

# **Implementation of National Health Insurance Program Participation as a Condition for the Provision of Public Services by Government Institutions Based on Presidential Instruction Number 1 of 2022 Concerning Optimization of Program Implementation (Case Study of Public Service at the Land Agency of Ternate City)**

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**Abstract**— This paper aims to determine the terms of public service as a standard of public service based on the legislation. To find out the BPJS Health membership requirements as an administrative requirement for the Registration Service for the Transfer of Land Rights/Ownerships to Flat Units due to Sale and Purchase by the Land Agency of Ternate City. The problem to be answered is what are the requirements for public service as a standard of public service based on the laws and regulations? And what are the requirements for BPJS Health membership as an administrative requirement for the Registration Service for the Transfer of Land Rights/Ownerships to Flats for Sale and Purchase by the Land Agency of the City of Ternate, using an approach that is a qualitative and quantitative approach. The results of the study obtained the fact that Presidential Instruction No. 1 Year 2022 jo. SE Minister of ATR BPN HR.02/164-400/II/2022 contradicts Law Number 25 of 2009 concerning Public Services and registration services for the transfer of land rights or ownership rights to flat units due to buying and selling carried out by the Ternate City BPN which requires BPJS Health membership cards to be used as a requirement for public services is a violation of alleged maladministration in the form of actions that deviate from public service procedures outlined by Law Number 25 of 2009 concerning Public Services, causing the public to not get good public services.

**Keywords**— Public Service, BPJS Health Participation, Maladministration.

## **1. INTRODUCTION**

Since the issuance of the Presidential Instruction of the Republic of Indonesia Number 1 of 2022 concerning Optimizing the Implementation of the National Health Insurance Program (Inpres No. 1 of 2022) which came into effect on January 6, 2022, instructing all State Institutions and Government Agencies both at the center and in the regions to implement The Presidential Instruction takes full responsibility for taking steps according to their respective duties, functions, and authorities to optimize the implementation of the National Health Insurance (JKN) program, to increase access to quality health services, and to ensure the sustainability of the National Health Insurance program.

As for State Institutions and Government Agencies, which are directed by Presidential Instruction No. 1 of 2022, among others: (1). Coordinating Minister for Human Development and Culture, (2.) Coordinating Minister for Economic Affairs, (3). Minister of Home Affairs, (4). Minister of Foreign Affairs, (5). Minister of

Religion, (6). Minister of Law and Human Rights, (7). Minister of Finance, (8). Minister of Education, Culture, Research, and Technology, (9) Minister of Health, (10). Minister of Manpower, (11). Minister of Industry, (12) Minister of Public Works and Housing, (13) Minister of Transportation, (14) Minister of Communication and Information Technology, (15) Minister of Agriculture, (16) Minister of Maritime Affairs and Fisheries, (17) Minister of Agrarian Affairs and Spatial Planning/Head National Land Agency, (18) Minister of State-Owned Enterprises, (19) Minister of Cooperatives and Small and Medium Enterprises, (20) Minister of Social Affairs, (21) Minister of Villages, Development of Disadvantaged Regions and Transmigration, (22) Minister of Tourism and Creative Economy/Head of Tourism and Creative Economy Agency, (23). Minister of Investment/Head of the Investment Coordinating Board, (24). Attorney General, (25). Head of the Indonesian National Police, (26). Head of the Indonesian Migrant Workers Protection Agency, (27). Directors of the Health Social Security Administering

