POLICY EVALUATION OF THE LAND REGISTRATION SYSTEM IN MALANG CITY

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ABSTRACT

Purpose: This research aims to discover, explain, and analyze the phenomenon under investigation in-depth, which is related to the land publication system in Malang City. This research employs a qualitative approach and is conducted at the Malang City Land Office, involving various parties directly engaged in the land registration process.

Theoretical Framework: Land registration plays an essential role in the social structure, with various countries adopting different registration systems, such as positive and negative publication systems. The positive system establishes land registry data as incontrovertible evidence, providing legal protection even if the data may not be accurate, while the negative system, practiced in Indonesia, does not guarantee absolute legal protection by the government to landowners (Chekole et al., 2020; El-Hallaq & Eid, 2020; Rubasinghe, 2010; Van der Molen & Tuladhar, 2006).

Method: Primary data is obtained through interviews with various informants, including Land Office employees, legal practitioners, community leaders, and the general public. Secondary data is derived from documents, ministerial regulations, government regulations, as well as archives of the Malang City Land Office, accessible both offline and online. Data collection involves the researcher, interview guidelines, and other supporting tools.

Result: The research findings indicate that the policy evaluation of the land publication system aims to achieve legal certainty, which has not been fully realized.

Conclusion: The main issues include disputes over land ownership between land buyers and original landowners. Furthermore, the implementation of programs and activities within the land publication system has not reached its full potential. The current land publication system requires evaluation, focusing on effectiveness, efficiency, sufficiency, equity, responsiveness, and accuracy. There is insufficient legal protection for land certificate holders, leading to recurring agrarian conflicts every year. Additionally, in this positive-leaning negative publication system, certificates possess only relative strength, rather than absolute authority.

Keyword: policy evaluation, land registration, public service.

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AVAILAÇÃO POLÍTICA DO SISTEMA DE REGISTRO PREDIAL NA CIDADE DE MALANG

RESUMO

Finalidade: Esta pesquisa tem como objetivo descobrir, explicar e analisar o fenômeno sob investigação em profundidade, que está relacionado com o sistema de publicação de terra na cidade de Malang. Esta pesquisa utiliza uma abordagem qualitativa e é realizada no Escritório da Terra da Cidade de Malang, envolvendo várias partes diretamente envolvidas no processo de registro de terras.

Quadro teórico: O cadastro desempenha um papel essencial na estrutura social, com vários países adotando diferentes sistemas de registro, como sistemas de publicação positiva e negativa. O sistema positivo estabelece os dados cadastrais como prova irrefutável, proporcionando proteção legal mesmo que os dados não sejam precisos, enquanto o sistema negativo, praticado na Indonésia, não garante proteção legal absoluta por parte do governo aos proprietários de terras (Chekole et al., 2020; El-Hallaq & Eid, 2020; Rubasinghe, 2010; Van der Molen & Tuladhar, 2006).

Método: Os dados primários são obtidos através de entrevistas com vários informantes, incluindo funcionários da Land Office, profissionais da justiça, líderes comunitários e o público em geral. Os dados secundários são derivados de documentos, regulamentos ministeriais, regulamentos governamentais, bem como arquivos do escritório da cidade de Malang, acessíveis tanto offline quanto online. A coleta de dados envolve o pesquisador, diretrizes de entrevistas e outras ferramentas de apoio.

Resultado: Os resultados da pesquisa indicam que a avaliação política do sistema de publicação de terras visa alcançar a segurança jurídica, que não foi totalmente realizada.

Conclusão: As principais questões incluem disputas sobre propriedade de terras entre compradores de terras e proprietários originais. Além disso, a execução de programas e atividades no âmbito do sistema de publicação de terrenos não atingiu todo o seu potencial. O atual sistema de publicação terrestre requer avaliação, com foco na eficácia, eficiência, suficiência, equidade, capacidade de resposta e precisão. A proteção jurídica dos detentores de certificados de terra é insuficiente, o que conduz a conflitos agrários recorrentes todos os anos. Além disso, neste sistema de publicação negativa de tendência positiva, os certificados possuem apenas força relativa, em vez de autoridade absoluta.

Palavra-chave: avaliação de políticas, cadastro, serviço público.

1 INTRODUCTION

Land registration plays an essential role in the social structure, with various countries adopting different registration systems, such as positive and negative publication systems. The positive system establishes land registry data as incontrovertible evidence, providing legal protection even if the data may not be accurate, while the negative system, practiced in Indonesia, does not guarantee absolute legal protection by
the government to landowners (Chekole et al., 2020; El-Hallaq & Eid, 2020; Rubasinghe, 2010; Van der Molen & Tuladhar, 2006). In the negative system, land certificates serve as strong but not final evidence and can be challenged with other evidence. Although certificates can be altered based on court decisions, this system does not always provide complete legal certainty (Miller, 2018; Nyangweso & Gede, 2022; Rahdania & Djaja, 2023; Zulkifli et al., 2015). The Supreme Court of Indonesia has emphasized that the registration of someone's name in the registry does not automatically indicate absolute land ownership (Supreme Court of Indonesia, 1975). Many lands in Indonesia remain uncertified due to various factors, including the perception of a lengthy, complex, and costly certification process. Misconduct in the land bureaucracy system and discrimination in bureaucratic services are also common issues (Biitir et al., 2021; Chekole et al., 2020; Deininger & Feder, 2009; Perera, 2010).

