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Resolution of the "Tegal Pangonan" Land Tenure Conflict from an Agrarian Law Perspective: A Case Study in Meteseh Village, Kendal Regency

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Abstract

This research analyzes the legal certainty of Tegal Pangonan land physically occupied by the community, using a case study of land tenure dynamics in Meteseh Village, Kendal Regency. The primary focus of this study is to examine the phenomenon where long-term physical occupation of land has not yet received formal legal recognition through certification. The research problem stems from differing interpretations of administrative procedures at the village level, which have hindered the land registration process. This study aims to analyze the agrarian legal framework in resolving Tegal Pangonan land tenure conflicts and to identify the role of local government agencies in the land administration process. The method employed is socio-legal (juridical-empirical) with a descriptive-analytical approach.

The findings indicate that the lack of legal certainty is often caused by inconsistencies in land data and differing interpretations of evidence regarding physical occupation. As a conceptual solution, this research emphasizes the importance of effective mediation and policy synchronization between village governments, land agencies, and the state to achieve agrarian justice for the community.

Keywords

Tegal Pongan land, legal certainty, physical possession, agrarian law, land conflicts

A. Introduction

Land holds a profoundly significant position in the lives of the Indonesian people, serving not only as an economic resource but also as the foundation of social, cultural, and political life. Economically, land is the primary means for the community to meet their daily needs, whether through agricultural activities, housing, trade, or infrastructure development. For a large portion of society, especially in rural areas, land is the main asset that sustains the livelihood and well-being of the family.¹

Beyond the economic dimension, land also holds strong social and cultural significance. Land is often viewed as ancestral heritage imbued with historical and symbolic value, making the relationship between the community and the land not merely material, but also emotional and an expression of identity. In many local communities, land tenure is closely linked to social structures, power relations, and the legitimacy of a group's presence within a specific territory.²

Furthermore, land possesses political and legal dimensions as it pertains to the state's authority to regulate,

¹ Bimantara, Adrian. "Politik Hukum Pertanahan dalam Upaya Penyelesaian Sengketa Pertanahan di Indonesia." *Jurnal Cahaya Hukum Nusantara* 1, no. 1 (2025): 1–10.

² Amir, Arivan. "Pengalihan Hak Penguasaan Tanah Menurut UUPA dalam Rangka Pendaftaran Tanah Pertama Kali." *Repertorium: Jurnal Ilmiah Hukum Kenotariatan* (2019): 51-65.

manage, and distribute agrarian resources. The state plays a strategic role in ensuring that land tenure and utilization are conducted fairly, do not trigger conflicts, and provide legal certainty for the community. Consequently, land issues cannot be separated from public policy and the prevailing agrarian legal system.

In this context, land is not merely an object of individual ownership; it also serves a social function that must consider the interests of the broader community. Disparities in land tenure, lack of clarity regarding legal status, and weak protection for marginalized communities often trigger prolonged agrarian conflicts. This demonstrates that land is a fundamental issue that involves not only economic aspects but also touches upon matters of social justice and the protection of citizens' rights.³

The basic principles of land regulation in Indonesia are grounded in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). The UUPA affirms that all earth, water, and space, including the natural resources contained therein, are controlled by the state as the power organization of all the people. This principle is enshrined in Article 2 paragraph (1) of the UUPA, which states that the state holds the authority to regulate and administer the allocation, use, supply, and maintenance of land.

The concept of being "controlled by the state" is not interpreted as the state being the absolute owner of the land, but rather as the holder of public authority to regulate the legal relationship between the community and the land. The state acts as a regulator and manager responsible for ensuring that land utilization is carried out to achieve the greatest possible prosperity for the people, as mandated in Article 33 paragraph (3) of the 1945 Constitution.⁴

Melalui kewenangan tersebut, negara memiliki fungsi

³ Fakhurrozi, Muhammad, Yuniar Rahmatiar, and Muhamad Abas. "Kajian Hukum Tata Negara terhadap Perlindungan Hak atas Tanah dalam Konteks UU No. 5 Tahun 1960." (2025): 148–157.

⁴ Apriani, Desi, and Arifin Bur. "Kepastian hukum dan perlindungan hukum dalam sistem publikasi pendaftaran tanah di Indonesia." *Bina Mulia Hukum* 5, no. 2 (2021): 221-239.

untuk memberikan hak atas tanah kepada subjek hukum, baik perorangan maupun badan hukum, serta menjamin adanya kepastian hukum atas penguasaan dan pemanfaatan tanah. Dengan demikian, UUPA menempatkan negara sebagai pihak yang harus aktif mewujudkan keadilan agraria, bukan sekadar sebagai pihak yang mengontrol, tetapi juga melindungi kepentingan masyarakat, khususnya kelompok rentan yang menggantungkan hidupnya pada tanah.⁵

his principle demonstrates that state control over land should be oriented toward the interests of the people and social justice. In practice, however, discrepancies often occur between the normative objectives of the UUPA and the reality on the ground, where communities that have long held physical possession of land have yet to obtain adequate legal recognition. This condition serves as one of the root causes of agrarian conflicts emerging in various regions.

