

**EVALUATION OF LAND MONITORING AND CONTROLLING OF BANDUNG CITY GOVERNMENT****Fitrina Kurniati\*, Nugraha, Imas Purnamasari, Toni Heryana**

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**Abstract**

An unoptimized land supervision and control stirs up an agrarian conflict in Bandung city. This is proven by the number of lawsuits towards the assets belong to Bandung City Government. Therefore, to avoid the problem from rising in the future, the government of Bandung needs to have a standard for land supervision and control. The result of the study is the SOP for the Lands Supervision and Control of Bandung City Government towards the usage and utilization. Therefore, The City Government of Bandung hopefully can declare the SOP related to the Land Supervision and Control of Bandung City Government which has been designed and agreed altogether, prepare an adequate human resource to run the Main Duty and Functions as well as SOP and design the Academical Text where the Mayor Regulation related to the Lands Supervision and Control of Bandung City Government can be stipulated.

Keywords: Supervision, Control, Lands

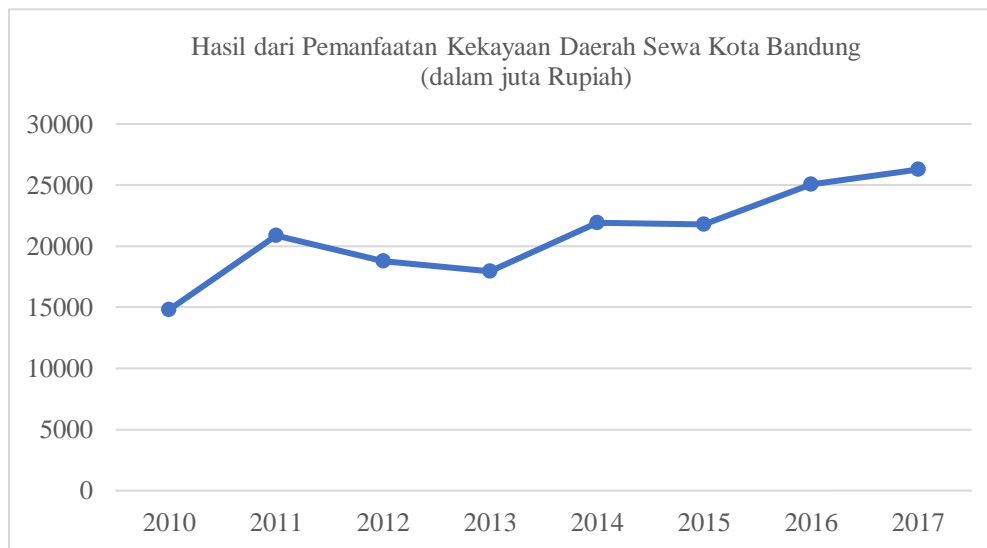
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## 1. BACKGROUND

As one of big cities in Indonesia with limited natural resource, Bandung depends heavily into the service and trade sectors as its income source. Moreover, immovable assets also become essential things that need to be managed due to its strategic income potential.

According to Kemendagri Nomor 29 Year 2002, asset is intangible goods belong to region that comes partly or fully from APBD (provincial or city budget) and/or other legal source/s. The regional asset can be classified into 2(two) groups, namely movable and immovable assets. Land is included in immovable asset, including the agriculture land, field, forest and building.

So far, based on the Audit Report of Finance Auditor Body (BPK) in 2<sup>nd</sup> Semester of 2017 (republika.co.id), the asset problem has become one critical point that needs to be addressed by Bandung City Government. That also becomes the base of Bandung City from not receiving Unqualified (WTP). Therefore, the regional asset of Bandung City, especially the immovable (land), should be managed optimally so it can provide a maximum economical value. The income of Bandung City from the utilization of Regional Assets from 2010 to 2017 is shown in Figure A.



**Figure 1**  
**Result of the Utilization of Rent Region in Bandung**

The obstacles in asset management in Bandung are: (1) There is no standard for regional asset management that can increase the rent income (*ceteris paribus*); (2) The keep-changing structural formation of government administration that affects the performance of related agency in asset management; (3) Unoptimized evaluation towards the existing condition of asset management, hence the faced problems cannot be solved completely.

