
*RESOLUTION OF LAND DISPUTES THROUGH MEDIATION
STUDY AT THE NATIONAL LAND AGENCY OF CENTRAL
LOMBOK, WEST NUSA TENGGARA, INDONESIA*

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ABSTRACT

The ongoing development of human life, coupled with the imbalance in land availability, has led to serious consequences for the relationship between land and humans. One major consequence is the growing demand from the community for civil rights, making land disputes inevitable. The resolution of land disputes through the courts is often seen as inadequate, prompting efforts for resolution through mediation. Mediation related to land is governed by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 21 of 2020 concerning Handling and Settlement of Land Cases. This study aims to analyze and understand the extent of the implementation of the Agrarian Ministerial Regulation/Head of BPN RI No. 21 of 2020, as well as the supporting and inhibiting factors in the mediation process. The theories utilized in this study include the theory of justice, the theory of legal certainty, the theory of legal protection, and the theory of dispute resolution. The study employs an empirical legal research method, utilizing a statutory approach, a case approach, and a conceptual approach. The findings indicate that, in the implementation of mediation at the BPN of Central Lombok, the regulatory reference used is Article 44 of the Agrarian Ministerial Regulation/Head of BPN Number 21 of 2020. This implementation involves several stages: submission of applications, document examination, mediator appointment, the mediation process, and the execution of mediation agreements. The supporting factors for mediation include the willingness of the parties, the competence and neutrality of the mediator, the availability of clear administrative evidence, government and institutional support, and the presence of solutions that benefit all parties. The inhibiting factors for mediation are the uncooperative attitudes of the parties, unclear land statuses, external influences, and the lack of strict sanctions for uncooperative parties.

Key Word: *dispute resolution; land; mediation.*

I. INTRODUCTION

Land is a gift from God Almighty to mankind on earth. It is a basic human need. From birth to death, humans need land to stay and as a source of life. Cosmologically, the land is where man stays, works, and lives; it is the origin from which man came and remains essential wherever man goes. In this context, land has economic, social, cultural, political, and ecological dimensions.

Since Indonesia declared its independence on August 17, 1945, followed by the birth of UUD NRI 1945 on August 18, 1945, which provided the basis for the government to establish national agrarian law outlined in Article 33, paragraph (3) UUD 1945. This article states that the earth, water, and the natural resources contained therein are controlled by the state and utilized for the greatest prosperity of the people. Based on these provisions, the Indonesian government is seeking to formulate national agrarian law regulations grounded in the original law of the Indonesian nation, namely customary law. To facilitate the creation of this national agrarian law, the government has established a special committee to study and design the framework for national agrarian law.¹

The old Agrarian Law regulates matters of earth, water, space, And natural riches in the region country Indonesia, And more specifically, arranges problem land. This is law land west for residents who bow down to the law of Europe And Law Custom for the people of Earth son No give guarantee certainty law And rights for the native people; for that reason, the Indonesian government is carrying out codification unification Law Agrarian Which applicable in Indonesia by establishing the Basic Agrarian Law No. 5 of 1960, abbreviated as UUPA.²

Agrarian law before UUPA did not guarantee legal certainty and rights for the Indonesian people based on customary land law. Therefore, with the establishment of national agrarian law, there is now a guarantee of legal certainty and rights for the Indonesian nation. This guarantee is provided through the government's obligation to register land throughout Indonesia and the requirement for every land rights holder to register their land (Chapter 19, 23, and 38). Land registration is intended to provide legal certainty and rights assurance. Land registration is carried out with consideration of the country's interests, public conditions, and needs, as well as the available personnel and resources. Consequently, its implementation will be prioritized in cities before gradually expanding to other regions of Indonesia. Land ownership rights involve a series of authorities, obligations, and/or prohibitions for the rights holder concerning the use of their land. Land control rights can also be interpreted as a legal institution, and they are not linked to specific land or subjects as long as the rights holder is in place. However,

¹H. M. Arba, Op. Cit, p. 47.

²Ibid, p. 57.

the right to control land constitutes a concrete legal relationship (subjective law) when it is associated with specific land and subjects as the rights holder.

