

# Land Agency Performance in Issuance of Certificate in Banjarbaru City

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## Abstract

This research aims to study and determine the performance of land agency officials in issuing certificates in Banjarbaru and to find out the supporting factors and obstacles to the performance of land agency officials in issuing certificates in Banjarbaru. The research method used in this study is a qualitative descriptive method with the geertz interpretive model approach, namely a phenomenological approach that seeks to find meaning instead of looking for laws, to understand every problem and not to seek a theory of phenomena. The results showed that the performance of the land agency apparatus in issuing certificates in Banjarbaru was still less than optimal, because the apparatus still expected compensation from the applicant; there is discrimination among officials in providing services because of the proximity system; Responsibility is still lacking due to complaints about making measuring drawings and land parcels maps; Accountability is not good because there are many community unrest/complaints, lack of transparency about the cost and time of certificate issuance. The supporting factors for the performance of the land agency apparatus in issuing certificates in Banjarbaru are: discipline, People's Service for Land Certificates (LARASITA) cars, computerized systems, waiting rooms, information boards and land flow charts. The factors inhibiting the performance of the land agency apparatus in issuing certificates in the city of Banjarbaru are human resources, lack of public understanding, lack of computer infrastructure, low apparatus capacity, lack of apparatus coordination, insufficient document storage, no lost certificate replacement funds, no guarantee of security for the land agency apparatus at work.

**Keywords:** Implementation of policies, local fees, re-calibrated services.

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## INTRODUCTION

A certificate is a certificate of proof of rights which is valid as a strong means of proof regarding the physical and juridical data contained therein, as long as the physical and juridical data are in accordance with the data contained in the measuring letter and the relevant land title book. The purpose of land registration according to the Basic Agrarian Law (UUPA) and government regulations for Indonesian citizens is to ensure and create legal certainty.

Article 3 Paragraph (1) of Government Regulation Number 24 of 1997 states that: "The objective of land registration is to provide legal certainty and legal protection to the holder of a land parcel so that it can easily prove himself as the holder

of the right concerned." However, in reality, we can still find overlapping land rights even though land registration has been carried out.

The land office is the official government institution authorized to regulate and issue land certificates. In carrying out tasks related to the performance of land agency apparatus in issuing certificates, people often receive complaints from the public, notaries/PPAT and advocates/lawyers in managing certificates in the legal area of Banjarbaru.

Based on the results of interviews and research conducted by the author in the field, several problems were obtained as in Figure-1 below.



Fig-1: Demonstration of Extortion and Performance of BPN Banjarbaru

“In the process of making certificates at low cost, easy in the process and fast in issuing certificates, it turns out that it is only a slogan that is always being heralded as published in the mass media by the government. In practice and in reality, the performance of the land agency apparatus in general and especially in Banjarbaru is not the case, because obtaining and processing the issuance of land certificates at a low cost, easy and fast process is not as easy as the community imagines, because many things are unknown, did not understand and did not understand the procedures to be followed which turned out to be tortuous and the certificate issuance process would take a lot of time if the procedures were straightforward. It should be noted that if the community wants to make a certificate, then: First, the community must register the measurement of the location and land boundaries first, then the applicant looks for a measuring officer first to the field where the land is located. Second, the land that has been measured must be registered in the sub-district where the measured land object is in the form of a Land Ownership Certificate (referred to as an SKPT). Third, it is followed by registering the land that the SKPT has measured and issued to the local Land Agency. Fourth, after going through several processes, it is possible to register land rights in the form of a certificate with a time process with four registrations. This, of course, in addition to taking time, it also requires additional costs if you want it to run smoothly, not to mention every time there is a desire from the community as the applicant to accelerate the certificate issuance process, the land agency apparatus often asks for additional funds to act as a lubricant” Source - (Primary Data, Notary/PPAT in Banjarbaru).

