



# *Realizing World-Standard's Spatial Planning and Land Management: The Urgency of Bureaucratic Reform*

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**Abstract**— The government has designed an electronic-based public service process framework to realize world-standard spatial planning and land management. The National Land Agency (BPN) plays a central role in supporting the potential to increase the investment rate and fulfill these achievement targets. This article was conducted to provide evaluation material for the government to perfect the digitalization program for public services in the land sector because the various services provided by BPN are still not fully accessible electronically. This research uses doctrinal legal research methods. Legislative and conceptual approaches are used to see the effectiveness of implementing the digitalization system for land information services to realize excellent service. The new public service theory is used as a service standard to create an excellent public service model in the land sector. The study results show that although the Ministry of Agrarian Affairs has prepared various references for opening electronic services, this program has yet to be able to create a new public service role model entirely. This condition appears because the BPN has to manage the entire basic land information data collection system; cross-sectoral cooperation cannot be formed under current legal protection. For this reason, a particular law is needed that regulates electronic services in the land sector in order to realize world-standard land management and spatial planning. This study can have a significant impact on the process of improving the quality of land services, which supports the creation of legal certainty and improvement of the investment climate in Indonesia.

**Keywords**— *Bureaucracy; Legal Reform; New Public Services*

## I. INTRODUCTION

This article aims to evaluate the effectiveness of the legal protection for electronic service access policies in the land sector. Realizing world-standard land and spatial management must be preceded by various policy improvement processes related to governance and bureaucratic performance standards. BPN is still developing various applications that can be used to provide online services. The basis of this policy is based on several agrarian ministerial regulations, which were specifically created to follow up on bureaucratic reform programs, agrarian reform, and the implementation of an electronic-based government system (SPBE). Legal issues arise because until now, even though the government continues to develop various electronic service innovations in the land sector, the availability of land information databases in Indonesia still needs to be fully ready. This has an impact on electronic service processes that users cannot access. If this condition continues, the strategic goals of the Ministry of ATR/BPN for 2025 will not be realized.

Regarding this problem, research was carried out using doctrinal methods. The chosen approach refers to a statutory approach and a conceptual approach. The new public service theory is used as an analytical tool to see the principles that BPN must fulfill in carrying out electronic-based services to realize the strategic goals of the Ministry of ATR/BPN in 2025. From the results of this analysis, the strengths and weaknesses of the concept of providing electronic services, and What strategies should the government implement to create an excellent public service system?

Referring to the theory of the ideal bureaucratic model put forward by Weber,[1] a strong bureaucracy is a bureaucracy that works systemically so that the dynamics of the political process in government do not influence it. Consequently, bureaucracy with this conventional model is more rigid. It makes things difficult for society with various standards used in determining the limits of authority and performance to serve the public. This process then brings the bureaucracy to improve and adapt to developments over time. The development of technology and

information supported by various principles of globalization has impacted changes in people's lifestyles. For this reason, the government strives to provide public services that can run in line with the expectations and problems faced by the community.

After carrying out the agrarian reform process in 1960[2], the government attempted to provide excellent services through bureaucratic reform in the land sector. This process is undoubtedly a challenging program to achieve. The bureaucratic reform process contained in Presidential Decree Number 81 of 2010 is designed to achieve several achievements, such as:

- (a) reduce abuse of authority of public officials;
- (b) forming the bureaucracy in Indonesia as the most-improved bureaucracy;
- (c) improving the quality of public services
- (d) improving the quality of formulation and implementation of government policies
- (e) increasing the efficiency of carrying out organizational tasks and functions
- (f) create proactive, anticipatory, and effective bureaucratic governance in facing the dynamics of the globalization process.

In order to support this achievement, the government also developed an electronic-based government system following Presidential Decree Number 95 of 2018 (Perpres SPBE) as later translated into the architectural framework for implementing SPBE through Presidential Decree Number 132 of 2022 (Perpres Architecture SPBE). The land then becomes one of the areas that must immediately implement a model for administering government administration and public services based on electronic systems. To implement this system, the Ministry of ATR/BPN, along with regional offices and land offices, can use general applications or special applications [3].