State control of land is interpreted as the state's authority to regulate the allocation and use of said land so that it can give benefit the greatest possible welfare of the community. Land control by customary law communities is the power or authority to occupy and use land originating from rights customs. Temporary That is mastery of land by an individual knowing that a legal entity is closely related to granting rights or authority to a person or body for and use of the land for its own interests. The land can be used for housing development, agriculture, livestock, and other productive businesses.³

Along with the development of human life, which continues to increase the need for land, which is not balanced by an increase in the availability of land, this has serious consequences for the relationship pattern between land and man And the connection between humans and humans who have land as their object. After the reform process in all fields, there is a tendency for society to be more aware of its rights and obligations. One of the consequences is that the demands of the community, who feel that their civil rights have been ignored so far, have also significantly influenced the increase in land problems. Dispute Land is an issue That always appears and is always relevant from time to time, along with population growth, development progress, and the increasing access of various parties to obtain land as basic capital for multiple interests.⁴

According to Maria SW Soemardjono, "cases involving dispute in the land sector No Once ebb, even has a tendency to increase in the complexity of the problems and their quantity along with the dynamics in the economic, social, and political fields. To overcome this, efforts are needed to Handle and settle land problems, Both by litigation (court) and non-litigation (*negotiation, conciliation, arbitration, mediation*).⁵

Completion dispute land through court contains many shortcomings with less than satisfactory results, so the view has developed that the judiciary is not optimal in resolving land disputes. As a result, the sense of justice and legal certainty that the community expects is not fulfilled; in fact, all that exists is a problem, And the impact worsens existing conditions. By looking at the weaknesses in resolving land disputes through the courts, this has given rise to settlement efforts dispute in outside court; Wrong, the only one is using mediation.⁶

Mediation means mediating or resolving disputes through mediation (*mediator*). Thus, the mediation system seeks to resolve disputes through a mediator (mediator). Mediation gives the parties a feeling of equality and an effort determination results in

³H. M. Arba, Op. Cit, p. 47.

⁴Sarjita, *Technique And Strategy Completion Dispute* , Monument of Yogyakarta Library, Yogyakarta, 2005, Revised Edition, pp. 8-9.

⁵Maria SW Sumardjono et al., *Mediation Dispute Land* , Compass, Jakarta, 2008, p. 4.

⁶Sumarto, " *Handling And Completion Conflict Land With Principle Win Win Solution By Body Land National RI* ", Paper Work Which delivered at the training Handling Conflict Land Ministry In Country, Jakarta, 19 September 2012, p. 23

the negotiation achieved according to a mutual agreement without pressure or coercion. The solution offered leads to a (*win-win solution*). The choice of dispute resolution through mediation has cost, time, and mind advantages.

Success mediation Can influenced by several matters, such as the quality of the mediator (training and professionalism), the efforts made by both parties in dispute, and the trust of both parties in the mediation process, trust in the mediator, trust in each party. A mediator in carrying out his duties, will feel very happy To help person other overcome problems they himself, he will act neutrally like a loving father, improve the quality of decision-making, have a harmonious method, have the ability and attitude to have integrity in carrying out the mediation process and can be trusted and service-oriented. ⁷In addition, the lack of trust in the independence of the judicial institution and the administrative constraints surrounding it makes the court institution the last choice for dispute resolution.⁸

One of the institutions that has a very close relationship with land is the National Land Agency or abbreviated as BPN. This is arranged by Presidential Regulation No. 10 of 2014 2006 in Chapter 1, which is about Body Land National. In general, line The National Land Agency is a non-departmental government institution that is under and responsible to the President. Furthermore, Article 2 Presidential Regulation No. 10, Year 2006 stated that Body Land National has a task to carry out task government in the land sector in a way national, regional, and sectoral. With the provisions of this regulation, it is clear that the National Land Agency has duties and responsibilities in the land sector both nationally and regionally.⁹

Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 21 Year 2020 Regarding the Handling and Settlement of Land Cases, Article 1 paragraph 11 states that mediation is a method of resolving cases through a negotiation process to obtain an agreement carried out by the parties facilitated by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, the Land Office by its authority and/or land mediator.

