

Evaluation of the Policy of Granting State Land Tenure Rights in Sambaliung District, Berau Regency

Hermansyah^{1*}, Arif Darmawan², V. Rudy Handoko³

Program Studi Doktor Ilmu Administrasi Publik, Fakultas Ilmu Sosial dan Ilmu Politik, Universitas 17 Agustus 1945 Surabaya

Corresponding Author: Hermansyah aldho.valentino@gmail.com

ARTICLE INFO

Keywords: Policy Evaluation, Land Administration, State Land Ruler

Received : 5, July

Revised : 25, August

Accepted: 15, September

©2024 Hermansyah, Darmawan, Handoko: This is an open-access article distributed under the terms of the [Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by/4.0/).



ABSTRACT

This study aims to find out and analyze the evaluation of the policy of granting state land tenure rights in Sambaliung District, Berau Regency and identify the factors inhibiting the implementation of Berau Regency Regional Regulation Number 5 of 2019 concerning the Implementation of State Land Tenure Administration. This research is a descriptive qualitative research and the results of the study show that the evaluation of Berau Regency Regional Regulation Number 5 of 2019 shows that although this policy has provided several positive achievements, there are still challenges that need to be overcome to improve its effectiveness and responsiveness.

INTRODUCTION

Berau Regency is a regency located in East Kalimantan. In Berau, many people have obtained the right to control state land. It can be said that not all people understand the importance of land registration. In general, land ownership by local communities is based on the recognition that the land they own has been cultivated or managed (Khafid, 2023). Responding to the large amount of cultivated land managed by the community on state land that has not been recognized administratively and legally and to bring order to cultivated land in conservation areas, the Berau Regency Government issued Berau Regency Regional Regulation Number 5 of 2019 concerning the Implementation of State Land Tenure Administration as a legal umbrella that aims to realize an orderly land tenure administration. The implementation of the administration of state land tenure intended in the Regional Regulation is to bring order to illegal land tenure by the community and prevent and reduce the occurrence of disputes due to overlapping land tenure and the absence of legal rights in its control.

Land tenure in Indonesia, especially in Berau Regency, is a very important and complex issue. Land not only functions as a source of life for the community, but also as a strategic economic asset. In this context, irregular land tenure often leads to various problems, such as land disputes and overlapping ownership (Triyuda, 2024). This is a challenge for local governments in creating legal certainty and order in land administration. Berau Regency Regional Regulation Number 5 of 2019 concerning the Implementation of State Land Administration is expected to be a solution to overcome these problems. This policy aims to bring order to land tenure by the community and provide legal certainty related to land rights. However, the implementation of this policy still faces various obstacles that need to be identified and evaluated. One of the main problems faced is the lack of public understanding of land law. Many people are unaware of their rights and obligations related to land, so they often neglect the correct procedures in land tenure and management. This misunderstanding has the potential to cause prolonged disputes and conflicts.

Table 1, Data on the issuance of land tenure certificates per Kecamatan in Berau Regency in 2021-2022

NO	KECAMATAN	LUAS WILAYAH (KM2)	TAHUN 2021		TAHUN 2022			JUMLAH
			JUMLAH SKPT	LUAS (M2)	JUMLAH SKPT	LUAS (M2)	SKPT	LUAS
1	Tanjung redeb	24,42	11	10.302	57	122.345	68	132.647
2	Sambaliung	2.163,37	75	790.962	84	893.306	159	1.684.268
3	Gn. Tabur	1.963,32	400	5.859.838	705	13.246.317	1.105	19.106.155
4	Teluk bayur	316,98	89	687.579	80	714.769	169	1.402.348
5	Segah	5.241,29	0	0	34	392.377	34	392.377
6	Kelay	6.556,54	54	152.717	64	1.220.781	118	1.373.498
7	Pulau derawan	4.423,99	0	0	15	270.400	15	270.400
8	Maratua	5.616,26	83	559.128	85	548.271	168	1.107.399
9	Tabalar	1.837,34	0	0	30	848.332	30	848.332
10	Biatan	3.575,30	0	0	17	431.166	17	431.166

NO	KECAMATAN	LUAS WILAYAH (KM2)	TAHUN 2021		TAHUN 2022			JUMLAH
			JUMLAH SKPT	LUAS (M2)	JUMLAH SKPT	LUAS (M2)	SKPT	LUAS
11	Talisayan	1.621,57	4	9.031	101	1.098.425	105	1.107.456
12	Batu putih	1.192,03	81	1.145.333	9	86.597	90	1.231.930
13	Biduk biduk	2.429,97	19	40.573	23	569.454	42	610.027
JUMLAH		36.962,38	816	9.255.463	1.304	20.442.540	2.120	29.698.003

Source; Data from the Berau Regency Land Office, processed by the author on January 16, 2024

From the data presented in the table above, it can be seen that every year there is an increase in land administration management in each sub-district spread across Berau Regency for registration for the issuance of land ownership certificates. This is enough to illustrate the public's awareness of the importance of land administration on their land or cultivated land. Although every year there is an increase in the number of issuance of land ownership certificates, the number is still very small compared to the area in each sub-district. Public awareness of land administration seems to be starting to grow, then the question is why the area of land that is administered is still relatively small, this has become a separate discourse whether the main problem in the implementation of land administration services is sourced from people who are unfamiliar with land administration or complicated service processes that make people rethink to legalize the land they have claimed as a right on his own.

The complicated and time-consuming administrative process is undeniably one of the obstacles in the issuance of the Land Registration Certificate (SKPT) (Erfa, 2021). The deliberative process for resolving land disputes is often hampered by objections from third parties, which can extend the settlement time. This shows that there is an urgent need to improve efficiency in the land administration process. Another significant obstacle is the limited human resources and infrastructure in the offices that handle land administration. The number of officers handling land registration applications may not be sufficient to handle the high volume of applications. In addition, inadequate infrastructure, such as limited internet access, can hinder the process of data processing and communication between related parties. Land disputes involving third parties are also a complex issue. In some cases, the land submitted to obtain SKPT has been claimed by others. This dispute resolution process is often time-consuming and requires effective mediation (Alviyasin, 2023). Therefore, strategic steps are needed to resolve this dispute quickly and fairly. Many lands in Berau Regency are controlled without official permission from the government. This practice generally occurs on lands that are considered unproductive or abandoned. People often take over the land in the hope of cultivating it for agricultural or residential needs. However, this action has the potential to cause legal problems in the future.

