirement of land registration application. The land registration process includes the collection / processing of physical data and juridical data, land inspection, the issuance of a decree, as well as the bookkeeping and registration of rights. The output of land registration is a proof of rights in the form of a land title certificate.

One of the administrative requirements of land registration is proof of ownership of land / rights base (Regulation of PMNA / KBPN No. 9 Year 1999 and PerKBPN No. 1 Year 2010). This input component is the main basis for the issuance of a right to land which is made through a separate system at the Village level, so that in its publication it requires quality information at the Village level. In the process of land registration, in addition to referring to the base of the right of Village also conducted an analysis based on information available at the Land Office, one of which is the registration map (Article 1 PP Number 24 of 1997). O'Brien & Marakas (2011) said that information is the data used as the basis for decision making. Thus, information in Village and Village Offices can be believed to be able to predict the effectiveness of land registration.

Given the interrelated relationship between information sources at the Village level and in the Land Office, it can be seen how far the effectiveness of land registration can be realized. In reviewing this matter, the source of information at the Village level is approached by studying various sources of information used by the Lurah in issuing letters of land and rights in performing their duties as members of the committee of land inspectors "A". Information on the Land Office is operationalized by studying the quality of information used by the Land Office in issuing land rights decisions.

Armed with the above views, the authors construct the conceptual framework of the effectiveness of land registration shown in Figure 2.1. the following.



### III. Methodology

This research is a qualitative research located in the context of a series of land registration implementation in Kendari City. This context is not limited to the Kendari City Land Office space, but also the objective facts in the field. The data required for this study includes two types, namely primary data and secondary data. Informants were selected purposively and Snowball sampling. The informants included the community, the implementing officers in the Village, the Land Office, the Camat, Notary / PPAT, and the Lawyers. Data were collected by observation, interview, documentation, and audio-visual which then analyzed by using comparative analysis method.

### IV. Result And Discussion

#### 1. Quality of Land Rights Certificate

Search and description of quality certificate of land rights as the end product of the implementation of land registration is done through the study of documents on cases of land collected at the Land Office and the opinion of informants. A double land title certificate is an issue put forward by informants as an indicator not yet fully realized the quality of land rights certificate. A dual land title certificate is a certificate issued on a parcel of rights overlapping in whole or in part. The subject of the right holder may be on behalf of the same person or legal entity. Observations at the Land Office of Kendari City recorded 16 cases of double land title certificates and there are still similar cases that have not been registered in the Land Office. These cases are resolved through mediation and legal channels through the courts.

According to several informants, the factors causing the certificate of land rights in the implementation of land registration are the Executor, Community, and incomplete data / information in the Village and in the Land Office. The HR factors are related to inadequate work practices, dishonest communities, and incomplete Land Office data, as well as the role of the Lurah in issuing the rights base.

#### 2. Quantity

The results show that in Kendari City there are still many areas of land that have not been registered, especially in the suburbs. The informants argued that this was caused by low public awareness and cost burdens, such as BPHTB (Land and Building Ownership Rights).

Therefore, informants suggested that land registration activities be increased and followed by cost reduction of BPHTB.

The existence of the tendency is still the number of parcels that have not been registered in the suburbs, this is in accordance with research conducted by Wahid (2008: 140) that in Makassar, Gowa, Bone, Maros, and Tanah Toraja regency obtained results. In urban areas tend to be influenced by their socioeconomic environment. Members of the community, in addition to obtaining land titles, generally see social benefits and economic interests as the main reasons, such as to obtain bank credit for business development using land certificates as collateral.

As for the rural community, the motivation to certify the land tends to be influenced by the cultural social environment, which is influenced by other members of the community, moreover the opportunity to obtain a certificate with low cost like Prona. The villagers themselves, in general, have not yet fully perceived the importance of land titling as an urgent need, due to their land ownership under local customary law, which has received recognition from neighbors and the wider community. This is in line with Amier Sjariffuddin (1996: 38) research results in Wahid (2008: 141) that in Kabupaten Sinjai villagers have not registered their land because they feel that they are not yet important and there is no urgent need to require land certificates. It is a reflection of their legal culture or perception of customary law which basically does not recognize any written proof.