In practice, dispute resolution land through non-litigation, primarily through mediation, shows a tendency that public has to obtain place. In general room scope, BPN formal through Presidential Regulation Number 10. In 2006, the National Land Agency established a Deputy for the Study and Handling of Land Disputes and Conflicts within the BPN organizational structure.

Based on the results of the pre-survey conducted by the author, the leading cause of the disputes in Central Lombok related to... ownership of land are error appointment

⁷English: *Negotiation Mediation And Arbitration: Completion Dispute Alternative in Indonesia* , Pustaka Reka Cipta, Bandung, p. 38.

⁸Sri Winnie Adam, *Role Body Defense (BPN) in publish certificate of rights owned by on land in the district Gorontalo* , Thesis Knowledge Law, Gorontalo, 2011, p.2 .

⁹Sri Winnie Adam, *Role Body Defense (BPN) in publish certificate of rights owned by on land in the district Gorontalo* , Thesis Knowledge Law, Gorontalo, 2011, p.2

limit, land boundary disputes, cancellation of land certificates or SHM on a plot of land, overlapping on a plot of land. The phenomenon at the Central Lombok Land Office in resolving land disputes through mediation has not been running optimally. This is because mediation in resolving disputes is carried out over a relatively long time, and it is hoped that the implementation of mediation in resolving land disputes will provide legal certainty to the disputing parties for a fast, efficient, and cost-effective process.

The Central Lombok District Land Office often organizes land dispute resolution through mediation institutions, and disputes are generally completed with mediation methods. This is like a land restriction dispute, land rights dispute, ownership, and control of the land. Based on the explanation of several case land disputes That happened in Lombok Middle, so will Work effectively if in its implementation, the party National Land Agency Central Lombok resolves the problem by referring to the provisions Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling and Settlement of Land Cases.

Based on the background described above, the author can formulate the problem: how Implementation Regulation Minister Agrarian/Head National Land Agency of the Republic of Indonesia Number 21 of 2020 in the Settlement of Land Disputes Through the Mediation Process at the BPN of Central Lombok, A is Factors Supporters And Inhibitor Settlement of Land Disputes Through Mediation based on the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 at the National Land Agency of Central Lombok.

II. RESEARCH METHODS

In discussing the problems related to the title, the type of research used is Empirical Normative Legal Research. This study merges theoretical legal norms with empirical analysis of the implementation of legal norms in practice. Through this approach, it is hoped that a more comprehensive understanding of effectiveness and legal relevance can be obtained in a dynamic social context.

Legal empirical research examines the application of laws and regulations based on legal concepts and theories to observe reality in the field directly.

The research approach methods used in this research are as follows: 1) Approach legislation , namely , studying regulation legislation associated with how to resolve land disputes as regulated in Ministerial Regulation Number 21 Year 2020 About Handling and Settlement of Land Cases. Through mediation. 2) Approach Conceptual: the conceptual approach starts from the views and doctrines that develop in legal science. By studying the views and doctrines that develop in legal science that relate to the problem being studied, it is hoped that researchers will find ideas that give birth to understandings, concepts, and legal principles that are relevant to the legal issues being faced, and 3)

Approach Case, The case approach is carried out by examining cases related to the issue being faced and has become a decision that has permanent legal force.¹⁰

In this research method, the data collection used consists of literature and field research. After collecting data obtained through interviews and literature studies, it is then analyzed qualitatively. This analysis includes data stated by respondents in writing or verbally, as well as observed behaviors in real situations, which are investigated and studied as an intact entity. The findings are then described using prescriptive thinking logic. The prescriptive thinking method aims to provide an assessment of right or wrong, or what is appropriate according to the law regarding the facts or incident law derived from the study results. The entire body of law that is collected is further reviewed and analyzed according to the legal issues faced, leading to conclusions drawn using the deductive method, which involves reaching conclusions from a general problem concerning the concrete issues encountered.

III. DISCUSSION

3.1. Implementation Regulation Minister Agrarian/Head Body National Land Agency of the Republic of Indonesia Number 21 of 2020 in Settlement of Land Disputes Through Mediation Process Study at the National Land Agency of Central Lombok.

