



## Application of the Principle of Responsibilities in the Management of Assets of West Lombok Regency (Lombok City Center (LCC) Case Study)

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### **Abstract**

Good management of the regional property will facilitate the management of regional assets, which are an important resource for local governments, as the main support for local income. The purpose of the research is to analyze the application of the principle of responsiveness in the Management of Regional Assets of West Lombok Regency, study case of Lombok City Center. Research methods are a type of normative legal research, with a statutory, conceptual, and case approach. In conclusion, the application of the principle of responsiveness in the Management of Regional Assets of West Lombok Regency, the case study of Lombok City Center (LCC), has not reflected the principle of responsiveness, because there is an inequality in the prevailing norms, related to the misuse of regional asset management in capital participation by the West Lombok Regency Regional Government to PT Tripat, the object of the territory's property has cooperated with the private sector, this is contrary to Article 36 Paragraph (1) j of Government Regulation No.27 of 2014 concerning The Management of State/Regional Property, in the application of cooperation partners not through tenders, so that the risk of state losses is likely.

**Keywords:** *Principles of Responsiveness; Regional Asset Management; Lombok City Center*

### **Introduction**

Reforms in various fields that are ongoing in Indonesia have brought changes to the political, social, community, and economic systems, causing various demands for the implementation of Good Governance (Bastian, 2022). Good Governance is not limited to how the government exercises its authority properly, more importantly, more importantly how the community can participate and control the government to exercise that authority properly by fulfilling the principles of responsiveness and management principles, including functional principles, principles of legal certainty, principles of transparency, principles of efficiency, principles of accountability and principles of certainty of value.

Ideally, the dimension of government reform in the region is not only a change in the organizational structure of local government, but includes various instruments needed to support the running of regional institutions economically, efficiently, effectively, transparently, and accountable, one of which is in the arrangement of regional wealth/asset management. Good management of goods, especially regional property,

will certainly facilitate the management of regional assets which are an important resource for local governments as the main support for local revenue. In the management of assets and regional property (hereinafter abbreviated as BMD), local governments must use considerations of aspects of planning needs, budgeting, procurement, receipt, storage and distribution, use, management, utilization or use, security and maintenance, assessment, elimination, transfer, coaching, supervision and control, financing and indemnity demands so that regional assets can make optimal contributions to local governments. Concerned (Peraturan Pemerinta, 2014).

The issuance of Government Regulation No. 27 of 2014 concerning The Management of State/ Regional Goods followed up with Regulation of the Minister of Finance No. 78 of 2014 concerning Procedures for the Implementation of BMD Mining in Ministries / Institutions and Permendagri Number 19 of 2016 concerning BMD Management whose scope starts from planning needs to reporting, providing adequate implementation instructions. But the facts on the ground prove that there are still problems in the management of regional property, especially administrative orderly problems in the security and maintenance of the regional property in various provinces in Indonesia, Including the West Lombok Regency Regional Government, there are still some problems in the management of regional property, especially land and building assets, one example is the management of cooperation with the 3rd party, namely Lombok City Center (LCC). This is due to the disorderly administration of security and maintenance of the regional property, and the carelessness of choosing cooperation partners with third parties, so that there is a claim of ownership of land and building assets by other parties who feel they have proof of ownership of these assets and the occurrence of legal problems with the management of assets that are cooperated through the use of Bangun Guna Serah (BGS) with third parties, namely PT. Bliss Prosperous Development causes these Assets to be abandoned and abandoned so that they cannot be accounted for according to the principle of accountability. Therefore, there is a need to optimize the management of regional property starting from the planning of needs and budgeting of regional property to the construction, supervision, and control of the territory's property, so that the principle of Responsibilities (Putra, 2020) created if there is a legal risk to the management of LCC that has been designated as a defendant, in addition to mining that prioritizes the principles of good management will be able to minimize the occurrence of problems in the management of regional assets such as claims by the community, legal case disputes and so on.

Thus, the focus of this paper is on the application of the principle of responsiveness in the Management of Regional Assets of West Lombok Regency (study case of Lombok City Center (LCC))

### ***Research Methods***

Type of Research is a type of normative legal research because it examines laws and regulations (Soekanto and Mamuji, 2004) related to the foundation and regulation of the management of State / Regional Property. The approaches used in this research are the statute approach, conceptual approach; and case approach. Types of Legal Materials, namely: primary legal materials, sourced from laws and regulations related to this research, secondary legal materials, are legal materials that provide explanations or further discuss matters studied in primary legal materials consisting of various books, literature, papers, scientific papers related to the problem under study, Tertiary Law materials, Tertiary legal materials are supporting legal materials that provide further explanation of primary legal materials and secondary legal materials, consisting of legal dictionaries, and other supporting materials. Technical collection of legal materials, using literature studies. Processing and analysis of legal materials are carried out through stages; Editing, systematization, and description that describes the results of research based on legal materials obtained and analyzing them (Marzuki, 2011).

