

APPLICATION OF GOOD GOVERNANCE PRINCIPLES IN LAND REGISTRATION SERVICE IN PARIGI MOUTONG

Surahman, Abdul Wahid, Irzha Friskanov S. *, Widyatmi Anandy

Universitas Tadulako, Indonesia

Correspondent Email: irzhافرiskanov@untad.ac.id

Abstract

The purpose of this article is to determine and analyze the application of good governance principles in land registration services in Parigi Moutong Regency. The findings showed that the law that covers the land certificate policy states that land can be owned by people either alone or jointly with other people and legal entities. By using empirical juridical research methods and using the theory of the rule of law and general principles of good governance as well as identifying with legal and conceptual approaches. It is concluded that the implementation of good governance in the performance of land registration public services in Parigi Moutong based on regulations can be measured through the elements of productivity, responsiveness and accountability. The element of responsiveness to the implementation of BPN Parigi Moutong's performance still has a less than optimal attitude towards parties applying for land permits.

Keywords: Good Governance; Land Registration; Public Service.

Abstrak

Tujuan artikel ini adalah untuk mengetahui dan menganalisis penerapan prinsip-prinsip good governance dalam pelayanan pendaftaran tanah di Kabupaten Parigi Moutong. Hasil menunjukkan bahwa undang-undang yang menaungi kebijakan sertifikat tanah bahwa tanah dapat dimiliki oleh orang baik sendiri maupun bersama-sama dengan orang lain dan badan hukum. Metode yang digunakan adalah metode penelitian yuridis empiris dan menggunakan teori Negara hukum dan asas-asas umum pemerintahan yang baik serta mengidentifikasi dengan pendekatan undang-undang dan konseptual. Disimpulkan bahwa penerapan good governance dalam kinerja pelayanan publik pendaftaran tanah di Parigi Moutong berdasarkan peraturan dapat diukur melalui unsur produktivitas, daya tanggap, dan akuntabilitas. Unsur responsif terhadap pelaksanaan kinerja BPN Parigi Moutong masih mempunyai sikap kurang optimal terhadap pihak yang mengajukan izin tanah.

Kata Kunci: Pemerintahan yang baik; Pendaftaran tanah; Pelayanan publik.

This is an open-access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.



INTRODUCTION

The National Land Agency is an institution that has the task of carrying out the function of implementing land registration which aims to achieve legal certainty for the people in Indonesia. The form of legal certainty in question includes the existence of a land certificate issued as proof of land ownership. The National Land Agency also has principles to strengthen land institutions in accordance with the spirit, spirit, principles, and rules contained in the Basic Agrarian Law and the aspirations of the people at large. Development for personal interests among others is in the interests of building houses and housing. Both those that are used for development that are in the nature of meeting public and private needs. The lands that are used are managed in Indonesia at the National Land Agency.¹

Good governance is one of the government's efforts to improve the pattern of public service delivery in the context of realizing bureaucratic reform, considering that the vision of bureaucratic reform itself is the realization of Good Governance. So it is necessary to realize that this is feasible and very important to be developed in the body of public service in Indonesia. The law that overshadows the land certificate policy is regulated in Law Number 5 of 1960 Article 4 that land can be owned by people either alone or jointly with other people and legal entities.

The public services provided by the government bureaucracy are carried out more efficiently by not reducing and changing the mindset that the bureaucracy becomes commercial, but still on efforts to improve services. With the professionalism of the apparatus and bureaucratic empowerment, it is hoped that it will be able to serve the demands of public sector services in terms of the needs of the community.² The problem that then arises is to realize an accountable government in this Country, apparently still an endless story. Many factors cause it, including corruption, collusion, and nepotism, disobedience of the law so that the enforcement is very weak, the use of power that is still beyond the limits of reasonableness, weak mental control of government organizers and officials and bureaucratic implementers.

