



Research Paper

The Authority of the Makassar City Government in Handling Management Conflicts of Regional Land Assets

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ABSTRACT: This research aims to assess and analyze the authority of the Makassar City Government in resolving conflicts in managing regional land assets. The type of research used in this study is qualitative, which will provide a factual representation of the purpose of research. The results showed: the authority of the Makassar City Government in resolving conflicts in the management of regional land assets, starting from the mediation process through a hearing, and mediation efforts assisted by the State Attorney; settlement efforts through litigation; granting compensation by assessing compensation by the supply team; asset removal process; certifying land under the control of the Makassar City Government; planning regional property needs and budgeting; then carried out procurement; administration in the form of recording and inventory of assets; land use based on the case raised is used for education and tourism; as well as supervising and controlling regional land assets assisted by the formation of teams formed by the Makassar City Government.

KEYWORDS: Authority, Conflict, Management, Land Assets, Makassar

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I. INTRODUCTION

Land is one of the regional assets owned by the regional government which is a natural resource that can be managed by the local government in accordance with the given authority. But in its implementation, the management of regional land assets has many problems and creates conflicts.

The city of Makassar is one of the areas that has many regional assets to be managed by the local government, land is only a small part of the total regional assets owned by the Makassar City Government but land is one of the assets that has the greatest value and causes the most problems and conflicts compared to other regional assets belonging to the Makassar City Government.

Makassar City government land assets based on reports entered at the Makassar City Government Land Service there are 7 land assets claimed by the community such as Bara-Barayya Village, Bulogading Village, Antang field, public facilities in the form of school buildings that stand on government land such as SD Pajjaiang in Biringkanaya sub-district (Makassar city government does not have land certificates but is recorded in regional assets and claimed by the community), SMAN 9 Makassar, SDN Barombang, SMPN 23 Makassar in the panakukang sub-district are claimed by the community (The government has a certificate of land ownership / Hak Pakai). Land assets claimed by private parties such as Kayangan Island in Lae-Lae Village, Ujung Pandang District, Pasar Niaga Daya, Biringkanaya District and Perumnas RS. Faisal in Makassar District, and Toddopuli Public Facilities in Manggala District, Kayangan island, eggplant market, cidu market, karebosi field, sudiang cemetery, manggala employee housing, antang housing, Losari lagoon and safari park, new village market, untia land, earth land caddika campsite. This is due to the lack of security, supervision and control by the Makassar City government on regional land assets and the incomplete asset inventory and the lack of openness of the Makassar City government in opening access to asset inventory.

Whereas in the Makassar City Regional Regulation No.7 of 2017 concerning the Management of Regional Property which is a derivative of the Minister of Home Affairs Regulation Number 19 of 2016 which is a derivative of Government Regulation Number 27 of 2014 concerning State / Regional Property

Management in article 11 paragraph 3 users goods and / or power users of goods have the authority and responsibility to secure and maintain regional property as well as supervise and control the management of regional property. Article 296 paragraph (1) states that the manager of the goods, the user of the goods and / or the power of the user of the goods is obliged to safeguard the goods belonging to the region under their control, the security of the property belonging to the area in question includes (paragraph 2) physical security; administrative security; and legal safeguards.

The land asset conflict in the Makassar City Government is based on the case raised by the author, namely land asset conflict involving mutual claims of regional land assets between the Makassar City government and the community, namely land asset conflict at SD Pajjaiang, and land asset conflict involving mutual claims of regional land assets between the government Makassar City and the private sector in this case is a land asset conflict case on Kayangan Island.

and the Head of Sudiang Raya Urban Village intervened to mediate (persuade) the heirs to open the sealing because it was detrimental to many parties. After that, a joint hearing was held with the Makassar City Government but there was no mediation, so the land case came into conflict with the court.

The next case is the conflict of regional land assets on Kayangan Island, Lae-Lae Village, Ujung Pandang District between the Makassar City Government, in this case the Tourism Office and a private party, namely PT Putra-Putra Nusantara, starting from a cooperation agreement or utilization contract (regional asset management), but there was a termination of the cooperation contract through the decision of the Makassar City Government in this case the Regional Secretary of Makassar City who terminated the cooperation contract with PT Putra-Putra Nusantara because he thought that PT Putra-Putra Nusantara had not carried out its obligations, namely paying royalties in accordance with the cooperation contract agreement between the Makassar City government. with PT Putra-Putra Nusantara, This continues to the problem of claiming ownership of land assets where PT Putra-Putra Makassar does not recognize the ownership of the City Government over the Kayangan Island and the City Government which also considers that the Paradise Island is an asset belonging to the Makassar City government so this does not get resolved by mediation and continues into the realm of law.