## **Result and Discussion**

In running the government, state officials must use the law as an instrument to realize the goals of the state. The law is an important part of the enforcement of good governance. Any weakness of the legal system will affect the overall performance of the government because the principles of good governance will not be practiced in the management of regional property if the laws governing it are weak. Strengthening the legal system is an absolute necessity for the realization of regional property management that adheres to the principles of good governance (Koeswanto, 2022).

The ideal regional property management policy that is supported both from legal aspects, system aspects, human resource aspects, and aspects including facilities (communication information technology) is directed to realize good governance (Waloejo, 2022). As mandated by the Constitution of the Republic of Indonesia of 1945, Article 33 states that “ Bumi air dan Kekayaan yang terkandung didalamnya dikuasai negara dan dipergunakan untuk sebesar-besar kemakmuran rakyat”. With the enactment of Law No. 23 of 2014 concerning Local Government, there has been a paradigm in the implementation of government work from centralization to decentralization or regional autonomy, including the management of government goods/assets, because goods/assets are a vital means/tool in carrying out government management. The ideal regional property management policy that is supported both from the legal aspects, system aspects, human resources aspects, and aspects, among others, the means and practices of Good governance in the implementation of regional autonomy is currently a demand and at the same time the basis for the implementation of regional autonomy. The implementation of regional autonomy has brought fresh air to the region in carrying out the authority of good local government, one of which is the existence of clear authority in the implementation of several areas of government. Just as regions can manage existing revenue potential and utilize it for government capacity (Mukhlis, 2013).

The meaning implied in the regulation of the management of state / regional property is the management of state/ regional property is not only administrative but more advanced thinking in handling state / regional assets, with how to improve efficiency, effectiveness, accountability, transparency, and added value in managing assets (Ibid, 2020).

The West Lombok Regency Government to improve the community's economy and foster Regional Owned Enterprises carried out several policies, one of which was the use of less productive land with a mechanism for capital participation to Region-Owned Enterprises (BUMD) of West Lombok Regency, one of which was PT. Patut Patuh Patju (known by the abbreviation PT. Tripat).

The institutions that play a role in the management and utilization of Regional Property that lead to the process of transferring the status of Regional Property in West Lombok Regency, are:

1. West Lombok Regency Regional Government
2. Regional People's Representative Council (DPRD) of West Lombok Regency
3. Regionally Owned Enterprises (BUMD) namely PT. Tripat
4. The private sector is PT. Bliss Prosperous Development
5. The private sector is PT. Bank Sinarmas

### **a. West Lombok Regency Regional Government**

The West Lombok Regency Government to improve the community's economy and foster Regional Owned Enterprises carried out several policies, one of which was the use of less productive land with a mechanism for capital participation to Region-Owned Enterprises (BUMD) of West Lombok Regency, one of which was PT. Tripat. The following will be presented the role of the West Lombok Regional Government and Officials and institutions under the ranks of the West Lombok Regional Government such as:

- a) Regent of West Lombok Regency;
- b) Regional Secretary of West Lombok Regency;
- c) Head of West Lombok Regency Regional Asset Office;
- d) Head of Office of the National Land Agency

The process of transferring status in the management of Regional Assets of West Lombok Regency, case study Lombok City Center (LCC):

