

UDC 334

THE IMPLEMENTATION OF LAND PROCUREMENT FOR HIGHWAY CONSTRUCTION OF PANDAAN-MALANG IN SAPTORENGGO VILLAGE

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ABSTRACT

Policy implementation of land procurement is explained in Presidential Decree Number 71 of 2012 on the regulation of Pandaan-Malang highway construction in Saptorenggo Village, Malang District, East Java, Indonesia. This project was done to enhance the connectivity and equitable development between the northern part and the southern part island of Java. This study employed a descriptive qualitative research method in order to collect meaningful and deep data related to the matter. The focuses of this study were on the theory of Edward III about factors influencing implementation of a public policy. The collected data were then analyzed using an interactive data analysis technique proposed by Miles, Huberman and Saldana. The result of the test showed the lack of consistency in the communication during the conferences and the lack of proper human resources in the Committee of Land Procurement (P2T).

KEY WORDS

Policy implementation, land procurement, highway, compensation, village.

Land is a massive resource that contains deep inner value which fulfills various society's necessities. The government of Indonesia also needs plots of land to implement the national development program.

At the present time, infrastructure development in Indonesia is enhanced. In accordance to the visions and missions stated by Mr. President Joko Widodo, national development should start from outskirts areas by strengthening them as the parts of the nation. Constructing more infrastructures especially highways is an important key to enhance the connectivity and equitable development among regional areas in Indonesia.



Figure 1 – The Map of Saptorenggo Village, Malang District, East Java

Equitable national development is the focus of the government's program. The program is expected to decrease the number of poverty and to increase the human resource

development index. The government of Indonesia has been committed to grow greater investment, and improve the productivity of manufacture industries, agriculture, and tourism. In addition, proper infrastructure is expected to enhance the investment that accelerates the economic development. In order to strengthen the connectivity among areas in Indonesia, the government has made several plans to construct more highways which require effective land procurement.

Constructing more highways is intended to cut off the travel time and distance from Pandaan to Malang. Besides, the highway will also connect to the Trans Jawa highway which is expected to strengthen the industrial transportation, and enhance the connection within the tourism sector. In addition, Malang is a leading tourism city and one of big cities in East Java after Surabaya. Meanwhile, Pandaan is a well-developing industrial area in East Java. The construction of the highway also gives positive contribution in the economic development and to decrease the social gap, as creating access to isolated areas.

Pandaan – Malang highway passes over Pasuruan District, Malang District, and Malang City. In Malang district, there are 15 (fifteen) villages that are affected by the construction of the highway, one of which is Saptorenggo Village. There are 55 plots of land which have to be procured by the government. However, the procurement process is being obstructed by land dispute and inheritance dispute. The settlement of land dispute and inheritance dispute take relatively long time which appears as another obstacle. Other problems also occur related to the fact that land owners take the construction project as a chance to sell their land at the highest price. Conferences made to reach an agreement were usually failed because land owners often refused the offered compensation for personal interests and land dispute.

The researchers were interested in studying the implementation of land procurement in Saptorenggo Village, considering the fact that some problems obstruct hold up the process. Questions were raised; how is the land procurement process in Saptorenggo Village? What are the factors that inhibit the implementation of the policy?

LITERATURE REVIEW

The Theory of Public Policy Implementation. Some experts on public policy explain that public policy refers to a set of actions that are planned and directed to certain orientation or objectives Abdul Wahab (2014: 20-23). According to Grindle and Winarno (2016: 20 – 23) stated that policy implementation is the attempt to make connections to reach the objectives certain policy which should be implemented as a government program.

Public policies are made as attempts to find solutions for problems that occur based on certain process and concerns. Review of public policy implementation cannot be separated apart from the underlying theories of policy implementation. According to Nugroho (2017 : 728), basically, implementation refers to ways to achieve the goals of a policy. There are two ways in implementing a public policy, either by directly implementing the policy in the forms of programs, or by formulating sub policies of the policy. Paul A Sabatier in Abdul Wahab (2006:135) also explained that the condition after a program is implemented should become the focus of a policy implementation. It includes any actions to administer the program or any action that gives obvious effect on the society.

The Presidential Decree Number 71 of 2012 about the Procedure of Land Procurement for National Development and Public Interest which shows the detailed guidelines in conducting land procurement as follow: (1) Inventory and Identification; (2) Determination of the evaluators; (3) Conference; (4) Compensation delivery or deposit; (5) Release of the procured land; (6) Termination of law; (7) Documentation.

The Implementation of Public Policies Proposed by George Edward III. Edward III in Winarno (2016:156) mentioned four factors influencing the success of a policy implementation including; (a) communication; (b) resources; (c) disposition; (d) bureaucracy structure. Those factors are intercorrelated and simultaneously support the implementation of a policy or they might appear as obstacles.