Body, (28). Governors, (29). Regents/Mayors, and 30. Chairman of the National Social Security Council. In the third dictum of Presidential Instruction No. 1 of 2022 it is stated that funding for optimizing the implementation of the National Health Insurance program is charged to the State Revenue and Expenditure Budget (APBN), Regional Revenue and Expenditure Budget (APBD), and other legal and non-binding sources in accordance with the provisions of laws and regulations. Development of Disadvantaged Regions and Transmigration, (22) Minister of Tourism and Creative Economy/Head of Tourism and Creative Economy Agency, (23). Minister of Investment/Head of the Investment Coordinating Board, (24). Attorney General, (25). Head of the Indonesian National Police, (26). Head of the Indonesian Migrant Workers Protection Agency, (27). Directors of the Health Social Security Administering Body, (28). Governors, (29). Regents/Mayors, and 30. Chairman of the National Social Security Council. In the third dictum of Presidential Instruction No. 1 of 2022 it is stated that funding for optimizing the implementation of the National Health Insurance program is charged to the State Revenue and Expenditure Budget (APBN), Regional Revenue and Expenditure Budget (APBD), and other legal and non-binding sources in accordance with the provisions of laws and regulations. Development of Disadvantaged Regions and Transmigration, (22) Minister of Tourism and Creative Economy/Head of Tourism and Creative Economy Agency, (23). Minister of Investment/Head of the Investment Coordinating Board, (24). Attorney General, (25). Head of the Indonesian National Police, (26). Head of the Indonesian Migrant Workers Protection Agency, (27). Directors of the Health Social Security Administering Body, (28). Governors, (29). Regents/Mayors, and 30. Chairman of the National Social Security Council. In the third dictum of Presidential Instruction No. 1 of 2022 it is stated that funding for optimizing the implementation of the National Health Insurance program is charged to the State Revenue and Expenditure Budget (APBN), Regional Revenue and Expenditure Budget (APBD), and other legal and non-binding sources in accordance with the provisions of laws and regulations.

The Minister of Agrarian and Spatial Planning/Head of the National Land Agency (Minister of ATR/Head of BPN) as one of the Government Agencies instructed to implement Presidential Instruction No. 1 of 2022 to ensure that applicants for registration of transfer of land rights due to sale and purchase are active participants in

the National Health Insurance program. Based on the Presidential Instruction, the Minister of ATR/Head of BPN through the Director General of Determination of Land Rights and Registration on February 16, 2022 issued Circular Letter Number: HR.02/164-400/II/2022 regarding BPJS Health Participant Cards as a requirement in the application for registration services for land transfer. land title or ownership rights to the apartment unit due to sale and purchase (SE ATR/BPN No. HR.02/164-400/II/2022). The SE is addressed to all Heads of Regional Offices of the National Defense Agency (Kanwil BPN) and Heads of Land Offices (BPN Regency/City) throughout Indonesia. In SE ATR/BPN No. HR.02/164-400/II/2022 stated the following commands:

"In the context of implementing the registration of the transfer of land rights or ownership rights to apartment units due to buying and selling, which must be accompanied by a photocopy of the BPJS Health Participant Card in accordance with our letter dated February 14, 2022 number: HR.02/153-400/II/2022, Joint it conveys the following:

1. The implementation of this provision will take effect on March 1, 2022.
2. The application for registration of the transfer of land rights or ownership rights to apartment units due to sale and purchase which has been received is complete and fulfills the requirements, shall be completed in accordance with the provisions prior to the enactment of this provision.
3. So that the Head of the Regional Office of the National Land Agency and the Head of the Land Office actively socialize the implementation of this provision to related parties."

That the policy in its implementation provides new requirements for public services at the land office of the city of Ternate. Whereas in Article 11 to Article 17 of Law no. 25 of 2009 concerning Public Services (Law No. 25/2009) juncto. Article 8 and Article 1 point 3 of Law no. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia (Law No. 37/2008). Public services must provide services that are in accordance with service standards and must behave fairly, not discriminately, carefully, politely, friendly, professionally and do not complicate and provide misleading information to the public.

In that context, this research is intended to examine the problem of how to measure the requirements for an

active BPJS Health membership card as a basis or requirement for public service administration to the community based on case studies in several agencies, one of which is the Land Office/BPN Ternate City.