Parigi moutong is a developing Kabupaten and must adapt to other districts in Central Sulawesi Province. The Parigi Moutong District Government is certainly not silent in responding to the existing progress. In response to this, the Parigi Moutong Regency Government is increasingly actively making improvements in physical and non-physical forms, one of which is in improvements in the public service sector, especially in land registration services. Every government agency is required to be able to provide the best public services to the community, including one form of government agency is the Parigi Moutong Regency land office. Public services at the Parigi Moutong Regency Land Office are expected to be in line with community expectations. Based on this description, the problem was formulated is how to apply the principles of good governance in land registration services in Moutong Regency?

¹ Mira Novana Ardani, "Peran Kantor Pertanahan Dalam Kegiatan Pendaftaran Tanah Sistematis Lengkap," *Gema Keadilan* 6, no. 1 (June 13, 2019): 45–62, accessed December 6, 2023, <https://ejournal2.undip.ac.id/index.php/gk/article/view/5118>.

² Pandji Santosa, *Administrasi Publik: Teori Dan Aplikasi Good Governance*, Cet. 1. (Bandung: Refika Aditama, 2008).

METHOD

This article uses an empirical type of research. Empirical law is legal research that analyzes about the application of law in reality to individuals, groups, societies, legal institutions in society with an emphasis on the behavior of individuals or societies, organizations or legal institutions in relation to the application or enactment of the law.³ In this empirical research, what is studied is library material or secondary data that includes primary legal materials, secondary legal materials and tertiary legal materials.⁴ Where as a consequence is the discrepancy between the rules and the application that occurs in the sphere of society and government. This legal research is related to the background and formulation of the problem in this study. This research uses several approaches in analyzing administrative law control and enforcement to answer problems that occur. By using a statutory approach and a conceptual approach.

RESULT AND DISCUSSION

Good government is an activity carried out by government agencies that is carried out based on the interests of the people and applicable norms to realize the ideals of the state.⁵ In its application to achieve the goals of good governance, government organizers must also always be guided by existing principles. Both the regulatory function and the service function concern all aspects of life and livelihood of society, nation and state, and their implementation is entrusted to certain government officials who are functionally responsible for certain areas of both functions.⁶

The principle of good governance is applied to create good governance and quality public services. Currently, public services still have many shortcomings such as minimal access to information and less responsive public service performance.⁷ The application of the principles of good governance is one of the foundations and efforts of the government in order to realize quality public services, including public services in land registration by the National Land Agency Parigi Moutong.

The general principles of good government are born out of the practice of state administration and government so that they are not formal products of a state institution such as legislation. The general principles of good governance are born in accordance with the times to increase the protection of individual rights. The function of the general principles of good government in the administration of government is as a guideline or guide for the government or state administrative officials in the framework of good governance.

The development of the times requires the government or state administrative officials to pay more attention to aspects of legal certainty in the administration of government for the peace and order

³ Muhaimin Muhaimin, *METODE PENELITIAN HUKUM* (Mataram: Mataram University Press, 2020), <https://digilib.stekom.ac.id/ebook/view/metode--penelitian-hukum>.

⁴ Soerjono Soekanto, *Pengantar penelitian hukum*, Cet. ke-3; ed. ke-2. (Jakarta: Penerbit Universitas Indonesia (UI-Press), 2006).

⁵ Marasi Kindly Harianja, "Analysis of Citizen's Charter Policy as A Strategy for Improving the Quality of Public Services in the Issuance of Driving License," *Journal of Public Representative and Society Provision* 3, no. 2 (July 24, 2023): 30–38, accessed December 6, 2023, <https://psppjournals.org/index.php/jprsp/article/view/262>.

⁶ Hotma P. Sibuea, *Asas Negara Hukum, Peraturan Kebijakan Dan Asas-Asas Umum Pemerintahan Yang Baik* (Jakarta: Erlangga, 2011).