This opportunity to innovate in the land sector was then followed up with several ATR/BPN Ministerial Regulations, such as:

1. PERMEN ATR/BPN Number 3 of 2019 concerning the Implementation of Electronic Signatures (PERMEN e-TTD);
2. PERMEN ATR/BPN Number 5 of 2020 concerning Electronic Integrated Mortgage Services (PERMEN HT-e);
3. PERMEN ATR/BPN Number 17 of 2020 concerning Organization and Work Procedures of BPN Regional Offices and Land Offices (PERMEN Work Procedures for Kanwil and Land Offices);
4. PERMEN ATR/BPN Number 19 of 2020 concerning Electronic Land Information Services (PERMEN e-Information);
5. PERMEN ATR/BPN Number 1 of 2021 concerning Electronic Certificates (PERMEN e-Sertipikat);
6. PERMEN ATR/BPN Number 21 of 2021 concerning Technical Instructions for the Functional Position of Cadastral Administrators (PERMEN Juknis Cadastral Administrators).

Based on these regulations, integrating governance and bureaucratic performance within BPN is expected to realize world standard spatial and land management. Referring to the provisions of Article 6 of the e-Information Ministerial Regulation, it is stated that electronic services can only be accessed if the required information is available in the database. This condition later became the basis for the ineffectiveness of implementing bureaucratic reform in the land sector. Based on the evaluation of the Complete Systematic Land Registration (PTSL) process, problems were still found that could impact the validity of land data input into BPN's information system.[4] This condition could hamper the electronic-based land service innovation program that BPN is intensively carrying out.[5]

Based on an analysis of the problems that arise in the bureaucratic reform process in the land sector, this study will examine the potential for implementing electronic service systems as the primary strategy for realizing world-standard land and spatial management. For this reason, the study will be carried out using the new public services (NPS) theory.[6] This perspective will provide an overview of the seven principles that must be adopted by BPN in order to improve the quality of public services provided to the community. NPS was chosen as the ideal bureaucratic management model because it has high flexibility. The ability to adapt and build relationships with open spaces for community participation is a primary need in facing the dynamics of globalization and the industrial revolution. From the results of this analysis, other obstacles will be seen that need to be anticipated as a form of challenge in implementing excellent public services. This analysis must be done immediately and followed up by the government to achieve the seven strategic goals by 2025.[7]

The analysis will be presented in two sub-topics. *First*, the analysis begins with explaining the basic concept of new public services, which will be used as an analytical tool. This presentation will be summarized in the sub 'Theoretical review: new public services.' *Second*, an analysis will be carried out on the suitability between the NPS principle indicators and the role model for implementing the electronic service program provided by BPN. This analysis will be contained in a sub-topic entitled 'Effectiveness of land services in realizing world-standard land and spatial management.' With the analysis model presented in descriptive and prescriptive form, the conclusion section will not only present the analysis results, which answer the problem formulation of legal issues appointed, but will also provide alternative solutions to the government.

## II. LITERATURE REVIEW

Bureaucratic management models have developed over time. This process occurred in line with public dissatisfaction with the services provided by the government. Old public administration (OPA) became a conventional form of bureaucracy, defined by Weber as the ideal bureaucratic model.[8] It is assumed that OPA is the ideal model of a bureaucracy because of the stability of the bureaucratic management system, which is truly rigid. In that period, laws and regulations were used to build a boundary wall for the bureaucracy so that they really could not get out of the corridor. This method has a positive impact on the stability and resilience of the bureaucracy in carrying out government administrative functions amidst political dynamics and changes in leadership. However, this bureaucratic model received much criticism from experts because it was full of corruption, collusion, and nepotism. The process of filling positions and exercising authority in a closed room then gives rise to abuse of power in carrying out their duties and functions. It is not uncommon for the reins of leadership of an institution to be handed over to political supporters of the ruling regime. This condition then raises concerns because the competence of public officials needs to match the expected qualifications.[9]