## 2. FORMULATION OF THE PROBLEM

Based on the description of the background above, it can be drawn the problems that will be studied in this study, including:

1. What are the requirements for public service as a standard of public service based on the laws and regulations?
2. What are the requirements for BPJS Health membership as an administrative requirement for the Registration Service for the Transfer of Land Rights/Ownerships to Flats for Sale and Purchase by the Land Agency of Ternate City?

## 3. RESEARCH OBJECTIVES

This study aims to explore in depth the problems in the problem formulation above so that academic answers can be found as follows:

1. Knowing the requirements of public service as a standard of public service based on the legislation.
2. To find out the BPJS Health membership requirements as an administrative requirement for the Registration Service for the Transfer of Land Rights/Ownerships to Flat Units due to Sale and Purchase by the Land Agency of Ternate City.

## 4. RESEARCH METHODS

The method used in this paper is sociolegal (juridical-empirical) with a qualitative approach to investigate, describe, explain, find the quality, or features of social influence that cannot be measured by numbers or quantitative approaches. The research location in this study is the Ternate City Land Office. The object of research is the phenomenon and behavior (behavior) of the public service of the Ternate City Land Office. The primary data are interviews and public service standard documents at the land office of the city of Ternate. While secondary data is in the form of legislation (regeling), court decisions/related jurisprudence (jurisprudence). In addition, the tertiary data used are sourced from various literatures, including: books, journals, scientific works (dissertations, theses, and thesis) related to this research. In addition, legal dictionaries, popular dictionaries and so on as entry points provide limits on understanding the legal concepts studied. While presenting the primary data in the form of interviews, then an analysis of the research

issues was carried out so as to produce a conclusion that was in correspondence with the standards of public services at the Land Office/BPN Ternate City.

## 4. RESEARCH RESULT

Philosophically, the government, both centrally and regionally, is obliged to serve every citizen and resident to fulfill their basic rights and needs within the framework of public services which is the mandate of the 1945 Constitution of the Republic of Indonesia. This obligation aims to build public trust in public services carried out by public service providers, which is an activity that must be carried out in line with the expectations and demands of all citizens and residents regarding improving public services. and as an effort to emphasize the rights and obligations of every citizen and resident as well as the realization of state and corporate responsibilities in the administration of public services, legal norms that provide clear regulations are needed. The legal norms in question are confirmed in Article 1 number (1) of Law no. 25/2009 states "activities or series of activities in the context of fulfilling service needs in accordance with statutory regulations for every citizen and resident of goods, services, and/or administrative services provided by public service providers."

This provision gives rights to every citizen and resident to fulfill one of the constitutional rights in public services. Meanwhile, public service providers who are charged with providing public services are every state administrative institution, corporation, independent institution established by law for public service activities, and other legal entities formed solely for public service activities. In carrying out public services, the principles are: public interest, legal certainty, equality of rights, balance of rights and obligations, professionalism, participation, equality of treatment/non-discrimination, transparency, accountability, facilities and special treatment for vulnerable groups, punctuality and speed, convenience, and affordability. Based on these provisions, BPN is included as an institution providing public services that bears constitutional obligations in the field of public services. BPN is a non-ministerial Government Institution that is under and responsible to the President, which has the task of carrying out government duties (bestuuren) in accordance with the instructions of Article 4 paragraph (1) of the 1945 Constitution and the mandate of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles and Law Number 39 of 2008 concerning the Ministry Country.



One of the tasks of BPN is the formulation and implementation of policies in the field of land rights determination, land registration and community empowerment. In carrying out its duties and functions, BPN is coordinated by the Head of BPN, held by the Minister of ATR who carries out government affairs in the field of Agrarian and Spatial Planning to carry out the duties and functions of BPN in the regions. Districts/municipalities can be formed more than 1 (one) Land Office in each district/city and every element in the BPN environment in carrying out its duties must apply the principles of coordination, integration, and synchronization both within the BPN environment and in relations between government agencies, both central and regional.