The community's lack of understanding of land administration procedures is also a factor that worsens the situation. Many individuals are unaware of the steps to take to legally obtain land rights. This causes them to get caught up in unofficial land tenure practices, which can lead to future disputes (Sinuraya, 2021). To overcome this problem, collaborative efforts are needed between the village government, the sub-district government, and the community. One of the steps that can be taken is to increase socialization regarding the importance of land ownership documents and permit application procedures. This is important so that the community understands the correct procedures in land tenure over state land.

Sambaliung District, located in Berau Regency, East Kalimantan, is an area rich in natural resources and has high agricultural potential. However, behind this potential, there are serious problems that disrupt the social and economic stability of the local community. One of the main issues faced is land disputes between local communities and companies, especially PT Berau Coal, which has a Forest Area Borrowing Permit (IPPKH) to carry out mining activities in the same area as the land cultivated by the community (Lababan, 2022). The people in Sambaliung District mostly depend on land for their livelihoods, especially in oil palm cultivation, agriculture, and trade. This dependence makes land disputes very sensitive and has the potential to cause social tensions. Many people claim the rights to land that they have controlled for generations, but do not have valid official documents. This leads to conflicts between residents claiming the same land rights, creating legal uncertainty that is detrimental to all parties.

Overlapping land administration is also a significant problem in Sambaliung District. Village governments and sub-district governments often have different data and information on land ownership status. For example, one piece of land could be registered in two different agencies with conflicting statuses. This ambiguity is often caused by a lack of coordination between village and sub-district governments in the management of land data, which makes people feel confused and do not know who they should file claims or objections to. The long and tiring legality process is often the result of land disputes that are not resolved. Many communities are forced to spend time and resources to resolve these conflicts, which in turn disrupts their economic activities. The legal uncertainty that communities face makes them reluctant to make long-term investments in their land development, which in turn hampers local economic growth. In addition, many lands in Sambaliung District are controlled without official permission from the government. This practice generally occurs on lands that are considered unproductive or abandoned. People often take over the land in the hope of cultivating it for agricultural or residential needs. However, this action has the potential to cause legal problems in the future, especially if the land turns out to have a rightful owner or if the government decides to develop the land for the public interest.

The lack of understanding of the community about their rights and obligations in the context of agrarian law is also a factor that worsens the situation (Mardiniawati & Pratama, 2024). Many people do not have enough

information about the status of the land they are cultivating, so this conflict is difficult to resolve. The village government often does not know the status of the forest area or the boundaries of the forest area, so they provide a work letter that is not in accordance with the existing provisions. The issuance of land tenure certificates (SKPT) often does not follow the correct procedures, so that the right of ownership is given on land that should not be controlled by the community. Many administrations are only made on the table without accurate land measurement, which causes problems in land tenure. This weakness shows that land administration in Berau Regency has not been running effectively, which results in various problems in land tenure. Conflicts that occur often involve many parties, including local communities, companies, and the government. This creates a complex dynamic that is difficult to manage. In many cases, people who support the existence of a company because of its potential economic benefits often conflict with those who reject the company's existence. The legal uncertainty that communities face keeps them stuck in a dilemma between defending their land rights or accepting offers from companies.

Efforts to resolve land disputes are often hampered by a lack of coordination between village and sub-district governments in the management of land data. Collaborative efforts are needed between the village government, the sub-district government, and the community to overcome this problem. One of the steps that can be taken is to increase socialization regarding the importance of land ownership documents and permit application procedures. The formation of a special team consisting of government and community representatives to conduct verification and field reviews of disputed lands is also very important. With coordinated efforts, it is hoped that the problem of land disputes and overlapping land administration can be minimized, so that people can carry out their economic activities more calmly.

Considering the analysis of the above problems, the evaluation of Berau Regency Regional Regulation Number 5 of 2019 concerning the Implementation of State Land Administration is very important. A comprehensive evaluation will help identify the weaknesses and strengths of existing policies, as well as provide recommendations for improvement. Thus, it is hoped that this policy can run more effectively and efficiently in creating legal certainty and order in land tenure in Berau Regency, especially in Sambaliung District. Referring to these problems, the researcher is interested in exploring the phenomenon that occurs through research that focuses on analyzing the evaluation of the policy of granting land tenure rights over state land in accordance with Berau Regency Regional Regulation Number 5 of 2019 in Sambaliung District, Berau Regency, identifying obstacles in the implementation of the regional regulation and developing a model design for granting land tenure rights over state land with a registration model approach responsive soil.

LITERATURE REVIEW

Policy Evaluation

Evaluating a program or public policy requires a criterion to measure the success of the program or public policy. The criteria formulated can be used as indicators in determining whether a policy succeeds or fails.

According to Dunn (2003), the policy evaluation criteria include 6 (six) types as follows (Firyal & Kurniati, 2018);

- 1) Effectiveness (effectiveness) is concerned with whether an alternative achieves the expected result or achieves the goal of the action. Effectiveness, which is closely related to technical rationality, is always measured by the unit of the product or service or its monetary value.
- 2) Efficiency is concerned with the amount of effort required to increase a certain level of effectiveness. Efficiency, which is synonymous with economic rationality, is the relationship between effectiveness and effort, the latter of which is generally measured from monetary costs.
- 3) Adequacy is concerned with how far a level of effectiveness satisfies a need, value or opportunity that breeds a problem. The adequacy criterion emphasizes the strong relationship between policy alternatives and expected outcomes.
- 4) Equity is closely related to legal and social rationality and refers to the distribution of consequences and efforts between different groups in society.
- 5) Responsiveness is concerned with how far a policy can satisfy the needs, preferences or values of certain groups of people. The responsiveness criterion is important because an analysis that can satisfy all other criteria such as effectiveness, efficiency, adequacy, and similarity still fails if it has not responded to the actual needs of the groups that should benefit from the policy.
- 6) Appropriateness is a criterion of closeness that relates to substantive rationality, as the statement of policy appropriateness does not relate to one individual criterion but two or more criteria together. Accuracy refers to the value or price of program objectives and to the strong assumptions that underlie these goals (Kurnia, 2021).

