

## Socialization Of Land Dispute Resolution Based On Agreements Between Parties In Serdang Bedagai Regency

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### Abstract.

*Land disputes are a complex problem that frequently occurs in Indonesia, including in Serdang Bedagai Regency. Land, as a strategic resource, is often the object of disputes due to unclear ownership, inheritance that is not properly resolved, land purchases that do not comply with legal procedures, and conflicts between communities and the government or companies in land acquisition. The problem faced by the people of Serdang Bedagai Regency is the lack of understanding of the mechanism for resolving land disputes through inter-party agreements as a more effective and efficient alternative to out-of-court settlement. Many land dispute cases drag on and end in social conflict due to the community's lack of understanding of the procedures and benefits of dispute resolution through agreements. To address this problem, socialization activities were conducted through counseling for the people of Pematang Kuala Village using presentations, group discussions, and interactive question and answer methods. The material presented included types of land disputes, settlement mechanisms through inter-party agreements, and their implementation and challenges. This activity was attended by residents experiencing land disputes, traditional leaders, village officials, and related stakeholders. This program is expected to increase public understanding about peaceful land dispute resolution, reduce the level of land conflict, and increase social harmony in Serdang Bedagai Regency.*

**Keywords:** Socialization; Land Disputes; Mediation and Community.

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## I. INTRODUCTION

Land is a natural resource that holds strategic and fundamental value for human life. From an Indonesian legal perspective, land is defined as the earth's surface that can be claimed by an individual or legal entity with certain rights as stipulated in the Basic Agrarian Law (UUPA) Number 5 of 1960. Land not only functions as a place to live and a source of livelihood, but also as an economic asset that can improve community welfare. For Indonesians, the majority of whose population still relies on the agricultural and plantation sectors, land is a vital element that cannot be separated from daily life. In line with the dynamics of national development, the function and role of land in Indonesia have experienced significant growth. This is in line with the increasing demand for land for various development purposes, which has resulted in an increase in the economic value of land itself. This situation has created a phenomenon of land scarcity, where there is a gap between the limited availability of land and the growing needs of the community. This reality has given rise to various increasingly complex land issues that require in-depth handling. In order to provide legal certainty in the land sector, UUPA Number 5 of 1960 in Article 19 paragraph (1) mandates that "To guarantee legal certainty of land rights, the Government shall conduct land registration throughout the territory of the Republic of Indonesia according to provisions regulated by Government Regulations". This provision emphasizes that all aspects related to ownership, control, and use of land must be supported by an orderly and integrated land registration system.

Through land registration, whether owned by individuals or legal entities, it is hoped that legal certainty can be created that provides protection for land rights holders. However, along with population growth and economic development, land often becomes the object of complex and multidimensional disputes. Serdang Bedagai Regency, with Sei Rampah as its capital, is one of the regions in North Sumatra Province experiencing rapid development. As a region with significant agricultural and plantation potential,

Serdang Bedagai Regency is not immune to various land issues that require serious attention. Land conflicts and disputes in this region often involve various parties, from indigenous communities, farmers, the government, to businesses, each with different interests and claims to the land. Land dispute resolution through inter-party agreements is an alternative out-of-court dispute resolution method that is considered more effective, efficient, and can maintain good relations between the disputing parties. This mechanism provides space for parties to negotiate and reach an agreement based on the principle of a win-win solution. However, public understanding of the procedures and benefits of dispute resolution through agreements is still limited, resulting in many land disputes protracted and even resulting in social conflict. This research is motivated by the high number of land disputes in Serdang Bedagai Regency and the still minimal public understanding of dispute resolution mechanisms through agreements.

## II. COMMUNITY SERVICE IMPLEMENTATION METHODS

This community service program began with a preparatory phase involving coordination with the Serdang Bedagai Regency Government. Through discussions and mutual agreement with relevant parties, it was determined that the dissemination of outreach materials would take place in stages in Pematang Kuala Village, Serdang Bedagai Regency, with the implementation time starting at 2:00 PM WIB. The implementation of the activity followed a series of systematically planned stages, namely:

### a) Preparation Stage

This activity begins with a preparation phase, where the community service team will conduct in-depth coordination with the Serdang Bedagai Regency Government, the Land Office, village officials, and local community leaders to determine the appropriate time and place for implementation. The team will also compile comprehensive outreach materials on land dispute resolution based on the parties' agreements, prepare presentation media that is easily understood by various community groups, and prepare supporting materials such as brochures and real-life case examples to ensure effective information delivery. At this stage, a mapping of participants who will attend the outreach will also be carried out, including communities experiencing land disputes, traditional leaders, village officials, and related stakeholders.