Meanwhile, the service standard is a benchmark used as a guideline for service delivery and a reference for assessing service quality as an obligation and promise of the organizer to the community in the context of quality, fast, easy, affordable, and measurable services. While the service announcement is a written statement that contains all the details of the obligations and promises contained in the service standard. In the provisions of Article 3 of Law No. 25/2009 regulates the objectives of public services, among others:

- a. The realization of clear boundaries and relationships regarding the rights, responsibilities, obligations, and authorities of all parties related to the implementation of public services;
- b. The realization of a proper public service delivery system in accordance with the general principles of good governance and corporations;
- c. The fulfillment of the implementation of public services in accordance with the laws and regulations; and
- d. The realization of legal protection and certainty for the community in the implementation of public services.

In addition, BPN as a public service provider agency is obligated to, among others:

- a. compiling and setting service standards;
- b. compose, determine, and publish service notices;
- c. placing competent implementers;
- d. provide facilities, infrastructure, and/or public service facilities that support the creation of an adequate service climate;
- e. provide quality services in accordance with the principles of public service delivery;

- f. carry out services in accordance with service standards;
- g. actively participate and comply with laws and regulations related to the implementation of public services.

With regard to these obligations, BPN as a public service provider is required to develop and determine Service Standards by taking into account the capabilities of the organizers, community needs, and environmental conditions. In preparing and setting service standards, BPN is obliged to involve the community and related parties. The participation of the community and related parties is carried out on a non-discriminatory principle, is directly related to the type of service, has competence and prioritizes deliberation, and pays attention to diversity. Meanwhile, the Service Provider is obliged to prepare and stipulate a service announcement which is a statement of the provider's ability to carry out services in accordance with service standards and the service announcement must be published clearly and widely.

Based on these provisions, the implementation of public services at BPN cannot be separated from its service standards. This standard then becomes a service benchmark that serves as a guide for the implementation of public services. This guideline will serve as a reference for implementers and service users in fulfilling and obtaining their basic rights and needs. Service standards are also needed in an effort to assess the effectiveness of services and measure community satisfaction when accessing services provided by the organizers. The assessment, then, can be used as a basis for improving the quality of services so that their implementation is more qualified, easy, fast, affordable and measurable. There are several components contained in service standards. The various components are contained in Chapter V of Law no. 25/2009. All of these components must be prepared, defined and implemented so that they are known by the wider community who access services. The following are mandatory components of service standards that must exist in public service units:

#### **4.1 Requirements**

This information must be clearly and clearly published in front of service users. The conditions determined by each service provider are certainly different for each agency and for each service product. Things to consider in drafting the requirements are their effectiveness and efficiency. This means that this indicator does not make it difficult for service users but is also in line with the

existing legal basis. In this way, service users get clarity, while service providers can minimize verbal explanations to users.

#### **4.2 System Mechanisms and Procedures**

System mechanisms and procedures are one of the indicators that are often asked by service users. System, Mechanisms and Procedures are a series of service processes that are clearly and definitely arranged, in the form of a chart and explicitly describe the procedures that users must take to obtain services. In addition, the Flowchart should be simple, uncomplicated, easy to understand and implement. It should be arranged in the form of a flow chart displayed in the service room. By fulfilling this element, service users get certainty and clarity of service flow.

#### **4.3 Service Term**

The service period is the deadline for providing services by the service provider. The certainty of time is clearly an important thing that service users need to know. Through clarity of service time, users can always be in a calm condition in undergoing every stage of service that is passed. Avoid the adage "if you can slow down, why speed up?" It is time for service providers to provide service times for service users. In this way, certainty and clarity of public services can be guaranteed.

#### **4.4 Fee/tariff**

Unclear cost information often creates problems. Users are often faced with confusion about the amount of Rupiah they have to spend. That is, to prevent the potential for illegal levies, state administrators are required to display the amount of fees/tariffs that must be paid by recipients of public services. In fact, for services that are provided free of charge, the organizer is required to display the word "FREE" in the service unit. In this way, clarity can be created and potential deviations in the form of illegal levies can be avoided.

