

Ethics Issues on Land Services Reformation in Indonesia

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Abstract

Increasingly, public demand for the availability of land has been increased due to population growth and the development while the land itself it was never increased. In an effort to improve the public service, then the government has established a policy of service to the community in the management and development of land development. It has issued instructions to the State Minister for Agrarian Affairs / Head of National Land Agency No. 3 of 1998 On Improving Efficiency and Quality of Community Service in the Land Service. Service management carried out by government officials in various service sectors, particularly those involving civil rights and the fulfillment of basic needs of society, including the ministry of land, the way it works is still far from the expected.

The issue of ethics in Indonesia actually has much discussed but less thoroughly discussed, as there is in developed countries. Although it has been realized that one of the fundamental weaknesses in the public service in Indonesia is a matter of ethics and morality, ethics is often seen as a less important element in the public service. Another very serious problem in the context of ethics is corruption in the public service. As a country known to be very religious, is an ironic thing when Indonesia is among the most corrupted countries in the world. Issues of Corruption Collusion and Nepotism are a very serious problem facing this nation. As if - if transparency, and fairness accountability never known.

Ethics is only limited as a discourse or just written in the law books – but only on legislation alone and is not in reality or not happening in the community. No implementation of principles of ethics such as transparency, accountability, and justice are always complaints by the people who deal with the land office.

Keywords: ethics, public service, land service, accountability, transparent, equality

1. Background

Land has a very important benefit to human life. All human beings need the land as a place to live and a place to earn a living for their survival. Man's relationship to land is a very close relationship, starting from birth to death, man will always be in touch with the ground

Increasingly, public demand for the availability of land has been increased due to population growth and the development while the land itself it was never increased. With the rapid development in all regions of Indonesia and the need for a better quality of life as the positive impact of successful development being carried out, it would require land as the primary means.

One of the main tasks of the National Land Agency as an agency that is responsible for providing services to the public land in Indonesia is implementing land services to the community. Therefore it is reasonable if the performance of duties of the National Land Agency has always been a concern of society. Relative to the issue, necessary attention are needed in efforts to further improve of service land. Efforts to increase services to the public land have a very broad aspect, including the issuance of the as necessary provisions policy until the level of implementation.

In an effort to improve the public service, then the government has established a policy of service to the community in the management and development of land development. It has issued instructions to the State Minister for Agrarian Affairs / Head of National Land Agency No. 3 of 1998 On Improving Efficiency and Quality of Community Service in the Land Service. The order addressed to the Head Office of the National Land Agency

and the Head Office of the Provincial Land District / Cities in Indonesia, to improve efficiency, productivity and quality of service to the community in the area of land.

Transformations and changes in laws of Land in Indonesia since President Sukarno, Suharto until the era of reformation does not change anything in the service system. Service regarding land is considered unethical. Many people who will take care of their land gave complains to the staffs or management of the local land office. The public still think that service in the area of land is still very poor, non-transparent, unfair, and an unclear procedure.

2. Definitions of Ethics

The use of the term "ethics" begins at the time of the Greek, from the word "ethikos". Those words refer to the study of moral philosophy of human behavior and regulations that generally watched, that aims to provide a justification of the deeds done. Morale comes from the Latin word "morality" which refers to the rules and behavior of society (Boatright 2003). Ethics is not a pronoun for moral, but it is a rule that makes exactly the moral beliefs and consistent.

For Aristotle, ethics is referred to as the 'ethos' and 'ethes'. In The Oxford Dictionary of Philosophy by Blackburn (1994), ethics (ethics) is defined as:

The study of the concepts involved in practical reasoning : good, right, duty, obligation, virtue, freedom, rationality, choice. Also the second order study of objectivity, subjectivity, relativism, or skepticism that maybe attend claims made in these terms (Blackburn, 1994:121).