⁷ Niosi Nimas Ratu and Rahayu Subekti, "PENERAPAN PRINSIP GOOD GOVERNMENT DALAM PELAKSANAAN PENDAFTARAN TANAH PADA BADAN PERTANAHAN NASIONAL KOTA CIREBON," *Jurnal Pendidikan Kewarganegaraan Undiksha* 9, no. 3 (October 11, 2021): 682–696, <https://ejournal.undiksha.ac.id/index.php/JJPP/article/view/38523>.

of people's lives. The aspect of peace and order becomes part of the aspect of service of the government or state administrative officials to members of society. One of these services is the implementation of policies that are obedient (consistent). Policy consistency is an indispensable need in the administration of government, among others, in order to meet the demands for equal treatment of all citizens or to avoid arbitrary actions. These developments encourage the general principles of good governance to develop in a more positive direction that further adds to the binding force of those principles of good governance. The general principles of good government, which were previously the ethics of administering government, later evolved into unwritten legal principles of government. With this development, the general principles of good governance increasingly have a very important meaning and function in the practice of administering government.

The development of the general principles of good government from merely ethical tendencies to unwritten law can be called a process of positivization of the general principles of good governance. In Indonesia, the process of positivizing legal principles in a more positive direction, as in other countries, also occurs. The process of positivization of the general principles of good governance continues in subsequent developments. Therefore, the development of the general principles of good governance in a more positive direction further strengthens the presence of general principles of good governance in the environment of the national legal system and the practice of administering government. In recent developments, the general principles of good government evolved into written positive law because some of the general principles of good government were then formally set forth in the statute.⁸

The increase in the legal status of the general principles of good government, from ethical tendencies (ethics of government) to positive unwritten law or written law, makes the existence of general principles of good government increasingly important in the context of the theory or practice of government. In fact, in the future, the legal certainty of the general principles of good government is not impossible to increase further if the general principles of good government are specifically formally set forth in a law. If the general principles of good government are specifically set forth in a statute, it means that the general principles of good government will have a stronger position. In Law Number 30 of 2014, it is explained that the General Principles of Good Government, hereinafter abbreviated as AUPB, are principles used as a reference for the use of Authority for Government Officials in issuing Decisions and/or Actions. In Chapter IV related to the Rights and Obligations of Government Officials, it is formulated that government officials must comply with the AUPB as stated in Law Number 30 of 2014.

The normativeization of AUPB/AAUPL in the Law certainly strengthens the existence of the State of Law adopted by Indonesia. This normativeization is also part of the principle of legality. If the AUPB is violated then there are juridical sanctions. This is because the naming of the AUPB is not only a moral and ethical issue, but also a written and legal legality issue that can be used as a reference in behaving and acting for administrative officials. The normativeization of AUPB/AAUPL in Law Number 30 of 2014 can be a source of written State Administrative Law. Before the existence of Law Number 28 of 1999 concerning the Implementation of a Clean and Free State from Corruption, Collusion, and Nepotism and Law Number 30 of 2014 concerning Government Administration was

⁸ Jimly Asshiddiqie, *Perkembangan dan konsolidasi lembaga negara pasca reformasi*, Edisi kedua. (Jakarta Timur: Sinar Grafika, 2010).

born, the AUPB/AAUPL extension was considered an unwritten law in Indonesia. Although it is considered unwritten law, the AUPB/AAUPL has significant powers that can be used as a guide in behaving and acting for government administration officials.⁹ After the existence of the two laws mentioned above, AUPB / AAUPL was normalized into the Law, especially Law Number 30 of 2014. For the authors, this AUPB/AAUPL naming is actually not quite right. This departs from the assumption that the position of the legal principle is actually above the norm. Legal principles should not be confused with norms, because the making of legal norms should refer to legal principles.