Boedi Harsono describes land registration as an ongoing and structured process carried out by the state for the benefit of the community, including providing legal certainty in land matters (Santoso, 2014). The Comprehensive Systematic Land Registration (PTSL) program aims to increase the number of land registrations, but challenges arise due to the negative system, which imposes a five-year waiting period before certificates become irrevocable Ministry of Agrarian and Spatial Planning/National Land Agency, 2016; (Santoso, 2014). Malang City is one of the areas that has implemented the PTSL program since 2017. However, based on an inventory of land dispute cases handled by the government in the Malang City area, there are many unresolved land dispute issues involving individuals and legal entities. Within a span of 2 years, there have been 20 cases classified as land dispute cases in Malang City. In practice, there are weaknesses in the land publication system referring to Law Number 5 of 1960, which is the negative land publication system in Malang City. The state cannot guarantee certificates as absolute evidence, but only as strong evidence.

The government does not guarantee the accuracy of the data in the certificates. All data and information in the certificates are considered correct as long as all parties agree on the accuracy of the data. This situation has led to many problems, including the emergence of land conflicts and disputes among various parties in different regions of Indonesia. One of the regions facing land issues is Malang City. To address existing land disputes in Malang City, intervention from the Malang City Government, particularly the land department, is required. Law Number 5 of 1960 concerning Basic Regulations on

Agrarian Affairs as the basis for land law regulation in Indonesia is showing signs of obsolescence, especially in adapting to information technology infrastructure and the speed of land registration data processing (Herdarezki et al., 2021). Furthermore, there is legal uncertainty in the regulations mentioned in the Basic Agrarian Law, which states that the government's land registration activities culminate in the issuance of certificates, namely land certificates as evidence of registered land rights, which function as strong evidence.

However, there are many issues, such as many residents of Malang City seeking to obtain certificates when their land is currently in the form of "girik" (a temporary certificate), and in such cases, the village/neighborhood chief relies on the physical condition of the land, ownership, and tax payment evidence. The occurrence of deviations and problems in the land publication registration system necessitates a review of the performance of this policy. A policy established by the government requires monitoring to prevent deviations during its implementation. Additionally, evaluating the success or failure of a public policy is essential to assess whether its objectives and targets have been achieved. Evaluation pertains to the production of information regarding the value or benefit of policy outcomes (W. Dunn, 2003). Evaluation provides valid and reliable information about policy performance, including the extent to which needs, values, and opportunities have been achieved through public actions. Not all public policies will succeed after implementation, and conversely, not all public policies will fail in their implementation (Nugroho, 2017). The indicators in public policy evaluation include effectiveness, efficiency, sufficiency, equity, responsiveness, and accuracy (W. Dunn, 2003). These six indicators are interrelated in assessing the success of a policy.

The reason for selecting the policy evaluation theory used in this study is the alignment between the variables in Dunn's theory and the research theme, as well as the results obtained and the greater number of evaluation variables compared to other evaluation theories, which will deepen the analysis. One of these is effectiveness, which involves the degree of achieving specific objectives, viewed from both the results and the effort in terms of the measured effort; the inefficiency of the land publication system due to various land cases leading to overlapping land legal structures; sufficiency, which relates to the performance of the Malang City Land Office in implementing the land publication system in Malang City; equity, which concerns the justice received by the community, whether in sporadic or systematic land registration; responsiveness, which is
related to the responsiveness of the Malang City Government and the responsiveness of the community in fulfilling land certificate ownership; accuracy, which is related to the final results for the Malang City Government and the final results in the system for the people of Malang City. This article aims to evaluate the implementation of the land registration system in Indonesia, with a focus on Malang City.

2 METHOD

This research is a descriptive study with a qualitative approach, utilizing both primary and secondary data. In qualitative research, as defined by (Stake et al., 1994), the data primarily consists of words and actions, along with additional data such as documents and others. The focus in qualitative research is closely related to problem formulation, where the research problem is used as a reference in determining the research focus. In line with the research problem statement and objectives, the focus of this research is the evaluation of the Negative Land Registration Publication System in Malang City, which includes: a. Effectiveness b. Efficiency c. Sufficiency d. Equity e. Responsiveness f. Accuracy.

In qualitative research, the researcher's method involves collecting and analyzing qualitative data, including words and human actions. Some common techniques used in qualitative research include in-depth interviews, participant observation, and document collection. Researchers may use all of these techniques in a single study or choose one or two data collection techniques based on their needs. The choice of data collection technique ultimately depends on the researcher's need to obtain valid data (Stake et al., 1994).

1. Observation: The researcher directly observes the land registration process at the Malang City BPN office, land registration procedures, and land conflict reporting procedures at the Malang City BPN office. Additionally, the researcher observes the PTSL process in Malang City conducted in Sukun District, Malang City.

2. In-depth interviews: In-depth interviews are conducted with six informants as mentioned in the data sources to obtain in-depth information about stakeholder perceptions of land registration activities in Malang City using the negative land registration publication system.
3. Documentation in this research includes photographs of land boundary markers, land certificates, land registration documents such as the Karawangan Kelurahan book, Minister of Agrarian and Spatial Planning/BPN Regulation Number 27 of 2020 on the Strategic Plan of the Ministry of Agrarian and Spatial Planning/National Land Agency for the Year 2020-2024; National Medium-Term Development Plan (RPJMN) 2020-2024; Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation Number 6 of 2018 concerning comprehensive systematic land registration (PTSL); Minister of Agrarian and Spatial Planning/BPN Regulation No. 18/2021, the third amendment to Minister of Agrarian and Spatial Planning/BPN Regulation No. 24 of 1997, which governs land registration procedures.

The data analysis process follows the Interactive Data Analysis model by Matthew B. Miles, A. Michael Huberman, (2014), which involves continuous analysis throughout the data collection process in the field until data collection is completed. This analysis includes several activities, such as data review, data grouping, identifying what is relevant to the research focus, and deciding what will be reported.