Land Administration

According to Herman Hermit, land administration is the granting of rights, extension of rights, renewal of rights, transfer of rights, increase of rights, merger of rights, separation of rights, division of rights, encumbrance of rights, location permits, land use change permits, as well as land appointment and use permits (Ramadhan et al., 2022).

The benefits of land administration are:

- 1) Providing a guarantee of certainty of rights, the clearer the intention is that the determination of a person's property rights will make it easier for the person to maintain his or her right to claims from others.
- 2) Social stability, proper public records will protect against foreclosure of legal ownership (in case anyone later sues), and help resolve other issues quickly since land boundaries and tenure are in place.

- 3) Credit, public records will reduce the uncertainty of information through granting authority to creditors to determine whether the potential borrower has the right to transfer the rights requested according to what is requested as the borrower's security.
- 4) The process of land improvement, renewal of guarantees for the certainty of owners' rights will increase a person's tendency to seek profits when investing in buildings, equipment or infrastructure improvements, including land protection measurements. The improved credit method provides financial resources that can affect the value of land.
- 5) Productivity, factors such as use value, land transfer, ownership, development, land rights and others are combined to ensure that the land is developing towards the best value and benefits, for example, commercial farming is carried out by ingenious farmers to gain profits and more land. It is different from ordinary farmers who cannot develop their land.
- 6) Liquidity, when ownership rights have formal legality, these assets can be exchanged quickly on a large scale and at a low price. In developing countries, the majority of ownership rights are in informal status, therefore they cannot enter the formal market as a negotiable asset (Mulyono & Mashur, 2018).

METHODOLOGY

This research is a descriptive research that is analyzed with a qualitative approach to describe and analyze the evaluation process of the policy of granting state land tenure rights in Sambaliung District. This research was conducted in Sambaliung District, Berau Regency. This research focuses on analyzing the evaluation of the policy of granting land tenure rights over state land in accordance with Berau Regency Regional Regulation Number 5 of 2019 in Sambaliung District, Berau Regency, identifying obstacles in the implementation of the regional regulation and developing a draft model for granting land tenure rights over state land with a responsive land registration model approach. This study is constructed from primary data collected by the researcher with interview data collection techniques and direct observation at the research location (Adlini et al., 2022). The selection of interview informants who are considered competent to provide information according to the focus of the research is carried out using the purposive sampling method (Creswell, 2008). This study also uses secondary data sourced from documentation (Sugiyono, 2013). The data collected from the observation, interview, and documentation processes were tested for data validity using the data triangulation technique. The researcher uses data analysis techniques based on views Milles, Huberman, & Saldaña (Sahir, 2022).

RESEARCH RESULT AND DISCUSSION

Evaluation of Berau Regency Regional Regulation Number 5 of 2019 in Sambaliung District

The evaluation of Berau Regency Regional Regulation No. 5 of 2019 concerning State Land Administration is used to find out how the implementation of the administration of land tenure on state land in Sambaliung District, Berau Regency and as a benchmark whether it has met the minimum service standards required by the government or not. The need to evaluate this problem considering that there are still many cases of illegal land ownership and have not been registered in land administration in Berau Regency. Evaluation of the Berau Regency Regional Regulation No. 5 of 2019 concerning State Land Administration related to land tenure over state land in Berau Regency was carried out based on the principles put forward by Dunn (2003) which included four main elements, namely effectiveness, efficiency, adequacy and responsiveness.

1. Effectiveness

From data from the Berau Regency Land Office, Sambaliung District, which has an area of 2,163.37 KM², has a positive trend related to public awareness to take care of land administration. From 2021 where there were only 75 SKPT submissions and issuances with a total land area of 790,962 M², in 2022 there was a fairly drastic increase where there were 84 SKPT submissions and issuances with a land area of 893,306 M². The Sambaliung District Government strives to increase public understanding through socialization and education about the importance of land registration. This is quite effective in increasing public awareness of land administration over the control of state land rights. It is also expected to reduce conflicts that often occur due to overlapping land tenure and provide legal certainty for people who control state land. The Sambaliung District Government has conducted socialization to increase public understanding, but its effectiveness still needs to be improved so that more people understand the importance of land registration and the procedures that must be followed. Thus, despite the progress, further efforts are still needed to ensure that all levels of society understand and follow the applicable land administration procedures.

Regional Regulation No. 5 of 2019 concerning State Land Administration aims to bring order to state land control, prevent disputes, and realize orderly administration. The evaluation of effectiveness can be seen from the extent to which this goal is achieved, for example by reducing the number of land disputes and increasing legal certainty for people who control land. Implementation in Sambaliung District, the policy has been able to increase community participation for orderly land administration with field facts that show data on an increase in the submission and issuance of SKPT from 2021 to 2022 from 75 SKPTs to 84 SKPTs.

The process of submitting and issuing a Land Ownership Certificate (SKPT) involves several stages, ranging from application to supervision. Effectiveness can be measured by the speed and precision in this process,

as well as transparency in decision-making. If this process runs smoothly and according to the procedure, then its effectiveness can be considered high. The administrative services of state land tenure at the Sambaliung District office with the submission and issuance of SKPT have a clear flow and procedure, which is consistently carried out to ensure that the implementation of granting state land tenure rights runs legally.

The impact of this policy can be seen from the change in land tenure in the community. Do people feel safer in controlling their land? Is there an increase in more productive land use? The positive impact felt by the community will be an important indicator of effectiveness. The implementation of the policy of granting control rights over state land by referring to Regional Regulation No. 5 of 2019 concerning State Land Administration has improved land administration in Sambaliung District, which previously the village or village government did not have a definite data base on land ownership or cultivated land by the community, now gradually and starting to increase public awareness to register and legalize their land, land data collection in Sambaliung District began to be orderly and rapid and the community was calmer in utilizing the land they controlled without worrying about unilateral claims to the land they owned.

2. *Efisiensi*

In the context of policy evaluation theory, efficiency refers to the optimal use of resources to achieve desired results. Efficiency can be measured by comparing the output produced with the input used (Irawaty Igrisa, 2022). In this case, the efficiency of land tenure services can be interpreted as the ability of the Sambaliung District Office to provide fast and appropriate services to the community by making maximum use of existing resources. This efficiency also includes reducing the time and costs incurred by the community in the process of managing land administration.