In the Encarta Encyclopedia (2006), ethics is defined as the science of moral standards and how they affect behavior. Similarly, for Norman SJ (1972:1) ethics intended as "... the science of the Morality of human acts" (ethics is the science which studies moralities of human actions). Therefore, ethics is also called moral philosophy. In this context, morality is a habit that is formed and practiced to be accepted and followed by society, which is referred to as reflecting the moral standards (Encarta Encyclopedia, 2006). However, according to Lewis (1991:3), the values that have been accepted in general will not be a behavior that is always true in ethics, while Norman (1972:1) states morality is human behavior that is good or bad as well as right or wrong. With both this sense, ethics can be called as to be related to the actions and behavior of humans who use these values as a measure of size.

Ethics also means responsibility and consequences of behavior or profession to society. A service staff is obligated to understand its responsibilities to the role and function as a civil servant in charge of providing services to the community. (The values and ethics in public services - INTAN 1991). Ethics refers to two things: ethics is referred as disciplines to learn about the values shared by humans and its justification and ethics in this case is one branch of philosophy. Second, ethics is that the values of life and laws that govern human behavior (Solomon, 1987:2-18). Therefore, the general principle of ethics is action to bring greater good to society (Badaracco, 1997: 35).

In the Western perspective, ethics is the rules that determine whether the correct behavior and what is not true. Ethics also means "field that examines human rights and responsibilities, and the foundation to make decisions (Stoner and Freeman, 1989). Ethics also refers to the field that examines "what human beings should try to obtain, whether it is "good" for humans and whether the actions that are considered good" (Donaldson and Werhane, 1993).

Regulations of ethics explain when did any act or conduct is acceptable or when is deemed incorrect. Most people said to be getting guidance on ethics and morals from religious beliefs, and institutions such as families, schools and organizations. All of these socialization agents provide learning experiences to individuals and to realize the conception of ethics, morality and behavior that society condoned (Frederick et al., 1988)

In Encyclopedia of Philosophy, ethics means view of life (way of live) and as a moral rule (moral code) or rules of conduct (rules of conduct). Thus, both can be interpreted as a way of life, moral rules or behavior (Denhardt, 1998:28) while Bertens (2004:4) uses the concept of ethics with some meanings such as moral, character, custom or habit. This is consistent with the view that Aristotle used the term ethics as a party of moral philosophy, where ethics is something that is commonly performed, or a custom.

Magnis Suseno (1999:10-11) distinguishes between ethics and morals. According to him, the moral teaching answers the question: How should I live? What is allowed and what is not? What shall I do? So, the moral teachings taught the norms in which life should be our aim. Ethics also answers the question: What are the moral questions can be answered? According to Suseno, ethics is the doctrine of moral philosophy. Ethics does not teach people what to do, but how that moral questions can be answered in a more rational and responsible.

This is consistent with Thompson's statement in his Ethics (2006: 10) which states:

In practical terms, the study of ethics can offer two things, first off all, it helps one appreciate the choices that others make, and evaluate the justification they give for those choices. But secondly, it involves a reflective sharpening of one's own moral awareness—a conscious examination of values and choices, of how these have shaped one's life so far, and (more important) of how they can be used to shape the future.

Sidi Gazalba (1973:483) defines ethics namely a bit different which is "theories about the behavior of human actions, seen good and bad aspects, as far as what can be determined reasonable." Thus, there is a difference between ethics and morals. Theoretical and moral ethics are practical.

In contrast to Magnis Suseno, Kastoff (2004:343-345) sees ethics as a standard of good or evil, moral and immoral, and morality in a society different from one another. Kastoff think is along with the core content of Ethical relativism. "Ethical relativism: the view That the truth of ethical claims in relative to the culture or way of Those WHO hold Them. It thus generalizes to all of Ethical what may reasonably be supposed true of matters of etiquette, summed up in the tag "when in Rome, do as the Romans do." (Blackburn, 1994: 121). Dictionary of Business and Management (1983) defines ethics as a system of moral principles and its application to the problems and specific actions.

Based on the view above, it can be said that the ethics is related to culture and outlook on life that bind a community. In this regard, for the people of Indonesia that are religious people, of course religion plays an important role in implementing ethical values or at least, religious values become important in determining the basic ethical principles that are used or community use.