As a result of the implementation of OPA in the bureaucratic management process, public service inefficiencies are disrupted. The limits of authority possessed by the bureaucracy have made public service procedures complicated and take a long time. Moreover, the government has to spend a relatively large budget to cover increasing employee spending when new services are provided. In order to address this, experts began to develop bureaucratic management methods based on the concept of new public management (NPM).[10] In this new bureaucratic management model, the principles of privatization and the application of business management concepts began to be implemented. Thus, the organizational structure of the bureaucracy can be leaner because there is room for efficient performance. Just like the concept of running a business, bureaucracy in the NPM concept will require lower operational costs when compared to the OPA model. This is because the NPM mechanism allows for the simplification of public service procedures. Bureaucracy is now more relaxed and is instead expected to be able to carry out various tasks at once.[11]

The principles for running a 'business' that were adopted into the public service system then allowed for a change in the role of the bureaucracy from merely being a boat rower to a driver.[12] This condition is possible because the bureaucracy has all the knowledge about state documents which contain the direction and goals of the state. This knowledge certainly provides sufficient provisions for the bureaucracy to know where the goals they want to achieve are and which path to take. Guided by privatization or business principles, determining strategies to achieve these goals must also be implemented by considering efficiency and the benefits obtained. However, developing the NPM system implementation process has also begun to attract criticism from various parties. This is based on the principle of efficiency, which the business model guides. However, the business principle that considers citizens as clients can harm the quality of public services. In running a business, companies will have an orientation to provide privileges to priority customers. This is something that people in bureaucratic circles must avoid because every citizen should have an equal position.

The following criticism that emerged regarding implementing the NPM system then came from the focus of state administration based on company working principles. Of course, this principle must then be reviewed because not all citizens want to be clients who receive services from the government. The case of traffic violations exemplifies this. Due to these violations, most citizens will not voluntarily go to the police to ask for a ticket. This condition can be analogous to the fact that traffic rule violators do not want to become customers of the traffic police. However, of course, in responding to this, the police still have to come and give tickets to people who have violated the rules. This logic cannot be found in a company's management system because, in business, they will serve the customers who come to them. Meanwhile, in this case, not all citizens want to be customers who have to pay traffic fines.

Another business logic that cannot be used to ensure that business principles can be applied in a government system is a profit-seeking business orientation. In a government system, public services are only sometimes provided on a paid basis. Some services, such as toll roads and service products in the form of consumer goods, indeed target a return on capital and a small profit. However, other public services such as population administration, health, education, and infrastructure access for the community can be provided free of charge. It is not uncommon for the government to provide subsidies and supporting assistance to improve people's welfare. This concept certainly will not follow the basic principles of companies seeking maximum profits. For this reason, the NPM-based government administration model began to undergo many changes. Adjustments to principles that prioritize ease of access to services and efficiency in the implementation of government administration processes were then developed in the form of new public services (NPS).[13]

The NPS concept is intended to make the bureaucracy a government organ whose task is to assist the public in articulating their interests and needs. Bureaucracy no longer has the power to control or direct people's actions. Citizens are no longer just the object of a policy but are now the center of the policies made by the government. To achieve this goal, the government must create a bureaucratic work concept based on the seven NPS principles.[14] These principles include: (1) serving, not directing; (2) making the public interest the goal and not a by-product; (3)

thinking strategically and acting democratically; (4) serving residents and non-customers; (5) accountability is not simple; (6) value people and not just productivity; (7) valuing citizenship and public service above entrepreneurship.

The *first* principle of NPS is serving and not directing, which means that the bureaucracy has a shifting role, namely articulating and fulfilling the interests of society. The government no longer dominates control over community actions through regulations issued, but the government is more proactive in providing the services needed by the community. In this case, the government's function as the sole regulator must change. Civil society groups and various interest groups must be involved in decision-making. Thus, the regulations issued by the government are a form of solution to the anxiety or problems society faces.

*Second*, the public interest is the main goal and not just a by-product. Public administrators must emphasize the importance of advancing the public interest. In this case, it needs to be emphasized that the government should not issue regulations that are only a form of struggle against the interests of specific individuals or groups. The vision and mission offered by the leader is not a mere manifestation of political interests but must be based on public dialogue as a reference in formulating the targets to be achieved.