The process of submitting an application for land ownership in Sambaliung District begins with filling out forms and submitting the necessary documents. With clear guidelines regarding the documents that must be prepared, the public can be faster in completing the necessary files. This process is designed to minimize waiting time and ensure that applications can be processed quickly. For example, required documents such as a copy of the ID card, a statement of land tenure history, and a certificate from the head of the RT must be prepared before submission, thus reducing the possibility of returning the file due to incompleteness. After the application is submitted, the verification stage is carried out by the appointed officer. This process involves examining documents and physical measurements of the soil. By using information technology, data obtained from measurements can be directly input into the system, thereby accelerating the process of issuing Land Tenure Certificates (SKPT). The use of this technology not only improves efficiency, but also accuracy in soil measurement and data recording. After verification, the announcement of

the SKPT application is made publicly. This announcement is pasted at the location of the land requested and the local notice board for 14 days. This process allows the public to provide feedback or objections. With transparency, the potential for disputes can be minimized, and the community feels involved in the decision-making process. Supervision carried out by the Regent through the regional apparatus also contributes to service efficiency. With strict supervision, every stage in the process of land administration management can run in accordance with the established procedures. This reduces the possibility of errors that can slow down the process and interfere with community satisfaction.

The process of submitting an application for land ownership in Sambaliung District begins with filling out forms and submitting the necessary documents. With clear guidelines regarding the documents that must be prepared, the public can be faster in completing the necessary files. This process is designed to minimize waiting time and ensure that applications can be processed quickly. For example, required documents such as a copy of the ID card, a statement of land tenure history, and a certificate from the head of the RT must be prepared before submission, thus reducing the possibility of returning the file due to incompleteness. After the application is submitted, the verification stage is carried out by the appointed officer. This process involves examining documents and physical measurements of the soil. By using information technology, data obtained from measurements can be directly input into the system, thereby accelerating the process of issuing Land Tenure Certificates (SKPT). The use of this technology not only improves efficiency, but also accuracy in soil measurement and data recording. After verification, the announcement of the SKPT application is made publicly. This announcement is pasted at the location of the land requested and the local notice board for 14 days. This process allows the public to provide feedback or objections. With transparency, the potential for disputes can be minimized, and the community feels involved in the decision-making process.

3. Adequacy

Men According to Winarno (2012:186), the adequacy in public policy can be said to be sufficient in various ways. Adequacy is concerned with how far a level of effectiveness satisfies a need, value, or opportunity that fosters an adequacy problem is still related to effectiveness by measuring or predicting how far the available alternatives can satisfy the needs, values or opportunities in solving the problem that occurs (Maulana, 2019).

In Sambaliung District, sub-district officers play a crucial role in providing services to the community, especially in terms of state land control. Their ability and responsiveness in carrying out this task reflects their commitment to providing fast and appropriate services, in accordance with the principles of public service management. Sub-district officers in Sambaliung have been trained to understand various regulations and procedures related to land administration. They have in-depth knowledge of the process of submitting a Land Tenure Certificate (SKPT), including the

necessary documents and steps that must be followed by the community. This allows them to provide accurate and clear information to applicants, thereby reducing the chances of errors in the application. In the context of public service management theory, officers' abilities include technical and interpersonal competencies. Technical competence includes an understanding of regulations and procedures, while interpersonal competence includes good communication skills. Officers in Sambaliung try to create a friendly and open atmosphere, so that people feel comfortable asking questions and making applications.

The responsiveness of officers in handling SKPT applications is very important to ensure that the administrative process runs smoothly. They strive to respond quickly to community requests, conduct field reviews and land measurements according to a predetermined schedule. This process is outlined in the minutes of the land review and measurement, which is then reported to the Head of the Village/Village Head for follow-up. Although challenges such as the high number of applications and limited human resources can affect the speed of service, officers still strive to provide the best service. They prioritize urgent applications and coordinate with relevant parties to speed up the process. This is in line with the principles of public service management which emphasizes the importance of responsiveness to the needs of the community.

The ability and responsiveness of Sambaliung sub-district officers in providing services to the community is very important for the successful implementation of the policy of granting state land tenure rights. With a good understanding of rights and obligations, communities can actively participate in this process, thus creating a more orderly and orderly environment in land tenure. The principles of public service management, such as responsiveness and transparency, are an important foundation in creating quality services in Sambaliung District.

4. *Responsivity*

Sambaliung District is an area rich in natural resources and has high agricultural potential. However, behind this potential, there are serious problems that disrupt the social and economic stability of the community, namely land disputes and overlapping land administration. This problem not only involves the community, but also the village government and the sub-district government. Land disputes in Sambaliung District often arise due to unclear land tenure. Many people claim the rights to land that they have controlled for generations, but do not have valid official documents. This causes conflicts between residents who claim the same land rights. In many cases, these disputes lead to lengthy and laborious legal proceedings, as well as creating tensions among citizens. In addition to land disputes over land tenure whose designation and permits are unclear, overlapping land administration is another significant problem. Village governments and sub-district governments often have different data and information on land ownership status. For example, one piece of land could be registered in two different agencies with conflicting statuses. This ambiguity is often

caused by a lack of coordination between village and sub-district governments in managing land data. As a result, people feel confused and do not know who they should file a claim or objection to.

In addition to disputes and overlaps, many lands in Sambaliung District are controlled without official permission from the government. This practice generally occurs on lands that are considered unproductive or abandoned. People often take over the land in the hope of cultivating it for agricultural or residential needs. However, this action has the potential to cause legal problems in the future, especially if the land turns out to have a rightful owner or if the government decides to develop the land for the public interest. To overcome this problem, collaborative efforts are needed between the village government, the sub-district government, and the community. One of the steps that can be taken is to increase socialization regarding the importance of land ownership documents and permit application procedures. In addition, it is necessary to form a special team consisting of government and community representatives to conduct verification and field review of disputed lands by referring to Berau Regency Regional Regulation Number 5 of 2019 concerning the Implementation of State Land Administration.