Based on findings from the results of checks, the Corruption Eradication Commission Team (KPK) led by regional coordinator VIII Coordination of Supervision and Prevention (Korsupgah) found around 700 to 800 land items in the category of having been confiscated, sold or involved government involvement. The report on the troubled land assets of Makassar City is as many as 25 assets and it could be more than that, but there are still hundreds of state assets that have been taken by people and used by people and have not been handed over by the developer to the Makassar City Government. Based on the follow-up of the Makassar City government on the recommendation of the Audit Result Report (LHP) related to the problem of assets from the Indonesian Financial Audit Agency (BPK) South Sulawesi Representative in 2019, there are still 12 developers and there are 491 assets recorded in the Makassar City government where the data is not included from 454 assets of public facilities and social facilities from the special committee (Pansus) of the Regional Representative Council (DPRD) Makassar. This is an inconsistency with the audit results from BPK RI received by the City of Makassar with the conflict that occurred regarding the Makassar city government land assets that have not been fully controlled by the Makassar City government or are still controlled by other parties.

II. REVIEW OF THEORY

The Concept of Land Conflict

Conflict theory is a theory that views that social change does not occur through a process of adjusting the values that bring about change, but occurs as a result of a conflict which results in compromises that are different from the original conditions. Conflict theory according to experts, one of them is:

- Ralf Dahrendorf's Conflict Theory

As stated by Ralf Dahrendorf, society is divided into two classes based on the ownership of authority, namely the class that has the authority (dominant) and the class that has no authority (subject). According to Dahrendorf, in every community life there are always associations such as; country, industry, party, religion, clubs, and so on. In every association there will always be two classes, namely those that have authority and those that do not. The conflict between the two groups will occur when the class that has the authority tries to maintain the status quo of the existing patterns of authority (i.e. continues to dominate), while the class that does not have the authority tries to change its status or oppose the status of the owner of authority.

Land Conflict

According to the Decree of the Head of BPN RI Number 34 of 2011 concerning Technical Guidelines for Handling and Solving Land Problems, conflict is the difference in values, interests, opinions and or perceptions between citizens or community groups and legal entities (private or public), society and society regarding the status of control and or the status of ownership and or the status of use or utilization of certain land

parcels by certain parties, or the status of State Administrative Decrees concerning the control, ownership and use or utilization of certain fields, which contain political, economic and socio-cultural aspects. Emphasis on "contains political, economic, social and cultural aspects" is what distinguishes the definition of land disputes from land conflicts according to the Decree of the Head of BPN RI Number 34 of 2007.

Likewise with the definition of land conflict according to the Regulation of the Head of BPN RI Number 3 of 2011 concerning Management of Assessment and Handling of Land Cases, which emphasizes that land conflicts are land disputes between individuals, groups, groups, organizations, legal entities, or institutions that have a tendency or has had a broad impact socio-political.

Concept of Regional Land Asset Management

The cycle of regional land asset management is based on Makassar City Regional Regulation Number 7 of 2017 which is a derivative of the Minister of Home Affairs Regulation Number 19 of 2016 which is a derivative of Government Regulation Number 27 of 2014 concerning Management of Regional Property includes: planning of regional property needs; procurement; use; utilization; security; assessment; deletion; administration; coaching; control and supervision; compensation and sanctions.

III. RESEARCH METHODOLOGY

Research sites

The location of this research was carried out in Makassar City, precisely at the Makassar Mayor's Office, and locations related to land asset claims conflicts of the Makassar City Government such as SD Pajjaiang in Biringkanaya District, and Kayangan Island in Ujung Pandang District.