#### **4.5 Service Products**

Information about service products needs to be known by users. Operators are required to publish various existing service products. Through these publications, users can see all service products provided by the organizers, so that the continuity of implementation. What is the use of various useful services if the user does not know the available service products? quality public services can be created and always maintained.

#### **4.6 Facilities, Services or Facilities**

A quality service unit must be supported by adequate facilities and infrastructure. This condition needs to be created so that users get a sense of comfort when accessing their services. What happens when users fight over each other for a place in line, for example? For this situation, of course the means of queuing to be significant. The solution, of course, is to provide a queue number to service users who come first. That's just one of the means that must be met by the organizers. Others are waiting rooms, seats, toilets, service counters/desk.

In this regard, a statement on the implementation of public services is required in the form of a service announcement or by another name, a service promise. and (3) a statement of willingness to accept sanctions, and/or provide compensation if the services provided are not up to standard. This indicator must be displayed clearly and widely. This edict is useful for service users as a form of social agreement between service providers and service users. Its uses include: (1) Increasing the responsiveness of service providers to service users; (2) Improving service user satisfaction;

The consequence of these obligations is the management of complaints to service users at the Ternate City Land Office. The reports they submit are aspirations to improve and improve the quality of public services. Their complaints are invaluable input for service providers. This is done by providing a professional complaint management unit. The obligation to fulfill this element is explicitly stated in Law 25/2009 and Presidential Regulation No. 76/2013 concerning Management of Public Service Complaints. Things that are needed include: adequate facilities, competent complaint management implementers, and a complaint management mechanism that prioritizes the principle of quick and complete settlement.

In addition, service providers are required to convey any service information to users in printed or electronic form. The information contained at least includes: profiles of providers, profiles of implementers, service standards, service announcements, management of complaints and performance appraisals. This element is needed as a medium of socialization to the public about what service activities are available. By displaying service information, users no longer have to ask questions about services so that the organizers can be more optimal in carrying out good and professional services. Therefore, by referring to the Presidential Regulation of the Republic of Indonesia Number 97 of

2014 concerning the Implementation of One Stop Services, it mandates effectiveness and efficiency to be two keywords in the implementation of public services. Saving time and being efficient are elements that must always be maintained. One of the efforts that can be done is through a one-stop integrated service system. In this way, users will have no trouble accessing various existing services. One-Stop Integrated Service is a service that is integrated in a single process starting from the application stage to the stage of completion of service products through one door, just stepping into a room, users can directly access various types of services at once. This method can be done both physically and virtually. The implementation of a one-stop integrated service system must be implemented for all types of services, including the service for making new certificates of ownership (SHM) at the Ternate City Land Office/BPN.

In the provisions of Article 19 paragraph (2) letter c of Law no. 5/1960 jo. Article 1 number 20 PP No. 24/1997 jo. Article 1 paragraph (7) Permen ATR BPN 1/2021 concerning Electronic Certificates reads "Certificates are letters of proof of rights as referred to in Article 19 paragraph (2) letter c of the BAL for land rights, management rights, waqf land, property rights to units flats and mortgages, each of which has been recorded in the relevant land book." In its development, there are also electronic certificates regulated in Article 1 paragraph (8) of the Minister of ATR BPN 1/2021 which reads "Electronic Certificates, hereinafter referred to as e-Certificates, are Certificates issued through the Electronic System in the form of Electronic Documents." Based on the definition of the land certificate, the land certificate is a sign of ownership of the land and proves that a person or a legal entity has a right and control over a certain plot of land. In addition, in the context of public services, land registration is a series of activities carried out by the Government continuously, continuously and regularly, including collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists, regarding parcels of land and apartment units, including the issuance of certificates of proof of rights for land parcels that already have rights and ownership rights over flat units as well as certain rights that encumber them. And the Ternate City BPN Office as a working unit of the National Land Agency in the Ternate City area, which carries out land rights registration and maintains a general register of land registration, based on simple, safe, affordable, up-to-date and open principles.