*Third*, to implement the NPS principle, the government must be able to think strategically and act democratically. The formulation of social problems that occur in society is a form of implementation of democratic values. However, the government must be able to formulate policies that are effective and efficient so that the planned programs can have an impact on society at large in a short time and at low cost. To be able to formulate this program, the government is fully responsible for carrying out collaborative efforts with various parties so that collective awareness arises. In this case, the government can also design capacity-building programs for the community so that in the future, these groups can become an extension of the government in solving social problems that exist in society.

*Fourth*, public services provided by the government must be based on the principles of serving citizens and not serving a customer. In the logic of a company that serves a customer, the decisions taken will be oriented toward fulfilling the customer's expectations. However, in the NPS system, the government is asked to ensure that the articulation of interests carried out by an individual not only carries the interests of that individual but will also have an impact on the public interest. In this way, the relationship between the government and citizens is not just defined as the relationship between a businessman and his clients. The government must not only serve customers who come to it but must also facilitate people who are waiting for services from the government.

*Fifth*, the NPS emphasizes the importance of accountability from the bureaucracy that works to serve the community. Various factors must be taken into consideration by the government to maintain bureaucratic accountability. Even though articulating the public interest is one of the primary considerations, the government must recognize laws and regulations, the constitution, community values, political norms, and professionalism. If we refer to the OPA model, accountability can be simplified into a form of compliance with directions from political officials. Meanwhile, in NPM, accountability is performance efficiency, just like an entrepreneur.

*Sixth*, the government must respect each individual and not only be oriented towards achieving increased productivity alone. In this case, managing people must be a principle for the government in designing work programs. This principle emphasizes the importance of collaboration with various parties to ensure long-term achievements. This goal can only be achieved if the government is sensitive to the values and interests of each organization member. Every employee who works in a mechanism to provide public services must have a high work ethic to carry out their duties to make a significant change for society and not just work because they receive a salary.

*Seventh*, NPS must have programs that uphold civic values and not just create a public service model based on entrepreneurial principles. This view ensures that public interests will be resolved if bureaucrats have a spirit of service. This life guide is an essential motivation, so the program will focus more on benefiting the wider community. Thus, it is hoped that bureaucrats will work differently than company managers who act as if they own everything. In NPS logic, the bureaucracy does not own the business or program. The government belongs to the people.

### III. METHOD

This research uses doctrinal legal research methods.[15] This research method is commonly used to see the ideal form of regulation based on the theoretical foundation used. In line with this thinking, a statutory approach and a conceptual approach are used in this research to become a reference in determining the required analysis objects. For this reason, primary sources of legal material in the form of regulations that are directly or indirectly related to the process of implementing electronic services in the land sector will be the principal legal material in this study[16]. Then, secondary legal materials obtained from books, journals, and scientific works will be used to summarize presentations on new public services. The results of the study are presented in descriptive and prescriptive form.

#### IV. DISCUSSIONS AND RESULTS

The government provides various services and conveniences expected to improve people's welfare. One of the programs launched by the government to increase the efficiency of public services is to adopt an electronic-based government system. To make this program a success, the president issued a Presidential Decree on SPBE and its architecture. This regulation is intended to create guidelines for all government agencies to immediately adopt information technology that can be used to carry out bureaucratic reform. Referring to SPBE provisions, the land is one of the sectors that must implement SPBE's architecture programs in maintaining business process innovation programs, data and information updates, and national-level public services. By referring to the provisions in the two Presidential Decrees, it is hoped that the Ministry of ATR/BPN can achieve the seven strategic goals it wants to achieve by 2025. The seven goals include:

1. creating justice in the land sector,
2. completion of the registration process for all land areas in Indonesia,
3. use of the Detailed Spatial Planning Plan as a reference to increase economic growth and support sustainable development,
4. increasing human resource capacity to achieve world-class bureaucratic standards,
5. provision of electronic land services as a form of embodiment of a modern service office,
6. Optimizing land and spatial planning services so that they can become a basis for state revenue for self-financing,
7. Realizing legal certainty in the ownership of land rights by implementing a positive stelsel land registration system.