Types of research

This research uses descriptive qualitative research type that is describe or provide description and analysis regarding the authority of the Makassar City Government in resolving conflicts over regional land assets. The data collected is the result of the field obtained through primary data collection such as in-depth interviews with informants. Informants were selected because they were considered to know the most or were even directly involved and the selection of informants in this study was by using purposive sampling technique, literature study, observation and documentation, as well as secondary data collection such as supporting data obtained from people's words and actions. -person who was observed or interviewed in-depth (indenph interview), written sources consisting of book sources and official documents, statistical data,

Data Sources and Data Collection Techniques

The data were obtained from informants who were involved in resolving conflicts over regional land assets, namely the holders of regional property management power, regional property managers, regional property administration officials, regional property users officials and related stakeholders. Data collection techniques, namely by conducting in-depth interviews and using written documents and court decisions.

Data analysis technique

The analysis technique used in this study is a qualitative analysis technique that aims to systematically describe the facts and data obtained and the results of the research. The stages of data analysis, among others; data reduction, data presentation, drawing conclusions / verification.

IV. RESULTS AND DISCUSSION

The authority of the Makassar City Government in resolving land asset conflicts between the Makassar City Government and the Community.

The conflict case of regional land assets located in SD Pajjaiang, Jalan Pajjaiang, Kelurahan Sudiang Raya, Kecamatan Biringkanaya started with the sealing of the school by the community who claimed ownership of the land above the school building. The school sealing which had this detrimental impact led the local government to take the initiative to mediate with the community who claimed ownership of the land above the school building as the heir, the mediation process was successful because the heirs had opened the school sealing, but for conflicts claiming land assets in the area SD Pajjaiang is still continuing in the next mediation process through the RDP (Hearing Meeting) which is attended by the City Government, in this case the Education Office, Land Service, Head of Biringkanaya Sub-district, Head of the Sudiang Raya sub-district, the local RW, heir to the mediator of the DPRD Commission A of Land. When the mediation process took place at the hearing, no mediation was made based on what the author described in the land asset conflict case at SD Pajjaiang, so the land asset conflict case continued to the litigation path.

Conflict Resolution in Land Asset Cases, namely in cases of land assets in the area, the settlement process can be carried out by means of mediation; and through court channels. In connection with the land asset case at SD Pajjaiang that has used two conflict resolution methods but for the unsuccessful mediation process, the next settlement process carried out is land asset conflict resolution through court channels.

The land asset conflict case at SD Pajjaiang has reached the legal realm through the Makassar City District Court because the heirs as the plaintiffs sued the request for compensation to the Makassar City Government because the heirs who claimed land ownership in SD Pajjaiang felt disadvantaged by the use of the land that was claimed ownership as a school owned by the Makassar City Government. Through a hearing, the Makassar City Government also does not want to provide compensation if there is no final legally enforceable decision from the court that is shown to the Makassar City Government as a basis for making compensation payments. The case of Regional Land Assets in the process of providing compensation,

The authority of the Makassar City Government after evaluating and providing compensation, the next authority of the Makassar City Government is to carry out the Abolition. The process of eliminating assets starts with the SKPD that manages regional property, in this case the Head of the Education Office pleads with the mayor, then the mayor disposes to the Makassar City Financial and Asset Management Agency (BPKAD) and the Regional Financial and Asset Management Agency (BPKAD) to form a research team and then make a research team. the draft approval for deletion, from the draft made, the concept of the Mayor's decision is then given to the legal department to carry out harmonization (referring to laws and regulations) until the issuance of a Mayor's Decree concerning the elimination of regional property in the form of land.

Makassar City Government Authority next is Security, where uFor the case of land asset conflict of the Makassar City Government that occurred at SD Pajjaiang, the authority of the Makassar City government in resolving asset conflicts is security, legal safeguards in the form of certifying land under the control of the Makassar City Government aimed at ensuring legal certainty and with legal security, the Makassar City Government will have strong documentary evidence if at any time there are other parties claiming the land of the land assets, after compensation and submission of proof of land certificates to the Makassar City Government, the Makassar City Government will certify the land at the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency .

After the land is certified, the land will be physically secured, to implement this it must go through the procurement of regional property in the form of border fences, talk boards as well as land acquisition, but beforehand, plan the need for regional property and budgeting for regional property in the form of boundary fences, and talk board.

After planning and budgeting is carried out the procurement of regional property, after planning and budgeting, the boundary fence, speech board will be procured.

After the land is certified and procured, an administration is carried out in the form of recording and inventory of assets which is also related to land administration security which can be carried out by collecting, recording, storing and administering land ownership documents in an orderly and safe manner by taking the following steps, namely completing proof of ownership and / or keeping land certificates; make goods identity cards; carry out an investment / census of regional property once every 5 (five) years and report the results; and record in the Property Manager / Property User List / User Proxy.