Many complaints from the public, Notary/PPAT and Advocates/Lawyers as the party given the authority of the community who do not provide facilitation payments, so the issuance of the certificate is not certain when the certificate requested is issued, especially if the certificate has actually been issued by the land agency due to negligence of the apparatus the land agency that mistakenly submitted the certificate not to the applicant or the attorney.

“There is also a certificate requested in the process that has been completed, by the governor who keeps the certificate of the applicant, scattered or lost somewhere or there is also information that is suddenly notified to the public or a Notary/PPAT as the applicant or attorney that the certificate requested is denied by other parties who also claims to be the owner of the land in the same land object (Overlapping). All problems due to negligence or intentional elements carried out by the Banjarbaru city land agency apparatus turned out to be to make and process the certificate making, so all the costs involved in issuing the initial/second derivative certificate are borne again by all costs in processing the certificate by the community as the applicant. Previously paid in full to the land agency apparatus” Sources - (Primary data in the form of Notary Information/PPAT B, H in Banjarbaru and Advocates AT, AM, AH, S, 2019).

“There are also BPN Banjarbaru officials who are supposed to maintain and keep the documents/documents of certificates under a certain name, the certificates exist but the land certificates are missing or lost or deliberately lost because of the strategic position of the land with high economic value, so that land owners request to re-apply for land rights or Also the certificate holders have not known the existence of the land object for more than twenty years, so the land agency officials deliberately leak the confidentiality of the lack of conditions for issuing the certificate, both to communities who previously did not have rights to the land but had more than five years of control over the land, then the community who controlled the physical land it makes land rights based on continuous (Sporadic) tenure, then in cooperation with the land agency apparatus by giving some money” Sources - (Primary data in the form of Advocate Information AT, AH, AM in Banjarbaru City).

“In other cases, it was experienced and informed by the community as the holder of a Customary Certificate in the form of a Land Ownership Certificate (SKKT) or Adat Seal issued before independence or above 1945 and before the birth of the UUPA, when they wanted to apply for a certificate to

the Banjarbaru city land agency for For the first time, when measuring land objects by the land agency surveyor of the city of Banjarbaru, he suddenly received objections or objections from the Indonesian National Police (Polri) or there were also other ground locations where there were objections from members of ABRI who said that the land was belonging to the Police or ABRI's land. On the basis that the land has been controlled by the police or ABRI dormitories for decades, so that in various ways the land agency apparatus does not have any rights and without going through the correct legal process then a certificate is issued in the name of the institution or agency, while the application letter is issued A certificate or rebuttal letter sent and received officially by the land agency apparatus is not responded to or has disappeared somewhere” Sources - (Primary data in the form of Advocate Information S, B, AT in Banjarmasin).

“There is also in the process of issuing a certificate, without knowing when the measurement was carried out by the surveyor from the Banjarbaru city land agency, suddenly another certificate was issued by the land agency of the city of Martapura, which is of course very detrimental to land owners” Source - (Primary data in the form of Advocate B, SL Information in Banjarmasin).

This situation shows the low awareness and lack of moral commitment from the apparatus as well as the lack of professionalism of the land agency apparatus in carrying out their performance in serving the people who request the issuance of certificates.

Performance is an important aspect of the success of an organization that aims to serve the community. Many problems and complaints raised by the public regarding the performance of land agency officials in the city of Banjarbaru that have not carried out their duties properly in serving community requests in making land certificates, made the author interested in examining from a scientific perspective of government science, especially on the performance of land agency officials in issuing certificates at the Banjarbaru land office.

The formulation of the problem in writing this thesis is to find out how the performance of the land agency apparatus in issuing certificates in the city of Banjarbaru and what are the supporting factors and obstacles to the performance of the land agency apparatus in issuing certificates in Banjarbaru. As for the benefits of this thesis research is that it can provide input to the Banjarbaru Land Office, especially the heads of the land agency offices in improving the performance of their subordinates as apparatus and theoretically from the results of this research it can develop governance knowledge, especially related to the performance of government institutions.