1. In 1996, the Regional Government of West Lombok Regency established a Regional Owned Enterprise (BUMD) with West Lombok Regency Regional Regulation Number 4 of 1996 concerning the Establishment of a Regional Company "Patut Patuh Patju"/PT. Tripat. Furthermore, in 2010, the West Lombok Regency Regional Government changed the form of the Legal Entity of the Regional Company (PD) " Patut Patuh Patju"/PT Tripat into a Limited Liability Company (PT) "Patut Patuh Patju" with The Regional Regulation of West Lombok Regency Number 7 of 2010 concerning The Change in the Form of Regional Corporate Legal Entities (PD) Patut Patuh Patju / PT Tripat to a Limited Liability Company (PT) Patuh Patuh Patju.
2. The Regent of West Lombok issued a Decree dated January 9, 2013, concerning the Establishment of a Capital Participation Assessment Team of the West Lombok Regency Government to Regional Owned Enterprises and Other Legal Entities, and on January 13, 2013, there was the Result of the Regional Capital Participation Assessment Team to PT. Patut Patuh Patju / PT Tripat.
3. The Letter of the Secretary of West Lombok Regency was addressed to the Regent of West Lombok dated January 21, 2013, regarding the Proposed Capital Participation of West Lombok Regional Government Land to PT. Tripat then issued a Letter of the Regent of West Lombok dated January 23, 2013, concerning the Approval of Capital Participation on West Lombok Regional Government Land to PT. Patut Patuh Patju, The Letter of the Regent of West Lombok was addressed to the Chairman of the West Lombok Regency DPRD dated April 22, 2013, regarding Please Approve the Elimination, Then the Decision of the West Lombok Regency DPRD came out on May 7, 2013, concerning the Approval of the Elimination of Land Owned by West Lombok Regency covering an area of 8.4 Hectares (84,000 m<sup>2</sup>) located in Gerimak Indah Village, Narmada District in the Form of Capital Participation in PT. Patut Patuh Patju. Decree of the Regent of West Lombok dated May 14, 2013, concerning the Elimination of Regional Property of West Lombok Regency as a Form of Regional Capital Participation to PT. Patut Patuh Patju West Lombok Regency, then the West Lombok Regent's Decree dated May 15, 2013, concerning the Release of Land Rights Owned by the West Lombok Regency Government in the Form of Regional Capital Participation to PT. Patut Patuh Patju West Lombok Regency;
4. Decree of the Head of the Regional Office of the National Land Agency of NTB Province dated October 30, 2013, concerning the Granting of Building Use Rights on behalf of PT. It is worth Obeying Patju Over Land in West Lombok Regency, NTB Province is out and HGB Certificate No. 01 land area of 47,921 m<sup>2</sup> on behalf of PT. Tripat, and HGB Certificate No. 02 land area of 36,079 m<sup>2</sup> on behalf of PT. Tripat. After the LCC land is released from the regional asset data that has been proposed by PT. Tripat through the Regional Secretary, based on the Regent's Decree That has been approved by the DPR was then removed from the list of regional assets of West Lombok Regency. PT. Tripat submitted the name of the HGB Document back to BPN West Lombok Regency so that the record on behalf of the land is PT. Tripat (Ibid, 2020).

### **b. House of Representatives (DPR) west Lombok Regency**

After the application for the use of Regional Property that has been submitted to obtain approval from the West Lombok Regency DPRD with the West Lombok Regency DPRD Decree No.07 / KEP./ DPRD / 2013 dated May 7, 2013, concerning approval of the Elimination of Land Owned by west Lombok Regency area of 8.4 hectares (84,000m<sup>2</sup>) located in Gerimak Indah Village, Narmada District in the form of Capital Participation in PT. Tripat (Ibid, 2020).

### **c. Regionally Owned Enterprises PT. Tripat**

President Director of PT. Tripat, applied for the use of BMD to the BMD manager, then the BMD manager forwarded the application to the BMD Management Power Holder, namely the Regent to be brought to a meeting with the DPRD to get approval. After obtaining the approval of the DPRD, based on May 7, 2013, concerning the Approval of the Removal of Land Owned by west Lombok Regency covering an area of 8.4 hectares (84,000m<sup>2</sup>) located in Gerimak Indah Village, Narmada District. Furthermore, on May 14, 2013, the West Lombok Regent's Decree on the Elimination of BMD of West Lombok Regency was issued as a form of regional capital participation to PT. Tripat West Lombok Regency. Then on May 15, 2013, the West Lombok Regent's Decree No.1346A/16.D/KAD/2013 dated May 15, 2013, concerning the Release of Land Rights Owned by the West Lombok Regency Government in the Form of Capital Participation to PT. Tripat (Ibid, 2020).