After the acquisition of land for regional assets, the next process is use, for the use of a talking board in SD Pajjaiang school aims to further strengthen physical evidence of control of the Makassar City Government, and for land use based on the cases raised is used for education.

Settlement of land asset conflicts through government authority in the management of regional land assets, namely supervising and controlling regional land assets. Supervision and control of regional land assets, assisted by the formation of teams formed by the Makassar City Government, such as the search for social and public facilities, verification teams, and teams. There is also an inventory team formed by the mayor outside of the Makassar City Government, namely the special fasum fasos team consisting of Commission A DPRD Makassar City on land affairs.

The authority of the Makassar City Government in resolving cases of regional land asset conflicts between the Makassar City Government and the private sector

The City Government has the authority in managing regional land assets, one of which is utilization by conducting joint utilization (KSP) with the private sector. In the case of land asset conflicts between the city government and the private sector, in this case PT Putra-Putra Nusantara, it started with a contract agreement for the management of Kayangan Island in Lae-Lae Village, Ujung Pandang District and there was a default of the contract agreement so that the cooperation contract was terminated unilaterally by the Makassar City Government. . In Makassar City Regional Regulation No.7 of 2017 concerning Management of Regional Property that the termination of the KSP can be in the form of the termination of the KSP period as stated in the agreement and the termination of the KSP agreement unilaterally by Mayor or Property Manager. Termination of

the KSP can be done in the event that the KSP partner does not pay a permanent contribution for 3 (three) years consecutive; does not pay profit sharing for 3(three) consecutive years in accordance with the KSP agreement; or not fulfilling the obligations as stipulated in the KSP agreement.

The Kayangan Island case ended in a land asset claim conflict on Kayangan Island based on the author's explanation of the case of the position of the Paradise Island. The settlement made by the Makassar City Government is to use mediation, cooperation with the Ministry of Agrarian Affairs and Spatial Planning (ATR / BPN), cooperation with the State Prosecutor's Office, land security, assessment, good administration, supervision and control, budget planning, procurement, and litigation. .

In resolving conflicts over the management of regional land assets, the Makassar City Government cooperates with the State Prosecutor's Office, in this case state lawyers for the mediation process with private parties and Ministry of Agrarian Affairs and Spatial Planning ATR / BPN held a meeting and the Makassar City Government requested Ministry of Agrarian Affairs and Spatial Planning (ATR / BPN) not to issue certificates from private parties.

In addition, settlement efforts are made through the authority of the Kota Makassar government in managing regional assets, namely carrying out land security, namely certifying the land, then planning a talking board and installing a border fence, through planning needs then budgeting and then procuring it, after the land is certified and procured then administration is carried out. in the form of recording and inventory of assets which are also related to land administration security.

After land acquisition of regional assets, the next process is use, for the use of a talking board on Kayangan Island, Makassar aims to further strengthen physical evidence of control of the City Government, and for land use based on the cases raised is used for tourism.

Settlement of land asset conflicts through government authority in the management of regional land assets, namely supervising and controlling regional land assets Supervision and control of regional land asset management assisted by the formation of teams formed by the Makassar City Government, such as the search for public and social facilities, verification teams, and There is also an inventory team formed by a mayor outside of the Makassar City Government, namely the special social and social facilities team consisting of Commission A DPRD Makassar City on land affairs.

In addition, the Kota Makassar government was assisted by the presence of an appraisal team that carried out assessments if there was a management conflict, the assessment team in the case of assets of the Makassar City government and PT PPN on Kayangan Island, namely BPKP RI representatives of South Sulawesi. Through the study, the BPKP assessment for the island of heaven is as follows; control environment, risk assessment, control activities, information and communication, and monitoring

V. CONCLUSION

Conflict resolution of regional land assets through the authority of the Makassar City Government in managing regional assets is very important for the government to pay attention to through mediation settlement, litigation and other efforts such as completing documents and efforts to complete physical and administrative evidence, conflict resolution in the management of regional land assets through the authority of the Makassar City Government in managing regional assets, namely starting from the process of mediation, litigation, appraisal, compensation, elimination, security, planning and budgeting, procurement, use, administration, supervision and control.

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