To support the research conducted, the authors formulate several concepts, including the concept of performance [1] which is defined as something that is achieved, or demonstrated achievement or work ability (Equipment). "The concept of apparatus is defined as a state instrument, government apparatus. The concept of apparatus performance according to Tista [1] is defined as the quality and quantity of work achieved by an employee in carrying out his duties in accordance with the responsibilities assigned to him. The concept of the National Land Agency [2] is a ministerial government agency in Indonesia that has the task of implementing governance in the land sector in accordance with statutory regulations, while the products issued by BPN are certificates. According to Tista, the Certificate Concept [2] is a means of proof in the form of a legal product in the form of a concrete state administrative decision containing a written statement in an individual land book addressed to a certain person/legal entity as the owner, and is final. Issued by an official government agency, namely a land agency, which can then be used as evidence of strong ownership of land.

The definition of land itself according to Limbong [3] is the surface of the earth or the top layer of the earth, while land [2] is defined as open land. Arable land and state land, meaning land controlled by the state. As quoted in the Land Code of the Russian Federation, the concept of land is known as "real property." Real property means land (really) and anything attached there to ... is defined as land and everything that is embedded in it, According to Russian land law, the Russian Federation land code is the Land is part of the earth's surface whose boundaries are determined in accordance with federal laws [2]. Registration of land rights in Indonesia is regulated in Article 19 of the UUPA, which in essence explains that the government is obliged to regulate and organize *rechtskadastro* land registration throughout the territory of Indonesia, which is regulated in Government Regulation Number 24 of 1997 concerning Land Registration in order to ensure certainty. law. Legal certainty guarantees according to Elisabet Lumban Raja in Tista [2] include: certainty of registered rights status, certainty of rights subject, certainty of rights objects, certainty of land objects.

According to Tista [4] that to measure the performance of the public bureaucracy there are several indicators that can be used, namely: productivity, service quality, responsiveness, responsibility and accountability, while to find out the supporting and inhibiting factors for the performance of the land agency apparatus in issuing certificates is using the theory that proposed by Zeinhaml *et al.*, [5] which explains that to measure the performance of public services, it is seen through various physical indicators.

The apparatus services provided to the public are in issuing ownership certificates. The definition of property rights departs from the definition of the term "right" in the Black's Law Dictionary, which means: As a noun and taken in an abstract sense, mean justice, ethical correctness, or consonance with rules of law or the principles of morals ... Right are defined generally as power of free action. And the primal right pertaining to men are enjoyed by human beings purely as such, being grounded in personality, and existing antecedent to their recognition by positive law. But leaving the abstract moral sphere, and giving to the term a juristic content, a right is well defined as a capacity residing in one man of controlling. With the assent and assistance of the state, the actions of others [6, 3].

**RESEARCH METHODS**

The method used by the writer in this research is descriptive analytical method with a qualitative

approach technique. Meanwhile, the approach taken by the author in this study is to use the Geertz Interpretive model, in which this model is part of a phenomenal approach that seeks to find "meaning" instead of looking for legal rules.