Although the UUPA has provided a clear legal framework regarding land tenure and utilization, in practice, there are still many gaps found between the physical possession of land by the community and the juridical status of the land according to positive law. Physical possession refers to a condition where the community has tangibly occupied, managed, and utilized a plot of land over a long period, yet such possession is not accompanied by formal legal recognition in the form of a certificate or registered land rights.⁶

This phenomenon occurs frequently across various regions in Indonesia, particularly in rural areas, where communities possess land based on custom, hereditary inheritance, or physical occupation spanning several decades. However, because these lands do not go through the land registration mechanisms as mandated by statutory regulations, they are often still juridically categorized as state

⁵ Rejekiingsih, T. "Asas fungsi sosial hak atas tanah pada negara hukum (suatu tinjauan dari teori, yuridis dan penerapannya di indonesia)". *Yustisia* 5, no. 2 (2016): 298-325.

⁶ Kesuma, Heruressandy Setia, and Roziqin Roziqin. "KEPASTIAN HUKUM TERHADAP PENGUASAAN TANAH NEGARA BERDASARKAN IZIN MEMBUKA TANAH NEGARA (IMTN)." *Journal de Facto* 8, no. 1 (2021): 17-33.

land or land with unclear legal status.

The gap between physical conditions and juridical status creates serious issues regarding legal certainty. Communities that have long occupied the land find themselves in a vulnerable position because they lack strong legal evidence to protect their rights. Consequently, they potentially face disputes, unilateral claims, and even eviction, even though—socially and historically—the land has become an integral part of their lives.

Thus, the primary issue lies not in the absence of possession by the community, but rather in the weak legal recognition of that possession. This indicates a chasm between normative law, which promises certainty and justice, and the reality on the ground, which instead reveals uncertainty and disparity in land tenure.

One clear manifestation of the gap between physical possession and the juridical status of land can be seen in the land conflict that occurred in Meteseh Village, Kendal Regency, around August 2024. This conflict involves the local community, which has long possessed and utilized the land, and the village government, which holds administrative authority over village management.

Based on accounts from the community, the land in question has been occupied and utilized continuously for more than 30 years, serving both as a place of residence and a source of livelihood. This possession has been carried out openly, without objection from any other parties over a long period, such that socially, the land has come to be regarded as belonging to the community.⁷

However, this physical possession has not been followed by formal legal recognition. Up until the conflict arose, the community had not yet obtained land title certificates or any other juridical evidence that could provide legal certainty. On the other hand, in the process of recognizing these land rights, the village government holds a decisive administrative

⁷ Sulit Peroleh Hak Atas Tanah, Warga Boja Ancam Golput, Semarangsekarang.com
<https://semarangsekarang.com/hukum/sulit-peroleh-hak-atas-tanah-warga-boja-ancam-golput/> diakses pada 25 Januari 2026

position due to its authority to provide recommendations and clarify land status. The differing views regarding the legal status of the land, along with the administrative considerations applied by the village government, have subsequently become factors contributing to the suboptimal progress of the legalization process initiated by the community.⁸

This condition places the community in a legally weak position, despite having physically possessed and utilized the land for a long period. The conflict in Meteseh Village, therefore, does not merely reflect an administrative issue; it also illustrates a structural problem within the agrarian legal system, specifically regarding the state's recognition of land tenure held by the community.

The lack of clarity concerning the legal status of land possessed by the community carries serious consequences across legal, social, and economic aspects. Communities without formal legal recognition of their land exist in a state of vulnerability, as they lack a robust juridical basis to defend their possessory rights. In such situations, the community can easily become the object of unilateral claims by other parties, including the state or private entities, which has the potential to trigger overt land conflicts.

From a legal perspective, the absence of certificates or evidence of land rights leads to weak legal certainty and inadequate legal protection for the community. Land that has been physically occupied for a long duration can still be categorized as state land or unregistered land, meaning it could at any time be transferred or used for other purposes without the consent of the community occupying it.⁹

Furthermore, the lack of clarity regarding legal status

⁸ Kecewa Hak Atas Tanah Tak Terpenuhi, Warga Meteseh Boja Ancam Golput, *MetroTVNews.com* <https://www.metrotvnews.com/play/NnjC4Dn8-kecewa-hak-atas-tanah-tak-terpenuhi-warga-meteseh-boja-ancam-golput-2025>, diakses pada 25 Januari 2026

⁹ Idrus, M. B., M. C. Thalib, and M. H. Muhtar. "Kesenjangan Hukum dan Realitas Sosial dalam Transaksi Tanah tanpa Sertifikat." *YUDHISTIRA: Jurnal Yurisprudensi, Hukum dan Peradilan* 3, no. 2 (2025): 84–91.

also impacts the community's limited economic access. Land without formal legality cannot be used as collateral for credit, is difficult to develop productively, and lacks optimal economic value. This directly hinders the improvement of community welfare, especially for economically vulnerable groups who rely heavily on land as their primary source of livelihood.¹⁰

Socially, these conditions can also trigger tensions between communities and government authorities, as well as create a sense of injustice and distrust toward the state. Thus, the uncertainty of land legal status is not merely an administrative issue, but a structural problem that has broad impacts on social stability and agrarian justice.