3 RESULT

Regulations related to land registration have been fully regulated in Government Regulation (PP) No. 24 of 1997. However, Mukmin said that, despite this, many people have tried to register their land, but the land office does not want to register it, and it is not long before the land is registered. The land has been turned into land with cultivation rights (HGU). This certainly requires attention to how the state can provide access to justice for the community regarding land ownership rights. The aim of the land registration activity itself is; a) Gender equality: a land registration process that provides equal opportunities for men and women; b) Social and Environmental Assessment (ESMF): the safeguard process minimizes risks that may arise from environmental and social aspects; c) Inclusive: PPRA involves the community, so that land registration is no longer one-way; d) The community is given training, has the opportunity to become a facilitator, and receives a transfer of knowledge from surveyors; e) Participatory: the people involved come from various circles, including community leaders, youth and women.
In this research, it was found that the purpose of the land registration publication system is to test the evidentiary strength of the certificate, by looking at whether it is strong or not strong and absolute or not absolute, this affects the evidentiary strength of the Land Rights Certificate. Systematic land registration is carried out simultaneously with the Government's initiative, in this case the National Land Agency (hereinafter referred to as BPN), to register land parcels that have not been certified based on a long-term and annual work plan and is carried out in areas determined by the Minister of State for Agrarian Affairs. Head of BPN, while sporadic land registration is carried out on the initiative of owners of land plots that have not been registered. The first land registration that is often carried out in Indonesia is sporadic land registration. Systematic land registration is rarely implemented because it requires long-term and annual work plans. Even though increasing the amount of land certified by systematic land registration is the right way, it carries the risk of inaccurate land data being certified. By owning a certificate for the plot of land, legal certainty will be obtained for the plot of land, the certificate gives a sense of security, the certificate can be guaranteed, certified land is easy to sell, land prices will increase. In this research, it was found that programs and activities organized by the Malang City National Land Agency have been implemented in accordance with applicable regulations, such as PTSL to speed up certificate ownership, installing independent stakes as an effort to mobilize and increase public awareness in installing and maintaining boundary signs. the land they own, so that they can eliminate conflicts and land boundary disputes, and land banks as an alternative to prevent, resolve conflicts or land disputes, as well as resolve various land issues from upstream to downstream.

Evaluation implementationThe land registration publication system in Indonesia, especially in Malang City, includes effectiveness, efficiency, adequacy, equity, responsiveness and accuracy, as follows:

1. Effectiveness, Effectiveness is related to whether an alternative achieves the expected results with whether one alternative achieves the stated goals. Deviations in the implementation of the land registration system require a study and handling, which is known as the effectiveness of law enforcement. It requires physical strength to enforce these legal rules into reality based on legitimate authority. The occurrence of seizures, confiscations, land grabs require legal ownership of the land, so land registration is an ideal solution for the community
to provide valid strength or evidence for land rights holders in the form of land certificates. There were six land disputes that occurred in Malang City in the last year based on website articles. These cases are cases that have been around for a long time and have not been resolved. In reality, in the last four decades, the phenomenon of land disputes that have emerged has been extraordinary. These disputes occur between the community and the government, the community and investors, the community and the community itself, and even between government agencies and government agencies. Most of these problems arise as a result of land acquisition for the purposes of developing infrastructure, industry, housing, tourism and large-scale plantations. If the land is disputed land, what happens is that land certificates are hampered or even cannot be issued. This dispute is a crucial problem that causes several parties difficulty in processing land certificates. This system is said to be effective because of the implementation of the PTSL program, however sporadic registration still experiences problems due to obstacles in the processing process so that the current flow is less effective. Apart from that, land registration is seen from the ownership of the certificate as proof of land ownership which is quite effective, so that if there is a struggle, confiscation or seizure of land requiring legal ownership of the land, land registration is an ideal way out for the people of Malang City to provide power. or valid evidence for the holder of land rights in the form of a land certificate, but not absolute evidence. In addition, if one party experiences loss of land rights due to an illegal transfer of land rights by another party or an error in registration, the government does not provide compensation. To overcome the weaknesses of the publication system in the land registration system, Indonesia has so far used the rechtsverwerking institution.

The use of rechtsverwerking institutions is caused by Indonesian land law which still uses customary law and does not recognize other institutions, such as acquisitive verification or adverse possession. In customary law, if someone leaves their land uncultivated for a certain period of time, then the land is worked on by another person who obtained the rights to the land in good faith, then the original owner of the land will lose their rights to the land (UUPA). Based on this, a concept of a land registration system is needed in Indonesia in an effort to achieve legal certainty. Based on the provisions of Article 32 paragraph (2) Government Regulation Number 24 of 1997, it is determined
that: "In the event that a plot of land has been legally issued a certificate in the name of a person or legal entity that acquires the land in good faith and actually controls it, then other parties who feel entitled to the land can no longer demand the implementation of that right if within 5 (five) years from the issuance of the certificate there are no written objections against the certificate holder and "The Head of the Land Office concerned or not filed a lawsuit with the Court regarding control of the land or the issuance of the certificate."

This system is to protect the actual land owner who can always claim his rights but it has been registered by someone else. In this system, the transfer of land rights is not determined by the registration of the transfer of rights carried out, but is determined by the validity of the legal act carried out, so that the existence of a land certificate is important for the land owner to prove its existence. However, in this research it was found that there was ineffectiveness of the negative publication system regulated in Government Regulation no. 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration, namely that the state does not guarantee the correctness of physical data and juridical data.