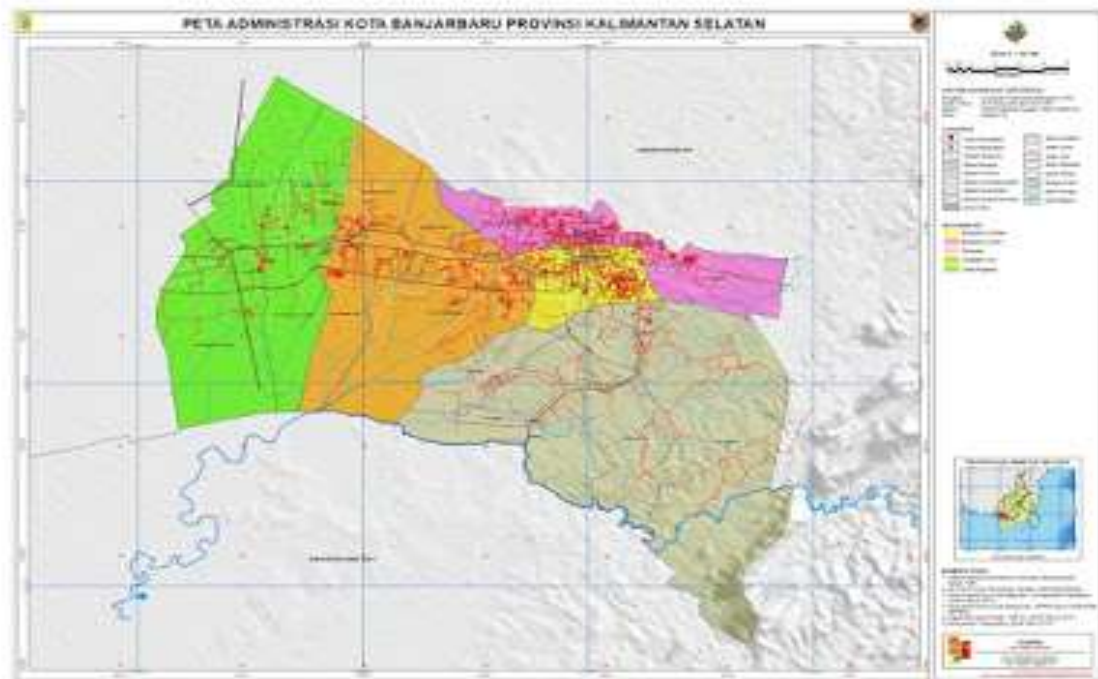
The reason the researchers used this qualitative method was in order to collect as much information as possible about facts that occurred in the community which led to the lack of performance of the land agency apparatus in issuing certificates. The author also conducts research with a statutory approach (statute approach), a conceptual approach (conceptual approach) and a case approach (case approach) to support the research results.

The informants as applicants in making certificates are described in Table-1 below.

**Table-1: Research Information Sources**

Informant sources	Information
Public	As the Petitioner / Proxy
Notary / PPAT	As Officer / Proxy
N	As the Apparatus
Advocates	As Petitioner / Proxy

The object of research carried out by the author is the Banjarbaru land office which is included in the city of Banjarbaru is shown in Figure-2 below.



**Fig-2: Banjarbaru Area Map**

Based on Figure-2, geographically Banjarbaru is located between 3° 25" 40" - 3° 28" 37" South latitude and 114° 41" 22" - 114° 54" 25" East Longitude. The geographical position of Banjarbaru

City is 35 in the direction of 296° 30', southeast of Banjarmasin which is the capital city of South Kalimantan Province.



## RESULTS AND DISCUSSION

The results of research on the performance of land agency officials in issuing certificates in the city of Banjarbaru using the following indicators.

### Apparatus Performance

The land agency apparatus in providing services to the community will prefer the community as the applicant or the attorney of the applicant for the issuance of a certificate that provides compensation for services than the applicant or the attorney of the applicant who does not provide at all.

### Discrimination in Services

There is discrimination in service by the land agency apparatus against the common people, government officials, Notaries/PPAT and Advocates/Lawyers. With a system of closeness or kinship and which contributes to the land agency apparatus, all its affairs will run smoothly. The morality inherent in the apparatus of the land agency should be the perception of the apparatus's work.

Based on the results of the author's interview above, it can be said that the land agency apparatus in Banjarbaru, apart from working as apparatus, also carries out additional tasks to improve their welfare in the form of additional income outside of salary. This situation will directly or indirectly affect the performance of the apparatus in providing services to the community at the Banjarbaru land office. Based on the information obtained by the author, it proves that the land office apparatus in carrying out the task of providing fast service is still oriented towards whether or not the contribution is obtained in the form of additional income for each task of the apparatus.

