

Legal Analysis of Property Transfer Regions in Supporting Government Governance the Good Ones in South Bolaang Mongondow Regency

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Abstract

This study aims to analyze the legal aspects of the transfer of regional property in order to support good governance in South Bolaang Mongondow Regency. The transfer of regional property is a form of regional asset management that must be carried out transparently, accountably, and in accordance with applicable laws and regulations. The research method used is a normative juridical approach with a case study in South Bolaang Mongondow Regency. The results of the study show that the transfer of regional property still faces various legal obstacles, including the lack of understanding of regional officials on the transfer procedure, as well as the lack of supervision and transparency in its implementation. This has an impact on the low effectiveness of good governance. Therefore, it is necessary to increase the capacity of human resources, improve technical regulations, and strengthen the supervisory mechanism to ensure that the transfer of regional property runs according to the principles of good governance. This research provides strategic recommendations to encourage the creation of cleaner, transparent, and accountable governance in South Bolaang Mongondow Regency.

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1. INTRODUCTION

The management of regional property is one of the important elements in local government administration which directly affects the effectiveness and efficiency of the implementation of development and public services at the regional level, especially in South Bolaang Mongondow Regency. Regional property as an asset owned by the local government must be managed with the principle of prudence and responsibility so as not to cause state losses and can provide optimal benefits to the wider community.

To provide a more complete and clear legal basis, the government passed Law Number 23 of 2014 concerning Regional Government. This law provides a wider space for local governments to exercise regional autonomy, which aims to accelerate the achievement of community welfare through improving public services, empowering and participating communities, and increasing regional competitiveness.

One of the important processes in the management of regional property is transfer, which is the transfer of ownership or control of regional property to other parties, either in the form of buying and selling, exchanging, grants, or other forms of transfer regulated in laws and regulations. This transfer process must be carried out in a transparent, accountable, and based on the applicable legal provisions so that there are no irregularities that harm the region and society.

In the context of good governance, the management of regional property, especially in terms of transfers, plays a strategic role as an indicator of the implementation of the principles of transparency, accountability, and participation in regional financial and asset management.

Good governance requires local governments to manage assets professionally by complying with regulations and involving effective oversight mechanisms to ensure that any administrative actions, including the transfer of regional property, are carried out in accordance with the correct rules of law and governance ethics. Therefore, legal analysis of the practice of transferring regional property is very important to identify the extent to which the law compliance is running, as well as to evaluate whether the implementation of the transfer can support good governance in South Bolaang Mongondow Regency.

However, in practice in South Bolaang Mongondow Regency, there are various problems that still arise in the implementation of the transfer of regional property, such as the lack of understanding of the applicable legal provisions, procedures that are not optimal, and weak supervision and transparency mechanisms that have an impact on the risk of abuse of authority and regional losses. This condition raises concerns regarding the effectiveness of local governance oriented to the principles of good governance.

One of the problems that are quite crucial to the management of regional property in South Bolaang Mongondow Regency is due to the lack of optimal transfer of grants that occurred previously only in administrative nature carried out by the two local governments, without being equipped with supporting documents so that each regional property manager can influence the opinion and presentation in the financial reporting of the local government. Transfers also have a strategic role in realizing good governance in the field of regional property management, because through good transfers will be able to realize effective, transparent, accurate and accountable regional property management.

The management of regional property must be managed properly in accordance with applicable laws and regulations, because the management of regional property affects regional performance. Changes in regulations governing the management of regional property need to be implemented by the local government of South Bolaang Mongondow Regency in carrying out the management of regional property in an accountable, meticulous, accurate and transparent manner. The local government of South Bolaang Mongondow Regency needs to respond and follow up on regional property management regulations by making implementing regulations in the region as well as technical regulations.

Therefore, this study aims to conduct a legal analysis of the process of transferring regional property in South Bolaang Mongondow Regency with a focus on how these legal aspects can support the creation of good governance, as well as provide recommendations for policy improvement and implementation in the field.

2. RESEARCH METHODS

Through normative juridical analysis with a case study approach, this research is expected to be able to provide a comprehensive picture of the conditions of the transfer of regional property, the obstacles faced, and legal solutions that can be applied to strengthen more transparent, accountable, and professional governance in South Bolaang Mongondow Regency.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Implementation of the Transfer of Regional Property in South Bolaang Mongondow Regency

The transfer of regional property is one of the crucial aspects in the management of regional assets that must be carried out legally and procedurally to support the creation of good governance in South Bolaang Mongondow Regency. Legally, the transfer of regional property is regulated in several laws and regulations, including Law Number 23 of 2014 concerning Regional Government, Government Regulation Number 27 of 2014 concerning the Management of State/Regional Property, as well as regional regulations that regulate more specifically the procedures for the transfer of regional property. This arrangement aims to ensure that the process of transferring regional property runs transparently, accountably, and avoids abuse of authority that has the potential to harm the state and society.