2. Efficiency, efficiency will occur if resources are used optimally so that previously set goals can be achieved. In relation to one of the programs in the land registration publication system, namely PTSL, efficiency is quite efficient. The PTSL program has a definite target in terms of issuing certificates, so that within a certain period of time several thousand certificates must be issued. PTSL is a government program that should be implemented comprehensively, since its implementation in 2018-2023, many sub-districts have not received socialization. This PTSL program is very helpful for lower middle-class people, because it is a program with minimal costs. For sporadic registration, namely registration carried out independently, there are still many obstacles, especially in the process which is sometimes complicated. The efficiency of this system is that the PTSL program has a definite target in terms of issuing certificates, so that within a certain period of time several thousand certificates must be issued. However, the target ownership of the certificate causes new problems to arise, namely regarding clarity on tax issues, land area, non-formal transactions that are detected at a later date, which causes the owner to have to process the certificate again sporadically (independently) at a considerable cost. expensive and takes longer.
3. Adequacy, the adequacy of the land registration publication system is related to effectiveness by predicting how far existing alternatives can satisfy needs, values or opportunities in resolving problems that occur. The goal of land registration is to issue a certificate as proof of ownership of land rights. The issuance of a land certificate is strong proof of land ownership. The ease of making a land certificate can be obtained by following the BPN program, namely PTSL. Apart from making certificates, the land registration publication system also includes data maintenance. The issuance of a land certificate is the final result of the purpose of land registration. However, land registration is not free from obstacles. Obstacles that often arise, researchers encounter fundamental problems, the cause of problematic land administration is people who still consider the evidence of land ownership to be correct, for example people who still adhere to their respective beliefs such as mandates left in their will and people who still use bartering or social communication in the process of buying and selling land. Legal reinforcement stating that a transaction is complete is proof of receipt without involving the government. The Malang City Government is focused on achieving the quantity of land certificates. Currently, asset certification is still one of the Malang City Government's homework assignments that must be completed immediately. Considering that there are still quite a lot of assets that do not yet have legality. At the East Java Province level, Malang City is in second place with around 6,000 uncertified assets out of a total of 9,000 assets owned. Researchers found that the Malang City government's focus is on achieving the current quantity of land certificates because there are targets that must be achieved. This was done with many shortcomings, including ignoring crucial things in the data contained in the land certificate, such as tax settlements, or unclear sale and purchase deeds. So it will again cause conflict. In improving the land registration system, government participation is needed, especially in providing information that is fast, valid and oriented towards community expectations, otherwise there is potential for conflict.

4. Equity, equity evaluation is a policy that has several targeted target groups, so that efforts to determine a policy need to be measured whether the benefits of the program have been felt by these target groups. The land registration publication system in Malang City has been running as it should, especially in orderly
administration. In the Indonesian context, there are many benefits to be gained from the presence of a land bank, namely: a) First, there is always land available for development so that development plans by the government and the private sector are not hampered. b) Second, the availability of land all the time for development purposes will attract investors. Investors who have made initial investments do not experience losses due to the protracted land acquisition process. c) Third, efficiency. So far, land acquisition activities have often been problematic and taken a long time due to the issue of compensation value. Land prices in an area increase drastically when land acquisition is carried out. d) Fourth, land banks can maintain land price stability. Land prices in an area usually immediately increase when the government wants to develop an area. This development plan will of course be equipped with supporting infrastructure which will become a new economic growth area. Of course, with the existence of a land bank that has reserved land from various sources, the increase in land prices in a location when needed does not experience a high price increase. e) Fifth, land banks can provide land for social purposes, especially under certain conditions, such as relocation during a disaster. Land is available, so disaster victims can be treated quickly for relocation and recovery after a disaster occurs. Land banks require further outreach to the community, this is done so that the community has broad insight regarding agrarian development. Researchers found that equity in the implementation of a negative publication system with a positive tendency in Malang City has several targeted target groups, so that efforts to determine a policy should have been measured to see whether the benefits of the program have been felt by the target group, which in this research is the people who register their land. Through a legal system and statutory regulations that can provide protection, predictability, justice and efficiency, it will be created for all the people of Malang City, both from a social and economic perspective. In reality, the issue of legal certainty in land ownership is still far from expected, because land conflicts are a chronic and classic problem and last for years or even decades and always happen everywhere. Conflicts and potential land disputes still arise frequently and have not been properly anticipated, however land conflicts have decreased from 2019 to 2021 because people are increasingly concerned about land ownership by processing certificates both systematically and sporadically.
5. Responsiveness; responsiveness is intended to answer whether policy results satisfy the needs, preferences or values of certain groups. A policy whose results have satisfied certain groups means it has resolved the problem. In land registration in Malang City, the enthusiasm of the people of Malang City is quite high, so the Malang City government through BPN has carried out land registration with a fairly high target in one of the sub-districts in Malang City. The conflicts that arise in the implementation of land registration with this negative publication system are very diverse. However, one of the conflicts that often arises is land disputes. The land dispute case is one of the cases that hampers the land registration process because the land registration process is quite extensive. If the land experiences a dispute, you definitely cannot simply or easily get a certificate, because the process in making a land certificate must be detailed and long. The issue of agrarian conflict can only be resolved if the government has a strong political will to carry out the mandate of the constitution, especially the 1945 Constitution (UUD) Article 18B Paragraph 2. This article stipulates that the state must recognize and respect indigenous peoples and their traditional rights as stated in law. In Malang City itself, agrarian conflicts always increase every year. The Malang City Government is still trying to minimize agrarian conflicts that arise. In this research, it was found that land disputes in Malang City have been going on for a long time and there has never been a resolution. The disputed land covers thousands of hectares. This gives rise to conflicts involving society, the military and other parties. Land registration requires accuracy to prevent malpractices that will cause agrarian conflicts in the future. The Indonesian government is responsible for creating systematic land data for the benefit of the country's future development.

6. Accuracy: The accuracy of a policy implemented through programs for target groups needs to be assessed whether the desired results or objectives are truly useful or valuable. Seeing the high use value of a certificate, the absence of a land ownership certificate can cause various problems, not only making it difficult for people to have access to formal financial institutions, but can also create legal uncertainty and trigger disputes and conflicts. Proof of ownership is the main thing in formal and material proof. If a problem occurs, this evidence will guarantee
legal certainty in the future, but it is found that the current certificate is only strong evidence, not absolute evidence.