The government must also be more active in supervising land tenure, as well as educating the public about their rights and obligations as land managers. With a more inclusive and transparent approach, it is hoped that land disputes and overlapping land administration in Sambaliung District can be minimized, thereby creating a more harmonious and productive environment for the entire community. The problem of land disputes and overlapping land administration in Sambaliung District, Berau Regency, is a complex issue that requires serious attention from all parties. By improving coordination between the village and sub-district governments, as well as involving the community in the land management process, it is hoped that this problem can be solved effectively and sustainably.

The number of cases of land disputes and illegal land tenure is because the community does not really understand the allocation of land tenure over state land (Sanyata, 2022). In the context of state land tenure, there are clear provisions regarding the types of land that cannot be used as objects for the issuance of Land Tenure Certificates (SKPT). This provision is important to maintain the legitimacy of land tenure and prevent disputes that may arise due to illegal land tenure. The following are lands that cannot be used as objects of SKPT issuance, namely Absente or Guntai Land, Land That Is Not Maintained or Not Used Properly, Land in Forest Areas, Mangroves, and Protected Forest Areas, Land that Has Been Issued Land Rights, and Land Controlled by the Government.

Another problem is about the overlap of land administration due to differences in perception in the community where the community claims that if they have obtained a cultivation permit from the village/village government, the community already legally owns the cultivated land. In the context of land administration in Indonesia, the issuance of a Land

Tenure Certificate (SKPT) is a very important process. SKPT serves as legal evidence of land ownership owned by individuals or legal entities over state land. However, the authority to issue this SKPT is expressly handed over to the Sub-district Head and cannot be delegated to other officials (Aditya Rakhman, 2022).

In the process of issuing SKPT as the legality of granting land tenure rights over state land, the sub-district government, in this case, the Sambaliung sub-district government, will conduct land tenure research first. Land tenure research is an important process in land administration that aims to ensure that the ownership of a land plot is carried out legally and in accordance with applicable regulations. After conducting research on land tenure, it was followed by inspection and measurement by the sub-district. Land inspection and measurement is a crucial step in the land administration process which aims to ensure clarity and legal certainty over the control of a land plot. This process involves not only physical measurements, but also legal aspects related to land ownership and boundaries. After the inspection and measurement process by the sub-district, the next process is the issuance of a local announcement for the issuance of SKPT. The local announcement process is carried out after the officers conduct a field review and land measurement, as well as after the report is prepared by the Village Head or Village Head. Notices must be posted within 14 working days to give the public the opportunity to provide feedback or objections. If there are no objections within the said period, the next process can be continued for the issuance of SKPT. Thus, the process after the local announcement involves various steps that ensure that all interested parties can provide input and that the necessary documents are complete before the SKPT is issued.

Responsiveness in the context of implementing land tenure over state land refers to the ability of the government and related institutions to respond to the needs and aspirations of the community related to land tenure and utilization. This is very important considering that land is a limited resource and has strategic value for people's lives. The purpose of responsiveness in William Dunn's theory is to ensure that the policies taken by the government are not only in accordance with existing regulations, but also able to meet the needs and expectations of the community. Responsiveness is an important indicator in policy evaluation because it reflects how well the government listens to and responds to the voice of the public. In the context of land tenure, responsiveness means that the government must be able to manage and utilize state land in a fair, transparent, and accountable manner, so that it can provide optimal benefits for all levels of society. Thus, responsiveness in the implementation of land tenure over state land is not only an administrative obligation, but also an integral part of efforts to create social justice and community welfare. Through the application of the principles of responsiveness, it is hoped that land tenure can be carried out more effectively and sustainably, and be able to reduce the potential for conflicts related to land tenure and

utilization. For example, in the context of issuing a Land Tenure Certificate (SKPT), a process that involves the community and information transparency is very important to prevent disputes and ensure that land tenure is carried out legally and in accordance with the relevant regulations.

Obstacles to the Implementation of the Policy of Granting Tenure Rights to State Land

Factors that are obstacles in the implementation of the policy of granting land tenure rights over state land in Sambaliung District, Berau Regency can be seen as follows:

1. Condition of Sub-district Government Apparatus Resources

In Sambaliung District, Berau Regency, the condition of human resources involved in land administration is still considered inadequate. This can be seen from the number of officers who handle land administration which is not proportional to the high volume of applications from the community. This limitation has the potential to cause delays in the administrative process, including the issuance of Land Tenure Certificates (SKPT) which are very important for the community. Human Resources is one of the factors that hinders because the number of ASN Employees in Sambaliung District who understand the implementation of Berau Regency Regional Regulation Number 5 of 2019 concerning the Implementation of State Land Tenure Administration in the field is very limited, so in terms of providing information to the public about the application and making of SKPT is not clear, if the information provided by ASN Employees is not clear or incomplete, It will affect the quality of service to the community. With a limited number of officers, the administrative process has been slow, resulting in long queues and community dissatisfaction. This has the potential to reduce public trust in the existing land administration system.

Inadequate resources for apparatus or ASN employees also affect the quality of service. Existing officers may not have the time or capacity to adequately explain to the community about their procedures and rights to the land. As a result, the community does not get enough information to take care of land administration properly. Insufficient resources of apparatus or ASN employees can also cause problems in the management of land data. Without enough officers to manage and verify data, information on land ownership status can be inaccurate. This can lead to overlapping land administration, where one piece of land can be registered in two different agencies with conflicting statuses.

2. Overlapping Documents between the Village Government and the Sub-District Government

Tumpang tindih dokumen antara pemerintah kampung atau kelurahan dengan The overlap of documents between the village or sub-district government and the absence of an integrated land database are the two main obstacles in the implementation of Berau Regency Regional Regulation Number 5 of 2019 concerning the Implementation of State Land Tenure Administration. Overlapping documents often occur when the village or sub-district government issues a certificate or land tenure

document that is not in line with the document issued by the sub-district. This can create confusion among the public regarding the status of land ownership. For example, a resident may get a certificate from the village government stating that they are entitled to a piece of land, while on the other hand, the sub-district also issues different documents for the same land. This ambiguity can lead to land disputes and conflicts between the community and the government, as well as reduce public trust in the existing land administration system. The absence of an integrated and accurate land database exacerbates this situation. Without a clear information system, it is difficult for the government to track and verify the status of land ownership. This leads to illegal land tenure and increasingly complex overlapping tenure. Many lands are controlled by the community without clear legality, and disorderly land administration makes the process of applying for land rights complicated and not transparent. In addition, the lack of accurate data also hampers the government's efforts to control illegal land tenure, so this problem continues.

