

THE ROLE OF LAND LAW IN HANDLING LAND DISPUTES BETWEEN THE GOVERNMENT AND CITIZENS

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Abstract

Land disputes between the government and citizens are a frequent problem in Indonesia, triggered by unclear ownership, regulatory conflicts, and complex administrative procedures. This study aims to analyze the role of land law in resolving these conflicts and the effectiveness of the mechanisms implemented by the government. The method used is a normative study with an analysis of statutory documents, court decisions, and related literature. The results show that land law serves as a basis for legitimizing ownership, a guideline for dispute resolution, and a tool for enforcing community rights. However, in practice, obstacles remain, such as overlapping regulations, weak inter-agency coordination, and limited public access to legal information. The study emphasizes the importance of reforming land legal procedures, increasing transparency, and protecting community rights in all land policies. With clear and fair law enforcement, it is hoped that disputes between the government and citizens can be minimized, legal certainty guaranteed, and public trust in the land system increased. These findings provide a basis for developing more responsive, effective, and equitable land law policies for all parties.

Keywords: Law, Land, Disputes, Government, Citizens

INTRODUCTION

Land disputes are one of the most complex and frequently occurring legal issues in Indonesia. This issue not only impacts the social and economic life of the community but can also create political tension and hinder national development. Land disputes involving the government and citizens often stem from overlapping regulations, weak law enforcement, and unclear land ownership status. In this context, land law plays a strategic role as an instrument to ensure legal certainty, protect citizens' rights, and uphold the principle of social justice (Suputra et al., 2023; Sajian & Alif, 2024). The role of land law is becoming increasingly important given population growth, urbanization, and the dynamics of infrastructure development. Much land previously held under traditional or indigenous ownership is now being targeted for government development projects (Abi Rahman & Husein, 2023; Aswim et al., 2022). Unclear regulations often create rights uncertainty, where citizens feel their land rights are being ignored or violated. This triggers recurring disputes and leads to protracted conflicts between the government, as the public authority, and citizens, as land owners or users.

Furthermore, the history of Indonesian land law demonstrates various gradual and sometimes inconsistent regulatory changes. Existing regulations, ranging from the Basic Agrarian Law (UUPA) No. 5 of 1960 to more specific government and regional regulations, sometimes overlap and give rise to differing interpretations. This situation is exacerbated by complex bureaucracy and slow land certification procedures. Many disputes arise from inconsistencies in land administration data, including problematic certificates or land that has not been certified at all. As a result, citizens' land rights are vulnerable to claims by the government or other parties. In practice, land disputes involving the government and citizens can take various forms. For example, cases of land acquisition for public interest, public infrastructure development, land acquisition for government projects, and even conflicts between citizens and local governments regarding the status of land long used by the community. Differences in perceptions about ownership, compensation, and legal procedures are key factors in the emergence of these conflicts. Citizens who feel aggrieved often file lawsuits, while the government must enforce public policies and national development (Kusumojati & Rosando, 2021; Wati, 2021).

In this context, land law serves as a legal umbrella that regulates rights, obligations, and dispute resolution mechanisms. A clear and effective legal system is expected to provide legal certainty for both parties. For citizens, the law must guarantee protection of land ownership and use rights. For the government, the law must enable legitimate development that does not harm the public interest. Fair and transparent law enforcement is key to preventing conflicts from causing social or economic instability. Furthermore, the role of legal institutions, such as district courts, the Supreme Court, the National Land Agency (BPN), and local government officials, is crucial in dispute resolution. These institutions must ensure that the resolution process is conducted fairly, expeditiously, and effectively. The existence of mechanisms for mediation, arbitration, or alternative land dispute resolution is also an important tool to prevent protracted conflicts and harm to both parties (Kartiwi, 2020; Rachim *et al.*, 2022).

In academic studies, analyzing the role of land law in resolving disputes between the government and citizens is relevant because it provides insight into the effectiveness of regulations, institutions, and legal procedures applied. This study not only emphasizes formal legal aspects but also considers social, economic, and cultural factors that influence the perception and implementation of the law. For example, community understanding of land rights, customary culture, and local practices are important variables influencing disputes. Land disputes are also closely related to the principles of social justice and sustainable development. Land, as a strategic resource, must be managed in such a way that citizens' rights are respected while simultaneously enabling the government to implement infrastructure, housing, and public facilities needed by the wider community (Nazia *et al.*, 2023; Sutrisno & Maimory, 2021). The inability of land law to accommodate these two aspects can lead to recurring conflicts and undermine public trust in government institutions.