In order to find out why AUPB/AAUPL is referred to as a legal principle (legal joint) and from which the AUPB/AAUPL material as a legal principle is unearthed and found, it is necessary to first study and research how the relationship between legal and ethical (moral) and how the moral as a moral element and part of the source (material) of idiosyncratic law can give birth to AAUPPL as a principle (legal joint).¹⁰

CONCLUSION

Based on the description of the discussion, it is concluded that the implementation of the implementation of good governance in the performance of public services in land registration in Parigi Moutong based on Government Regulation Number 24 of 1997 concerning land registration can be measured through elements of productivity, responsiveness, and accountability. In the elements of productivity and accountability, the application of good governance in the performance of the Parigi Moutong National Land Agency can be said to have met service standards in accordance with Law Number 25 of 2009 concerning Public Services. Based on the research conducted, the responsiveness element of the implementation of BPN Parigi Moutong's performance still has a suboptimal attitude towards parties who apply for land permits. There are several obstacles experienced by BPN Parigi Moutong in land registration services, namely the lack of accuracy in issuing certificates. Due to the lack of accuracy and thoroughness of the officers, there was an overlap in land ownership certificates. This statement was supported by the staff of the South Parigi Sub-district Office who stated that there was a lack of valid data on land ownership in the sub-district and at the BPN Parigi Moutong office.

REFERENCES

- Ardani, Mira Novana. "Peran Kantor Pertanahan Dalam Kegiatan Pendaftaran Tanah Sistematis Lengkap." *Gema Keadilan* 6, no. 1 (June 13, 2019): 45–62. Accessed December 6, 2023. <https://ejournal2.undip.ac.id/index.php/gk/article/view/5118>.
- Asshiddiqie, Jimly. *Perkembangan dan konsolidasi lembaga negara pasca reformasi*. Edisi kedua. Jakarta Timur: Sinar Grafika, 2010.
- Harianja, Marasi Kindly. "Analysis of Citizen's Charter Policy as A Strategy for Improving the Quality of Public Services in the Issuance of Driving License." *Journal of Public Representative and Society Provision* 3, no. 2 (July 24, 2023): 30–38. Accessed December 6, 2023. <https://psppjournals.org/index.php/jprsp/article/view/262>.

⁹ Ikhsan Fatah Yasin, "Eksistensi AAUPB Di Indonesia Dan Yurisprudensinya Dalam Perkara TUN," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 8, no. 2 (October 2, 2018): 296–317, <https://jurnalfsh.uinsby.ac.id/index.php/aldaulah/article/view/790>.

¹⁰ S. F. Marbun, *Asas-Asas Umum Pemerintahan Yang Layak*, Cetakan pertama. (Yogyakarta: FH UII Press, 2014).

-
- Marbun, S. F. *Asas-Asas Umum Pemerintahan Yang Layak*. Cetakan pertama. Yogyakarta: FH UII Press, 2014.
- Muhaimin, Muhaimin. *METODE PENELITIAN HUKUM*. Mataram: Mataram University Press, 2020. <https://digilib.stekom.ac.id/ebook/view/metode--penelitian-hukum>.
- Ratu, Niosi Nimas, and Rahayu Subekti. "PENERAPAN PRINSIP GOOD GOVERNMENT DALAM PELAKSANAAN PENDAFTARAN TANAH PADA BADAN PERTANAHAN NASIONAL KOTA CIREBON." *Jurnal Pendidikan Kewarganegaraan Undiksha* 9, no. 3 (October 11, 2021): 682–696. <https://ejournal.undiksha.ac.id/index.php/JJPP/article/view/38523>.
- Santosa, Pandji. *Administrasi Publik: Teori Dan Aplikasi Good Governance*. Cet. 1. Bandung: Refika Aditama, 2008.
- Sibuea, Hotma P. *Asas Negara Hukum, Peraturan Kebijakan Dan Asas-Asas Umum Pemerintahan Yang Baik*. Jakarta: Erlangga, 2011.
- Soekanto, Soerjono. *Pengantar penelitian hukum*. Cet. ke-3; ed. Ke-2. Jakarta: Penerbit Universitas Indonesia (UI-Press), 2006.
- Yasin, Ikhsan Fatah. "Eksistensi AAUPB Di Indonesia Dan Yurisprudensinya Dalam Perkara TUN." *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 8, no. 2 (October 2, 2018): 296–317. <https://jurnalfsh.uinsby.ac.id/index.php/aldaulah/article/view/790>.