3.1.1 The Role of the Central Lombok National Land Agency in Resolving Land Disputes Through Mediation Based on Regulations Minister Agrarian/Head Body Land Republic of Indonesia National Decree Number 21 of 2020

Disputes are cases that occur in human life. According to the Big Indonesian Dictionary, a dispute is defined as something that causes differing opinions, arguments, and areas of contention that can lead to fights. It can also refer to a dispute or case (in court). Land or agrarian issues are unique or, in other words, more complex than those in different fields. Issues in land use often arise due to legitimate ownership not being properly documented or outdated administrative systems that do not keep pace with changing regulations. This understanding in the agrarian field remains common among the Indonesian people. This curiosity only emerges when related to issues concerning land or the agricultural field, resulting in decreased problem prevention despite increasing cases. Land disputes are indeed problems that frequently occur in Indonesia, whether involving individuals, legal entities, or government agencies. Poorly handled land dispute resolutions can lead to prolonged social conflicts, hinder investment, and disrupt social and economic stability.

According to Mudjono, several factors cause land disputes. First, incomplete regulations; Second, inconsistencies in regulations; Third, land officials who are less responsive to the needs and amount of land available; Fourth, inaccurate and incomplete

¹⁰ Amiruddin & Zainal Cool, Introduction Method Knowledge Law -Ed. Revision, 9th edition, Rajawali Press, Jakarta, 2016, p. 165.

data; Fifth, incorrect land data; Sixth, limited human resources on duty finish dispute land; seventh, transaction land which is wrong; and eighth, there is a resolution from another agency, so that there is overlapping authority.¹¹

The Republic of Indonesia has an agency that manages land affairs, namely the National Land Agency (BPN), referring to the Decree President Number 26 Year 1988 About the Agency National Land. Based on the provisions of Article 1 paragraph (1) of the Law of the Republic of Indonesia Number 26 of 2006 1988 mentioned, the National Land Agency is an institution of government that is not included in the department and is directly responsible to the president. As time went by, the legal basis from Body Land National was set up in the Presidential Regulation, so that Presidential Decree Number 26 of 1988 concerning the National Land Agency was no longer used or was revoked. The strategic role of the BPN in handling a problem is as a mediator, Which makes an effort to reach a fair and sustainable settlement for the disputing parties.

Land disputes in substance occur due to differences or disputes between two or more parties regarding land resources. According to Mudjono, several factors cause land disputes, namely;¹²

- 1) Because regulation is not yet complete;
- 2) absence of conformity regulation;
- 3) land officials who are less responsive to the needs and amount of land available;
- 4) data that is less accurate And incomplete
- 5) wrong data land;
- 6) limited human resources tasked with resolving land disputes;
- 7) transaction land Which wrong; And
- 8) the existence of a resolution from another agency that causes overlapping authority.

In the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling and Settlement of Land Cases, Article 5 has classified cases that are disputes and conflicts divided into three parts, namely:

- 1) Serious cases are cases that involve many parties, have complex legal dimensions, and/or have the potential to cause social, economic, political and security upheaval;
- 2) Moderate Cases are cases between parties where the legal and/or administrative dimensions are precise enough that if a resolution is determined through approach law And administration does not cause social, economic, political and security unrest;
- 3) Minor Cases are complaints or requests for guidance that are technical and administrative in nature. The resolution is sufficient, with a letter of instructions for Settlement to the complainant or applicant.

¹¹Mr. Mudjono, "Alternative Completion Dispute Land In Indonesia through the Revitality of the Function of the Judicial Body", Journal of Law, Col. 14, No. 3, 14 July 2007, Yogyakarta, FH UII, p. 464.

¹²Mr. Mudjono, "Alternative Completion Dispute Land in Indonesia through Revitalization Function Body Justice", Journal Law, Vol. 14, No. 3, 14 July 2007, Yogyakarta, p. 464.