Ethics also means principles of moral which can distinguish right and wrong (Bauman, 1987) while Iwabuchi 1990 defines Ethics as social science and moral principles which are responsible for determining a person's actions as good or bad. So the most basic sense, ethics is a personal value system that is used to decide what is right, or what is most appropriate, in a given situation; deciding what is consistent with the value systems that exist in organizations and it's personal. As a subject, ethics will be related to the concept owned by individuals or groups to assess whether the actions that have been doing are right or wrong, bad or good.

The meaning and definition from the philosophers or experts on Ethics are different, differ from their interest

- 1) The principles of morality, including the science of good and the nature of the right;
- 2) The rules of conduct, recognize in respect to a particular class of human actions.
- 3) The science of human character in its ideal state, and moral principles as of an individual
- 4) The science of duty.

In a sense that is specifically associated with the art of human relationships, ethics is then manifested in the form of rules (code) written in a systematic way intentionally made based on moral principles that exist, and in time of need will be able to function as a tool for judging all kinds of action that logically-rationally general (common sense) were considered to deviate from the code of ethics. Thus, ethics is a reflection of what is called "self control", because everything is made and applied from and to the interests of social groups (profession) itself

3. Ethical Issues in Public Services in Indonesia

The issue of ethics in Indonesia actually has much discussed but less thoroughly discussed, as there is in developed countries. Although it has been realized that one of the fundamental weaknesses in the public service in Indonesia is a matter of ethics and morality, ethics is often seen as a less important element in the public service. In fact, in the literature on public service and public administration, ethics is one of the elements that determine the satisfaction of the community being served as well as organizational success in implementing the public service itself.

In public service, the act that violates moral or ethical is difficult to trace and questioned because of the habits of our society forbid the "open secret" or threaten those who complain. Meanwhile, we also face more severe challenges ahead for the assessment of a standard of public service's ethic is constantly changing with the development paradigm. And substantively, we are also not easy to reach maturity and freedom as full of implementing ethical dilemma. Therefore, it is certain that moral or ethical violations in the public service in Indonesia will continue to increase.

This ethical element must be considered in every phase of public service, ranging from policy-making services, organizational structure design services, to the service management to achieve the ultimate goal of these services. In this context, the center of attention is paid to the actors involved in each phase, including the interests of these

actors - whether the actors have really put the interests of society above the interests of others. For example, using moral Equality and justice, we can assess whether the actors are honest or not in the policy making, being fair or unfair in placing people in the units and positions that are available, and a lie or not to report the results in service management.

Another very serious problem in the context of ethics is corruption in the public service. As a country known to be very religious, is an ironic thing when Indonesia is among the most corrupted countries in the world. Issues of Corruption Collusion and Nepotism are a very serious problem facing this nation. As if - if transparency, and fairness akuntabiliti never known.

Lack of transparency and accountability caused corruption pervaded all areas of life. From the very top echelons to the lowest level in the public service, from the private sector to the non-governmental organizations, even religious institutions. So corruption not only affects political society but also civil society. Critical reflection on the deterioration of public services and public integrity becomes a major concern in ethics. Ethics are very concerned about the modalities of action, does not stop with good intentions (Haryatmoko, 2011:1)

In the autonomy era, the area is given the full authority to regulate the affairs of his own household; this condition should make public services to be closer to the community because the area no longer needs to be dependant to the federal government. But the reality is not so. Regional autonomy means precisely move the corruption from the center to the regions. The regents and heads of the region turn into small kings, tried to collect the coffers of the original income from various source regions that are not clear. Here is prone to irregularities and corruption, especially in the aspect of public service.

Transparency International Indonesia (TII) in a press release about Global Corruption Barometer survey (Transparency International Global Corruption Barometer) 2006, puts Indonesia as the sixth most corrupt country in the world, ranking 122 among 133 countries included in the Corruption Perception Index (CPI). In this regard, Indonesia is a 1.9 GPA from a range of values 1-10.