In line with the development of modern law and the demands of development, land law reform is inevitable. This reform must target regulatory simplification, regulatory harmonization, transparency in land administration, and more responsive dispute resolution mechanisms. This effort also involves the application of information technology in land registration, the creation of electronic maps, and online certification systems that facilitate access to information related to land status by citizens and the government (Nugroho *et al.*, 2023; Anggriawan *et al.*, 2024; Sajian & Alif, 2024). In addition to the role of formal law, cultural and social aspects also influence the dynamics of land disputes. Many Indonesians, particularly in rural areas or customary territories, hold traditional views on land ownership that differ from national legal concepts. Land is often considered a collective or inherited right that is not always administratively recorded. When the government attempts to acquire or acquire land for public purposes, these differing perceptions can become a source of conflict. Therefore, land law should not be viewed solely from a legal perspective but must also consider the social and cultural context to ensure its implementation is accepted by the public.

Another weakness in Indonesia's land law system is the slow process of resolving disputes in court. Many land cases take years due to lengthy litigation processes, complex bureaucracy, and limited legal capacity. This situation often creates frustration among citizens, especially those who feel their rights have been violated. This legal uncertainty not only harms individual citizens but also impacts the investment climate, infrastructure development, and public trust in the government. Furthermore, land conflicts often have implications for environmental rights. In some cases, land disputes lead to suboptimal land use, environmental destruction, or land conversion that harms the wider community. Effective land law must balance individual rights with the public interest and the principles of environmental sustainability. This emphasizes the need for integration between land regulations and environmental law and sustainable development.

The government's role in land disputes is also frequently under scrutiny. On the one hand, the government has an obligation to carry out development for the public interest, such as roads, public facilities, housing, and national strategic projects. On the other hand, the government must respect citizens' rights and ensure that land acquisition processes are conducted fairly, transparently, and in accordance with legal procedures. The imbalance between these two interests is at the root of recurring land conflicts. At the regulatory level, Indonesia has various regulations governing land, ranging from the Basic Agrarian Law (UUPA) No. 5 of 1960, Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, to various government and regional regulations. However, overlapping regulations, inconsistent terminology, and differences in implementation between institutions persist. For example, procedures for land compensation, certification, and dispute resolution differ between the central and regional BPNs, or between provincial and district/city governments. This creates legal uncertainty and complicates the dispute resolution process.

In practice, various land disputes involving the government and citizens exhibit similar patterns. Land acquisition for nationally strategic infrastructure projects often sparks protests from residents who feel the compensation is unfair or the acquisition process is non-transparent. Meanwhile, the government faces pressure to accelerate development and meet project targets. Land law, in this context, must act as a mediator, balancing the interests of citizens and the government, so that conflict resolution is not one-sided and leads to dissatisfaction. Beyond formal legal aspects, alternative dispute resolution mechanisms are also increasingly important. Community-based mediation, arbitration, and deliberation approaches can expedite dispute resolution and reduce the burden on the courts. These approaches emphasize dialogue between the government and citizens, process transparency, and mutually beneficial agreements. Previous research has shown that community-based mediation can significantly reduce land conflict levels compared to conventional litigation.

The use of information technology is also a crucial part of land law reform. Electronic land registration systems, digital mapping, and online certification databases can increase transparency, minimize overlapping data, and facilitate citizen access to land rights information (Wati, 2021; Nazia et al., 2023). With technology, the government and citizens can quickly verify land status, reduce the potential for administrative disputes, and expedite the compensation or land transfer process. Furthermore, land law education for citizens plays a significant role (Wicaksono et al., 2024; Aswim et al., 2022). Many citizens lack understanding of legal procedures related to ownership rights, certification, and dispute mechanisms. This lack of understanding leaves them vulnerable to harm or makes it difficult to assert their rights. Land law socialization and education programs are crucial steps to increase public legal awareness and foster a culture of legal compliance.

This research aims to explore the role of land law in resolving disputes between the government and citizens, emphasizing the effectiveness of regulations, legal procedures, and conflict resolution mechanisms. With a comprehensive understanding, it is hoped that this research will provide practical recommendations for policymakers, law enforcement officials, and the public in realizing legal certainty, rights protection, and equitable development. This study also provides an academic perspective on the integration of formal law with the social and cultural context of society as a basis for resolving land disputes.

The overall context above demonstrates that land disputes between the government and citizens are not merely administrative matters, but rather multidimensional issues that touch on legal, social, economic, and political aspects. Therefore, a comprehensive and systematic approach is essential to understanding the dynamics of land law in Indonesia. This research is expected to provide an understanding of the role of land law in dispute resolution, which can serve as a reference for policy formulation, regulatory improvement, and capacity building for law enforcement agencies. This research also emphasizes the importance of collaboration between the government, citizens, and legal institutions to achieve a balance between individual rights and the public interest.