Dispute resolution outside the court has the opposite nature to that resolved through the courts, including a closed nature and guaranteed confidentiality, resulting in a win-win solution decision that tends to be lower in cost and a much faster trial process than that resolved through litigation methods. Socially normative settlement disputes through track on-litigation can also be achieved through several types, such as conciliation, mediation, competent agencies, and arbitration. In resolving land disputes, the term mediation is also known, which refers to the resolution of cases through a negotiation process. To obtain an agreement, which is done by the parties and facilitated by the Ministry Agrarian and Land National Land Agency/Space, Land Office according to its authority and/or land mediator. Mediation is a highly expected resolution method to resolve disputes fairly. This is because the mediation process is a deliberation between the disputing parties, so if mediation produces results, the results are win-win solutions, so the parties are satisfied with the deliberation results. Mediation can be implemented by initiative from:

- a) Ministry, Regional Office, Land Office according to the authority and/or on the initiative of the disputing parties; or
- b) Individual or Institution on an initiative party who are in dispute.

Central and regional land apparatuses are required to actively resolve land disputes and conflicts through mediation, which is the main priority, by prioritizing the neutrality of the National Land Agency as a mediator. As a vertical institution under the auspices of and directly responsible to the Minister through the Head of the Regional Office of the National Land Agency, using the form of land dispute resolution with a mediation process based on applicable legal regulations. The Dispute Subsection handles settlement of land disputes through mediation at the Land Office National. This, Conflict and matters that are under the coordination of the Problem Handling Section and Control Land. Subsection Handling Dispute This Conflict and Land Cases Unit has the task of preparing technical guidance materials, as well as coordinating, monitoring, implementing, preventing, handling, and resolving disputes/conflicts. And case land, as well as analysis and preparation of proposals for cancellation of land rights based on court decisions or peace settlement results, as well as evaluation and reporting. One of the tasks of the Dispute, Conflict, and Case Subsection mentioned earlier is handling and resolving land disputes/conflicts and cases, so in terms of land dispute resolution, the subsection carries it out. In terms of dispute resolution, the Dispute, Conflict, and Case Subsection acts as a mediator. The mediator at the Central Lombok National Land Agency Office as Head of the Dispute, Conflict, and Case Subsection is Mr. Junaedi.

Based on a structured interview conducted by the author with the Central Lombok National Land Agency, represented by Junaidi as Head of Witness 5 for the Dispute Resolution section, the mediation reference used is in the Regulation of the Minister of ATR/BPN Number 21 of 2020 concerning the Handling and Settlement of Land Cases.

According to his statement, the BPN is the facilitator of the mediation activities.¹³ The Central Lombok BPN also stated that the Land Office National also plays a role in helping the second split parties deepen their understanding of each view and gain convenience in finding issues that are considered important for each party to the dispute.¹⁴ In other words, the mediator will help with all forms of information exchange, lighten the mood in discussions concerning differences in interests and perceptions, interpret situations and problems in all forms, and regulate all forms of emotional expression.

The Central Lombok National Land Agency Office acts as a mediator for the disputing parties, helping to provide the latest information. This assistance makes it easier for parties to find the best solution to their issues. As a mediator in the mediation process, the office will also present neutral options to the parties involved. This aims to help the conflicting parties resolve their issues quickly and effectively, ultimately producing a win-win solution.

It is concluded that land disputes and conflicts are essentially differences or disputes between two or more parties. More to source Power land. Based on dimensions of impact, conflict has a wider impact than the term dispute. Land conflicts that have been and are ongoing and may continue to occur if no objective solution is found will always be an interesting topic. For discussed and completed in context future implementation.¹⁵

3.1.2 Land Dispute Resolution Process Through Mediation by the Central Lombok National Land Agency

In general, theoretically, mediation is divided into several stages, starting from pre-mediation to the post-mediation itself. This has been regulated in Regulation Court Great Number 1 Year 2016 about Mediation Procedures in Court. In various stages of mediation, there are also steps that must be taken to ensure that the mediation runs effectively and targets a “win win solution” expected by the parties to the dispute. Before moving to the stages of mediation, the first stage that must be passed is the pre-mediation stage. At this stage, the institution overseeing dispute resolution through the mediation method is required to establish relations with both parties, providing explanations and insights regarding the mediator’s roles. The mediator provides insight for both parties and offers an understanding of the methods or procedures for mediation.