The unoptimized land supervision and monitor also stirs up the agrarian conflict in Bandung. According to *Aliansi Gerakan Reforma Agraria* (AGRA), in West Java, there are 49 violence and criminalization cases suffered by people in defending their land rights (tribunjabar.com). Moreover, until today, there have been several lawsuits towards the asset of

Bandung City Government. To avoid that problem, the city government of Bandung needs to have one standard for land supervision and monitor.

Therefore, the policy of Bandung City Government towards the land asset, needs a comprehensive evaluation so it is expected that the regional income can be optimized and social conflicts can be avoided. Based on the background above, it is formulated that Bandung City Government needs to evaluate their land policy. The aim of this study is to evaluate the policy related to the Lands belong to Bandung City Government. The targets are:

- 1) Compiling SOP for land supervision and monitor for lands belong to Bandung City Government;
- 2) Formulating the policy recommendation related to land supervision and monitor for lands belong to Bandung City Government.

Following that, the goal of this study is acquiring the model for land policy of Bandung City Government based on the comprehensive study result.

## **2 LITERATURE REVIEW**

Article 33 paragraph 3 of *Undang-Undang Dasar 1945* says that land, water, and natural resource within are controlled by Nation and used as maximum as possible for the sake of people. In this term, the right to control means, controlling, planning, managing and conserving (Article 2 *UUPA* no 5 year 1960). The land management is an application of both structural and non-structural of land system. For people, the implementation of land management should be expressed in a law product that is basically a result of public policy process. The public policy that comes from the people aspiration that will be processed further means that the aspiration will be formed as a whole.

There are principles in deciding the policy and strategy, namely: conservation, balance, public efficacy, integrity, compatibility and justice.

By the legalization of Act No 23 year 2014 about Regional Government, it says that the rights to control of Nation can be delegated to regions. Therefore, both province and City/Municipal have rights to decide the permission, decision, problem solving and policy setting. As land is crucial needs for human, the element of supervision and control of land use utilization as well as the formation of good governance should be implemented in coordinated and synergized ways.

## **3. RESEARCH METHODOLOGY**

The method used in this evaluation study about the land supervision and monitor of lands belong to Bandung City Government is based on the law study method with stakeholder analysis approach and institutional analysis, as follows:

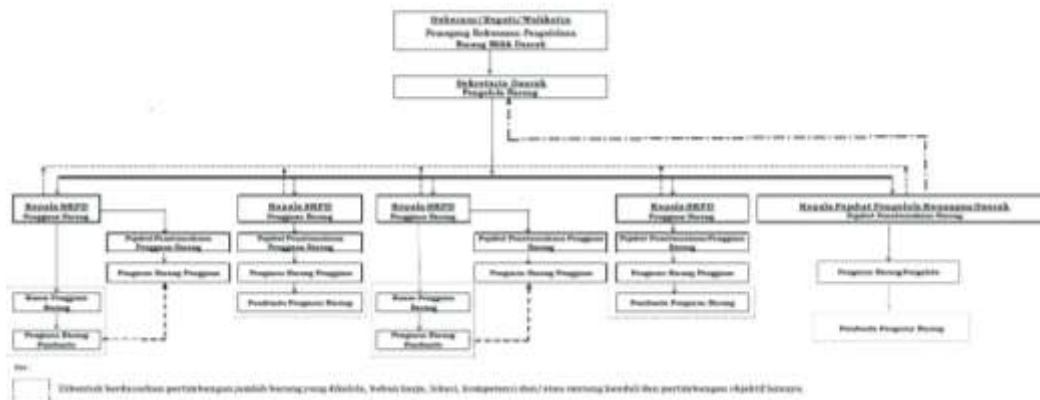
1. Identifying the problems of lands of Bandung City Government;
2. Juridical-Empirical Method by conducting stakeholder analysis. The study instruments are interview and discussion (focus group discussion) towards the parties related to the regional goods, specifically regarding the lands belong to Bandung City Government;
3. Juridical-Normative Method by conducting institutional analysis, means that the problem including the rules, procedure and formal organization of government. This institutional approach focuses on the state institutions as a main study, how the organization is, what the responsibilities are and how the institution interact.