In order to realize these ideals, the Ministry of ATR/BPN began designing various innovations expected to increase the effectiveness of implementing the public service system in the land sector. Some of these regulations include the legality of electronic signatures, electronic mortgage rights, overhauling the working procedures of regional offices and land offices, planning electronic information service mechanisms, issuing e-certificates, and technical instructions for cadastral administrators to support the validity of the electronic information provided. The entire program is implemented based on the ATR/BPN Ministerial Regulation. Apart from that, there are also technical instructions made in the form of a circular letter from the ATR/BPN minister, which can be used to carry out the process of digitizing documents. Before implementing this modern information digitization system, the government had prepared a more straightforward digitalization method. In 1997, the land data center project was launched through the Land Office Computerization (LOC) program. This program reached 325 land offices at the end of 2009.

As a supporting program, the government also introduced a standing-alone system (SAS) for smaller land offices. Improvements to the program were then carried out by replacing LOC and SAS with the Computerized Land Office (KKP) program. Technological developments, which are increasingly running rapidly, made it possible to implement geo-KKP and KKP-web at the end of 2015. This service has enabled Land Deed Making Officials (PPAT) to check certificates online via the web without visiting the land office.

In line with the government's goals of achieving bureaucratic reform and implementing an electronic-based government system, the Ministry of ATR/BPN has again overhauled the regulations regarding electronic services that can be provided to the general public. Various supporting policies created to speed up the process of providing electronic services then raise new questions. By reflecting on several digitalization programs that have been running, it is necessary to evaluate the electronic service programs provided by the government to carry out bureaucratic reform in the land sector. This evaluation needs to be carried out so that the government can immediately improve itself so that the strategic targets it wants to achieve in 2025 can be realized. For this reason, it is necessary to review whether or not there is conformity between the land sector electronic service program and the NPS principles.

In order to realize bureaucratic reform in the land sector, the government needs to develop the first principle of NPS, namely the readiness of the bureaucracy to serve and not direct. In this case, *first*, the electronic service system launched by the Ministry of ATR/BPN has accommodated these working principles. This is proven by the flow of ATR/BPN information service facilities, which can be accessed via the web: <https://intan.atrbpn.go.id/#>. The flow chart on the official website shows that the information service provided by BPN is a form of service for requests made by PPAT. In this case, BPN is not authorized to instruct the applicant to take specific legal steps. Under the provisions of Article 21 of the PERMEN concerning the work procedures of regional offices and land offices, the land office should carry out the function of modernizing electronic-based land services and carrying out the bureaucratic reform process.

*Second*, the procurement of electronic service systems should be carried out based on the need to promote the public interest. This principle has been applied by the government in designing electronic service systems. This condition can be proven by a series of land service processes, which can be used as authentic proof of land ownership. The SPBE Presidential Decree specifically mandates central agencies to be able to coordinate uploaded data and information services to create a database that can be used jointly. In this way, the validity and authenticity

of the information input into the system can be guaranteed. The SPBE architecture in the land sector was created by the government in order to minimize ownership disputes over plots of land. For this reason, the Ministry of ATR/BPN also continues to strive to update land data using the latest technology so that plotting a plot of land can be more precise.

*Third*, electronic services created by the government should result from strategic steps in responding to community demands. Related to this principle, the model for implementing an electronic-based government system is also a breakthrough initiated by the government to keep up with current developments so that people's needs can be appropriately met. The current trend of globalization, which impacts the acceleration of all community activities, certainly needs to be accommodated well by the government. By using information technology and assistance from several applications such as *sentuh tanahku*, *bhumi*, *loketku*, *gistaru*, *#tanyaATR/BPN*, *ppid.atrbpn.go.id*, and *sigtora*, this is an example of the presence of BPN services within the grasp of every community. Thus, BPN can provide information services about land the public requires through a faster and more efficient mechanism.

In order to support the legal certainty that the government must provide to the public, online services such as checking and issuing certificates and electronic mortgage rights can minimize the existence of dual ownership of a plot of land. Apart from that, the integrated system built within the SPBE platform can also protect the public from criminal modes carried out by the land mafia. Nevertheless, the government needs to design a more participatory and collaborative program implementation strategy to speed up the digitization process of land data. However, referring to the provisions of Article 6 of the PERMEN electronic information services, electronic services can only be provided if the data is available in the ministry's database. If the data has not been entered into the system, then the service is provided manually.