### **3. Timeliness of Work Completion**

Informants in this research argue that the implementation of land registration in Kendari City seems old and not timely due to lack of manpower and the careful attitude of the executing apparatus. Regarding the number of human resources, almost all informants say the amount is not balanced with the volume of work to be completed. The delay in the implementation of land registration is the careful attitude of the implementing officers. This caution is due to doubts about the veracity of physical data and juridical data presented in the process of land registration. This is in accordance with what was said by O'Brien & Marakas (2011) that information is the data used as the basis for decision making. The cautious attitude referred to indicates that there is insufficient data in determining attitudes and still requires additional information.

4. Strengthening the Quality of Information in Village Offices The results show that the quality of information in the Village is not sufficient to be used as a guide in making the base of rights or in the implementation of land inspection. Therefore it is necessary to formulate the strengthening of the quality of information in the Village. Informant's opinion on the problems and suggestions on the quality of information in the Village can be seen in the following table.

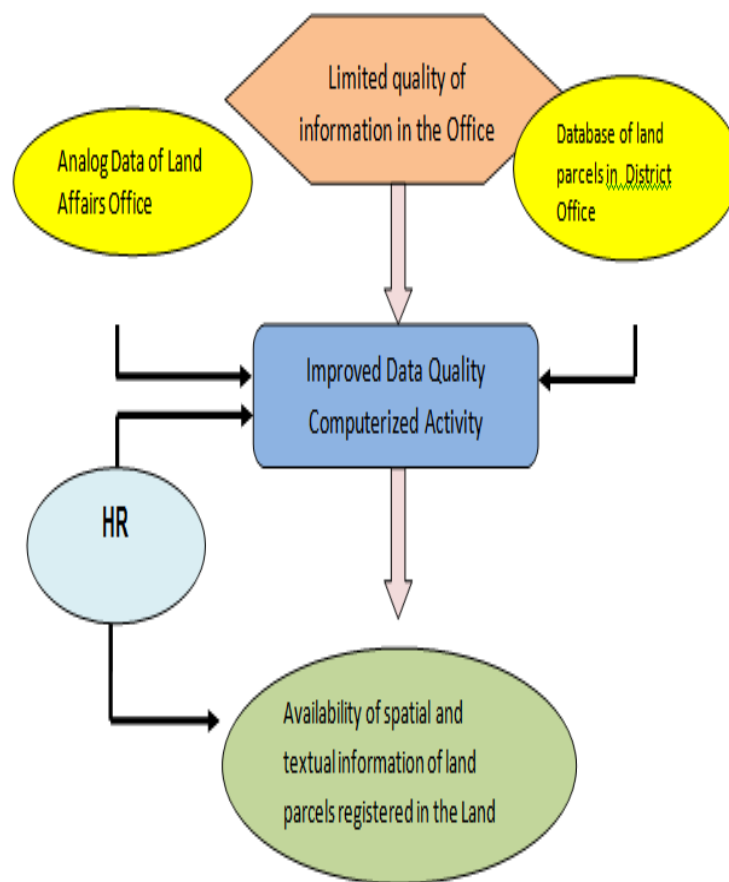
The informants generally stated that there was no archive on the history of the parcels in the Village. This will affect the quality of the rights base issued in the Village which ultimately affects the quality of land titles certificate in the Land Office. Therefore it is suggested that the database of land in the village with the name of the block map, situation map, floor plan, or other names with the same meaning.

Enemark (2012: 6) gives an idea that land information has four functions, namely land ownership, land value, land use, and land development. These four functions are interrelated. Linkages arise because land use serves as an influence on the value of the land. The value of the land is also influenced by future uses that may be determined through zoning, land use planning regulations, and licensing processes, so land use planning will determine and regulate future land developments. Dale and McLaughlin (1999) in Steudler, Daniel., Et al (2004: 3) says that the basic component of the administration of land is land ownership, value of land, and land use. The description inspires that information on the field of land through information technology needs to be developed in Village covering the three components of information above, namely ownership and control of land, land value, and land use, so that land information in the Village can double function, ie to ensure ownership and mastery Land, ensuring the value of land in the framework of taxation and land transactions, as well as land use for development planning.

Strengthening the quality of land information through the construction of a database of land in the Village requires a commitment such as establishing special institutions that are tasked to build, develop, and utilize information systems in urban areas. This special institution is supported by adequate human resources with competence in the form of knowledge, skills, and attitudes enough in carrying out the tasks according to the standards expected by the profession.