Land registration as part of public services aims to: a. to provide legal certainty and protection to the holder of the right to a parcel of land, apartment unit and other registered rights so that he can easily prove himself as the holder of the right in question; b. to provide information to interested parties including the Government so that they can easily obtain the data needed to carry out legal actions regarding registered land parcels and apartment units; c. for the implementation of orderly land administration. In order to achieve administrative order, every parcel of land and land unit and apartment unit including the transfer, encumbrance, and annulment of rights to land parcels and property rights to apartment units must be registered.

In the land registration process, the document requirements for making a Land Title Certificate (SHM) include:

1. The application form that has been filled in and signed by the applicant or his/her proxies on a stamp duty is sufficient;
2. Power of attorney if authorized;
3. Photocopy of the identity of the applicant/holder and recipient of rights (KTP, KK) and the power of attorney if authorized, which has been matched with the original by the counter officer;
4. Original proof of land acquisition or title;
5. Original proof of relinquishment of rights and settlement of land and houses (Rumah Gol III) or houses purchased from the government;
6. Photocopy of the current year's SPPT PBB which has been matched with the original by the counter officer, submission of proof of SSB (BPHTB) and proof of payment of income (at the time of registration of rights);
7. Photocopy of SPPT and PBB for the current year which has been matched with the original by the counter officer, submission of proof of SSB (BPHTB) and proof of shadow of income (at the time of registration of rights).

As for all of these requirements, then the right to bookkeeping is carried out as regulated in Article 29 paragraph (1) PP 24/1997, namely "land rights, management rights, waqf land and property rights to flat units are registered by registering them in a land book containing juridical data and physical data of the land parcel in question, and as long as there is a measurement letter, it is also recorded on the measuring letter." Based on the article, for land where the physical data and



juridical data are complete and there is no dispute, then the bookkeeping is carried out in the land book. Finally, a certificate can be issued for the benefit of the right holder concerned in accordance with the physical data and juridical data that have been registered in the land book.

Based on the description of the requirements for public service requirements as a public service standard based on these laws and regulations, it can be concluded that the implementation of public services at the Ternate City Land Office/BPN must be guided by the provisions of public services based on Law no. 25/2009 and PP No.24/1997. If there are technical provisions or instructions from the Ministry of ATR/BPN to the work units below, including the Land Office/BPN Ternate, which are different regarding the requirements for public services as Public Service Standards, then the higher regulation (regulation) applies, in this case the Law. No. 25/2009. In other words, the legal principle of *lex superior derogate legi inferiori* applies (a law with a higher level of validity takes precedence over a lower law). Thus, for the sake of standing excellent public service as the main responsibility in managing the government and meeting all the needs of the community at the Ternate City Land Office/BPN, then in the implementation of public services in the field of land registration at the Ternate City Land Office/BPN, it is still obligatory to adhere to the following guidelines: UU no. 25/2009.

Since the enactment of Presidential Instruction No. 1 of 2022 which comes into force on January 6, 2022, gives orders to all State Institutions and Government Agencies both at the center and in the regions to take steps according to their respective duties, functions, and authorities to optimize the implementation of the National Health Insurance program. (JKN), increasing access to quality health services, and ensuring the sustainability of the JKN program. The Ministry of ATR/Head of BPN through the Director General of Land Rights Determination and Registration (Dirjen PHPT) then followed up on Presidential Instruction No. 1 of 2022 by issuing SE Minister of ATR/Head of BPN No. HR.02/164-400/II/2022 regarding BPJS Health Participant Card as a requirement in the application for registration services for the transfer of land title rights or ownership rights to flat units due to sale and purchase on February 16, 2022. The letter is addressed to the Regional Office of BPN and the Head District/City Land Offices/BPNs throughout Indonesia which reads:

"In the context of implementing the registration of the transfer of land rights or ownership rights to apartment units due to buying and selling, which must be accompanied by a photocopy of the BPJS Health Participant Card in accordance with our letter dated February 14, 2022 number: HR.02/153-400/II/2022, Joint it conveys the following:

1. The implementation of this provision will take effect on March 1, 2022.
2. The application for registration of the transfer of land rights or ownership rights to apartment units due to sale and purchase which has been received is complete and fulfills the requirements, shall be completed in accordance with the provisions prior to the enactment of this provision.
3. So that the Head of the Regional Office of the National Land Agency and the Head of the Land Office actively socialize the implementation of this provision to related parties."