However, in the implementation of the transfer of regional property in South Bolaang Mongondow Regency, there are several obstacles that significantly hinder the effectiveness of good governance. First, there is still a lack of understanding by the regional authorities about the correct transfer procedures in accordance with the applicable legal provisions, so that the process is often carried out without the support of complete and valid administrative documents. This causes irregularities in the management of regional assets that have the potential to cause state losses and reduce public trust in local government management.

In addition, the mechanism for monitoring the transfer of regional property is also still not running optimally. The lack of internal and external supervision leads to weak control over the transfer process, which ultimately leads to the emergence of corrupt practices, collusion, and nepotism in the management of regional assets. In this context, the application of good governance principles including transparency, participation, accountability, and effectiveness has not been fully fulfilled, so that governance in South Bolaang Mongondow Regency still faces major challenges in the management of regional property.

Furthermore, this study reveals that the main causes of these obstacles are the lack of capacity of human resources who understand transfer regulations and low awareness of the importance of clean and accountable asset management. Therefore, improving the quality of human resources through legal training and education is needed to improve the governance of the transfer of regional property. In addition, improving technical regulations that are more adaptive and comprehensive is also a strategic solution that must be carried out by local governments so that the transfer procedure becomes clearer and easier to understand by all stakeholders.

In addition, the strengthening of the supervisory mechanism through internal and external supervisory institutions, such as the Inspectorate and the Regional Financial Audit Agency, also needs to be improved so that the transfer process can be closely supervised and transparent. The use of information technology in regional asset management can also be an important innovation to support transparency and accountability in the transfer of regional property. Thus, the implementation of the transfer of regional property in accordance with the provisions of the law and the principles of good governance will be able to increase public trust, encourage the efficiency of asset management, and minimize the potential for irregularities that are detrimental to the region and the wider community.

b. Inhibiting Factors in the Implementation of Regional Property Transfer

The implementation of the transfer of regional property in South Bolaang Mongondow Regency faces a number of inhibiting factors that significantly interfere with the effectiveness of the process in supporting good governance.

The first factor is the lack of understanding and competence of local government officials related to applicable transfer regulations and procedures. Asset management officials often do not understand in depth the legal aspects that govern the procedures for the transfer of regional property, so that the implementation in the field is not in accordance with the provisions that have been stipulated by laws and regulations, such as Law Number 23 of 2014 concerning Regional Government and Government Regulation Number 27 of 2014 concerning the Management of State and Regional Property. This leads to unsystematic transfer practices and has the potential to cause state losses due to inconsistent procedures and incomplete or invalid documents.

The second factor is the weak internal and external supervision mechanism for the process of transferring regional property. The Inspectorate as a regional internal supervisory institution and the Regional Financial Audit Agency (BPKD) as an external supervisor have not been optimal in carrying out effective and sustainable supervisory functions. Limited human resources, technology, and a less transparent reporting system cause supervision not to run optimally, thus opening up opportunities for corruption, collusion, and nepotism practices that are detrimental to the region. In addition, the participation of the community and social control institutions in supervising the transfer of regional property is still very minimal, so the lack of public accountability exacerbates this condition.

The third factor is the existence of regulations that are general and have not accommodated specific regional conditions that cause difficulties in the implementation of technical rules at the level of South Bolaang Mongondow Regency. Regulations that are not detailed and detailed often give rise to different interpretations among regional officials, so that the implementation of transfers becomes inconsistent and prone to irregularities³. This requires adjustments to regional regulations that are more specific and adjusted to regional characteristics and needs to make it easier for officials to carry out procedures appropriately and accountably.

Furthermore, bureaucratic cultural factors that lack support transparency and professionalism are also significant obstacles. The work culture that is still thick with informal practices and dependence on patronage networks causes the management of regional assets, including the transfer of regional property, not to run in accordance with the principles of good governance. The apathy and lack of integrity among asset management officials make the transfer process vulnerable to abuse of authority and corrupt practices.

Finally, the limitations of information technology in regional asset management are also an important obstacle in the transfer of regional property. Information systems that are not integrated and are still manual cause asset recording, reporting, and supervision to be less effective, increasing the risk of administrative errors and data manipulation. The adequate use of information technology is urgently needed to strengthen transparency, accountability, and accuracy in the management of regional property, especially in the transfer process.

By identifying and understanding these inhibiting factors, local governments can formulate appropriate strategies and policies to overcome these obstacles to support the implementation of effective, efficient, and law-based transfers of regional property and good governance principles.

4. CONCLUSION

The implementation of the transfer of regional property in South Bolaang Mongondow Regency still faces various obstacles, such as the lack of understanding of the apparatus of legal procedures, weak supervision, less specific regulations, a less transparent bureaucratic

culture, and limited use of information technology. These factors hinder an effective and accountable transfer process, so that it has the potential to cause irregularities and regional losses. For this reason, it is necessary to increase human resource capacity, improve regulations, strengthen supervision, and apply better technology to support good governance in this area.

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