Various previous studies have examined issues of agrarian conflict and land control in Indonesia from diverse perspectives, ranging from legal politics and public policy to dispute resolution mechanisms. This indicates that land issues constitute a highly important and continuously evolving field of study, in line with the increasing complexity of agrarian conflicts in various regions. Nevertheless, differences in focus and approaches among these studies open opportunities for further research that is more specific, contextual, and grounded in local realities.¹¹

In general, agrarian conflicts in Indonesia are widely understood as structural issues related to unequal land control and weak land governance. This is reflected in the study conducted by Sutrisno and Rahmawati (2022) in their article entitled "Dynamics of Agrarian Conflict in Indonesia: Causes and Impacts." The study reveals that agrarian conflicts are not only caused by administrative technical factors, but are also influenced by overlapping policies, weak inter-agency coordination, and unintegrated land data. Agrarian conflicts also have broad impacts on social stability, community economies, and public trust in the state as the

¹⁰ Ramadhani, R. "Pendaftaran Tanah sebagai Langkah untuk Mendapatkan Kepastian Hukum terhadap Hak atas Tanah." *SOSEK: Jurnal Sosial dan Ekonomi* 2, no. 1 (2021): 31–40.

¹¹ Aksinudin, Saim. "Implikasi Pertanahan dalam Penanganan Konflik Agraria di Indonesia." *Litigasi* 24, no. 2 (2023): 184-204.

manager of agrarian resources. This perspective emphasizes that land conflicts constitute a systemic national problem, rather than merely incidental events occurring in specific regions.

Pada The study conducted by Widiastuti, Santoso, and Prabowo (2021) in the article entitled "The Approach of Agrarian Conflict Resolution through Land Redistribution in Sumberklampok Village" shows that land redistribution, as part of agrarian reform policy, can serve as an important instrument in resolving conflicts between communities and the state. The study emphasizes that communities who have long physically occupied land can obtain legal certainty through processes of legalization and land redistribution that involve active community participation and the role of local governments. This study demonstrates that agrarian reform functions not only as a normative policy, but also as a concrete mechanism for transforming unequal land control structures.

In addition to these studies, research conducted by Nugroho Adiyanto (2024) through a thesis entitled "Analysis of Land Dispute Resolution through Mediation at the ATR/BPN Office of Kendal Regency" highlights the aspect of land dispute resolution through mediation mechanisms at the institutional level. This research shows that mediation is an important instrument in reducing conflicts through non-litigation means and providing space for dialogue between disputing parties. However, the focus of this study remains limited to the technical aspects of dispute resolution at the Land Office, without deeply examining the structural roots of agrarian conflicts as well as the role of local actors, such as village governments, in the process of recognizing land rights.

Although these studies have made significant contributions to the development of agrarian law scholarship, there are still notable limitations. Most of the research tends to be general and normative in nature, or focuses on dispute resolution mechanisms at formal institutional levels such as the National Land Agency (BPN). Meanwhile, studies that specifically integrate local agrarian conflicts, community physical control of land, the role of village governments, and the implementation of agrarian reform policies within a single

empirical juridical analytical framework remain relatively limited.

Thus, there exists an important research gap, namely the absence of in-depth studies examining conflicts over state land control at the village level by positioning communities as the primary subjects, while also analyzing the role of village governments as administrative actors that should function as facilitators in the process of recognizing land rights. In practice, however, village governments often hold a strategic position in determining the success or failure of land legalization processes.

This study empirically examines the conflict in Meteseh Village, where the community has controlled the land for more than three decades without formal recognition. Unlike previous studies, this research views conflict not merely as a legal event, but as a social phenomenon that reflects unequal power relations at the local level and the failure of land administration mechanisms to achieve justice.

The purpose of this study is to analyze how the agrarian legal framework, particularly the Basic Agrarian Law (UUPA) and its implementing regulations, can resolve conflicts over the control of *tegal pangonan* land and provide legal protection for communities occupying such land. Specifically, this research examines the normative basis for granting rights over state land, land registration mechanisms, and the role of government—especially village authorities—in facilitating or hindering the recognition of land rights. In addition, this study analyzes the dynamics of the conflict in Meteseh, its causal factors, patterns of relationships between the community and the village government, obstacles in obtaining legal certainty, and evaluates the effectiveness of agrarian reform policies at the local level.

The methodology used in this study is a juridical-empirical approach, which combines normative analysis with field practices. This research is descriptive-analytical in nature, aiming to describe and analyze both legal and social facts. Primary data were obtained through in-depth interviews with community members, village officials, and relevant stakeholders, as well as through field observations. Secondary data were derived from land-related legislation,

academic literature, previous studies, and official documents. The data were analyzed qualitatively to assess the gap between norms and practice, and to draw conclusions regarding the effectiveness of agrarian law in providing legal certainty and justice.¹²

B. Legal Framework for Land Control and Granting of Land Rights

1. *Basic Principles of Land Control under the UUPA*

The regulation of land control within the Indonesian legal system is based on Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) as the foundation of national agrarian law. The UUPA was established to replace the colonial system, which was dualistic and exploitative, and to create a land governance system that is just and oriented toward the interests of the people. Within this framework, land is not positioned merely as an economic commodity, but as a strategic resource with social, political, and cultural dimensions. The regulation of land control under the UUPA is directed at ensuring that land utilization contributes to public welfare and does not create structural inequality in the control of agrarian resources.¹³

The fundamental principle of land control is affirmed in Article 2 paragraph (1) of the UUPA, which states that land, water, and airspace, including the natural resources contained therein, are controlled by the state as the organization of power representing the entire people. This provision positions the state as the highest public authority in managing agrarian resources. However, the concept of “controlled by the state” cannot be equated with private ownership as recognized in

¹² Aksa, F. N., S. M. Widia, and S. Hanani. “Perbandingan Metode Penelitian Yuridis Normatif dan Yuridis Empiris: Penelitian di UIN Sjech M. Djamil Djambek.” *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 12, no. 6 (2025): 2226–2236.