First, communication has several dimensions including transmission, clarity and consistency. Second, resources refer to the appropriate facilities including the human resources, funding and authority. Third, disposition refers to the willingness and grit of executants in administering the program. The indicators of disposition are bureaucracy and incentives. Fourth, bureaucracy structure which covers the aspects of the standard operational procedure (SOP) and fragmentation which refers to the relationship among organization units.

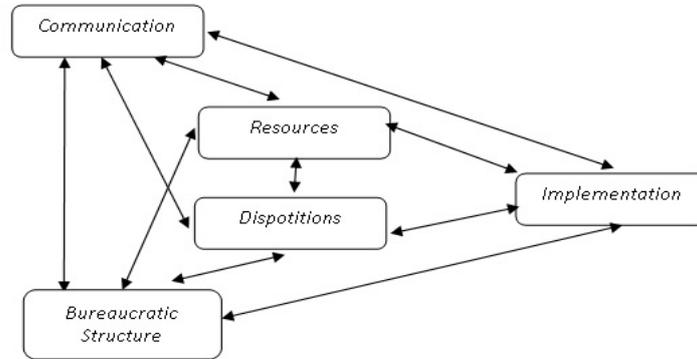


Figure 2 – Policy Implementation Proposed by George Edward III

METHODS OF RESEARCH

This study employed a qualitative approach. The data of this study were collected from informants, documents, and events. The informants of this study were the committee of land procurement or *Panitia Pengadaan Tanah (P2T)*, the head of the subsection of Government’s Land Management, Officers of Commitment Arranger, Head of Saptorenggo Village, and the land owners. The documents that were reviewed in this study included: Presidential Decree Number 71 of 2012, Decision Letter of the Land Procurement Committee, A Personnel’s letter of decision, B Personnels’ letter of decision, Conference report. Meanwhile, events refers to socialization process and conferences to determine the compensation and how to deliver the compensation.

RESULTS AND DISCUSSION

Regarding to the focus of this study, indicators influencing the success of the land procurement according to Edward III were determined, they are: (1) Communication; (2) Resources; (3) Disposition; and (4) Bureaucracy Structure.

Table 1 – Data Presentation

Focus	Data Source	Results
Communication	Interview with the informants; committee of land procurement or <i>Panitia Pengadaan Tanah (P2T)</i> , the head of the subsection of Government’s Land Management, Officers of Commitment Arranger, Head of Saptorenggo Village, and the land owners.	Communication lacked of consistency, problems were failed to solve in the conference
Resources		Lack of human resources in the committee of land procurement
Disposition		Incentives and fees were appropriate
Bureaucracy Structure		<i>Standard Operational Procedures</i> has matched the Presidential Decree No. 71 of 2012.

Communication and coordination between the executors of the policy and the target group (land owners) were administered through meetings, socialization and conferences done starting from the inventory and identification step up to the termination of the law. The shared information among the executors themselves and among the land owners were clear

and valid. The information were shared through socialization events and conferences with land owners. The content of the information were valid and appropriate with the Presidential Decree Number 71 of 2012. However, the information shared between the executors and land owners lacked of consistency due to unsolved problems that re-appeared during the coordination and settlement of land disputes and inheritance disputes in the inventory, socialization, identification and conference process. After inventory, identification, and conference, there were only 26 land owners who agreed to receive the compensation and farmers also received benefits without leaving their occupation. Farmers used the compensation to buy larger lands outside the area. However, inventory, identification and conference done to 29 lands were not yet paid because some people made some claims upon the land ownership and some others are related to inheritance problems. According to George Edward III in Nugroho (2017:747), communication is related to how a policy is introduced to an organization or to the public and the reactions of the related parties. Carl Iver Hovland (1948) in Mulyana (2005:62) highlighted that communication is the process that allows a person to show his/her attitude to change other's attitudes.

From the inventory, identification, and conference stages, it is found that the number of the land procurement committee was lacking. In addition, there were 29 lands which were under dispute, making the committee could not perform all of the steps up to the law termination. Besides Saptorenggo Village, the highway construction passes over 14 other villages in 3 subdistricts in Malang, involving 97.45 hectares of land to be settled. Those problems forced the committee to leave their job uncompleted. There were 27 members of the committee, supported by 4 members of the office who could not handle all of the job. The authorities have been distributed based on one's task and competence from appropriate section within the committee of land procurement under the supervisory of The National Land Agency. Information about the objectives of land procurement should be understood by the society in the implementation of the land procurement. Information about the procedure of the action is explained in the Act Number 2 of 2012, Presidential Decree Number 71 of 2012, Regulation of the Head of National Land Agency Number 5 of 2012 and also decisions made by the implementers related to the policy. Meanwhile, facilities such as soil measuring instrument, computers, printers and laptops were considered sufficient enough. Meeting room to facilitate meetings with land owners including conference room, village hall, seats, tables, and sound system also functioned well. The fund of this policy was allocated from the National Budget as much as 1.35 trillion rupiah.