3. *Complicated Land Administration Procedures*

Complex land administration procedures often involve many stages and documents that must be fulfilled by applicants. This includes the collection of various documents, land measurement, and verification by various related agencies. Uncertainty about the steps to be taken can cause confusion among people who want to take care of land rights. Many people do not have enough understanding of this procedure, so they find it difficult to meet all the requirements set. As a result of this complicated procedure, many people choose not to take care of their land rights officially. They may prefer to take control of the land informally without clear legality, which in turn can lead to land disputes later in life. This legal uncertainty creates distrust in the land administration system, so that people are reluctant to participate in the process that is supposed to provide legal certainty over their land tenure. In addition, complicated procedures also put an additional burden on human resources in government agencies. Officers handling land administration often do not have sufficient capacity to handle the high volume of applications. This can cause delays in the issuance of Land Tenure Certificates (SKPT) and reduce the efficiency of the administrative process. This limitation also has the potential to hinder the government's efforts to regulate illegal land tenure.

Draft Model for Granting Land Tenure Rights Over National Land with a Responsive Land Registration Model Approach

The process of managing land administration in Sambaliung District is often considered complicated by the community. The community must go through several stages, starting from submitting an application, verifying documents, to announcing the results. Each stage takes time and precision, which often leaves people frustrated. The lack of understanding of this procedure causes many people to be reluctant to apply for land registration, which in turn results in a low official land registration rate.

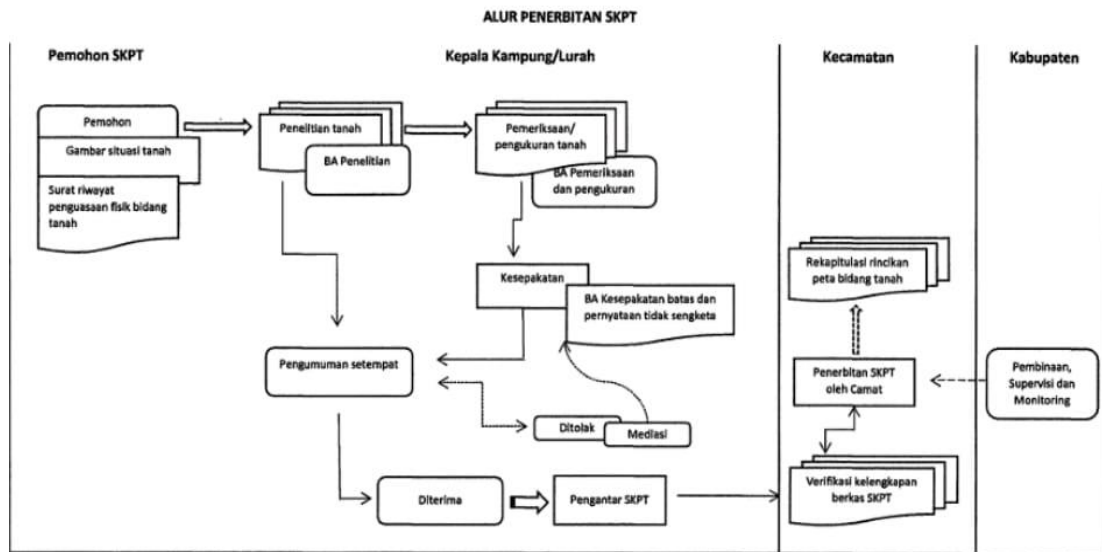


Figure 1 Existing Conditions of SKPT Issuance Services at the Sambaliung District Office

Source : attachment to Berau Regency Regional Regulation Number 5 of 2019

From figure 1 above, we can see that the submission of SKPT must go through a long and complicated bureaucratic process. In addition to complicated procedures, ineffective management stages are also a problem. The document verification process can often take a long time, especially if there are long application queues. These delays not only disrupt people's plans, but also reduce their trust in the land administration system. If people feel that the process is inefficient, they tend to ignore the importance of land registration and choose to take control of the land informally.

Responding to this, the author designed a responsive approach model as an effort to accelerate the increase in awareness of land administration. A responsive land registration model is a system designed to pay attention to and respond to the needs of the community in land tenure and utilization. Responsiveness in this context includes several aspects, such as community participation, registration efficiency with the use of information technology, transparency and accountability of registration, and flexibility in the land registration process.

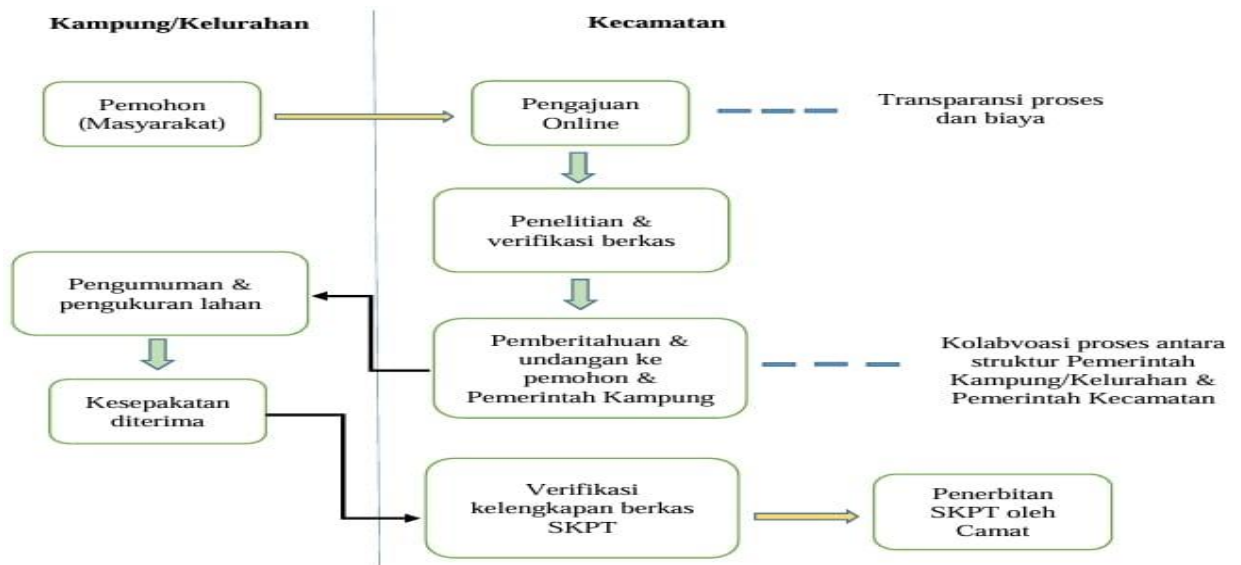


Figure 2 Design of Responsive Service Model for SKPT Issuance at Sambaliung District Office