¹³ Sulistyaningsih, R. “Reforma Agraria di Indonesia.” *Perspektif: Kajian Masalah Hukum Dan Pembangunan* 26, no. 1 (2021), 57-64.

civil law. The state is not the owner of land in a private juridical sense, but rather the holder of public authority to regulate and direct legal relations between society and land.¹⁴

This authority of the state includes regulating the allocation, use, and maintenance of land; determining legal relationships between legal subjects and land; and regulating legal relations among legal subjects in relation to land. Thus, the state functions as a public trustee that is obliged to ensure that land is utilized for the greatest prosperity of the people. This function places the state in a position that requires it to act actively in preventing monopolies, speculation, and misuse of land that may harm the broader community.

From this perspective, state control over land is functional and teleological in nature, meaning it is directed toward achieving certain social objectives rather than merely administrative control. The state must ensure that every form of land control and utilization embodies a dimension of justice and does not conflict with the public interest. Therefore, the state cannot remain neutral when inequalities in land control occur or when marginalized communities lose access to land that serves as their source of livelihood.¹⁵

This principle is further reinforced by Article 6 of the UUPA, which states that all land rights have a social function. The meaning of the social function of land indicates that land rights are not absolute rights that can be exercised arbitrarily by their holders. Every use of land must take into account the interests of society, the environment, and national development. Normatively, this concept limits the logic of

¹⁴ Nasrudin, N., Nursari, and Jamaludin. "Memahami Status Tanah di Indonesia antara Hak Milik dan Hak Menguasai Negara." *Qanuniya: Jurnal Ilmu Hukum* 2, no. 2 (2025): 61–75.

¹⁵ Sari, I. "Hak-hak atas tanah dalam sistem hukum pertanahan di Indonesia menurut Undang-Undang Pokok Agraria (UUPA)." *Jurnal Mitra Manajemen* 9, no. 1 (2017).

individual ownership that is solely oriented toward economic profit and rejects speculative or exploitative control of land.

In this context, land control carried out by communities in a tangible, continuous manner and used to fulfill their livelihood needs essentially represents the realization of the social function of land. Communities that cultivate, occupy, and utilize land for housing, agriculture, or other productive activities are exercising this social function. Therefore, such forms of control should receive protection and recognition from the state, rather than being ignored or regarded as violations of the law.

The UUPA essentially provides broad scope for the state to recognize and regulate land control by communities through mechanisms for granting land rights. Land that is not encumbered by rights may be granted to eligible legal subjects in the form of Ownership Rights (Hak Milik), Cultivation Rights (Hak Guna Usaha), Building Use Rights (Hak Guna Bangunan), or Rights of Use (Hak Pakai). This framework indicates that physical control of land by communities should be able to be transformed into legally recognized (juridical) control, as long as it meets the criteria established by law.¹⁶

The principle of state control over land oriented toward public welfare also serves as the foundation for various land policies, such as land registration, asset legalization, and agrarian reform. These policies are essentially aimed at bridging the gap between the reality of land control in society and the formal legal system. Land registration is intended to provide legal certainty, while agrarian reform is directed at reducing inequalities in land control and expanding public

¹⁶ Hastarini, Arvita. "Kedudukan Hukum Masyarakat Adat Dalam Memperoleh Hak Atas Tanah di Indonesia." *Jurnal Hukum Sasana* 8, no. 2 (2022).

access to agrarian resources.¹⁷

Thus, the UUPA should not be understood as an instrument that legitimizes the appropriation of people's land in the name of the state, but rather as a normative foundation for protecting and affirming the rights of communities over land that they actually control and utilize. If these principles are implemented consistently, agrarian law should function as a tool for emancipation and empowerment of the people, rather than becoming a source of conflict and injustice.

2. Legal Recognition of Physical Possession by Communities

The Indonesian agrarian legal system, in principle, does not solely recognize land control based on formal evidence, but also provides room for the recognition of land possession that exists in social reality. Physical control, or *de facto* possession, refers to land possession that is carried out physically, openly, continuously, and actively utilized by an individual or group, even though it has not yet been formalized as a legally registered right. The recognition of this form of possession is particularly important in the Indonesian social context, where much land is held and passed down through generations without formal certification.¹⁸

The normative framework for recognizing such physical possession can be found in Government Regulation Number 24 of 1997 concerning Land Registration. Article 1 of PP 24/1997 affirms that land registration is conducted to provide legal certainty and legal protection to holders of land rights.

¹⁷ Salam, Safrin. "Penguasaan Fisik Tanah Sebagai Alat Bukti Kepemilikan Tanah Ulayat Di Pengadilan." *CREPIDO* 5, no. 1 (2023): 1-14.

¹⁸ Amir, Arivan. "Pengalihan Hak Penguasaan Tanah Menurut UUPA dalam Rangka Pendaftaran Tanah Pertama Kali." *Repertorium: Jurnal Ilmiah Hukum Kenotariatan* (2019): 51–65.