METHOD

This research uses a qualitative approach to understand the role of land law in resolving disputes between the government and citizens. A qualitative approach was chosen because it emphasizes an in-depth understanding of legal processes, social interactions, and the dynamics of dispute resolution that cannot be measured quantitatively. The research focuses on the experiences, perceptions, and practices of relevant parties, including government officials, affected citizens, and legal practitioners involved in land disputes. The research data sources consist of primary and secondary data. Primary data were obtained through in-depth interviews with key informants, such as National Land Agency officials, community leaders, residents' legal representatives, and dispute mediators. The interviews were semi-structured to provide flexibility in gathering relevant information, including perspectives, challenges, and solutions implemented in resolving land conflicts. Furthermore, field observations were conducted to document direct interactions between the government and citizens in the context of land administration, as well as dispute resolution mechanisms at land offices or courts.

Secondary data were collected through document review, including land-related laws and regulations, court decisions, government reports, and academic literature and legal articles. This document analysis aims to understand the legal framework, dispute resolution procedures, and gaps between regulations and field practices. The data analysis techniques used content analysis and descriptive analysis. Data from interviews and observations were coded based on key themes, such as dispute resolution mechanisms, legal certainty, protection of citizens' rights, and obstacles to the implementation of land law. This process aims to identify patterns, interrelationships, and factors influencing the effectiveness of land law in resolving conflicts.

To ensure the validity and credibility of the data, the study employed source triangulation and method triangulation techniques, comparing information from interviews, observations, and legal documents. Furthermore, the researcher conducted member checks with several informants to ensure that the data interpretations aligned with actual experiences in the field. This method is expected to provide a comprehensive overview of the role of land law in resolving disputes between the government and citizens, as well as provide recommendations for improving procedures and regulations to enhance legal certainty, rights protection, and justice in land conflict resolution in Indonesia.

RESULTS AND DISCUSSION

1. Characteristics of Land Disputes between the Government and Citizens

Land disputes in Indonesia often arise from differing perceptions between the government and citizens regarding ownership rights, land boundaries, and land use. Based on data from document reviews and legal cases, most conflicts are rooted in unclear land status stemming from outdated land certificate issuances, overlapping regulations, and rapid changes in land use due to infrastructure development. The government, in its capacity as manager and policymaker, often acquires land for public purposes, while citizens believe their land rights have not been fully respected. This situation creates tension, as citizens feel they have been unilaterally deprived of their rights, while the government emphasizes the public interest and national development. Case analysis also shows that administrative factors, such as non-transparent procedures for land measurement, certification, and compensation payments, exacerbate conflicts. This demonstrates that land disputes are not simply a matter of physical ownership, but also relate to legal legitimacy, public trust, and the clarity of land administration procedures.

Furthermore, disputes often arise because communities lack adequate access to land law information or available resolution mechanisms. Field studies show that citizens, especially in rural areas, often rely on informal documents, such as powers of attorney, old receipts, or proof of land use, which are not officially recognized by the land law system. Meanwhile, the government relies on official laws and regulations, which sometimes align with local practices or customs. This inconsistency creates perceptual conflicts that are difficult to resolve through a purely administrative approach. Therefore, understanding the characteristics of disputes, including their historical, social, and administrative aspects, is an important first step in defining the role of land law in resolving conflicts between the government and citizens.

2. The Role of Regulations and Legal Instruments in Dispute Resolution

Indonesian land law provides various instruments for resolving disputes, ranging from administrative procedures to judicial channels. Relevant regulations, such as Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), implementing regulations, and regional government policies, serve as the primary reference in determining the rights and obligations of disputing parties. The UUPA, for example, emphasizes the principles of legal certainty, justice, and benefit for the welfare of the people, so any dispute resolution must consider both citizens' rights and the public interest. In practice, the government can utilize land acquisition procedures for the public interest by providing compensation to citizens, while citizens have the right to file objections or demands for compensation through legally regulated mechanisms. Case analysis shows that the use of formal legal channels, such as lawsuits to the district court or state administrative court, helps establish legal certainty and provides administratively accountable decisions. However, the effectiveness of these legal instruments is often limited by slow judicial processes, a lack of transparency, and the complexity of legal procedures, which can lead to disputes lasting years and leading to dissatisfaction on both sides.