### Responsiveness (Responsibility)

The services provided by the Banjarbaru land agency apparatus have not met the expectations of the community and are not in accordance with correct administrative principles and are not in accordance with the organization's SOP. This can be seen from the process of submitting land certificate applications, measuring and mapping the location, the speed of the apparatus in making a situation picture, the speed at which the apparatus is making land rights decrees and the accuracy of the apparatus in issuing land certificates, namely:

#### a. Application for Making Land Certificates

Often the community, as the party applying for the certificate, complained about the difficult and convoluted procedure. As told by Mr. Herman, a member of the community in Banjarbaru as follows.

“Like this, you can see for yourself, I go back and forth to the house and to the Banjarbaru land agency office to complete all the requirements as requested and I ask for help sorting out which files are

needed to the land agency apparatus who are the neighbors of the applicant. I've been waiting here for a long time, there's no clarity” (Interview results, February 20, 2020).

Responding to the above community complaints, the author tries to interview the land agency apparatus and the apparatus' comments that I meet are as follows:

“You see sir, the land agency apparatus in the city of Banjarbaru already has a schedule and their respective duties, so people who apply for a certificate do not need to be confused because each one has handled it, and if there are people who experience difficulties or problems. Regarding requirements or whatever, there is an information counter, and if it's unclear you can also ask directly. If the files submitted by the community are complete and meet all the requirements, please register” (Interview results, February 20, 2020).

Community problems as the applicant for this certificate often occur. This situation shows that the community is not satisfied with the existence of land agency apparatus services in the Banjarbaru city land agency, in addition to the apparatus that is less professional in handling their field of work, the service of the apparatus providing services to the community as the applicant for land certificates is often delayed and this suggests that apparatus services the land agency in Banjarbaru is difficult and convoluted.

We also see an interview with one of the officials from the land agency in the section on land rights and land registration, subsection of land rights determination as follows.

“The community cannot arbitrarily blame the performance of the land agency apparatus in relation to the service of making this land certificate. Please, you need to know that people always want their business to be completed quickly, often they use brokerage services for this purpose. There are so many procedures that are violated if a broker is used, for example, if the measurement to draw the mapping does not have the signature of the owner of the land boundary then the minutes cannot be completed” (Interview Results, February 20, 2020).

The delay by the apparatus at the land office of the city of Banjarbaru in issuing certificates is not only an error of the land apparatus of the city of Banjarbaru itself, but is also caused by a lack of understanding and lack of requirements from the community in the process of making certificates which causes the land agency apparatus in Banjarbaru to be ineffective in processing the issuance certificate.

#### b. Complaints against Mapping and Measurement

A complaint often experienced by the community in issuing certificates is the length of time the land agency apparatus has taken measurements of the measured land and the results of the drawings on the map of the land location requested by the community.

Based on interviews conducted by the author of the retired Banjarbaru city land agency apparatus, who before retiring had the task of mapping and measurement, it is described as follows.

“I haven't retired from the land agency at the time. The problems I faced at the location were mostly land boundary issues, uncertain and unclear, especially when the owner of the land boundary requested and when the measurement was carried out in the field was not present, that adds to the problem, the certificate issuer does not want to know, the applicant wants the certificate to be completed quickly, Moreover, people who lied to BPN officials, falsified signatures on land boundaries with empty land” (Interview Results, February 10, 2020).

At the time of descending into the field and taking measurements, there must be a land agency apparatus, namely a measuring officer, there is a neighbourhood head where the land is located, there is a village head or staff from the sub-district where the land object is located, there is a community as an applicant for a certificate or land owner and witnesses. witness to the land boundary where the land object to be measured is the officer from the land agency apparatus where the land location is included in the legal area of the land body to further witness the measurement process on the land location object for which a certificate is requested.