Source : the results of the author's analysis, compiled on July 12, 2024

The responsive service model is aimed at cutting the process of submitting SKPT applications in Villages/Villages with the previous process which was quite complicated and the process was long, this is because not all village or sub-district governments understand the flow of the SKPT management process in accordance with the SOP in the Berau Regency Regulation Number 5 of 2019 concerning the administration of state land tenure. The design of the responsive service renewal model takes advantage of the development of information technology, so the village community as an applicant can directly submit an application online. Online services will greatly help accelerate the process and transparency of costs in the management of state land administration. The following is the author's analysis related to the influential aspects in the responsive service of land administration in Sambaliung District, Berau Regency

1. Community Participation

Community participation in land registration refers to the active involvement of individuals or groups in every stage of the registration process, from planning to implementation (Erfa, 2021). This concept emphasizes the importance of community voice in decision-making related to land use and tenure. Some important aspects of community participation in land registration include:

- Involvement in the decision-making process, the community must be involved in the decision-making process related to land registration. This can be done through deliberative forums, public consultations, or local announcements that allow the public to provide their input and opinions.
- Policy socialization, in order for community participation to be effective, requires adequate education and socialization efforts. The community needs to understand the importance of land registration and the procedures that must be followed. Without

sufficient understanding, community participation will be hampered.

2. *Registration Efficiency with the Utilization of Information Technology*

One form of effort in providing a responsive form of land registration is through the use of information technology, especially as a land database that is accessible or can be easily accessed by the government and related communities. This is to minimize the occurrence of cases such as double certificates that are overlooked due to the insynchronization of physical data and juridical data. The implication is that with an accessible database because it is supported by good information technology, it will be able to create responsive land registration and cause the people's needs for land (certification) to be met. Responsive land registration is a system that is able to answer the needs and aspirations of the community quickly and accurately. Responsiveness in this context refers to the ability of the government and related institutions to respond to community needs related to land ownership and utilization. This model emphasizes the importance of community involvement in every stage of the registration process, from the submission of applications to the issuance of official documents.

The use of IT in land registration can be done in several ways, including:

- a) Registration Application System, by using a web-based or mobile application, people can apply for land registration online. This reduces the time and cost required to collect physical documents and visit government offices.
- b) Data digitization, the process of measuring and recording land data can be done digitally. By using integrated software, the data obtained from the measurement can be directly input into the system, thereby speeding up the process of issuing a Land Tenure Certificate (SKPT).
- c) Transparency and accessibility, with an IT-based system, people can access information about the status of their applications in real-time. This increases transparency and reduces the uncertainty that often plagues the registration process.

3. *Flexibility in the Land Registration Process*

Flexibility in land registration refers to the ability of the registration system to adapt to changing social, economic, and environmental conditions. The land registration process must be able to adapt to the needs of the dynamic community, as well as overcome problems that arise quickly and effectively. This flexibility includes several aspects, including:

- a) An adaptive procedure, the land registration process must be designed in such a way that it can be easily adapted to various situations. For example, in the case of a change in land ownership due to inheritance or sale, the registration procedure

should allow for quick adjustment without sacrificing legal certainty.

- b) In response to community input, a flexible land registration system must be able to respond to input from the community. This is important to ensure that the policies and procedures implemented are in accordance with the needs and expectations of the community.

CONCLUSIONS AND RECOMMENDATIONS

From the description and analysis of the discussion of the research results, it can be concluded that;

1. An evaluation of Berau Regency Regional Regulation Number 5 of 2019 shows that although this policy has provided several positive achievements, there are still challenges that need to be overcome to improve its effectiveness and responsiveness. The following is an analysis based on the evaluation indicators put forward by William Dunn:
 - a) Effectiveness, this policy has succeeded in increasing legal certainty and reducing land disputes. There has been a decrease in the number of disputes, indicating that policy objectives are beginning to be achieved. However, this effectiveness still needs to be improved through better socialization to the community.
 - b) Efficiency, the administrative process implemented in this policy is not fully efficient. Several obstacles in administrative procedures and land registration completion times are still a problem. Therefore, there needs to be improvements in the administrative system to speed up the process.
 - c) Adequately, this policy is enough to meet the needs of the community in terms of legal certainty over land. However, public understanding of land registration procedures is still low, which can result in disputes in the future. The adequacy of information and knowledge about land administration to the community needs to be improved.
 - d) Responsiveness, responsiveness to input and community needs still need to be improved. The community must be more actively involved in the decision-making process related to land administration so that this policy is more in line with their expectations.
2. Factors inhibiting the implementation of the policy of granting land tenure rights to state land in Sambaliung District, Berau Regency
 - a) The condition of government apparatus resources, the limited number and quality of government apparatus that handle land administration are the main obstacles. Many officers do not have an adequate understanding of the applicable procedures, resulting in a slow and inefficient administrative process.

- b) Overlapping documents, there are conflicts between documents issued by the village and sub-district governments, creating confusion in the community regarding the status of land ownership. This can cause disputes and reduce public trust in the land administration system.
- c) Complicated management procedures, administrative processes that are considered complicated and long make people reluctant to get involved. The absence of effective socialization regarding this procedure also contributes to the low public understanding of the importance of land administration.