For the ASEAN level, except Myanmar, Indonesia is the most corrupt country. As for the Asian countries in the survey, Bangladesh and Myanmar, is the most corrupt country after Indonesia. Even more concern, the value of Indonesia even lower than Papua New Guinea (2.1), Filipinos (2.5) and Vietnam (2.4). When viewed from the ranking of Indonesia, the decline continues to occur since the reform era in 1998. In that year, Indonesia is ranked 80 of the 85 countries with a value of 1.7. Still with the same value, Indonesia's rank in 2000 was 85 out of 90 countries. Furthermore, the value of Indonesia rose to 1.9 in 2001 and lasted until now. In 2001, Indonesia is ranked 88th of 91 countries. In 2002, Indonesia is at position 96 of 102 countries.

4. Public Service Reform in Indonesia's National Land Agency

One of the main tasks of the National Land Agency is one of the functions at the same time the land office District / Municipality are carrying out land for the public service. Therefore it is reasonable if the implementation of the National Land Agency task will often be the public's attention. Related to the case, attention is needed in efforts for further improvement of the land service. Efforts to increase services of the public land have very broad aspects, including the issuance of the policy provisions as necessary until the level of implementation.

In an effort to improve the public service for the society, the government has established a policy of service to the community in the management and development of land development. Therefore, It has been issued instructions to the State Minister for Agrarian Affairs / Head of National Land Agency No. 3 of 1998 On Improving Efficiency and Quality of Community Service in the area of land. The directive addressed to the Head Office of the National Land Agency and the Head Office of the Provincial Land District / Cities in Indonesia, to improve efficiency, productivity and quality of service to the community in the area of land.

Efforts to improve the public service in the area of land in accordance with the instructions of State Minister of Agrarian / Head of National Land Agency No.. 3 of 1998 on increasing efficiency and quality of public services in the field of land, the Head of Regional Office of the Provincial Land Agency is given the task to provide direction and guidance of the work guidance needed to the Office of Land / City in an effort to improve the quality of service system that covers: Orderly administration, Availability and clarity of function of the counter; the clarity of service procedures; clarity and completeness of requirements; Certainty costs; sCertainty time; Provision of information services; Structuring workspace to be more efficient and effective in accordance with the mechanism.

Given the task given to the District Land Office / City, it is expected that the service delivery to the public land can improve the quality, especially on the ethical aspects of providing service, National Land Agency is an agency of service, in order to improve a better services in giving rights management activities over the land, land registration

and the issuance and delivery of land certificate is tried to be simplified and improved, by not leaving the legislation that exists, so it ensures the legal certainty to any land tenure.

The government then decided to create a procedure and code of ethics for land services. This decision is issued to implement the work program of the United Indonesia Cabinet, particularly in order to improve services to the community, which is also intended as a refinement of some of the conditions that manages the issue of regulations service procedures that never been implemented before, as in the Instruction of the Minister of State Agrarian / Head of BPN No. 3 of 1998 on Improving Efficiency and Quality in the Field of Community Service Land. To implement this decision, the Procedure Operations Service (SPOPP) was made, in an effort to provide better service to the community that reflects the efficiency, transparency, accountability, simplicity, justice, comfort and certainty in obtaining all types of land service, with attaching all matters relating to fees, requirements and completion of service period.

After that the political reorientation and land policies was set which aim to improve the prosperity for people and creating social structures and national political order is more robust, the Indonesian National Land Agency (BPN) create a strategic plan for 2007 through 2009 with the enactment of national land 11 agenda, namely: Build public confidence in the National land Agency; Improve services and the implementation of registration and certification of the overall land throughout Indonesia; Ensuring the strengthening of people's rights to land (land tenure ship); Resolving land issues in the areas of victims of natural disasters and conflict areas ; Handle and resolve the matter, issues, disputes, and conflict over land across Indonesia are systematically; Building the National Land Information system (SIMTANAS), and document security system of land throughout Indonesia; Dealing with corruption and increase community participation and empowerment; building the data base ownership and control of large-scale land; Implement a consistent basis all laws and regulations established land; Reforming the institutions of the National land Agency; Develop and update the political, legal and policy of the Land.