In more detail, the BPN explained the procedures that must be carried out if mediation is to be carried out for parties in dispute, including:¹⁶

- 1) Submission Application Mediation
- 2) Document Check And Clarification Dispute

¹³Interview Results with Mr. Junadi, Head of the Dispute, Conflict, and Case Section, Interview Conducted at the National Land Agency, Central Lombok, January 11, 2025 at 08.00 WITA.

¹⁴Ibid

¹⁵Hussein Altig, “Conflict Mastery Land in Maluku North: People Versus the Ruler and Entrepreneur”, *Journal of Legal Dynamics*, Vol. 13, May 2013, p. 269.

¹⁶Interview Results with Mr. Ranga, Secretary of the Dispute, Conflict, and Case Section, Interview Conducted at the National Land Agency, Central Lombok, January 11, 2025 at 08.00 WITA.

- 3) Appointment of Mediator
- 4) Mediation Process
- 5) Implementation of the Agreement Mediation

The procedure that is passed in do mediation by for party those in dispute at the National Land Agency are:

- a) Submission Application Mediation;
- b) Document Examination and Dispute Clarification;
- c) Appointment of Mediator;
- d) Mediation Process;
- e) Implementation of Mediation Agreement;

The role of the Central Lombok BPN in assisting mediation efforts between the disputing parties has fulfilled the provisions stipulated in Article 44 of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 21 2020. According to the statement from the Central Lombok BPN, neutrality in the mediation process is key to the success of mediation. This aligns with the principle of justice according to Plato, which states that justice is the ability to treat everyone according to each individual's rights. This is evident in the case of Lalu Taufik Rahman and Hasbolah, where a bright spot was found in the mediation process by taking into account the legal facts in each party's documents. Appropriate land measurements were determined, reflecting that the BPN has applied the principle of justice as outlined by Plato. The National Land Agency of Central Lombok, in mediating and accommodating disputes, has fulfilled the elements of justice itself, such as:¹⁷

- 1) No heavy adjacent;
- 2) Taking sides on truth;
- 3) Act duly or No arbitrary .

Considering that the main factor for mediation is that it arises because of a dispute, the dispute occurs because of something that is of a nature blurry or existence absence related explanation right for each party, then the mediation facilitated by the Central Lombok BPN in particular in dispute land, must aiming For provide legal certainty for the parties. According to Jan Michiel Otto, legal certainty will find its bright spot if it is implemented with:

- 1) The existence of rule related Which related with problem the;
- 2) Agency government can apply it with Good;
- 3) The citizens concerned will in principle adjust their behavior based on the established rules ¹⁸.

Based on the above criteria, legal certainty for the parties will improve if there are legal regulations and they are implemented by the Government Agency and the concerned

¹⁷Ibid

¹⁸Salim HS And Erlies Septiana Nurbani, Salim HS And Erlies Septiana Nurbani, 2015, *Implementation Theory Law In Research Thesis And Dissertation* , PT Rajagrafindo Persada, Jakarta, p.25 .

citizens. Regarding the resolution of land disputes through mediation by the National Land Agency Lombok Middle for the disputing parties, based on the results of Lalu Taufik Rahman's mediation with Hasbolah, we can conclude that the National Land Agency Lombok Middle has applied existing mediation rules (in this case, the Agrarian Ministerial Regulation/Head of BPN Number 21 of 2020). During the mediation process, the parties attended in accordance with the agreement and conducted the mediation process properly, resulting in a fair outcome for both parties. This naturally provides legal certainty for the resolution of land disputes and the parties involved.

The parties involved in the mediation process by the Central Lombok BPN have, of course, guaranteed the confidentiality of both parties and ensured their rights, so that no one feels that their rights have been violated in any form. According to the protection theory of law by Fitzgerald, the law aims to integrate various public interests in a certain cross-section. Therefore, it can be concluded that the presence of the Minister of Agrarian Affairs Regulation Number 21 Year 2020 aims to serve as a mechanism for resolving problems by prioritizing the principle of family deliberation, which directly seeks to provide protection for parties in dispute regarding land objects, with the assistance of the Central Lombok BPN.

The principles of dispute resolution based on the understanding of Dean G. Pruitt and Jeffrey Z. categorize dispute resolution as follows:

- 1) Competing (competing);
- 2) Yield (back down);
- 3) Destroy object dispute from second party interference ;
- 4) In action (silence).