4 DISCUSSION

In modern times, almost every country has a system of recording people’s rights to property in a public record. There is wide variation in the system features used by different countries for this purpose due to the different socio-economic conditions and administrative history of each country. In general, this system is classified into two broad categories, namely Deed Registration and Property Rights Registration. The purpose of policy implementation is seen from the character of the implementation of the context of policy analysis in the policy making process adopted policy is carried out by administrative units which mobilize financial and human resources to comply with the policy (W. Dunn, 2003). The objectives of the program can be differentiated in terms of the objectives of the procedure and the objectives of the expected results. Procedural objectives concern the performance of administrative functions by the agency responsible for implementing the overall program. Basically, the aim of the procedure concerns targets that are relevant to the internal administration of the program (implementation of programs and services). Meanwhile, the purpose of the expected results is to set external targets for program operations where program performance can be evaluated (Dolbeare & Gardiner, 1975).

Efforts to provide land for public purposes have been proclaimed in statutory regulations, namely Law Number 5 of 1960 concerning Basic Agrarian Principles and Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest. Limbong, (2013) stated that land banks are one of the media in land governance with the aim of increasing land use so that it becomes more profitable and providing guarantees for the availability of land or land for various kinds of infrastructure needs in the future, therefore it can reduce the impact The bad things that happen in land liberalization, reduce various problems in the process of land release and the efficiency of the APBN/APBD. From the analysis of research results, it can be concluded that the objectives of implementing land registration have been regulated in the UUPA and are categorized into national basis, unity and simplicity basis, and legal certainty basis. Basically, the purpose of expected results is to set external targets on program operations by which program performance can be evaluated (Dolbeare & Gardiner, 1975). The aim
of land registration has generally been achieved, namely to provide legal certainty. However, in reality, legal certainty does not guarantee the validity of the data in the existing certificate, so land conflicts can still occur.

Dunn, (2003) explains that evaluation is concerned with the production of information regarding the value or benefits of policy results. Evaluation provides valid and reliable information about policy performance, namely how far needs, values and opportunities have been achieved through public action. Not all public policies once implemented will be successful and vice versa, not all public policies fail in their implementation (Nugroho, 2017). Indicators in public policy evaluation include effectiveness, efficiency, adequacy, alignment, responsiveness, accuracy (W. Dunn, 2003). These six indicators are interrelated in seeing the success of a policy. One of them is that effectiveness means the level of achievement of a certain goal, which is viewed in terms of results, as well as effort in terms of measured effort. The land registration publication system is less effective due to the emergence of various land cases which cause the legal structure of land to overlap.

Effectiveness relates to whether a policy achieves the expected results or achieves the objectives of the action. Effectiveness is related to technical rationality, this is always measured in terms of product or service units or monetary value (W. Dunn, 2003). In Indonesia, the land registration policy adopted is a negative land registration system/negative stelsel system because there is no guarantee of legal certainty provided by the state to holders of land rights. The use of this negative stelsel policy is explicitly mentioned in several decisions related to land registration issues, including in the decision of the Supreme Court of the Republic of Indonesia No. 495/Sip/1975 which states that “Considering the negative stelsel regarding land registers/registrations that apply in Indonesia, the registration of a person’s name in the register does not mean absolute ownership of the land if its invalidity can be proven by another party (as is the case in this case) ”. The negative publication system adheres to the legal principle of “nemo plus iuris”, where a person cannot take legal action that exceeds the rights he has, and the result of the violation is null and void (rechtswge nietig) so that, even though there has been registration, there is always the possibility of a lawsuit to the owner whose name is listed on the certificate from a person who can prove that he is the actual holder of land rights (Brits et al., 2002; Miller, 2018; Nyangweso & Gede, 2022; Parsova & Kapostins, 2015; Rahdania & Djaja, 2023). Yubaidi et al., (2022) concluded that Indonesia still needs
to complete registration documentation for all land rights, so that it can be integrated into the land data bank as a vital state archive and also to implement the principle of beneficial ownership. Following in the research of (Palilingan et al., 2019) in general vital archives have several roles: (1) as a land registration data archive that connects land owners with their land; (2) as proof of the correctness of the certificate issuance procedures; (3) as proof of ownership rights to land by the right holder; (4) vital files are reference documents for future improvements; and (5) as a dispute resolution document. Further indications of irregularities in the implementation of the land registration system include cases that arise as a result of the choice and implementation of the land registration system in the use of negative publicity systems (with positive elements), such as: 1) the occurrence of cases of double certificates and other land conflicts; 2) reduction in agricultural land and conversion of agricultural land to non-agricultural use; 3) widespread industrialization and housing development; 4) the pretext of development for the public interest (Santoso, 2014).