Head of BPN on the ceremony of the agrarian 50th anniversary of 2010 in BPN Jakarta, said that the principle of national land contribution from the aspect of justice contribute to create justice, especially justice in control, ownership, use and utilization of land. BPN urge to run a good and dedicated five strategic programs BPN is the acceleration, accuracy, ease, sincerity, and legalization of land assets public accountability and government, agrarian reform, control of abandoned land, settlement of land issues, and to provide access to justice land for the community.

5. Ethical Issues in the Service of the Existing Land in Indonesia

To explore and discover the real ethical problems that occurred in the service of land in Indonesia, the collecting information method was being carried out by collecting the news relating to public complaints about land services and also comments about the implementation land services that was published in the newspaper / press releases. In order that this information could be accounted for, the statements from people who become customers also taken their statements (interviews) and local land officials were also interviewed so that the data obtained become more accurate.

Service management carried out by government officials in various service sectors, particularly those involving civil rights and the fulfillment of basic needs of society, including the ministry of land, the way it works is still far from the expected. It can be seen among others from the number of complaints from the public and business world, either by mail or media reader complaints, such as procedures and mechanisms related to service work that complicated, not transparent, unfair, less informative, less accommodative, and limited facilities, and infrastructure so it does not guarantee certainty (legal, time, and cost), and many practices of bribery and actions that indicates irregularities and corruption. The poorness of public services are because it has never been the implementation of the service ethic namely transparency, accountability, and fairness in public service.

Lately the case in the land sector to has emerged to the surface and is becoming the materials in the mass media coverage. At the macro, causes of the emergence of land cases is a very various, namely; price of land is increasing rapidly, people are increasingly aware of the condition and care about the interests / rights, situation of openness outlined the government, and the number of people getting more and more ground was limited. In essence, the case of land is a conflict of interest in the area of land between who with whom, as a real example of an individual with the individual; individuals with a legal entity (the government); legal entity with legal entities, and so forth.

The increasing of needs for land is giving the result on the increased of many cases and the problems of land, which in recent years emerged and became the center of media and public attentions. This is evident from the number of public complaints in the form of complaints and dissatisfaction statement conveyed through the mass media, through the 5000 post office box or directly to the head (leader) of the National Land Agency

Transformation and improvement of laws in Indonesia since the era of President Sukarno, Suharto until the reformation era does not change anything in the land service system in Indonesia. Many people who will take care of the land and give certificates complain to an officer or head of the local land office. All this because they assume that there is no ethics from land service apparatus in providing land service to the community.

The public still think that service in the area of land is still very difficult and the procedure are not clear, the time required is not definite and acceptable cost. The reason for the land office services that is less maximal. This shows that the public demands over the need for transparency in the implementation of the task, a simple payment procedures, time and cost certainty which must be explained by the society in the settlement of land rights issues, as well as various facilities in the service and protection of the rights and interests of society. We conclude that problems that arise and the complained by people is about the problem of ethics. Ethics here includes the fulfillment of the principles of accountability, transparency, and fairness

5.1 Accountability

Accountability is the capacity of all public officials to be responsible for its actions, to answer and respond in a periodic and measurable to the questions related to the actions (Kep. MenPAN no. 63 of 2007 and the ADB, 1998:17). Accountability also means able to be accounted for in accordance with statutory regulations. Accountability means that decision-makers in the public sector, private, and community are accountable for what has been made to the public (society), as well as to the owners (stakeholders).