Disposition in the form of incentive and honorarium were given to the committee of Land Procurement and Officer (A and B) in the most proportional amount to motivate them according to the Regulation of the Minister of Finance No.10/PMK.02/2016 about Changes of Operational Expenses and Supportive Expenses in the Implementation of Land Procurement to fit the need of the public which were fulfilled from the National Budget. The bureaucracy consisted of the committee of Land Procurement, Officers (A and B) which included The Department of Food Crops and Plantation, The Department of Housing and Employment, Judiciary, Constabulary, Head of Subdistricts, Head of Villages who were officially appointed to run certain function based on the qualifications. Each member has performed the function in the post proportional way starting from the inventory, identification and conference, release of the land, termination of law and the distribution of the compensation for the land owners.

The bureaucracy structure as explained by Edward III in Winarno (2016:177) covers some aspects including the Standard Operational Procedure (SOP), and fragmentation between units of an organization. The Standard Operational Procedure (SOP) was used during the process of the land procurement. The committee of the land procurement is an Ad-Hoc committee meaning that the committee could be dissolved when the project over. The SOP run quite well in accordance with the Presidential Decree Number 71 of 2012 and the Regulation of the Head of *BPN* Number 5 of 2012 related to the stages in conducting the project starting from the inventory up to the termination of the law. According to Edward III (1980) in Subarsono (2008), Standard Operational Procedure (SOP) should be used as a guide for implementers in performing certain action. It should be also taken into account that the complex organizational structure makes controlling and monitoring activities more difficult

for it raises complex bureaucracy. In the fragmentation procedure, tasks were distributed based on the specialities of each member of the committee. Each member held certain function in the implementation of the project. The tasks distribution was done to focus each member's job to certain objective related to land procurement procedure and the function within the organization.

There were 2 factors that obstructed the implementation of land procurement process including; (1) lack of human resources which resulted to unfinished targets and (2) problems related to land dispute and inheritance dispute which were blown up during the socialization and conference processes which took relatively long time to settle. Lack of human resources happened since the scope of the area was quite wide around 97.45 hectares of land in 15 villages. Therefore, the committee required relatively long time to finish those problems in Saptorenggo Village. According to Edward III in Winarno (2016:161) stated that it is important to equip all of the personnels as the human resources with appropriate skills and adequate knowledge in performing their job. Without improvement on the quality of the human resource, a good policy would not remain a plan.

Land dispute and inheritance dispute occurred among the land owners. Those problems started to appear during the inventory, identification and the conference process. The committee of land procurement only found out the dispute after the conference which had them postpone the process until the court decide the ownership of the land and the compensation can be given to the right owner. Unfortunately, legal proceedings ran quite slow. Thus, the committee started to take care of other land in 14 other villages in Malang district including around 97.45 hectares of land, leaving the case of the 4 hectares land in Saptorenggo Village unfinished. Inheritance dispute over the land happened because the ownership of the land was not yet transferred to the heirs, and some members of their families were not yet listed to the list of the heirs. As the result, there were some differences between the legal documents and the reality. Thus, deep investigation was necessary to determine the right owners of the land before they receive the compensation. Those problems were blown up during the conference process. There were some parties who claimed their ownership upon some land. Problems were might also be caused by speculators who played some tricks toward people who have bought the land with relatively cheaper price. Some people believed that the price of their land would be trippled if the land is used for highways, allowing some people to take personal benefits as much as possible from this dispute. Thus, approach in the forms of mediation, consolidation, and better compensation should be used as an alternative choice in solving the problem outside legal process. Yet, this way takes higher fund from the national budget. Regarding to this fact, nation's financial ability should be taken into concerns before planning to execute land procurement process. In a study conducted by Soumyananda Dinda (2016) on alternative comprehensive policies based on market mechanism, it is stated that heterogenous land owners have different knowledge, skills, risk preferences, attitude and views of the future. An obvious diversity can be seen from different preferences of land owners in choosing non-cash compensatison. Therefore, it is important that the committee come up with several alternative compensations to anticipate this problem.

CONCLUSION

The implementation of land procurement for highway project in Saptorenggo Village did not run according to the plan. This can be seen from the fact that the committee could only finished the procedure to 26 plots of land out of 55 plots leaving 29 plots of land remain in dispute. Some obstacles experienced by the committee were: (1) Inadequate human resource, in which the committee were lacking of personnels in completing their job; and (2) Land dispute and inheritance dispute upon the land required legal process outside the procedure of the land procurement.

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