## 4. RESULT AND DISCUSSION

### 4.1 Analysis Result in Form of Strategy and Solution for The Problem in Lands belong to Bandung City Government

Based on the analysis, in deciding the strategy and solution related to the treatment of lands problem of Bandung City Government, thing that needs to be done is compiling the Standard Operational Procedure related to the Lands Supervision and Monitor for Lands belong to Bandung City Government.

Priorly, it needs to be clear first regarding the official structure of regional goods management complying with the Regulation of Minister of Home Affair No 19 year 2016 regarding the Guidelines to Regional Goods Management, as follows:



Source: PERMENDAGRI No. 19 year 2016

**Figure 2**  
**Official Structure of Regional Goods Management**

### 4.2 Preparation of SOP for Supervision and Control of Land Owned by the Bandung City Government

Supervision and control of the management of regional property is carried out by: Goods Users through monitoring and controlling.

- Property Users monitor and control the use, utilization, transfer, administration, maintenance, and security of regional property under their control;
- Implementation of monitoring and control for SKPD Work Units implemented by the Proxy of the Goods User;
- Property Users and Proxy of Property Users may ask the government's internal control apparatus to carry out follow-up audits of monitoring and control results; and
- Goods User and Proxy of Goods User follow up on audit results in accordance with the provisions of the legislation.

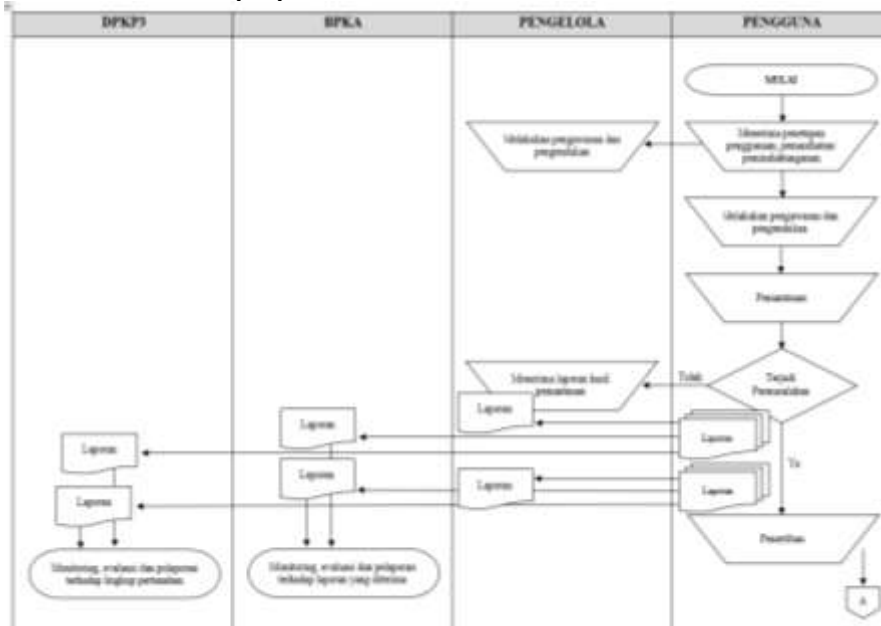
Goods Manager through monitoring and investigation.

- a. Property Manager conducts monitoring and investigation of the implementation of the use, utilization, and transfer of regional property, in the context of controlling the use, utilization, and transfer of regional property in accordance with the provisions of the legislation;
- b. Monitoring and investigation can be followed up by the Property Manager by asking the government's internal supervisory apparatus to conduct an audit on the implementation of the use, utilization, and transfer of regional property; and
- c. The results of the audit are submitted to the Property Manager to be followed up in accordance with the provisions of the legislation.