There are plenty of cases which related to the none realization of establishment of accountability in public service in the area of land in Indonesia. According to the results gathered from media, and interviews with several people from the community, we discovered that the more number of complaints are due to poor services on this aspect (accountability). Is causing the increasing number of complaints due to poor service on this aspect, One case occurred in 2008 and is newly revealed on February 14, 2009 precisely in the village of Tanah Merah, Kupang, which hit several members of the community. A number of community leaders Tanah Merah later denounced it, this is because there is levy collected to create a certificate of a national program of agrarian (Prona) who conducted by the local apparatus for Rp. 100.000 (one hundred thousand dollars) but to date the certificate is not yet finished (already one year of processing and no information for it). Even if some residents asked that the land office, then the answer is found simply to confirm that the corresponding name is not included in the list Prona.

Another case is the producer of certificate of land (PPAT) complained about the slow process to obtain land titles in the National Land Agency (BPN) West Kotawaringin (Kobar). This was disclosed by Suryo (a PPAT) in *Borneo News*, he expressed this in the discussions between the Regional Representatives Council (DPRD) and BPN in the City parliament building at 9 West K. Mart 2011. "In the management of the certificates, certificate solving is very slow and time consuming. For Plotting done the BPN also without socialization into society. Even in doing the plotting is often without telling the PPAT or notary," said Suryo. BPN also asked about the cost of certification transparent land which has not been disseminated to the public.

Property law practitioners Sugeng Widodo said in *bataviase.co.id* that the performance of office workers in a number of areas of land not in accordance with established procedures and closure process requests from the public was often became an unsolved problem by the National Land Agency (BPN). "Outside of such procedures associated with the establishment of land boundaries, which is verification process was very rare conducted by the land office officials. Sometimes they put on the witness of the one area that does not know the boundaries of land. When Sugeng revealed that land management systems should be carried out efficiently and integrated so there is no chaos in the land office data. In addition, the land office should have a system that is open and accessible to the public to know the extent to which the petition filed by the public service has been processed.

Another thing is said by the Governor of East Java, that among all the office administering public services in East Java, the National Land Agency is categorized as an office that provides services to the community with the worst quality. There, a person who tries to managing land administration has to go through a long bureaucratic process. It was pointed out by the East Java Governor Soekarwo, Thursday (15/10) in Surabaya (*Kompas.com* October 16, 2011). Members of the Public Service Commission of East Java, Wahyu Kuncoro, also said the same thing. "I'm worried, because all this time the National Land Agency (BPN) at most gets complaints from the public. BPN is in the first rack of the worst public agencies, followed by the ID card creation services and water supply services," said the Governor. According to Soekarwo, the general mechanism of BPN service is not functional, but structural person must take care of the land administration of the section chief number one to another.

5.2 Transparency

Transparency is a principle which guarantees access freedom for any person to obtain information about government administration and other public service activities, information on the policy making process, implementations and the results achieved. Transparency is an effort to create a mutual confidence between the government and the community through the provision of information and ensuring the ease in obtaining accurate and adequate information. Transparency means the public service should be open, easy and accessible to all parties who needs and is adequately provided and easy to understand.

But is there any aspect of this form of ethics is existing in the service area of land in Indonesia, this is needed to be investigated. Because a lot of news and comments of the experts who explain that the principle of transparency in the service of land did not occur.

Another phenomenon occurred in the city of Palu, Central Sulawesi Province, namely the Head of BPN of Palu has been a suspect in illegal levies that exist in the manufacture of Prona certificate. In addition, many forms of illegal circulation that occurs in several areas and the number of deed transfer made by a notary who is not PPAT (certified land lawyer) makes people more anxious to guarantee of land rights. Overall this is due to a lack of guidance / supervision of the apparatus of the land.

Other cases in BPN in Pare - Pare of South Sulawesi, in the news from *Ujung Pandang Express* 8 Mac 2011, Chairman of the Non-Governmental Organizations Highlight Indonesia considers that so far the cost of the certificate in the Land Office is not transparent, and he suggested that BPN and the Center and the Office BPN region each province create a special regulation of fee payment certificate which will be paid directly through banks.