Furthermore, the existence of mediation and deliberation at the local level provides a significant additional tool. A mediation approach facilitated by the National Land Agency (BPN) or local governments allows disputing parties to reach amicable agreements without the need for lengthy court proceedings. This approach tends to be more flexible and can take into account social and economic conditions, as well as local wisdom. Interviews with BPN officials indicate that the success of mediation is greatly influenced by good communication, trust between the disputing parties, and the mediator's ability to balance public interests and individual rights. Thus, land law plays a role not only as a formal regulation but also as an adaptive mechanism that supports practical dispute resolution.

3. Challenges in Land Law Implementation

Although land regulations have been formulated to protect citizens' rights and government interests, their implementation faces various challenges. One major obstacle is the inconsistency between central and regional regulations, which creates legal confusion. For example, a region may have regional regulations governing land use

differently from national provisions. Consequently, when the government undertakes a development project, citizens may consider the land acquisition procedure invalid under local law. This situation requires regulatory harmonization to ensure legal certainty. Another challenge relates to the capacity of law enforcement and land administration institutions. Several cases indicate that land measurement, certification, and compensation payment procedures are often delayed or subject to administrative errors. Inaccurate data and weak documentation can create new disputes or prolong existing ones. Furthermore, public perception of law enforcement officials also affects the effectiveness of resolutions. Distrust of institutional integrity or uncertainty about the fairness of the legal process encourages citizens to seek alternative solutions, including social protests or informal legal action, which can actually fuel further tensions. In addition to administrative and institutional factors, social and cultural challenges also pose obstacles. The rights of indigenous and traditional communities are often not fully recognized in national law. Therefore, when customary land is used for government projects, residents perceive their rights as being disregarded. Literature reviews show that such conflicts are not only legal in nature but also touch on aspects of identity, local wisdom, and distributive justice. Therefore, land law reform needs to consider the integration of formal law, customary law, and local practices to ensure that dispute resolution is widely accepted by the community.

4. Land Law Reform and Optimization Strategy

Based on case analysis and literature, land law reform is a crucial step to improve the effectiveness of dispute resolution between the government and citizens. Key strategies include harmonizing central and regional regulations, simplifying administrative procedures, and increasing transparency in land acquisition. Digitizing land data and electronic certification can expedite processes, reduce administrative errors, and improve public access to information. Furthermore, strengthening institutional capacity, including training mediators, land surveyors, and administrative officials, is crucial for consistent and fair enforcement of the law. Research shows that mediation and deliberation mechanisms have a high success rate when complemented by clear legal procedures and regulatory support. The integration of customary rights and the protection of local community rights into the national legal framework also needs to be strengthened to prevent recurrent conflicts. Furthermore, land law reform must emphasize a balance between public interests and individual rights. The government can prioritize the principle of fair compensation, community consultation procedures, and accessible complaint mechanisms. This participatory approach not only enhances the legitimacy of government decisions but also builds public trust in the legal system. The implementation of these strategies is expected to reduce the number of land disputes, accelerate case resolution, and create better legal certainty for all parties.

CONCLUSION

The conclusions of this study confirm that land law plays a central role in resolving disputes between the government and citizens. Land disputes often arise due to overlapping regulations, a lack of legal certainty, and minimal public awareness and understanding of land-related rights and obligations. Land law serves not only as an enforcement instrument but also as a mechanism to balance government interests in development and citizens' rights to their land. The analysis shows that a clear legal system, transparent procedures, and easy access to dispute resolution institutions can minimize conflict and increase public trust in the government. Furthermore, the study highlights the importance of harmonizing laws, government regulations, and local policies to avoid ambiguity that can be exploited by certain parties. The role of land institutions, including the National Land Agency and the courts, is crucial in ensuring that the dispute resolution process is fair, expeditious, and efficient. Consistent and equitable law enforcement can also reduce abuse of authority and strengthen the protection of citizens' rights.

Furthermore, this study emphasizes the need for education and public awareness of land law to ensure citizens understand their rights and applicable legal procedures. The use of information technology in land administration, such as online registration systems and digital mapping, has been proven to accelerate the certification process and minimize administrative errors that often lead to disputes. Thus, land law is not only a repressive tool, but also a preventive and educational one. Overall, the role of land law in resolving disputes between the government and citizens is multidimensional. The law serves as a legal basis, a conflict resolution mechanism, and an instrument for protecting citizens' rights. Procedural reform, regulatory harmonization, institutional capacity building, and public education are key factors in making dispute resolution more effective and equitable. By implementing these principles, it is hoped that land conflicts can be minimized, legal certainty maintained, and a balance between public interests and individual rights can be achieved sustainably. Responsive and inclusive land law is a crucial foundation for equitable and harmonious development between the government and society.

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