The emergence of land cases which are often covered by various mass media is largely an accumulation of cases that have been going on for a long time and have not been resolved (Istijab, 2018). The scope of Land Registration based on Government Regulation Number 24 of 1997 Article 1 is a series of activities carried out by the Government continuously, sustainably and regularly, including collection, processing, bookkeeping and presentation and maintenance of physical data and juridical data, in the form of maps and lists, regarding plots of land and apartment units, including the provision of letters of proof of title to plots of land to which there are already existing rights and ownership rights to apartment units as well as certain rights encumbering them. Winarno, (2012) said that effectiveness comes from the word effective which means achieving success in achieving predetermined goals. Effectiveness is also called utility results. Effectiveness is always related to the relationship between the expected results and the results actually achieved. If after implementing a public policy activity it turns out that the impact is not able to solve the problems currently being faced by society, then it can be said that the policy activity has failed, but sometimes the results of a public policy are not immediately effective in the short term, but through a certain process. This can be seen whether the program achieves the expected results or achieves the objectives of the action.
Based on research results, the implementation of land administration management activities in Malang City still gives rise to many problems, namely the occurrence of seizures, confiscation and confiscation of land due to the absence of valid land documents. Currently, dispute resolution or problems related to land in Indonesia can be done either through court or outside court (mediation). Current government policy prioritizes settlement outside of court first, and if it cannot be resolved through mediation, the settlement can proceed to a court proceeding. The court route can be in the form of the General Court, the State Administrative Court (for example in cases of claims for cancellation of land certificates), and the Religious Court in cases of inheritance and waqf land disputes. Please note that Indonesia actually had a special court related to land in 1964 in the context of land reform. However, this special court was abolished in 1970. Since its abolition, every land conflict has been resolved in the general court. In its development, it even entered the realm of other courts as previously mentioned. In practice, three different courts can carry out judicial proceedings in the same case with different decision results. Based on research results, the implementation of land registration in Indonesia uses a negative publication system with a positive tendency, which means that the negative publication system with a positive tendency uses a rights registration system (Torrens system or registration of titles), but the publication system cannot be purely positive, because physical data and Jurisdiction in land certificates is not certain to be correct, but the data must be accepted by the court as correct data as long as there is no evidence that proves otherwise (Abab et al., 2021; El-Hallaq & Eid, 2020; Moges, 2021). In Malang City, there is still a lot of land that does not have a certificate. There are still many people in Malang City who use Letter C, in fact Letter C is a record in the form of a book found in each village or sub-district which functions as a record of tax collection and information regarding land identity during the Dutch colonial era. If used as valid evidence, Letter C is currently incomplete and data is often not maintained if changes occur so that the information in it cannot be accurate. Based on research results, in terms of effectiveness, the implementation of PTSL has met the target, but in programs outside of PTSL such as data maintenance and sporadic land registration programs, there are still difficulties for certain community groups in obtaining services as they should in accordance with the original policies such as the length of service time. Inappropriate and too long a time in service.
Efficiency is achieved when resources are used to their full potential to achieve goals. According to Dunn, (2003), efficiency is defined as the amount of work required to achieve a certain level of effectiveness. The relationship between effectiveness and effort, which is usually assessed in terms of monetary expenditure, is called efficiency, which is the equivalent of economic rationality. The unit cost of a product or service is often used to measure efficiency. Efficiency refers to policies that provide maximum efficacy at the lowest cost. Efficiency relates to the amount of effort required to produce a certain level of effectiveness. Effectiveness and efficiency are closely related. When we talk about efficiency, we imagine using our resources optimally to achieve a certain goal (Nyangweso & Gede, 2022; Perera, 2010). This means that efficiency will occur if resources are used optimally so that a goal will be achieved. Efficiency is usually determined through calculating the cost per unit of a product or service. Policies that achieve the highest effectiveness with the smallest costs are called efficient. If the target to be achieved by a policy is too large compared to the results achieved, this means that the policy activity has been wasteful and is not suitable for use. Apart from that, in relation to efficiency, systematic land registration is felt to be less effective because the program has targets that must be achieved, thereby ignoring several important aspects of land certificates, such as land tax which must be paid first, as well as sale and purchase certificates carried out by the previous owner only based on receipts or the statement “sale by word of mouth”, so that when the land certificate was to be used for buying and selling purposes or other purposes, they had to still manage it independently, so it took twice as long with two land registration processes.

The efficiency of the land registration publication system with a negative publication system with a positive tendency is less effective. To ensure legal certainty regarding land registration, Government Regulation Number 10 of 1961, in measuring and mapping activities regulates procedures, such as: before a plot of land is measured, first carry out: an investigation into the history of that plot of land; and setting its boundaries. To carry out these activities, a committee was formed which was formed by the Minister of Agrarian Affairs. This committee consists of an employee of the land registration office, who is the chairman and two members, namely the Village Government or more as members. In carrying out this work the committee is obliged to pay attention to information provided by interested parties. The results of the historical investigation and the designation of the land boundaries in question are written in a
checklist whose form is determined by the Head of the Land Registration Department and signed by the Committee members as well as by interested parties or their representatives (Biitir et al., 2021). If there is a dispute about the boundaries between several plots of land that are adjacent to each other or a dispute about who has the right to a plot of land, then the committee tries to resolve the matter with the interested parties peacefully. If the efforts mentioned above fail, then those interested in boundary disputes or in disputes about who actually has the right to that plot of land, can submit the matter to a judge. In Government Regulation Number 10 of 1961 concerning Land Registration, it is linked to legal protection and certainty, in substance efficiency in land registration procedures has legal protection and certainty, but the legal protection and certainty is lost, because of the negative publicity system adopted by the land registration system. We are also the mandate of article 19 paragraph (2) letter c UUPA. Where in the negative publicity system, the State does not guarantee the physical data and juridical data in the certificate, this is true as long as it is not proven by other more correct evidence then changes can be made based on a court decision. Thus, it is clear that there is no legal protection and certainty for holders of land ownership certificates for registration applicants. In this case, it is concluded that the effectiveness and efficiency of land registration in Malang City is still lacking, it needs to be reviewed regarding the applicable regulations.