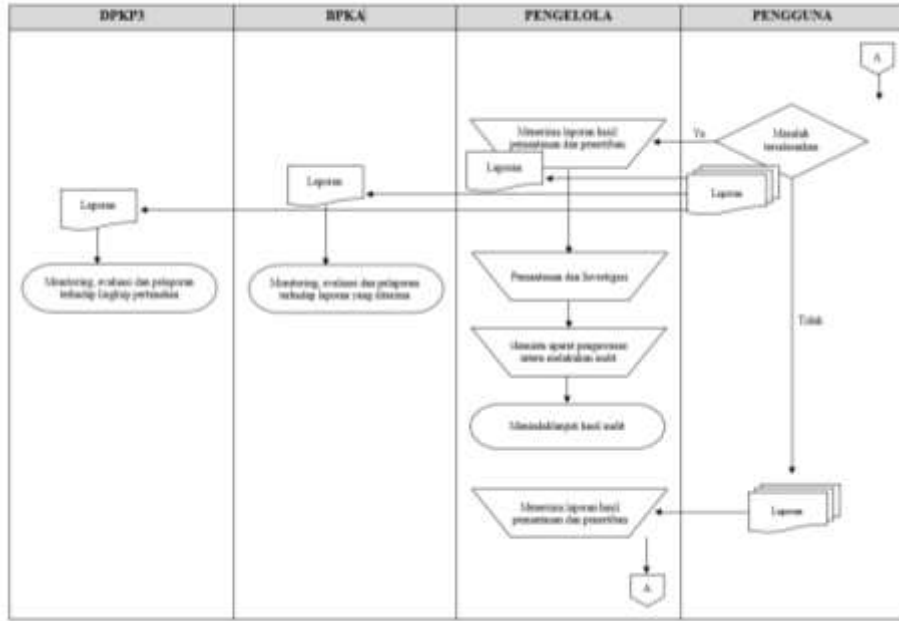
The concept of land owned by the Regional Government is divided into 2 (two), namely as follows:

1. Land Used
  - a. Used by SKPD
  - b. Users are responsible for supervising and controlling the land used in the form of monitoring and controlling
  - c. On land used by SKPD, the manager carries out supervision and control in the form of monitoring and investigation
2. Land Used
  - a. Managers are directly responsible for the land used
  - b. The manager is responsible for the supervision and control of the land used, in the form of:
    - Monitoring and control, which in practice can be carried out by DPKP3
    - Monitoring and investigation, which is carried out by the Regional Secretary as the responsibility of the manager

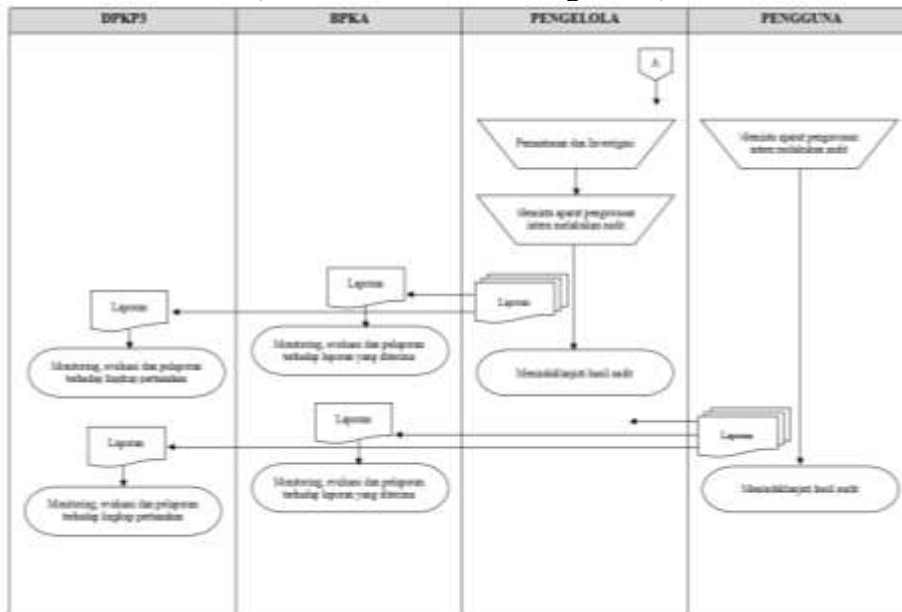
The following is the SOP for Supervision and Control of Land Owned by the Bandung City Government that has been prepared:



**Figure 3**  
**The SOP of Land Supervision and Control Towards the Usage of Land belong to Bandung City Government**  
 (User conducts the Monitoring)

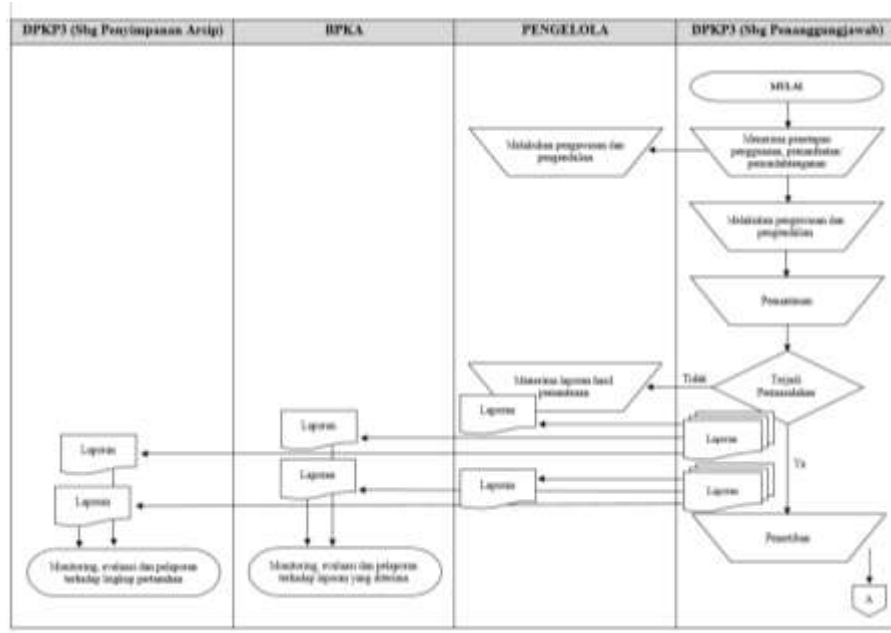


**Figure 4**  
**The SOP of Land Supervision and Control Towards the Usage of Land belong to Bandung City Government**  
 (User conducts the arrangement)



**Figure 5**  
**The SOP of Land Supervision and Control Towards the Usage of Land belong to Bandung City Government**

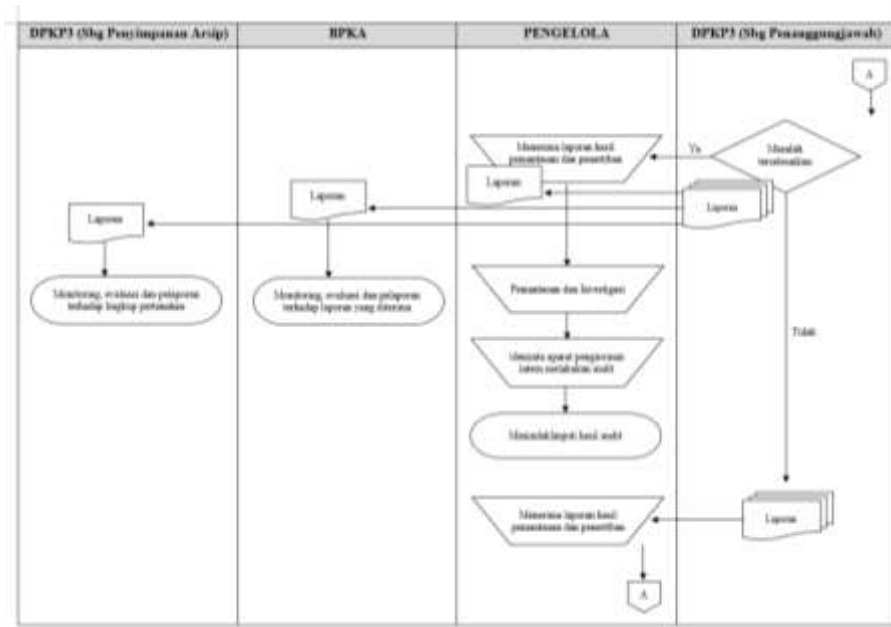
(User conducts the arrangement)