Meanwhile, the PTSL program carried out by the government in 2023 is still trying to collect data on registered and unregistered land parcels. For this reason, the government should be able to develop a more participatory data collection system by involving other ministries and NGOs so that the required data can be verified more quickly. It can be input into the ATR/BPN ministry database. Technological advances certainly require quality human resources as operators, and these needs can be supplied through collaborative programs to increase time and budget efficiency.

*Fourth*, NPS requires BPN to provide excellent service to every citizen and not just to its customers. This principle has also been well accommodated through the mechanism for digitizing documents. The process, initiated based on a circular from the Minister of ATR/BPN, is a form of innovation carried out by the government so that data containing information about the legal source of ownership of a plot of land can be managed digitally. This process is carried out without waiting for an application from the citizen who has rights to the land. The government carries out the process of digitizing each existing document sequentially. In this way, services are provided not only to customers who come but are provided free of charge to the entire community without exception. Apart from that, the government is also actively making the PTSL program a success, which is carried out with the help of the latest technology in order to increase the accuracy of the plotting process for plots of land so that the government can use this data to resolve ownership disputes that occur. The government is also accelerating the PTSL program to handle registered and unregistered land data because there is still a lot of overlapping ownership data, which can create legal uncertainty for the community.

*Fifth*, BPN's accountability in providing electronic services regarding land information is a complex matter. Accountability is given not only to the government, which instructed it to adopt an electronic administration system, but also to the general public who use the application to ensure the legality of ownership and the legal actions they are taking. *Sixth*, in carrying out programs to provide electronic land services, the government must be sensitive to individual needs and not just increase achievement targets. This principle can indicate the need to ensure the validity and accuracy of data inputted by the government into electronic systems. Verification and validation procedures are an essential condition to ensure that no individual's rights are violated. Although, of course, the procedure for verifying this data will require additional time and processing, this can ensure that every community will get long-term benefits from the electronic service system built by the government.

*Seventh*, the final principle that the government must consider in implementing electronic service programs is related to the ability to form bureaucratic awareness to have a spirit of service. Even though the Ministry of ATR/BPN has targeted that the process of modernizing land offices and providing access to electronic services is an effort to increase state income through self-financing, this does not mean that BPN, in this case, is trying to seek maximum profits from the services provided. This logic is based on providing good public services, as stated in the PERMEN on electronic information services. Various cutting-edge technologies used to carry out the digitization process of land ownership information and to support the accuracy of juridical data are facilities provided by the government. The public is not charged a fee to return the capital used to carry out this procedure.

From the analysis of the seven NPS principles, it can be concluded that the government, through the Ministry of ATR/BPN, has designed a bureaucratic reform program in the land sector well. This program was created as a service for information needed by the community. Of the seven principles, only the process of strategic thinking and acting democratically still requires special attention from the government. This process is essential to develop because this era of globalization and democracy has allowed the government to carry out collaborative activities.

Opportunities to build partnerships with civil society networks and other ministries should be used to speed up the digitalization process of information needed by BPN. However, the effectiveness of the electronic information service system designed by BPN is highly dependent on data availability in the ministry's information base system. By collaborating, the work that must be done can run more effectively and efficiently

## V. CONCLUSION

This evaluation concludes that the program designed by the Ministry of ATR/BPN has shown great potential to improve quality and services in the land sector under the SPBE architecture. Nevertheless, the government needs to increase cooperation and collaboration with various parties so that the digitization process of land data can be carried out more effectively and efficiently. So, it is necessary to have a Law that can specifically regulate all forms of activity agendas and mechanisms for implementing cooperation needed to achieve the strategic targets of the Ministry of ATR/BPN in 2025. By using the Law as the legal basis for implementing this process, procedures to accelerate the process of realizing electronic land information services can be more easily achieved. So far, these processes have only been regulated in sectoral regulations such as Ministerial Regulations and Ministerial Circulars.

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