This objective cannot be achieved if the land registration system recognizes only formal evidence without considering long-standing physical possession that is acknowledged in social practice. Therefore, the land registration system is designed to accommodate the integration of physical possession into the formal legal framework.¹⁹

Article 18 paragraph (1) of Government Regulation No. 24 of 1997 stipulates that the determination of land parcel boundaries is carried out based on indications provided by the right holder and, as far as possible, with the agreement of neighboring land right holders. This provision demonstrates that in land registration, the physical aspect—namely the boundaries of land parcels that are mutually recognized—plays an important role in ensuring legal certainty. However, the indication of boundaries and the agreement of adjacent parties do not automatically determine ownership of land rights, as the establishment of such rights remains based on valid juridical data in accordance with applicable laws and regulations.

This regulation reflects the recognition of physical possession (*de facto*) as a basis for the establishment and affirmation of rights. *De facto* possession refers to control exercised physically, openly, continuously, and acknowledged by the surrounding social environment. In land practice, a person who has long cultivated, occupied, and utilized a parcel of land, and is recognized by the surrounding community as its controller, essentially fulfills the elements of *de facto* possession.²⁰

Furthermore, Article 24 paragraph (2) of Government

¹⁹ Ramadhani, *Op.Cit.*

²⁰ Ramli, A., D. Heriyanto, T. Fezer, and D. Latifiani. "Embracing Social Justice: Exploring the Journey from Land Reform to Agrarian Reform." In *The Fourth International Conference on Innovations Social Sciences Education and Engineering*, vol. 4 (2024): 049–049.

Regulation No. 24 of 1997 provides a more concrete foundation for the recognition of physical possession. This provision states that in the absence of complete written evidence, physical possession of land that has been carried out for 20 years or more consecutively, in good faith and without dispute, may serve as a basis for the registration of land rights, provided that it is supported by witness testimony and a statement from the concerned party.²¹

The granting of land rights to the public constitutes one of the primary instruments within the Indonesian agrarian legal system to achieve legal certainty and justice in land tenure. The Basic Agrarian Law (UUPA) stipulates that land directly controlled by the state may be granted to legal subjects in the form of specific rights, provided that the requirements set forth by laws and regulations are fulfilled. This arrangement is particularly reflected in Article 27 of the UUPA, which regulates the extinguishment of land rights and the possibility for such land to be reassigned to other parties.²²

Article 27 of the UUPA states that land may revert to state land when ownership rights over such land are extinguished, whether due to expropriation, voluntary relinquishment, abandonment, violation of the eligibility requirements of the rights holder, or the destruction of the land itself. Under this provision, land that has reverted to state control is legally available to be reallocated to other parties, including members of the public who are in need and meet the necessary requirements. Thus, the extinguishment of ownership rights functions not only as a legal sanction but

²¹ Peraturan Pemerintah Republik Indonesia Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah

²² Rahmadhan, M. I. W., R. J. Saputra, and A. Mubarak. "Peran Teknologi Informasi dalam Pengelolaan dan Pengawasan Tanah: Perspektif Hukum Agraria." *Notary Law Journal* 3, no. 2 (2024): 101–114.

also as a mechanism for land redistribution to ensure its more equitable and productive use.²³

3. The Role of Village Government in Land Administration

Within the Indonesian land law system, village governments hold a highly strategic role in bridging the gap between the community's physical control over land and formal legal recognition by the state. Normatively, this distribution of authority refers to Law Number 23 of 2014, particularly Article 9 paragraph (1), which classifies governmental affairs into absolute, concurrent, and general affairs, as well as Article 11 paragraph (1), which affirms that concurrent affairs form the basis for regional autonomy, where the land sector is included as specified in the annex of the law.²⁴

At the village level, this authority is further emphasized in Law Number 6 of 2014. Article 26 paragraph (2) letter c grants the Village Head authority to manage village assets; Article 26 paragraph (4) letter k outlines the obligation to resolve disputes within the village community; and Article 76 paragraph (1) identifies village treasury land as part of village assets. Meanwhile, the authority to grant land rights and conduct land registration remains vested in the state under Article 2 paragraphs (1) and (4) of Law Number 5 of 1960, the implementation of which is carried out by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency.²⁵

Village governments are the institutions closest to the community and possess direct knowledge of the history of land control, land boundaries, and the social relations among landholders. Therefore, nearly all initial processes of land recognition and registration originate at the village level through the verification of land history and physical possession.

²³ Puspitoningrum, W. H. "Peningkatan Hak Guna Bangunan yang Habis Masa Berlakunya Menjadi Hak Milik atas Tanah." *Jurnal Hukum dan Kenotariatan* 2, no. 2 (2018): 276–287.

²⁴ Undang-undang (UU) Nomor 23 Tahun 2014 tentang Pemerintahan Daerah

²⁵ Undang-undang (UU) Nomor 6 Tahun 2014 tentang Desa

Administrative documents issued by village governments—such as certificates of physical possession, land history statements, and certificates of non-dispute—serve as primary evidence in the land registration process at the Land Office. Without these documents, communities that have long physically controlled land would face significant difficulties in proving their legal rights, even though socially the land has long been occupied and utilized by them. Thus, village governments function as the entry point for the legalization of land rights.²⁶

The role of village governments is also crucial in determining the success of land legalization policies and agrarian reform. In various land programs, such as the Complete Systematic Land Registration (PTSL), villages act as the spearhead of implementation by coordinating communities, collecting physical and juridical data, facilitating land measurement, and verifying land control. If villages perform these functions actively, transparently, and accountably, communities that previously lacked legal certainty can obtain recognition of their land rights. Conversely, if villages are passive or obstructive, the objectives of agrarian reform namely justice and legal certainty will not be achieved.