"If we want transparency, than there should be no longer payment at the office of the BPN, All fees must be paid directly to the Bank and then to the state treasury, so that there was no indication of "play" in the internal BPN" as it says in the mass media who interviewed him. The Head Office land Service of Parepare City, Andi Asmar Wirawan SH MH told the reporters, expressing, the cost of making land ownership certificates to be paid by people are Rp148 thousand, do not include the cost of the survey in which led to the cost of the certificate can "swell" up to millions of Rupiah.

5.3 Justice

The National Land Agency (BPN) said the main issue of agrarian since the enactment of Law No. 5 Year 1960 on Basic Agrarian Principles (UUPA) is the injustice structure that is built with a concentration of control and ownership of land. "People's access to land as a source of life is still weak. Short-term perspective, momentary interests and hegemony always fertilize the injustice, especially when policies are born only to overcome the symptoms of the injustice," said Head of BPN, Joyo Winoto in commemoration of the National Agrarian and the 47th of UUPA day, in Bandarlampung, Lampung, on Monday (24 / 9).

To overcome this injustice, the government issued a policy of agrarian reform, namely "land reform" and "access reform". Thus, the public deserves to have opened access to land and land utilization. He said the agrarian reform was intended to overcome problems of poverty, unemployment, land disputes, as well as the inequality of land tenure.

"Agrarian reforms is not only encouraging, but also realizing the hope to overcome the problem of asset. We balance the control and ownership of land by allocating state land in the agrarian reform. We deal with poverty, unemployment, and the dispute, both the structural and temporal," he said as quoted by ANTARA. Along with agrarian reform, land titling implementation was accelerated from the target of 300 percent in 2007 rise to 360 percent in 2008. Prona Certifications and Adjudications for the poor people that were initially would be given to 1.3 million households in 2007 were raised to 1.48 million households in 2008. The other case occurred in BPN Jombang, many file management certificate was not completed until three to five years. Conversely, there are some BPN staff who would facilitate the issuance of certificates for residents who are ready to pay some more money from the original payment set. BPN is also accused of never socializing to the public about the time required for the maintenance of the land titles. The public only knew the cost of payments, which vary between Rp. 1.5 million to Rp. 9 million per lot of land. With such practice BPN does not give priority to the principles of public service ethics in the aspects of justice

Public's complaints on the difficulty of obtaining a certificate of legality of land from the National Land Agency (BPN) took the attention of the Governor of Central Kalimantan, Agustin Teras Narang. In fact, he considered the authorized agency that issued the certificate for the land was unfair. According to the Governor of Central Kalimantan, injustice appears from the reluctance BPN in issuing the land certificate to local communities rather

than issuing the certificate of land for transmigration sites and companies, such as oil palm plantations. "The granting of land titles to people it seems very difficult, on the contrary for the citizens of transmigrants are easily administered," said the husband of Teras Narang Mortining in Palangkaraya, recently. He proposed that BPN so easily issue certificates of land for plantations and mining companies in Central Kalimantan

On the other hand, local residents who are seeking to apply for a certificate of his estate has always facing difficulties in the process, for various reasons from BPN. Regarding with this, the number one man on earth of *Tambun Bungai* is asking BPN institutionally to pay attention to the policies that are considered unfair. "I want our own citizens could have the authority, and not easily treated fair and never being ruled out, as it what happened in the land certification process," he said.

6. Conclusion

Land service reform in Indonesia was not going well. The publication of the standard Operating Procedures of Settings Service (SPOP) in 2005 and the formulation of 11 national land agenda was not much changing the service model and service ethic on Land Service. It is proven by the complaints received from the public, issues associated with transparency, accountability, and justice. The SPOPP is an effort to provide better service to the community that reflects the efficiency, transparency, accountability, efficiency, justice, comfort and certainty in obtaining all types of services, by linking to things relating to fees, requirements and long-completion time of service.