Adequacy is seen from how far a level of effectiveness can satisfy needs, values, or opportunities in solving problems that occur. The adequacy criterion emphasizes the strength of the relationship between policy alternatives and the expected results (W. Dunn, 2003). Adequacy is still related to effectiveness by measuring and predicting alternatives that can be used to solve problems that occur. In land registration in Malang City, until now there are still many conflicts. The conflicts that occurred were dominated by land disputes. The great disruption Fukuyama, (2005) occurs in situations that trigger conflicts and land disputes. Such as seizure, confiscation, land grabbing, land registration is an ideal solution for the community to provide valid power or evidence for land rights holders in the form of land certificates. This Great Disruption occurred in the implementation of land registration, namely in the development of an increasingly complex society with the continued increase in population from time to time resulting in an increasing need for land which was not balanced by the increase in the amount of land. This situation triggers conflicts and land disputes.
Such as seizure, confiscation, land grabbing, land registration is an ideal solution for the community to provide valid power or evidence for land rights holders in the form of land certificates. This constitutional mandate is very clear. The first order, the state was given the authority to control all agrarian resources in the territory of the Republic of Indonesia. The second commandment, controlled by the state, aims for the prosperity of the people. This constitutional order is a derivative of the state’s basic mandate in the 5th principle of Pancasila, social justice for all Indonesian people (Sandela et al., 2021). In public policy, adequacy means that the objectives that have been met have been deemed adequate in some respects. According to Dunn, (2003), adequacy refers to how well the level of effectiveness meets the needs, values, or opportunities that generate problems. Land cases in Indonesia can also be categorized based on subjects to know and understand the constellation and map of land cases in Indonesia, both vertically and horizontally. Constellations and maps of land cases are important input in accelerating the resolution of land cases. The question of who did what and what their motives were can be examined through the subjects involved in the land case. The role played by this subject can be used as an entry point in accelerating the resolution of land cases. Sandela et al., (2021) adequacy in public policy can be said to have achieved objectives that have been felt in various ways. Adequacy concerns how far a level of effectiveness satisfies needs, values or opportunities in solving problems that occur. From the definition above, it can be concluded that adequacy is still related to effectiveness by seeing or predicting how far existing alternatives can satisfy needs, values and opportunities in solving problems that occur. Based on the research results, the adequacy of the implementation of the land registration publication system in Malang City is still related to the effectiveness in determining how well different options can meet needs, values, or opportunities in solving problems. A small number of people in Malang City are still reluctant to process land ownership documents in the form of certificates, resulting in problems when the land is sold.

Equity in public policy can be compared with the justice provided and obtained by public policy objectives. According to Dunn, (2003), equality criteria are closely related to legal and social rationality and relate to the distribution of results and efforts across various groups in society. Pancasila is the ideal foundation and soul of the Indonesian nation’s vision and is the spirit that drives struggle and development. The 1945 Constitution is the basic benchmark in guiding state power towards the expected
development. Article 33 of the 1945 Constitution is the basis for the state to control and regulate the use of land and natural resources which is known as the right to control the state (HMN) which aims to maximize the prosperity of the people (Biitir et al., 2021; Deininger & Feder, 2009; Herdarezki et al., 2021; Sandela et al., 2021; Zulkifli et al., 2015). Apart from PTSL, the government’s initiation program on the systematic publication of negative land registration currently in effect in Indonesia, there is a land bank. In the context of equalization, land supply authority can be extended from land procurement institutions to land bank institutions. The existence of a land bank can carry out what is mandated by the 1945 Constitution of the Republic of Indonesia and the 1960 UUPA. The authority to control according to State Control Rights (HMN) is in the context of land supplies which will become a source of fixed land bank assets through the land acquisition process. State control is not immediate, even though the state has the authority to control land, in obtaining it it still pays attention to and respects existing community rights through the land acquisition mechanism according to Law no. 2 of 2012, government determination, buying and selling, exchange and other forms (Biitir et al., 2021; Deininger & Feder, 2009; Herdarezki et al., 2021; Sandela et al., 2021; Zulkifli et al., 2015).

The Land Bank Institution has the perspective that ATR/BPN has the authority to regulate and administer land supplies. The task of land supply is actually not a new task for the ATR / BPN ministry, but not in the context of land reserves for land banks, but rather in land procurement activities for development in the public interest. The land bank here has the concept that the government’s activities are to provide land that will be allocated for future use and is directly oriented towards improving community welfare. Land Banking is a government activity whose function is to provide land and its use will be allocated in the future, depending on the objectives of the land expropriation agenda. The government’s authority in the Land Bank arises from the concept of State Control Rights which is also limited by the social function of land (Abab et al., 2021; Biitir et al., 2021; Deininger & Feder, 2009; Ding, 2003; Herdarezki et al., 2021; Parsova & Kapostins, 2015; Sandela et al., 2021; Showaite, 2018; Thontteh & Omirin, 2019). Land banks can be used as instruments to support the implementation of various land policies and support the achievement of development through regional development, fair land acquisition to realize the greatest prosperity of the people (Biitir et al., 2021; Deininger & Feder, 2009; Herdarezki et al., 2021; Sandela et al., 2021; Zulkifli et al., 2015). Miles
et al., (2014) explains that equality in public policy can be said to mean justice given and achieved by public policy targets. Equity-oriented policies are policies in which the consequences or efforts are fairly distributed. A particular program may be effective, efficient and sufficient if the costs of benefits are evenly distributed. The key to alignment is justice or fairness. Policy implementation must be fair in the sense that all sectors and levels of society must equally be able to enjoy the results of the policy. Because public policy is a service from the bureaucracy to the community in fulfilling community activities both directly and indirectly. Based on the research results, systematic land registration using the negative land publication system has the advantage of being free of charge, so that all Malang City residents can register their land for free when the program is implemented in sub-districts in Malang City on a regular basis. However, in reality, the program is not completely free, because some conditions require costs, although not much.