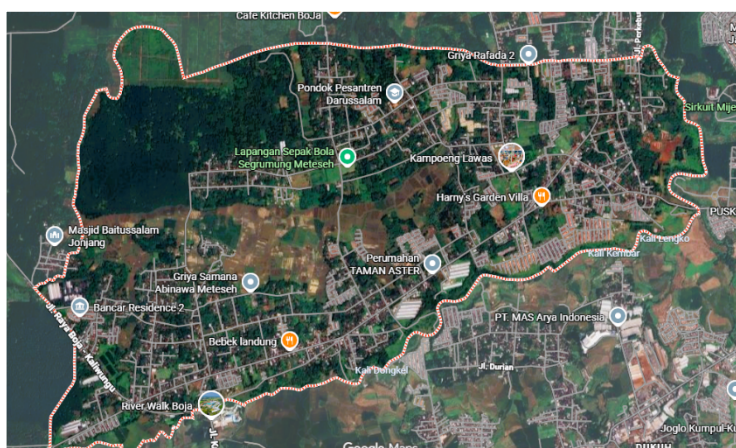
C. Analysis of Land Disputes in Meteseh Village from the Perspective of Agrarian Law

Meteseh Village is located in Boja Subdistrict, Kendal Regency, Central Java. This area lies within a hilly and highland region, with land use predominantly consisting of agricultural areas and rural settlements. From a socio-economic perspective, Meteseh is classified as a village with a relatively high population density within the Boja Subdistrict. Based on data from the Kendal Regency Population and Civil

²⁶ Labunga, N., N. Ismail, and D. A. Kodai. "Analisis Hukum Peran Pemerintah Desa dalam Penyelenggaraan Kebijakan Administrasi Pertanahan dalam Penerbitan Sertipikat Tanah di Desa Datahu Kecamatan Anggrek Kabupaten Gorontalo Utara." *Gorontalo Justice Research* (2025): 53–63.

Registration Office (Dispendukcapil), the population of Meteseh Village exceeded 13,000 people in 2025, with a relatively balanced composition between males and females, and the majority falling within the productive age group. In terms of livelihood, the community is predominantly composed of farmers and agricultural laborers, whose primary activities include managing rice fields, dry fields, plantations, and cultivated land.²⁷

Figure 1. Map of Meteseh Village



Source: Google Maps

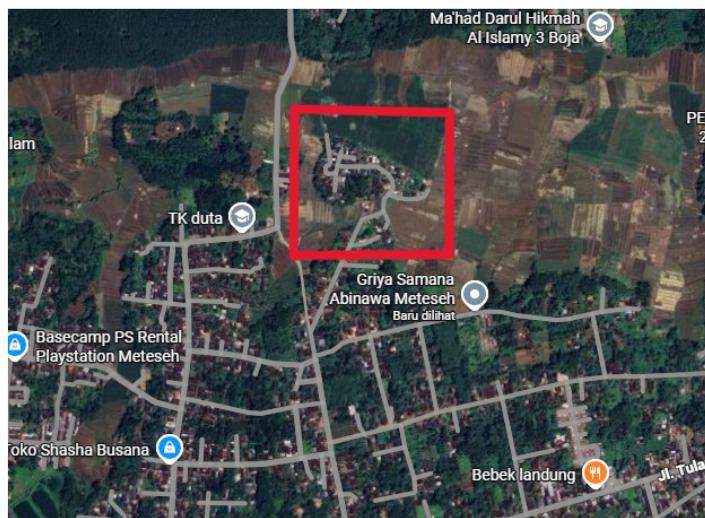
In its development, one of the land-related issues in this village evolved into a legal dispute that was examined and decided in Case Number 17/G/2025/PTUN.SMG. The dispute concerns the status and control of land in the Krajan Tengah Hamlet, which has long been utilized by local residents.

Based on statements from the community as reflected in the decision, the land in dispute has been continuously occupied and utilized for more than 30 years, since the early 1990s. At that time, the land was still vacant and had not

²⁷ Dispendukcapil Kendal, <https://dispendukcapil.kendalkab.go.id/> diakses pada 14 Februari 2026, pukul 13:09

been optimally used. Over time, the community gradually constructed residences, eventually forming a permanent settlement area that is now inhabited by 43 households. The community intended to apply for land certification; however, these efforts encountered obstacles from the village authorities.

Figure 2. Map of Krajan Tengah Hamlet RT02/RW09



Source: Google Maps

As shown in Figure 2 above, it depicts the location of the disputed area in Krajan Tengah Hamlet. In the process, the community has attempted to apply for land certification in order to obtain legal certainty. However, in administrative practice, this process has not proceeded optimally due to differing views regarding the legal status of the land between the residents and the village government.

Based on Decision Number 001/PTS-A/I/2024 issued by the Central Java Provincial Information Commission, it is stated that the disputed land constitutes state land. This decision has subsequently been used by the community as a

basis for strengthening their argument in seeking the legalization of land rights that they have long controlled. Furthermore, based on witness testimonies contained in the decision, it is known that previously a Land and Building Tax Notification Letter (SPPT PBB) had been issued for the land object located in Krajan Tengah Hamlet. However, since around 2018, such SPPT issuance has ceased. This condition indicates a change in the administrative recording of the land object in question.