### b) Implementation Stage

During the implementation phase, the activity will be opened with remarks from representatives of the community service team, the Serdang Bedagai Regency Government, and local community leaders. Next, the team will deliver the main material, which includes an introduction to land laws and regulations, the concept and mechanism for resolving land disputes through inter-party agreements, the advantages of out-of-court dispute resolution, and the procedures and requirements that must be met in drafting a dispute resolution agreement. To clarify understanding, the team will include examples of land dispute cases that have been successfully resolved through inter-party agreements, especially cases relevant to conditions in Serdang Bedagai Regency.

### c) Interaction and Discussion Stage

Following the presentation, an interactive question-and-answer session will be held to provide participants with the opportunity to ask questions and obtain clarification on the land issues they face. To foster active participation, participants will be divided into small groups based on dispute type or region to discuss case studies related to land disputes and alternative resolutions. Each group will be guided by a facilitator experienced in the land sector. The results of the discussion will then be presented by representatives from each group, providing an opportunity to share experiences and perspectives from the perspective of communities directly experiencing land disputes.

### d) Evaluation Stage

The evaluation phase will involve distributing questionnaires to participants to assess their understanding of the material presented, their satisfaction with the outreach program, and their relevance to the issues they are facing. The team will analyze the results of these questionnaires to gauge the effectiveness of the outreach program and identify areas that may require further explanation or follow-up activities. In-depth interviews with several participants will also be conducted to obtain more comprehensive

feedback. Based on the evaluation results, the team will compile a comprehensive activity report and recommendations for similar activities in the future.

e) Follow-up Stage

As a follow-up, participants will be provided with printed outreach materials, including a pocket booklet on land dispute resolution and forms that can be used in drafting dispute resolution agreements. The team will also coordinate with the Land Office and the Regional Government to establish a forum or support group for communities seeking assistance in resolving land disputes. An ongoing consultation system will be established through a contact number that the public can call for further guidance. If necessary, the team will plan follow-up activities in the form of direct assistance for land dispute cases requiring special handling or further outreach in other villages that have not yet been reached.

Through this structured and participatory implementation method, it is hoped that the people of Serdang Bedagai Regency will gain an understanding of land dispute resolution based on mutual agreements, thereby reducing land conflict and increasing social harmony within the community. As a result, the community will have the knowledge and skills to resolve land disputes peacefully, effectively, and with dignity without having to go through lengthy and expensive litigation processes.



**Fig 1.** Implementation of Community Service Activities in Pematang Kuala Village, Serdang Bedagai

### III. COMMUNITY SERVICE IMPLEMENTATION MATERIALS

#### 1. Types of Land Disputes and Their Root Causes

Land disputes are complex legal issues involving various aspects that can arise from both internal and external factors. In Serdang Bedagai Regency, land disputes generally arise from several interrelated underlying issues. This phenomenon has become a serious concern for the local government due to its far-reaching impact on the social and economic stability of the community. Land disputes not only cause economic losses for the parties involved but can also damage social relationships that have existed within the community for years. Therefore, a thorough understanding of the types of disputes and their root causes is a crucial first step in effective resolution efforts. Land ownership disputes arise from unclear land boundaries, particularly for uncertified or customary land. This situation often triggers conflicts between neighbors or families who believe they have rights to the same plot of land. This uncertainty is further exacerbated by the lack of valid and legally accountable documentation. In many cases, communities rely solely on verbal recognition from traditional elders or local community leaders as proof of land ownership. However, such recognition lacks legal force in the event of a formal dispute. Furthermore, generational change and modernization have altered people's understanding of land ownership, so that what was once considered a communal right is now being claimed as an individual right.

This further complicates dispute resolution because it involves differing interpretations of customary law and positive law. Disputes arising from poorly resolved land inheritances are also a common problem in this region. Many families do not formally divide their inheritance, so when disputes arise between heirs, the land becomes the subject of prolonged disputes. This is exacerbated by the absence of a clear will or an unfair distribution, perceived by the heirs. In Serdang Bedagai Regency, inheritance distribution is often

carried out orally based on family agreements, without the involvement of a notary or authorized official. When an heir dies, the heirs often have differing interpretations of the previously agreed-upon distribution. These conflicts are further complicated when heirs who reside elsewhere or have different socioeconomic statuses are involved. Gender is also a factor influencing inheritance disputes, with female heirs in some cases feeling their rights are not recognized or diminished compared to male heirs. Another problem relates to land sales that are not conducted in accordance with applicable legal procedures. Often, land transactions are conducted solely on trust or through underhand deeds that lack legal force. This situation creates legal loopholes that can be exploited by irresponsible parties.