Based on the results of interviews conducted by the author with the land agency apparatus in charge of the measurement sector, the authors conclude that there is an facility that can be obtained by the community as the owner and as the applicant for issuing certificates in the process of measuring and mapping on land objects in the field, depending on understanding or the community as the applicant and or the owner of the land object does not understand and is able or unable to present the border parties to the land being requested, and that too if the land agency apparatus as the surveyor can spare their time.

#### c. Complaints in Making Measure Drawings or Land Plot Maps

One of the requirements that must be present in the issuance of a certificate is the presence of a measuring image (GU), a measurement letter (SU) and a situation image (GS). The period of time in its manufacture is seven days from the time the land agency apparatus takes the measurement after descending to the location where the land is located, as long as the object of land requested does not overlap

and meets all requirements and is not legally problematic.

The results of the author's interviews with the community, it can be seen that the Banjarbaru land agency apparatus specifically in charge of making measuring letters (SU) and situation pictures (GS) is good enough in updating data and technology and realizing that apparatus delays have an impact on delays in deep settlement. Making a measuring letter (SU) and making a situation image (GS).

#### d. Complaints in the Issuance of Land Certificates

Based on the results of the research as well as the facts found by the author in the field, it is found that the Banjarbaru municipal land agency officials often postpone the work that is their obligation as an apparatus based on the authority entrusted to them. This has happened repeatedly until it drags on, this condition is thought to be due to routine work so that they feel bored at work, let alone inadequate incentives for working apparatus.

Many people who own land in Banjarbaru and as applicants for certificate issuance do not know and do not understand the procedures for land certificate management, so they often face this confusion and eventually people ask for help from service bidders and of course this is very detrimental and burdensome to the community besides that the effects can also worsening the image of the land office service in Banjarbaru.

Based on the research conducted by the author at the Banjarbaru land office, it was not as expected. Where the existence of the suggestion box provided by the Banjarbaru Land Agency is useless and what is more surprising to the author, there is a statement from the land agency apparatus that the author met separately stating that the existence of the suggestion box that has been prepared can be said to be merely a display and are often ignored, let alone to the extent that it functions as what the community wants as a certificate applicant who experiences problems or problems. Based on this, it is normal and understandable if people are lazy and sometimes don't care to suggest or convey their aspirations and complaints through the prepared suggestion box. Based on this research, it can be said that the performance given by the Banjarbaru land agency apparatus is still less responsive in providing its services to the community.

The head of the section on land rights and registration of rights also explained that in completing land certificates it is impossible to be 100% determined according to the time specified. This is often due to the incompleteness of the files submitted by the community and it may also be that the files that are expected or needed are being used by other departments. This situation can clearly hamper the completion of the certificate issuance.

### Accountability

Land of Banjarbaru city is still lacking, this can be seen from the many unrest and complaints from the public, Notaries/PPATs and Advocates/Lawyers as proxies and as service users.

Based on the information and observations obtained by the author, the Banjarbaru land agency apparatus in providing services to the public in general is still not transparent regarding costs and time in issuing certificates, even though there are rules contained in the Land Service Operational Standards and Procedures (SPOPP).

### CONCLUSION

Based on the results of this study, it was found that the performance of the land agency apparatus in issuing certificates in Banjarbaru was still not optimal, because the apparatus still expected compensation from the applicant; there is discrimination among officials in providing services because of the proximity system; Responsibility is still lacking due to complaints about making measuring drawings and land parcels maps; Accountability is not good because there are many community unrest/complaints, lack of transparency about the cost and time of certificate issuance. The supporting factors for the performance of the land agency apparatus in issuing certificates in Banjarbaru are: discipline, people's service for land certificates (LARASITA) cars, computerized systems, waiting rooms, information boards and land flow charts. The factors inhibiting the performance of the land agency apparatus in issuing certificates in Banjarbaru are

human resources, lack of public understanding, lack of computer infrastructure, low apparatus ability, lack of apparatus coordination, insufficient storage of documents, no funds to replace lost certificates, no guarantee of security for the land agency apparatus at work.

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