Nevertheless, from the perspective of administrative law, it must be understood that the authority of the Information Commission, based on Law Number 14 of 2008 concerning Public Information Disclosure, is limited to resolving public information disputes and does not extend to constitutively determining land rights. Therefore, statements in the decision should be interpreted as affirmations of administrative information available within public bodies, rather than as a final determination establishing new land rights within the land law system.

On the other hand, based on the researcher's interview with Mr. Sisyanto, the Head of Meteseh Village, on February 18, 2025, it was explained that historically the land has been known as tegal panganan land and is regarded as village treasury land. Around 1990, the village government granted temporary residential permission to Mr. Kasdi, a freedom fighter, on part of the land. Initially, the land was used as a grazing area for villagers' livestock to prevent damage to plantations and to avoid disrupting access roads.

The village head further explained that the land is recorded under Village Parcel Number 111 and Village Block Map Number 027. However, the land is not registered in the Village C Book nor in the Meteseh Village Asset Book. Although it is recorded in parcel administration and block maps, the absence of registration in the asset book indicates

that the administrative status of the land as a village asset has not been fully formalized.

From the perspective of agrarian law, this issue reflects an ambiguity in status between state land and tegal pangan land/village treasury land. Based on Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), Article 2 paragraph (1) affirms that land, water, and airspace are under the control of the state. State land, in principle, refers to land that is not subject to any specific land rights. However, the state's right to control does not imply private ownership, but rather a public authority to regulate and allocate land for the greatest prosperity of the people.

Meanwhile, the term tanah tegal pangan/village treasury land constitutes an administrative construct within the village governance system as regulated under Law Number 6 of 2014 on Villages. For a parcel of land to be strongly categorized as tanah tegal pangan/village treasury land, it requires a clear legal basis within the national land law system as well as proper registration as a legitimate village asset. The absence of such registration in the village asset book represents a significant weakness in the construction of this claim.²⁸

The Panel of Judges in Decision Number 17/G/2025/PTUN.SMG considered that the designation of tanah tegal pangan in the village map was not entirely consistent with the findings from the on-site examination. Furthermore, the administrative basis in the form of the *Gouvernement Grond* (GG) classification was deemed insufficient to definitively determine the legal status of the land. Following the enactment of the Basic Agrarian Law (UUPA), all colonial land regulations should have been

²⁸ Jayanti, C. I. *Studi Pengelolaan Tanah Kas Desa Di Desa Pengasih Kecamatan Pengasih Kabupaten Kulon Progo* (Doctoral dissertation, Sekolah Tinggi Pertanahan Nasional) 2021.

converted into the national agrarian law system. Therefore, the continued use of such classifications without clear conversion of rights may lead to legal uncertainty.

In this context, it is evident that the conflict is not merely a question of entitlement, but rather an issue arising from inconsistencies between village administrative data, public information, and the factual conditions of land control on the ground. The occupation of the land for approximately 30 years by 43 households constitutes a significant social fact. Although physical possession does not in itself constitute proof of legal ownership, in the practice of national land law it serves as an important consideration in the process of land legalization.

Based on the results of an interview with Mr. Dian Puri, an officer (PPS) at the National Land Agency (BPN), conducted on March 31, 2026, it is known that BPN has not been able to proceed with the certification of the land in question due to the absence of document approval from the village authorities, despite the Administrative Court decision stating that the land constitutes state land eligible for certification. Furthermore, BPN has not been able to definitively determine whether the disputed land in Krajan Hamlet should be classified as state land or tanah tegal pangan, considering that the evidence of land control is held by the Meteseh Village Government. In addition, he explained that the initial process of land certification must be based on administrative approval from the village, and therefore BPN cannot proceed if such requirements have not been fulfilled. This indicates that, in practice, the position of the village becomes a determining factor in land administration processes, even when a court decision already exists.

The provisions governing land control and the granting of land rights within the Indonesian agrarian legal system are

regulated by various interrelated laws and regulations. To provide a more systematic overview of the legal framework in this case, several relevant regulations are presented in the following table:

Table 1. Legal Basis of Control and Granting of Rights over State Land

Legal Provison	Main Content	Relevance to the Case
Article 2(1) of the Basic Agrarian Law (UUPA)	Land, water, and airspace are controlled by the state as an organization of power of the entire people	Basis of state authority over the disputed land
Article 6 of the Basic Agrarian Law (UUPA)	All land rights have a social function	Community control for residential use fulfills the social function
Article 24(2) of Government Regulation No. 24/1997	Physical possession for 20 years or more in good faith can be used as a basis for land registration	The community has possessed the land for more than 30 years
Article 76(1) of Law No. 6 of 2014	Village treasury land / grazing land (tegal pagonan) as part of village assets	Village government claims the land as village treasury land / grazing land
Law No. 14 of 2008	Public Information Disclosure	Authority of the Information Commission is limited to information disputes

Source: Author's Analysis, 2026

Based on these provisions, it can be understood that continuous land possession by the community may still obtain legal recognition, provided that it meets the requirements stipulated in the applicable laws and regulations. Therefore, in analyzing the land dispute in Meteseh Village, it is necessary to consider not only the village administrative aspects but also the agrarian legal framework that provides the basis for recognizing community land possession.