5. After the certificate process is completed by the National Land Agency, PT. Tripat issued a letter dated August 16, 2013, regarding the Application for Approval of Operational Cooperation Partnership (KSO) addressed to the Regent of West Lombok as a Shareholder on behalf of the West Lombok Regency Government, and on October 18, 2013, the Regent of West Lombok issued a letter regarding the Approval of Operational Cooperation (KSO) on pt land. Tripat located in Gerimak Village is addressed to the President Director of PT. Tripat, October 21, 2013.
6. PT. Tripat expressed this to the President Director of PT. Bliss Pembangunan Sejahtera (Bliss Group) regarding Operational Cooperation Partnership (KSO), and made a KSO Negotiation Event News (Finalization of operational Cooperation Framework) dated October 28, 2013, and The Deed of Cooperation Agreement No. 09 dated November 8, 2013.
7. Furthermore, for the management and utilization of an area of 8.4 hectares (84,000 m<sup>2</sup>) of capital participation of the West Lombok Regency Regional Government, on November 8, 2013, President Director of PT. Tripat established Operational Cooperation (KSO) with the Director of PT. Bliss Pembangunan Sejahtera.
8. The Operational Cooperation (KSO) is stated in the Notary Deed No. 09 dated November 08, 2013, President Director of PT. Tripat with the Director of PT. Bliss Pembangunan Sejahtera, the agreement contains a clause on the rights and obligations of the parties, Article 9 letter r mentioned that PT. Tripat is entitled to receive a replacement building for the Agricultural Office which stands on the land that is cooperated, which is an asset owned by the region. The replacement of the building will be adjusted to the same shape and area as before unless there is another agreement based on the decision of the local government of West Lombok Regency.

Chronologically, after the LCC land is released from the data of regional assets, PT. Tripat submitted a process of returning the name of the Building Use Rights Document (HGB) to the National Land Agency of West Lombok Regency so that it was recorded in the name of the land as PT. Tripat. Then there was operational cooperation with the private sector of PT. Bliss Pembangunan Sejahtera,

wherein the agreement there is a clause that gives authority to PT. Bliss Pembangunan Sejahtera to guarantee the land in PT. Bank Sinarmas Tbk.

#### **d.PT. Bliss Pembangunan Sejahtera**

PT. Bliss Group On June 19, 2013, he submitted a Letter of Interest to the President Director of PT. Tripat. On June 28, 2013, PT. Tripat also issued a letter of interest addressed to PT. Bliss Pembangunan Sejahtera. On July 2, 2013, PT. Tripat sent a Letter regarding the Invitation to the Cooperation Plan Meeting addressed to PT. Bliss Pembangunan Sejahtera. On August 2, 2013, PT. Bliss Pembangunan Sejahtera sent a letter regarding the Application for Operational Cooperation (KSO) addressed to the Director of PT. Tripat;

#### **e.PT. Bank Sinarmas Tbk.**

PT. Bank Sinarmas issued a letter dated June 16, 2014, regarding the Credit Offer addressed to PT. Bliss Pembangunan Sejahtera, on June 20, 2014, the signing of the Credit Agreement Deed, between PT. Bliss Pembangunan Sejahtera with PT. Bank Sinarmas Tbk. On May 31, 2017, PT. Sinarmas Bank issued regarding the Credit Restructuring Offer Letter addressed to PT. Bliss Pembangunan Sejahtera, as well as a deed of granting dependent rights No. 264/2014 dated July 18, 2014, and Certificate of Dependent Rights No. 2121/2014 dated August 25, 2014. Based on the loan agreement submitted by PT. Bliss Pembangunan Sejahtera with PT. Bank Sinarmas Tbk then issued a Certificate of Dependent Rights No. 2121/2014 dated August 25, 2014, which is the fact that regional assets are managed by PT. Tripat is currently controlled by PT. Bank Sinarmas Tbk.

The normative mechanism in the management of the property of West Lombok Regency in the transfer cycle in the form of capital participation by the Government to PT. Tripat, PT Tripat is required to uphold compliance with laws and regulations and carry out responsibility for the management of Regional Assets. This is intended to maintain the continuity of regional asset management and regional economic business in the long term in line with the principles of Good governance that can provide more optimal benefits for local governments, especially those that have an impact on the side of increasing local native income which of course still refers to the frame of reference that allows supervision to run effectively, to create a check and balance mechanism between local governments and business entities. Regional Property (BUMD), in its implementation there is an inequality of the prevailing norms, related to the misuse of regional asset management in capital participation by the West Lombok Regency Regional Government to PT Tripat, because the object of the area's property has been cooperated with private parties, in the form of Lombok City Center (LCC) land, this was revealed in the Decree of the District Court Number 8/PID.-TPK/2020/PTMTR and Verdict Number 11/Pid.Sus-TPK/2020/PN-Mtr

In Government Regulation No. 27 of 2014 Article 33 Paragraph (1) letter k explains that “ selama jangka pemanfaatan paling lama 30 (tiga puluh) tahun sejak perjanjian ditandatangani dan dapat di perpanjang, pada Pasal 36 ayat 1 huruf j menjelaskan bahwa “ during the period of operation, utilization cooperation partners are prohibited from guaranteeing or pawning BMN / D which is the object of utilization cooperation. Furthermore, Article 36 paragraph 2 states that the determination of cooperation partners is carried out through tenders. (This is not done).