From the analysis of the discussion of the research results and the conclusion drawn, the researcher recommends to:

1. Based on the evaluation carried out on Berau Regency Regional Regulation Number 5 of 2019, the following are recommendations that can be taken by considering the evaluation indicators according to William Dunn:
 - a) Effectiveness, increasing socialization and education to the public regarding land registration procedures and the importance of legal certainty. This can be done through seminars, workshops, and wider dissemination of information. By increasing public understanding, it is hoped that it can reduce land disputes and increase compliance with existing procedures.
 - b) Efficiency, optimizing the administrative process by using information technology to accelerate land registration and the issuance of Land Ownership Certificates (SKPT). The use of digital systems can reduce the time and costs required in the administrative process, thereby increasing efficiency.
 - c) Adequate, providing better access to information on land status and registration procedures to the public, including through online platforms. Adequate information will help people understand their rights and obligations, as well as reduce the risk of disputes.
 - d) Responsiveness, building an effective feedback mechanism to listen to input from the community regarding policies and their implementation. Community involvement in the decision-making process will increase policy responsiveness to their needs and expectations.
2. Recommendations to overcome inhibiting factors in the implementation of the policy of granting land tenure rights over state land in Sambaliung District, Berau Regency, based on the indicators that have been mentioned are as follows:
 - a) Increasing the capacity of government apparatus resources, conducting training and capacity building for government apparatus who handle land administration. It is important to ensure that they have an adequate understanding of the applicable procedures and regulations, so that they can provide clear and accurate information to the public.

- b) Simplification of administrative procedures, reviewing and simplifying land administration management procedures so that they are easier to understand and access by the public. This simplification can include a reduction in the number of documents required and a reduction in processing time, so that the community is more encouraged to be involved in the management of land rights.
- c) Integration and clarification of documents, building an integrated system between documents issued by the village and sub-district governments to avoid overlap. This can be done by creating an accurate and centralized land database, so that all parties have equal access to information regarding land ownership status.
- d) Socialization and education of the community, increasing socialization and education efforts to the public about the importance of land administration and the benefits of having official documents. This activity can be carried out through seminars, workshops, or direct counseling at the village level to increase community awareness and understanding.
- e) Increase community participation, encourage community participation in the land administration process by creating a forum or forum for communication between the government and the community. With the existence of a dialogue room, the community can submit complaints and get the necessary information, thereby increasing trust in the land administration system.

ADVANCED RESEARCH

Every research certainly has limitations. Limitations in the sense of research limitations that affect the researcher's ability to explore the data being studied, limitations of available data, or external factors of research such as limited time and resources. So further research is needed for the perfection of this research.

REFERENCES

- Aditya rakhman. (2022). *Implementasi penyenggaraan administrasi penguasaan tanah atas tanah negara di kecamatan tenggarong kabupaten kutai kartanegar*. 1-12.
- Adlini, & dinda, (2022). Metode penelitian kualitatif studi pustaka. *Edumaspul: jurnal pendidikan*, 6(1), 974-980.
<https://doi.org/10.33487/edumaspul.v6i1.3394>
- Alviyasin, & ismanto, (2023). Implementasi kebijakan pendaftaran tanah sistematis lengkap di kabupaten sumedang. *Jane - jurnal administrasi negara*, 14(2), 491. <https://doi.org/10.24198/jane.v14i2.45061>
- Creswell, (2008). *Educational research (planning, conducting, and evaluating quantitative and qualitative research)*. Usa: pearson.
- D lababan, & adharani, (2022). Upaya penyelesaian konflik lahan garapan masyarakat kabupaten berau diatas kawasan ippkh pt berau coal. *Litra: jurnal hukum lingkungan, tata ruang, dan agraria*, 2(1), 83-99.
<https://doi.org/10.23920/litra.v2i1.1097>

- Erfa, r. (2021). Digitalisasi administrasi pertanahan untuk mewujudkan percepatan pembangunan nasional perspektif kebijakan hukum (legal policy). *Jurnal pertanahan*, 10(1), 39–59. <https://doi.org/10.53686/jp.v10i1.31>
- Irawaty igrisa. (2022). *Kebijakan publik, suatu tinjauan teoritis dan empiris*. Penerbit tanah air beta.
- Khafid kaufi herlian (2023). *Pemberian ganti rugi terhadap tanah yang tidak bersertipikat dalam pelaksanaan pembangunan sutt pln di kabupaten berau skripsi*. 1–14. <https://www.ncbi.nlm.nih.gov/books/nbk558907/>
- Mardiniawati, & pratama (2024). *Fungsi pemerintah desa dalam meningkatkan kualitas pelayanan administrasi pertanahan : studi desa alebo kecamatan konda*. 4(1), 63–74.
- Maulana, (2019). *Kebijakan publik, cara mudah memahami kebijakan publik*. Cv. Aa. Rizky.
- Muhammad firyal & widya kurniati. (2018). Studi evaluasi kebijakan. In *ideal publishing* (vol. 3, issue april).
- Mulyono, & mashur, (2018). Efektifitas pelayanan administrasi pertanahan di kota pekanbaru. *Jom fisip*, 5(1), 1–11.
- Ramadhan, bintari, & lesmana, (2022). Administrasi pendaftaran tanah kantor agraria dan tata ruang/badan pertanahan nasional kota bandung untuk menangani kasus sertifikat ganda hak atas tanah di kota bandung tahun 2020. *Jurnal administrasi pemerintahan (janitra)*, 2(1), 55. <https://doi.org/10.24198/janitra.v2i1.41100>
- Sahir, (2022). *Metodologi penelitian*.
- Sanyata, (2022). Evaluasi peraturan bupati kutai kartanegara nomor 36 tahun 2013 penyelenggaraan administrasi penguasaan tanah atas tanah negara di kecamatan samboja. *Teknik dan srategi konseling kelompok*, 09, 1–13.
- Sinuraya, (2021). Pembatalan sertifikat hak atas tanah karena cacat hukum administrasi menurut peraturan menteri negara agraria/kepala bpn nomor 9 tahun 1999. *Fiat iustitia: jurnal hukum*, 2(1), 16–30. <https://doi.org/10.54367/fiat.v2i1.1425>
- Sugiyono. (2013). *Pengumpulan data dan instrumen penelitian*. 1, 1–9.
- Triyuda, afifah, & azqmi, (2024). Dampak kebijakan agraria terhadap ketahanan pangan di berau, kecamatan taliyasan. *Journal of economic and economic policy*, 1(2), 172–186. <https://doi.org/10.61796/ijecep.v1i2.26>