### 5. Strengthening the Quality of Information at the Land Office

The results show that the quality of information in the Land Office is not sufficient to be the basis for decision making on land rights. This is evident from the registration map in the Land Office, ie not all registered land plots are mapped into the current basmap. Even though the Land Affairs Office has now reformed through the CTF system, not all data has been accessed through the system yet, so re-input is required. Such circumstances have the potential to cause errors in the process of land registration. Therefore, it is advisable to make efforts to dig back the old data to input into the system that exists today. Efforts that have been made by the Land Office of Kendari City in order to improve the quality of land information is to build the CTF system. However, some registered field records are not found in the Land Office, either because they are lost, damaged, or due to regulatory developments and manufacturing technologies. Therefore, in the framework of improving the quality of land information in the Land Office, other sources of information are required outside the Land Office, namely from the rights-holders. Identification of registered land plots that have been built into the database system of land parcels in the Village will be able to improve the existing data in the Land Office, so that the scheme of strengthening the quality of land information in the Land Office can be described as follows.



**Picture: 4.1.** Strengthening the Quality of Information at the Land Office

### 6. Model Effectiveness of Land Enforcement Effectiveness in Kendari City

The result of the research indicates that the weakness of information in the Village and in the Land Office caused the effectiveness of land registration in Kendari City. The weakness of this information has an impact on the difficulties of implementing officers in performing their duties, especially in determining the certainty of the subject of rights. Therefore, it is necessary to formulate a model in realizing the effectiveness of the implementation of land registration through the construction of a database of land parcels in the Village. Development of data base of land area in the village is a solution to to improve the weakness of information both in the village and in the Land Office. The database of land parcels is constructed based on actual conditions in the field along with existing written evidence regarding the history of a plot of land. Thus the base of rights that will be published by the Lurah will describe the correct situation, so that the Land Office in conducting the registration process becomes more effective.

The construction of a database of land plots in Village certainly requires special institutions in addition to the existing institutions in the Village. This is considering the institutions that already have a lot of tasks and functions. Therefore, special institutional is required which task and function specially handle data and information field of land. To realize this, within the institutional need of adequate human resources support as executor as well as user database of land field. Strengthening the effectiveness of land registration in addition to the development of a database of land parcels in urban villages is also determined by external environmental factors, such as technological developments, economic variables, legal / policy variables, socio-cultural, climate and geography, and demographic conditions. The model of strengthening the effectiveness of land registration proposed in this study can be illustrated as shown in Figure 4.2. the following.