In settlement issues through mediation, parties will compete in arguments and perceptions related to the object of their dispute. In this case, resolving land disputes via mediation falls within the category of contention, which often serves as a solution for the involved parties, particularly in the Lalu Taufik Rahman dispute with Hasbolah. BPN Central Lombok, as the mediator, grants the parties the freedom to articulate their respective arguments to defend their rights. Although contention does not carry a negative connotation or pertain to physical competition, in this context, competing signifies an attempt to assert ownership of the object the parties believe is rightfully theirs. This is achieved by arguing in good faith and presenting legal facts supported by official documents. Disputes settled in this manner tend to genuinely reflect the desires of the parties involved. If the resolution involves giving in, destroying the disputed object, or choosing silence, these alternatives will not lead to a bright solution, thus leaving the legal certainty regarding land ownership unresolved.

3.2. Supporting and Inhibiting Factors in the Land Dispute Resolution Process Through the Mediation Process Based on the Regulation of the Minister of Agrarian Affairs/Head of the Land Agency National Republic Indonesia Number 21 Year 2020 Study at BPN Central Lombok

When resolving land disputes through mediation, several factors can influence the success of negotiations, as well as factors that can impede it. These factors may arise from legal, administrative, or social aspects, or from the parties involved in the mediation. However, it is important to note that during the mediation process, not all processes and stages progress smoothly according to the parties' wishes.

a. Factor Supporters

Based on an interview with the Central Lombok Land Agency in the Dispute Control and Handling section at the Central Lombok BPN Office, it was stated that there are several factors that can facilitate smooth negotiations in land dispute mediation. These factors include, among others, the willingness of the parties to participate, the neutrality of the mediator, the availability of clear administrative evidence, support from the government and institutions, and the existence of alternative solutions that benefit all parties. Here is the explanation:

1) Willingness for party to negotiate

The success of mediation largely hinges on the good faith of the parties to find a joint solution. When both parties recognize the necessity of resolving the dispute peacefully, negotiation becomes more achievable. This aligns with Article 44 of the Minister of Agrarian Affairs Regulation Number 21 of 2020, which states that, in principle, mediation must be attended by the parties concerned. If the parties are absent despite being properly invited three times, the mediation will be deemed a failure. This will be detrimental to the parties, as they will need to pursue mechanisms other than mediation, leading to significant delays. If the dispute escalates to the courts, it will also require more time and incur higher costs compared to resolving issues through mediation.

2) Competence and Neutrality Mediator

In mediation, the role of a mediator is solely to facilitate the process. The contents remain the property of the disputing parties. The mediator is only authorized to oversee whether or not mediation is taking place. In mediation, a mediator does not act as a judge or jury, which decides whether one party is right or wrong, supports one side's opinion, or imposes opinions and solutions on both parties.

3) Availability of Evidence Administrative Which Clear

Administrative evidence is official documents that show the ownership status or information about a person's rights or an object of land that is disputed. In dispute land, proof administrative serves as base law, which is strong in determining each party's position in mediation.

4) Government Support and Institutions

The availability of regulations related to mediation made in the form of the Government through Ministerial Regulations greatly assists the process of resolving non-litigation land disputes, rules issued by the government have many benefits for the BPN in implementing the mediation itself, namely:

- a) Give certainty law in process mediation
- b) Increase the effectiveness of mediation
- c) Prevent disputes to be continued to Court
- d) Increase capacity mediator in National Land Agency
- e) Protecting the community

Some types of alternatives offered by the BPN in mediation, of course, will not be found in court decisions, considering the concept of a decision is related to winning and losing, which will undoubtedly cause dissatisfaction for the parties who feel their rights have been taken by the other party. With mediation by the BPN, considering the alternative solutions that can be offered, so matters the influence in trusting the parties who feel that through mediation, they will find a win-win solution, which naturally will give satisfaction value to the disputing parties. In general, BPN Central Lombok explains several alternative solutions offered based on each specific condition encountered during the mediation process, including:

- 1) Adjustment or revision of document land
- 2) Redistribution or distribution land in a way fair
- 3) Settlement through change make a loss or compensation
- 4) Mediation for settlement use together
- 5) Administrative settlement through cancellation or renewal of land rights

b. Factor Inhibitor

Although there are many supporting factors, obstacles also often arise in negotiation dispute the land experienced by BPN Central Lombok, including:¹⁹

- 1) Attitude No Cooperative from Wrong One or Second Party
- 2) Status Ambiguity Law Land
- 3) Influence of Parties Third (Provocateur or Mafia Land)
- 4) The absence of strict sanctions for parties who are not cooperative is one of the obstacles in mediating land disputes at the BPN. is the absence of strict sanctions for parties who do not cooperative. Due to the voluntary nature of mediation, the disputing parties are free to attend or not, and to accept or reject the solution offered. As a result, if one party is not cooperative, mediation can be hampered and even indicated as failing.

¹⁹Interview Results With Father Junaidi, *Head of Section Disputes , Conflicts, and Cases*, Interview Conducted at the National Land Agency, Central Lombok, January 11, 2025 at 08.00 WITA.

- Uncooperative parties in land dispute mediation may demonstrate attitudes such as:
- a) Not attending mediation, despite being summoned, is addressed in the Regulations Minister ATR/BPN Number 21 Year 2020, Chapter 44, paragraphs (1), (2), and (3). These sections clearly indicate that the presence of the parties involved is crucial for the success of the mediation process. However, this can be done inadvertently, placing blame on one party. Naturally, this situation can harm many parties involved. Moreover, there is no rule outlining the sanctions parties may face if they intentionally neglect the mediation invitation, which leads to the mediation invitation being taken lightly.
 - b) Delaying the process, with unclear reasons or trying to prolong the conflict;
 - c) Refusing to provide documents or proof of land ownership required in mediation
 - d) Don't want to negotiate And insist on demands which is unreasonable;
 - e) Influencing parties other For No accept solution which has been negotiated
 - f) Using the party when

Basically, a dispute is settled through litigation in court, which then develops into a dispute resolution process through cooperation (cooperative) outside the court. Process litigation produces an agreement that is adversarial, not yet capable of embracing interest together, tends to create new problems, and is slow in resolution. On the other hand, the out-of-court process produces agreements that are “win-win solutions.”²⁰

If one party is uncooperative, the aim of resolving disputes through non-litigation is to establish that dispute resolution with a cooperative attitude will result in mediation being ineffective and solutions that should be achieved peacefully becoming delayed or failing. However, indecisiveness in imposing sanctions on uncooperative parties can occur for several reasons:

- a) Mediation nature voluntary

Mediation in the National Land Agency has no own characteristic and is not tied, different from process court, which has its own rule that is clear and can force the presence of the parties concerned. Because mediation aims to reach a peaceful solution, the parties who do not cooperate cannot be subject to severe legal sanctions.

- b) BPN Authority limited

In this case, BPN only acts as a facilitator in mediation, not as a party authorized to impose sanctions or decisions. If one party is absent or refuses to cooperate in mediation, BPN cannot impose heavy administrative penalties without regulations governing the matter.

IV. CONCLUSION

In implementing mediation at the Lombok National Land Office, the regulatory reference used is the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020, particularly in Article

²⁰Felix MT. Sitorus, *Scope Agrarian in Going to Justice Agrarian a*, Akatiga Foundation, Bandung, 2022, p. 11.

44, which discusses related mediation. The implementation rules can be observed in the process undertaken to resolve disputes through mediation, following this flow: first, submission of a mediation application; second, inspection of documents and dispute clarification; third, appointment of a mediator; fourth, the mediation process; and finally, implementation of the mediation agreement.

Based on field data, there are both supporting and inhibiting factors in the implementation of mediation according to the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency of the Republic of Indonesia Number 21 Year 2020. Supporting factors include the willingness of the parties to negotiate, the competence and neutrality of the mediator, the availability of clear administrative evidence, government and institutional support, and the existence of alternative solutions that are beneficial to all parties. Conversely, obstacles to the implementation of mediation include uncooperative attitudes from one or both parties, unclear legal status of land, the influence of third parties (provocateurs or land mafia), and the lack of strict sanctions for uncooperative parties.

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