People often don't understand that land transactions must be conducted before a Land Deed Official (PPAT) and registered at the Land Office to ensure legal certainty. They assume that the presence of witnesses from the local community is sufficient to validate the transaction. This lack of understanding is often exploited by certain individuals who engage in fraudulent land transactions. Furthermore, the costs required for formal legal processes are often considered too high by the public, leading them to opt for cheaper, albeit higher-risk, methods. As a result, many land transactions have unclear legal status and the potential for future disputes. Disputes between communities and the government or companies in the context of land acquisition for public interest or investment are also common. These problems are often related to the mismatch between compensation provided and community expectations, or to land acquisition processes that lack community participation. In many cases, the government or companies fail to adequately publicize development plans, leaving communities surprised by the planned land acquisition. The compensation determination process is also often non-transparent and lacks community participation, resulting in outcomes that do not align with landowners' expectations. Beyond economic aspects, emotional factors also play a significant role in these types of disputes, as land often holds sentimental value for its owners as an ancestral heritage or a place where they built their lives. Communities' lack of understanding of their rights in the land acquisition process further exacerbates the situation, as they are unaware of the objection mechanisms or legal remedies available if they disagree with the decisions made.

The root causes of land disputes in Serdang Bedagai Regency can be identified from several fundamental, interrelated and interdependent aspects. Administrative aspects indicate that much land remains unregistered or uncertified, thus weakening legal certainty of land ownership. Data shows that the percentage of certified land in this region remains low compared to the national target. An incompletely integrated land administration system also presents an obstacle to dispute resolution, as information on land status is scattered across various agencies without adequate coordination. The complicated and lengthy land certification process also hinders communities from securing legal certainty over their land. The costs required for land certification, despite the government's free certification program, are still considered burdensome by some communities due to the incurring of unofficial fees. Socio-cultural aspects indicate that communities still rely on a belief system in land transactions, without understanding the importance of valid legal documentation. The strong oral tradition in the community makes them more likely to trust verbal agreements than written documentation. Furthermore, community understanding of land law remains limited, leaving many unaware of the legal risks of their actions. The relatively low level of education in some regions makes it difficult for communities to understand land laws and regulations. Information about land law is also not evenly distributed and is not presented in language that is easily understood by the general public. Economic factors also play a role, as communities with limited financial resources often avoid formal processes, considering them expensive and complicated. As a result, they prefer traditional methods that risk leading to future disputes.

## **2. Land Dispute Resolution Mechanism Through Inter-Party Agreement**

Land dispute resolution through inter-party agreements is a form of Alternative Dispute Resolution (ADR) that provides the disputing parties with the freedom to seek a mutually beneficial solution. This mechanism is regulated by various laws and regulations, including Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, as well as the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency concerning land dispute resolution. This approach developed from the community's need for faster, more affordable dispute resolution that maintains



harmonious social relations. In the context of Indonesian society, which still upholds the values of family and mutual cooperation, dispute resolution through deliberation and consensus is the most appropriate method for local culture. Furthermore, this mechanism is also in line with the principles of restorative justice, which emphasizes relationship restoration rather than punishment, thus providing a more sustainable and acceptable solution for all parties. The dispute resolution procedure through agreement begins with identifying the problem and the disputing parties. The initial step is to ensure that all parties with interests or rights to the disputed land are identified and involved in the resolution process.

This is crucial to ensure that the agreement reached is binding and does not give rise to new disputes in the future. This identification process requires careful research into the land ownership history, including reviewing supporting documents such as old land deeds, statements from traditional elders, and witnesses familiar with the land ownership history. In some cases, assistance from relevant agencies such as the Land Office, Village Office, or Sub-district Office is also required to obtain accurate information about the status of the disputed land. This identification stage should also include mapping the interests of each party, analyzing the strength of each party's legal position, and identifying potential solutions that may be acceptable to all parties. The next step is the establishment of a mediation or negotiation forum involving an independent mediator trusted by all parties. The mediator can be a community leader, religious leader, or professional with an understanding of land law. The mediator's role is crucial in facilitating communication between the parties, helping identify their respective interests, and finding common ground that is acceptable to all. Careful selection of the mediator is crucial, as their credibility and integrity will significantly impact the success of the mediation process. The ideal mediator is someone with knowledge of land law, experience in handling disputes, good communication skills, and, most importantly, neutrality and independence. In the context of Serdang Bedagai Regency, mediators can be religious scholars, traditional leaders, retired judges, advocates, or legal academics with a good reputation in the community.