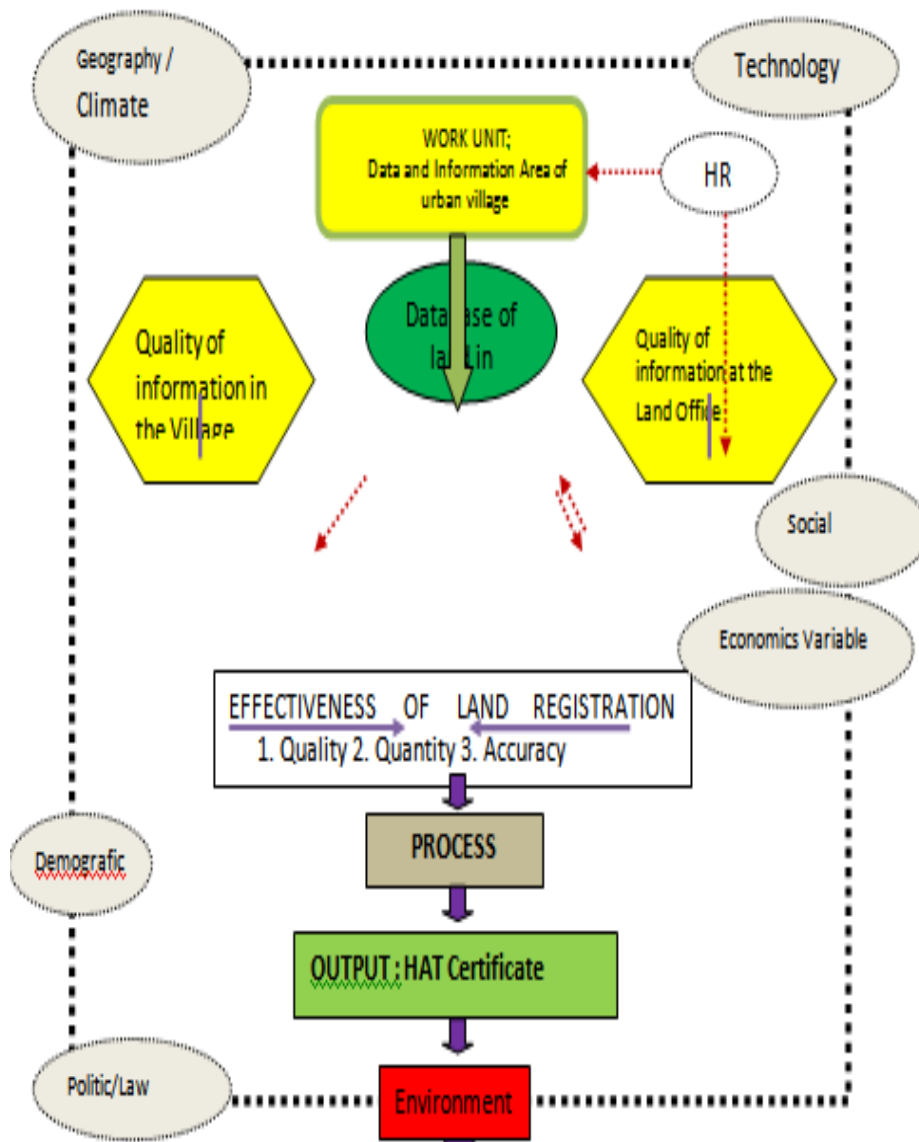


Figure 4.2. Model of Strengthening of Land Registration Effectiveness in Kendari City

The development of a database of land parcels in sub-districts is very meaningful in addressing the current weaknesses, so as to be useful for preventing and reducing land cases, increasing community participation, improving data quality in the Land Office, and accelerating the implementation of land registration. To be more assertive the importance of the development of database of land plots in the village, then it can be done before and if the design of the condition if built database of land parcels in the Village, in accordance with table 2.1 below.

**Table 2.1** Comparison of condition before and after existence of database of land area in Village

<b>Present condition:</b> Not yet built database of land in urban village		<b>The desired conditions:</b> Construction of database of land parcels in Village	
Condition	as a result	Condition	as a result
The absence of historical records of the land areas in the Village.	<ol style="list-style-type: none"> <li>1. Potential land titles are problematic because there is no certainty of the subject, object, and legal relationship.</li> <li>2. Information plot difficult equipped Land Office Because of the difficulty of data sources.</li> <li>3. Project activities and routine mapun not in accordance with the plan, old and not on target.</li> <li>4. Completion of the work becomes longer because there is a condition that results in a period of uncertainty / doubt.</li> <li>5. The emergence of disputes or land cases</li> </ol>	The existence of historical records of land areas in the Village.	<ol style="list-style-type: none"> <li>1. Certificate of right to quality land as supported by valid data from Village.</li> <li>2. The quality of information of land parcels registered in the land office can be enhanced through the results of data collection in the Village</li> <li>3. The regular project activities will be easy to plan and complete.</li> <li>4. Completion of work becomes faster because of clear information and no doubt</li> <li>5. Reduced disputes or land cases resulting from administrative errors.</li> </ol>

Strengthening the effectiveness of land registration through the construction of a database of land plots in this Village needs to get support human resources, institutional, and external environment. Qualified human resources in the implementation of land registration must have competence in the form of knowledge, skills, self concept, nature, and motives. This competency is the main capital in solving problems, completing the measurement work as well as the researcher of the land, as well as improving the quality of data and information of listed land as the basis for further land services. Institutional support in the form of the formation of special work units in charge of data and information of the land in the Village.

While external environmental support, such as technological developments, economic variables, legal / policy variables, socio-cultural, climate and geography, and demographic conditions.

#### IV. Conclusion

This study found that the implementation of land registration in Kendari City has not been fully effective, due to the poor quality of information in the Village, in the Land Office, as well as the community and human resources of the implementers. Therefore, the model of strengthening the effectiveness of the proposed land registration is to build a database of land parcels in Village that can complement each other with data in the Land Office. The significance of the development of database of land in this Village is the realization of land information in the Village covering the data of ownership and control of land, land value, and land use. To realize the effectiveness of land registration in Kendari City, it is suggested that the Office of Land City Kendari this model, which is in synergy with the Government of Kendari in building a database of land in urban village.

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