Transformations on the subject of land laws aimed at prioritizing and strengthening the right's of the citizen on their property and realizing the ethic of services in matters of land was a contrary to the reality applied at this time. Ethics violations always occur in most regions across Indonesia, namely in Java, Sumatra, and Sulawesi, many complaints from the citizen trough the mass media, the academics as well as the members of parliament who claimed that the ethics on the land service is barely applied. Ethics is only limited as a discourse or just written in the law books – but only on legislation alone and is not in reality or not happening in the community. No implementation of principles of ethics such as transparency, accountability, and justice are always complaints by the people who deal with the land office. It could be said that ethical violations in the ministry of land were still in Indonesia.

References

- Badaracco Jr J. (1997). *Defining Moment: When Manager Must Choose Between Right and Not Right*. Harvard Business School Prees, Boston.
- Bertens, K. (1993). *Etika*. Jakarta: PT Gramedia Pustaka Utama.
- Blackburn, Simon. (1996). *The Oxford Dictionary of Philosophy*. New York: Oxford University Press.
- Boatright JP. (2003). Ethics for a post-Enron America. *Phi Kappa Phi Forum*, 83(2), 10-15.
- Bowman J. (1998). *The Professional Edge*. International City Management Association, Washington.
- Denhardt, K.G. (1988). *The ethics of public service: resolving moral dilemmas in public organizations*. New York: Greenwood Press.
- Donaldson T., & Werhane PH. (1993). *Ethical Issues in Business*. Oxford University Press, New York.
- Frederick WC, Davis K., & Post JE. (1988). *Business adn Society: Corporate Strategy, Public Policy, Ethics*. MC. Graww Hill, New York.
- Haryatmoko. (2011). *Etika Publik untuk Integritas Pejabat Publik dan Politisi*. Jakarta: PT. Gramedia Pustaka Uta.
- Ishak, Suraya. (2009). Instilling Ethics in corporate control. *Akademika Journal*, 76, Mei – Ogos 2009, 67-83.
- Johari, Mohd. Janib. (2001). *Etika Profesional*. Johor: Universiti Teknologi Malaysia.
- Jones, W.T. Frederick Sontag, Morton O. Beckner, & Robert J. Fogelin. (1997). *Approaches to Ethics*. New York: McGraw-Hill Publishing Company.
- Kastoff Louis. (2004). *Pengantar Filsafat*. Tiara Wacana, Yogyakarta.
- Magnis-Suseno, Frans. (1994). *Etika Politik: Prinsip-prinsip Moral Dasar Kenegaraan Modern*. Jakarta: Gramedia Pustaka Utama.
- (1997). *13 Tokoh Etika Sejak Zaman Yunani Sampai Abad ke-19*. Yogyakarta: Kanisius.
- (1999). *Berfilsafat dari Konteks*. Jakarta: PT. Gramedia Pustaka Utama.

- Perkasa, Anugrah. (2011). *Sistem pendataan tanah masih buruk*. Bisnis Indonesia: Jakarta.
- Sidi Gazalba. (1974). *Sistematika Filsafat: Pengantar Kepada Dunia Filsfat, Teori Pengetahuan, Metafika, Teori Nilai*. Penerbitan Utusan Melayu Berhad, Kuala Lumpur.
- Solomon RC. (1987). *Etika: Suatu Pengantar (terjemahan)*. Erlangga, Jakarta.
- Stoner, J.A.F., & Freeman. E.R.E. (1989). *Management*. Englewood Cliffs, New Jersey: Prentice Hall.
- Thompson, Mel. (2006). *Ethics*. New York: The McGraw-Hill
- (1990). The Possibility of Administrative Ethics. In dalam Frederick S. Lane (Ed.), *Current Issues in Public Administration*. New York: St. Martin's Press.
- Tunde, Agara. (2009). Ethisc and accountability in Nigeria's Public Services: An Historical Overview. *Journal of public administration and policy research*, 1(1), 011-018.
- Velasques, Manuel G. (1988). *Business Ethics Concepsts and Cases*. New Jersey: Perentice Hall
- Willbern Y. (1984). Types and Levels of public morality. *Public Administration Review*, March-April, 102-108.
- Retrieved from <http://www.ujungpandangekspres.com/index.php?option=kanal&jenis=Halaman%20Utama>