**Figure 6**

**The SOP of Land Supervision and Control Towards the Utilization of Land belong to Bandung City Government**

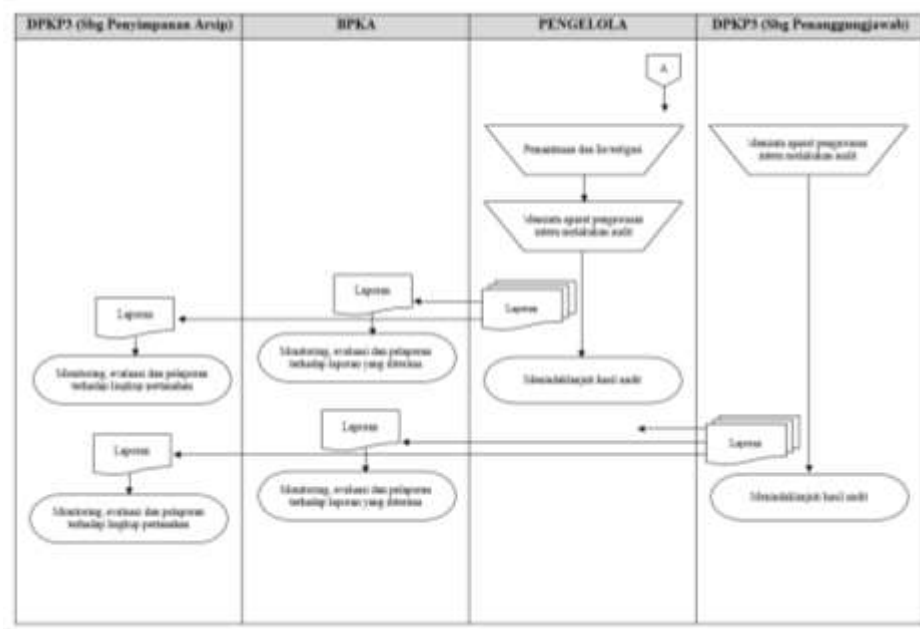
(The Administrators conduct the Monitoring towards the Utilized Land as assisted by DPKP3 Bandung)



**Figure 7**

**The SOP of Land Supervision and Control Towards the Utilization of Land belong to Bandung City Government**

(The Administrators conduct the Arrangement towards the Utilized Land as assisted by DPKP3 Bandung)



**Figure 8**

**The SOP of Land Supervision and Control Towards the Utilization of Land belong to Bandung City Government**

(The Administrators conduct the Monitoring and Investigation towards the Arrangement done by DPKP3)

**4.3 Policy Recommendation related to the Land Supervision and Monitor of Lands belong to Bandung City Government**

After being formulated, the SOP compilation related to the Land Supervision and Monitor of Lands belong to Bandung City Government, the follow-up actions that need to be taken are:

1. Declaring SOP related to the Land Supervision and Control for lands belong to Bandung City Government which has been compiled and agreed upon altogether;
2. Preparing an adequate human resource to implement the Main Duty and Function and the declared SOP;
3. The current policy evaluation can be used as a model or joint-reference from Bandung City Government to compile the Academic Text so the Mayor Regulation related to the Land Supervision and Control for lands belong to Bandung City Government can be declared.

**5. CONCLUSION AND SUGGESTION**

**5.1 Conclusion**



Based on the study, it can be concluded that in the implementation of supervision and monitoring of lands belong to Bandung City Government, SOP for the Supervision and Monitor for lands belong to Bandung City Government, is made in form of:

1. SOP for Supervision and Control of lands belong to Bandung City Government towards the usage;
2. SOP for Land Supervision and Control for lands belong to Bandung City Government towards the utilization;

## 5.2 Suggestions

The suggestions of follow-up actions from the study results are:

1. Declaring the SOP related to the Land Supervision and Control for lands belong to Bandung City Government which has been compiled and agreed upon altogether;
2. Preparing an adequate human resource to implement the Main Duty and Function as well as the declared SOP;
3. The current policy evaluation can be used as a model or joint-reference from Bandung City Government to compile the Academic Text so the Mayor Regulation related to the Land Supervision and Control for lands belong to Bandung City Government can be declared.

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