Thus, the management of assets of the West Lombok Regency, in the case study of Lombok City Center (LCC) has not reflected the principle of responsiveness, because there is an inequality in the prevailing norms, related to the misuse of regional asset management in capital participation by the West Lombok Regency Regional Government to PT Tripat, the object of the territory's property has cooperated with the private sector, this is contrary to Article 36 Paragraph (1) j of Government Regulation No.27 of 2014 concerning: “ selama jangka waktu pengoperasian, mitra kerjasama pemanfaatan dilarang

menjaminkan atau menggadaikan BMN/D yang menjadi objek kerja sama pemanfaatan, dan dalam penerapan mitra kerjasama melalui tender”.

### **Conclusion**

The application of the principle of responsiveness in the management of assets of the West Lombok Regency, the case study of Lombok City Center (LCC), has not reflected the principle of responsiveness, because there is an inequality of the prevailing norms, related to the misuse of regional asset management in capital participation by the West Lombok Regency Regional Government to PT Tripat, the object of the area's property has cooperated with private parties, this is contrary to Article 36 Paragraph (1) j of Government Regulation No.27 of 2014 concerning: “ selama jangka waktu pengoperasian, mitra kerjasama pemanfaatan dilarang menjaminkan atau menggadaikan BMN/D yang menjadi objek kerja sama pemanfaatan, dan dalam penerapan mitra kerjasama tidak melalui tender, sehingga berpeluang terjadinya resiko kerugian negara”.

### **References**

- Indra Bastian. 2014. *Sistem Pengendalian Manajemen Sektor Publik Mempertahankan Kepentingan masyarakat*, Salemba Empat. Jakarta. Selatan.
- Peter Mahmud Marzuki, 2011. *Penelitian Hukum*, Jakarta: Kencana.
- Soerjono Soekanto dan Sri Mamudji, 2004, “*Penelitian Hukum Normatif Suatu Tinjauan Singkat*”, Jakarta : PT.Raja Grafindo Persada.
- Maulana mukhlis *Penerapan Good Governance Dalam Pengadaan Barang/Jasa Dan Pengelolaan Aset* (Pengalaman pemerintah Lampung) e Jurnal Ilmiah Administrasi Publik dan Pembangunan, Vol.4. No.1, Janurai-Juni 2013.Hlm.,17
- Heri Waloejo, *Overview Kebijakan Pengelolaan Barang Milik Negara Sebelum dan Sesudah Reformasi Keuangan Negara*, <http://www.bppk.depkeu.go.id/index.php?.679%3Aoverview-kebijakan>, diunduh tanggal 26 Januari 2022
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945
- Undang-Undang No. 17 Tahun 2003 tentang Keuangan Negara;
- Undang-Undang No. 1 Tahun 2004 tentang Perbendaharaan Negara;
- Undang-Undang No. 33 Tahun 2004 tentang Perimbangan Keuangan Pem. Pusat dan Daerah;
- Peraturan Pemerintah No. 58 Tahun 2005 tentang Pengelolaan Keuangan Daerah;
- Peraturan Pemerintah No. 27 Tahun 2014 tentang Pengelolaan Barang Milik Negara/Daerah;
- Peraturan Menteri Dalam Negeri No. 19 Tahun 2016 tentang Pedoman Pengelolaan Barang Milik Daerah;
- Peraturan Daerah Kab. Lombok Barat No. 10 Tahun 2015 tentang Pengelolaan Barang milik Daerah;
- Putusan Pengadilan Negeri Nomor 8/PID.-TPK/2020/PT MTR

Goto Kuswanto, *Pelaksanaan Good Governance Di Indonesia*, <http://www.banyumaskab.go.id/read/11/pelaksanaan-good-governance-di-indonesia#.U4lqq37N> diunduh tanggal 26 Januari 2022

Rayvaldo Dyotama Yudi Putra, "Makna Responibilitas", website yoursay.id, diunduh 3 maret 2020, diakses 22 Februari 2022

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