The response of policy targets to policy implementation is referred to as responsiveness in public policy. According to Dunn, (2003), responsiveness refers to the extent to which a policy can meet the requirements, preferences or values of certain groups of society. In Dolbeare & Gardiner, (1975); J. R. Dunn et al., (2013); Zulkifli et al., (2015) Responsiveness concerns the extent to which policies can satisfy the needs, preferences or values of certain groups of society. Responsiveness in public policy can be interpreted as a response to an activity. Dunn, (2003), suggests that the responsiveness criterion is important because an analysis that can satisfy all other criteria (effectiveness, efficiency, adequacy, equity) still fails if it does not respond to the actual needs of the group that should benefit from a policy. Therefore, responsiveness criteria are a real reflection of the needs, preferences and values of certain groups against the criteria of effectiveness, efficiency, adequacy and equality. Based on the research results, the implementation of systematic land registration in Malang City involves several important stakeholders who know exactly the flow of land registration, one of which is the senior community in each sub-district, because it is very important to know the ins and outs of land as a requirement. In making land certificates. One of them is to determine the exact land boundaries. To determine land boundaries, certain measurements were used which at that time were already known and recognized by the community, such as fathoms, steps and so on, but these were also not accurate. Apart from that, the land documents have not been stored properly, usually they are kept by the local Village Head and there is a
tendency that if the Village Head dies, all the letters and documents are also lost (Moges, 2021). Therefore, the size and location of certain plots of land owned by community members are always based on what the local Village Head remembers and is assisted by the knowledge of elders or bordering parties, so that with this very natural and simple method there is no technical certainty, both size, location and boundaries.

Responsiveness relates to the extent to which a policy can meet the requirements, preferences or values of societal groups. The increase in agrarian conflicts in the current publication system shows that legal certainty in the current publication system still does not protect the legal owners of land certificates. These regulations still need to be synchronized so that there is the same perception from ministries/agencies and other related parties in implementing them in the field. One of the roots of the agrarian conflict problem is caused by the land registration system used in Indonesia, one of which is Malang City, in the form of a negative publicity system with a positive tendency. The KPA Secretary General said that "KPA sees that there have been no significant and fundamental changes made by the government, both at the central and regional levels, in handling and resolving agrarian conflicts. The government’s response was also weak and slow in efforts to prevent the conflict from spreading to the surface.” (Kompas.id, accessed 2 April 2023) In a negative registration system (negative stelsel) with a positive tendency, the government does not provide guarantees of legal certainty for holders of valid evidence (certificates), the Government is also not responsible for the data and information contained in in the land title certificate. The data referred to here is the physical data and juridical data contained in the land title certificate, based on Article 1 paragraph (6) and (7) Government Regulation Number 24 of 1997 concerning Land Registration.

According to Dunn, (2003), accuracy or appropriateness refers to the values of program objectives and the strength of the assumptions that support these objectives. Accuracy is the criterion used to select several options that will be recommended by determining the results obtained from the alternatives suggested as options. Nugroho, (2017) also explained that evaluation evaluators can identify problems, conditions and actors that support the success or failure of policy explanations. Through evaluation, it can be seen whether the actions carried out by the actors, whether bureaucratic actors or other actors, are in accordance with the standards and procedures set by the policy. The weakness of the negative publication system is that the party whose name is listed as the
right holder in the land book and certificate always faces the possibility of a lawsuit from another party who feels they own the land. Generally, these weaknesses are overcome by using acquisition or adverse possession institutions. Our land law which is based on customary law cannot use this institution, because customary law does not recognize it. However, in customary law there is an institution that can be used to overcome the weaknesses of the negative publication system in land registration, namely the rechtsverwerking institution. Appropriateness criteria are closely related to substantive rationality, because questions about policy appropriateness are not concerned with individual criteria but two or more criteria together (Dunn, 2003). Appropriateness refers to the value or worth of program objectives and to the strength of the assumptions underlying those objectives.

Efforts in agrarian development through land acquisition need to be handled as well as possible and carried out by paying attention to the role of land in human life and also not neglecting personal interests, safeguarding land rights obtained legally. Personal interests are personal needs or interests that are not paid attention to because they are trumped by public interests (Limbong, 2013). Based on the analysis of research results, the evaluation of the implementation of the land registration publication system is currently running well. However, many indicators need to be improved and readjusted to the real conditions occurring in the field. As with the efficiency indicator, systematic land registration at an affordable cost ignores important aspects of land plot data, such as postponing land tax payments, so that the certificate owner has to rearrange it sporadically and this is inefficient and requires more expensive costs. In addition, in the responsiveness indicator, it was found that land conflicts always occur due to a lack of legal certainty for land rights owners. The lack of public understanding of the importance of certificate ownership is also one of the obstacles to this finding. In terms of accuracy indicators, the certificate is only strong evidence, not absolute, the truth of the land owner is not yet subjective and objective regarding the holder of the right to the land. This is the responsibility of BPN to assist the community in managing the validity of land data subjectively and objectively.

5 CONCLUSION

The results of this research indicate that the implementation of the policy evaluation of the land registration publication system is analyzed through the objectives
and implementation of programs and activities, which are explained: a) The purpose of the land registration publication system, legal certainty that has not been achieved, the problem that occurs is the existence of land ownership disputes between land buyers and original land owner, b) Programs and activities in implementing the land registration publication system have not run optimally, PTSL is being implemented which is one of the programs to speed up the issuance of free land certificates. The program is running smoothly, so far there is a target of 6,000 plots of land to have certificates. However, from 2018-2022 the program was implemented, several sub-districts were still not aware of the existence of the PTSL program, so it was concluded that socialization and knowledge of land-related programs was still very minimal. Evaluation of the implementation of the Negative Land Registration Publication System in Malang City has shown some good results, but there are still several problems that need to be overcome. Effectiveness, efficiency, adequacy, equity, responsiveness and accuracy have been assessed positively. However, there are deficiencies in efficiency, adequacy and equity, especially regarding taxation, certificate problems resulting from previous buying and selling processes, and differences in land registration procedures. The author also realizes that these findings only apply to Malang City and cannot be directly applied to all cities or countries. Therefore, the government is expected to take appropriate action to overcome problems in the implementation of the Negative Land Registration Publication System. A more in-depth study of policy analysis for implementing this system using various research methods is also important for developing countries like Indonesia.
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