The mediation process must also be conducted in a conducive atmosphere, taking into account local cultural and traditional aspects, so that the parties feel comfortable and open in expressing their opinions. The negotiation and negotiation process must be conducted with certain principles that serve as the foundation for reaching a fair and sustainable agreement. The principle of good faith is the main foundation in every negotiation process, where all parties must demonstrate a sincere desire to resolve the dispute without any hidden agenda to complicate or prolong the conflict. The principle of transparency requires all parties to be open about information relevant to the dispute, including documents relating to land ownership, transaction history, and other factors that may influence the dispute resolution. The principle of equality ensures that all parties have an equal position in the negotiation process, without any party dominating or intimidating others based on social, economic, or political status. Furthermore, the principle of justice must be upheld by considering the rights and interests of all parties proportionally. The principle of sustainability is also important to ensure that the solution reached can be implemented in the long term and does not create new problems in the future. Drafting an agreement is a crucial step that must meet applicable legal requirements to ensure its binding force. The agreement must be in writing and signed by all disputing parties, witnessed by credible witnesses. The agreement must be clear and specific regarding the rights and obligations of each party, including implementation and oversight mechanisms.

The agreement must also contain a settlement clause in the event of a dispute arising during implementation, including a review and revision mechanism if necessary. When drafting an agreement, several technical aspects must be considered, such as a detailed description of the disputed object, agreed-upon land boundaries, the rights and obligations of each party, the implementation schedule, sanctions in the event of a violation, and a resolution mechanism in the event of a new dispute. The agreement should also be registered with the authorized agency to provide stronger legal certainty. In some cases, legalization by a notary or authorized official may also be required to strengthen the agreement's legal status. The dispute resolution mechanism through inter-party agreements has several advantages that make it an attractive alternative to formal channels. Time and cost efficiency are the primary benefits most appreciated by the disputing parties. Formal and bureaucratic court proceedings often take years, whereas settlement through agreements can be completed in a relatively short time, usually within weeks or months. Cost-effective

settlement through agreements is significantly cheaper because it eliminates legal fees, court costs, court administration fees, and other costs associated with formal court proceedings. Furthermore, the parties do not have to incur transportation and accommodation costs to attend trials, which can last for months. This efficiency is especially important for individuals with limited financial resources who cannot afford expensive and lengthy legal proceedings.

Another equally important benefit is maintaining good relations between disputing parties and preserving social harmony within the community. In many land disputes in Serdang Bedagai Regency, the disputing parties are neighbors, family members, or community members who live in the same community and must interact continuously in their daily lives. Settlement through the courts often leaves wounds and resentments that are difficult to heal, creates polarization within the community, and can disrupt social harmony that has been built over years. In contrast, settlement through agreements based on deliberation and consensus can maintain and even strengthen social bonds within the community. The mediation process, which involves community leaders, can also serve as a learning tool for the community about the importance of peaceful and mature conflict resolution. Furthermore, agreements reached through mediation are usually more flexible and can be tailored to the specific needs and circumstances of the parties, making the resulting solutions more practical and implementable.

### **3. Implementation and Challenges of Land Dispute Resolution in Serdang Bedagai Regency**

The implementation of a land dispute resolution mechanism through inter-stakeholder agreements in Serdang Bedagai Regency faces a major challenge in terms of human resources. The limited number of mediators with adequate skills and understanding of land law and mediation techniques is a major obstacle. Many community leaders possess high credibility but lack sufficient technical knowledge. To address this, systematic training and capacity building are needed for prospective mediators, including community leaders, religious leaders, and village government officials. Training programs should include an understanding of land law, communication and negotiation techniques, and ethics in mediation. Another challenge lies in regulatory and institutional aspects that do not fully support the implementation of this mechanism. Although national regulations on alternative dispute resolution exist, regional regulations are still needed to address their implementation according to local conditions. There is no specific institution to handle land dispute resolution through inter-stakeholder agreements, so dispute resolution is still carried out partially by various agencies without adequate coordination. The Serdang Bedagai Regency Government needs to draft specific Regional Regulations and establish a Land Mediation Center equipped with trained mediators and an adequate administrative system.

Public awareness and education are another important challenge, as many people do not yet understand the benefits and procedures for dispute resolution through agreements. Relatively low levels of education and limited access to information, especially in remote areas, exacerbate this situation. A cultural reliance on traditional dispute resolution methods also poses a challenge. Systematic outreach and education programs need to be implemented through various media and approaches, ranging from direct outreach in villages, utilizing local mass media, to utilizing social media to reach the younger generation. The successful implementation of this mechanism depends heavily on the commitment and support of the various parties involved. Local governments must demonstrate strong commitment through adequate budget allocation, provision of necessary infrastructure, and supportive policies. Communities must also actively participate in the outreach and implementation process. A monitoring and evaluation system that can measure the effectiveness of dispute resolution needs to be established for continuous improvement. With a comprehensive approach and support from all parties, a land dispute resolution mechanism through a multi-stakeholder agreement can be an effective solution to address land disputes in Serdang Bedagai Regency and contribute to legal certainty in the land sector.

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