The policy provides new requirements for public services at the Land Office, including in this case the Land Office/BPN Ternate City, namely BPJS Health as a requirement in the application for registration services for the transfer of land rights or ownership rights to flat units due to sale and purchase which took effect on 1 March 2022. Whereas in Article 11 to Article 17 of Law no. 25/2009 jo. Article 8 and Article 1 point 3 of Law no. 37/2008 on the Ombudsman of the Republic of Indonesia. Public services must provide services that are in accordance with service standards and must behave fairly, not discriminately, carefully, politely, friendly, professionally and do not complicate and provide misleading information to the public.

Based on primary data obtained from the Ternate City Land Office/BPN It was found that the data on the number of land registrations for the transfer of land rights from 2021 to 2022 were 1,097 registrations with the category in 2021 as many as 793 registrations, and in 2022 as many as 304 registrations. While the data on the number of land registrations of transfer of land rights for sale and purchase since the enactment of Presidential Instruction 1 of 2022 and SE Minister of ATR BPN No. HR.02/164-400/II/2022 as many as 216 land registrations of transfer of rights. The Public Services held at the Ternate Land Office/BPN are as follows:

- a. preparation of plans, programs, budgets and reporting;
- b. conducting surveys and mapping;

- c. implementation of the determination of land rights and registration;
- d. implementation of structuring and empowerment;
- e. implementation of land acquisition and land development;
- f. implementation of control and handling of land disputes;
- g. implementation of electronic-based land service modernization;
- h. implementation of bureaucratic reform and complaint handling; and
- i. implementation of providing administrative support to all organizational units of the Land Office.

As a public agency, the Ternate City Land Office/BPN has public service standards as regulated in the Regulation of the Head of the National Land Agency Number 1 of 2010 concerning Service Standards and Land Regulations:

- a. Service standards based on groups and types of services;
- b. Service standards based on requirements;
- c. Service standards based on cost;
- d. Service standards based on time;
- e. Service standards based on procedures; and
- f. Service standards based on reporting.

These service standards become service benchmarks that serve as guidelines for the implementation of public services at the Ternate City Land Office/BPN. This guideline serves as a reference for implementers and service users in fulfilling and obtaining their basic rights and needs. Meanwhile, with regard to the administrative requirements of the registration service for the transfer of land rights or property rights to apartment units due to sale and purchase, the Ternate City Land Office/BPN delivers the information through electronic and non-electronic systems. In addition to the efforts that have been made by the Ternate City Land Office/BPN to improve the quality of public services by setting service standards, implementing a culture of excellent service, improving supporting facilities,

In supervising the implementation of public services at the Ternate City Land Office/BPN, there is a SPIP SATGAS appointed based on the Decree of the Ternate City Land Office/BPN Head. Then in providing public services, according to the Land Office/BPN Ternate City, what kind of public services can be categorized as maladministration services that are not in accordance with the laws and regulations and the requirements of

the BPJS Health Card as well as at the Ternate City Land Office/BPN are included as one of the requirements for some services and if members of the public who do not have a BPJS Health card must be completed before being served. In other words, the Ternate City Land Office/BPN as a work unit of the ATR/BPN ministry implements Presidential Instruction No.

Based on the findings of the primary data, it can be clearly explained that the additional requirement in the form of a BPJS Health participant card is used as a requirement in the application for registration services for the transfer of land rights or ownership rights to flat units due to sale and purchase by the Ternate City Land Office/BPN to implement Presidential Instruction No. . 1 of 2022 and the SE Minister of ATR BPN HR.02/164-400/II/2022 are actions that have the potential for maladministration, because the implementation of the provisions of Presidential Instruction No. 1 Year 2022 jo. SE Minister of ATR BPN HR.02/164-400/II/2022 cannot contradict Law no. 25/2009 concerning Public Services and PP No.24/1997 on Land Registration. In other words, the legal principle of *lex superior derogate legi inferiori* applies (a law with a higher level of validity takes precedence over a lower law).

Thus, the requirements for land registration, including registration services for the transfer of land rights or ownership rights to flat units due to sale and purchase, are not regulated as a service requirement either in PP no.24/1997 nor UU no. 25/2009, the BPJS Health participant card is used as a requirement in the application for registration services for the transfer of land rights or ownership rights to flat units due to sale and purchase as regulated by Presidential Instruction No. 1 Year 2022 jo. SE Minister of ATR BPN HR.02/164-400/II/2022 are public service requirements that are null and void, so the actions of the Ternate City Land Office/BPN which require BPJS Health participant cards to be used as requirements in the application for registration services for the transfer of rights to land or ownership rights to the apartment unit because the sale and purchase is contrary to the principles and norms of PP no.24/1997 nor UU no. 25/2009.

Based on this description, it can be concluded that the alleged violation of maladministration is in the form of actions that deviate from the public service procedures outlined by Law no. 25/2009 concerning Public Services, causing people to not get good public services.



## 5. CONCLUSION

Based on the description in the research discussion chapter, it can be concluded several things as follows:

1. Whereas the implementation of public services at the Ternate City Land Office/BPN is not guided by the provisions of public services based on Law Number 25 of 2009 concerning Public Services and Government Regulation Number 24 of 1997 concerning Land Registration. because there is a SE Minister of ATR BPN HR.02/164-400/II/2022 from the Ministry of ATR/Head of BPN to the work units below it including the Land Office/BPN Ternate City which adds new requirements for public land registration services, then the regulations (regulation) apply. ) which is higher, namely Law no. 25/2009. In other words, the legal principle of *lex superior derogate legi inferiori* applies (laws with a higher level of validity take precedence over lower laws). Thus, for the sake of standing excellent public service as the main responsibility in managing the government and meeting all the needs of the community at the Ternate City Land Office/BPN, then in the implementation of public services in the field of land registration at the Ternate City Land Office/BPN, it is still obligatory to adhere to the following guidelines: UU no. 25/2009.
2. Whereas the requirements for land registration, including registration services for the transfer of land rights or ownership rights to flat units because buying and selling are not regulated as a service requirement either in PP no.24/1997 nor UU no. 25/2009, the BPJS Health participant card is used as a requirement in the application for registration

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services for the transfer of land rights or ownership rights to flat units due to sale and purchase as regulated by Presidential Instruction No. 1 Year 2022 jo. SE Minister of ATR BPN HR.02/164-400/II/2022 are public service requirements that are null and void, so the actions of the Ternate City Land Office/BPN which require BPJS Health participant cards to be used as requirements in the application for registration services for the transfer of rights to land or ownership rights to the apartment unit because the sale and purchase is contrary to the principles and norms of PP no.24/1997 nor UU no. 25/2009. Thus, violations of alleged maladministration in the form of actions that deviate from public service procedures that have been outlined by Law Number 25 of 2009 concerning Public Services, causing the community to not get good public services.

## 6. SUGGESTION

1. It is necessary to make policy changes or harmonization related to Presidential Instruction No. 1 Year 2022 jo. SE Minister of ATR BPN HR.02/164-400/II/2022.
2. An active role is needed from the Ombudsman of the Republic of Indonesia and its representative office in North Maluku as a state institution to supervise the field of public services to conduct studies and monitoring as the basis for corrective actions regarding alleged maladministration violations in order to create excellent public services as the main responsibility in managing the government. as part of meeting the needs of the community for good public service in particular at the Land Office/BPN Ternate City.

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