This condition reveals a gap in the implementation of agrarian law at the local level. Normatively, the Basic Agrarian Law (UUPA) emphasizes the principles of the social function of land and agrarian justice. However, in practice, land that has long been controlled by the community has not yet obtained a resolution mechanism that ensures legal certainty in a prompt and clear manner. On the other hand, the village government also does not yet possess a fully robust administrative basis to formally designate the land as a village asset.

The land dispute occurring in Meteseh Village cannot be understood merely as an issue of legal land status, but also involves various actors who have different roles and interests in the process of land control and recognition of rights. Each actor holds certain administrative authority and social positions that influence the dynamics of the conflict. To clarify the roles of each party involved in the dispute, an actor mapping can be presented in the following table:

Table 2. Roles of Actors in the Land Conflict in Meteseh Village

Actor	Normative Role	Role in the Case	Obstacles/Constraints
Village Government	- Verification of land history - Issuance of certificates - Management of village assets	- Did not follow up on certification applications - Claimed land as village treasury land / grazing land	- Not recorded in Village Asset Register - Ambiguity of land status

Land Office (BPN)	- Land registration-Issuance of certificates - Dispute mediation	- Not involved because the process stopped at village level	- Did not receive documents from village - No formal application submitted
Provincial Information Commission	- Settlement of public information disputes	- Decision No. 001/PTS-A/I/2024 declared the land as state land	- Authority limited to information, not determination of land rights
Community (43 households)	- Physical possession in good faith	- Controlled land for >30 years - Submitted certification request	- No response from village - No legal certainty

Source: Author's Analysis, 2026

1. Analysis of the Conflict from the Perspective of Agrarian Law

Based on the foregoing description, the conflict in Krajan Tengah Hamlet reflects more an administrative ambiguity and weak harmonization of land data rather than an absolute dispute over rights. Within the framework of agrarian justice, the ideal resolution lies not merely in affirming formal legal status, but in conducting comprehensive verification and providing legal certainty that takes into account the community's actual possession as well as the interests of the village government.

To better understand the dynamics of the land conflict in Krajan Tengah Hamlet in a more systematic manner, the chronology of events related to community land possession and the emergence of the conflict can be summarized in the following table:

Table 3. Chronology of Land Conflict in Krajan Tengah Hamlet

Year	Event	Parties Involved	Legal Status at the Time
±1990	Community began occupying the land	Residents of Meteseh Village	State land not yet registered
2023	Certification application submitted	Community and Village Government	Not followed up
2024	Open conflict emerged	Community and Village Government	Land status remains ambiguous

Source: Author's Analysis, 2026

Based on the chronology, it can be observed that the community's control over the land had existed for a considerable period before the emergence of an open conflict in 2024. However, the absence of administrative follow-up on the certification applications submitted by the community since 2023 indicates obstacles in the land legalization process at the village level. This condition reflects a gap between the community's physical possession of the land and formal legal recognition, which should ideally be facilitated through land registration mechanisms.

A progressive interpretation of the Basic Agrarian Law (UUPA) is therefore necessary, so that the state's right to control is not understood merely as the authority to determine land status, but also as the authority to regulate, resolve, and provide fair legal protection. The case of Krajan Tengah Hamlet demonstrates that when legal norms are not accompanied by orderly and integrated administrative implementation, agrarian conflicts are likely to arise and persist over time.²⁹

²⁹ Saidin, S., A. M. Wati, and R. A. Pratama. "Fungsi Pemerintah

Furthermore, in the context of the information dispute related to the land status, it is also necessary to analyze the authority of the Central Java Provincial Information Commission as reflected in Decision Number 001/PTS-A/I/2024. Normatively, based on Law Number 14 of 2008 concerning Public Information Disclosure, the Information Commission has the authority to resolve public information disputes, namely disputes arising from the refusal or non-fulfillment of requests for information by public bodies. Therefore, the authority of the Information Commission is limited to assessing whether certain information is public or exempt, and does not extend to determining or altering the legal status of an object, including land rights status.

In this regard, if the ruling states that the land constitutes state land, such a statement should be understood as part of the consideration of the requested information, rather than as a final juridical determination of land rights status. The determination of land status falls within the authority of land administration institutions, particularly the competent land agencies, and may be subject to review through administrative court mechanisms. Therefore, relying solely on an Information Commission decision as the basis for concluding the definitive legal status of land may lead to legal misinterpretation.

Another equally important aspect is the authority of the village government in managing village treasury land. Based on Law Number 6 of 2014 on Villages, villages possess authority derived from original rights and local-scale authority, including the management of village assets. Village treasury land constitutes one form of village asset which,

Desa dalam Meningkatkan Kualitas Pelayanan Administrasi Pertanahan: Studi Desa Alebo Kecamatan Konda." *PAMARENDA: Public Administration and Government Journal* 4, no. 1 (2024): 63–74.

administratively, must be recorded in the inventory book and village asset register. Such registration is essential to ensure legal certainty, accountability, and transparency in the management of public assets.

In the case of Krajan Tengah Hamlet, although the land is stated to be recorded in the village parcel register and block map, it is not registered in the Village C Book nor in the Village Asset Book. This inconsistency between its inclusion in administrative maps and the absence of formal recording as an official asset raises questions regarding the consistency of land administration at the village level. This situation does not necessarily indicate a substantive error, but rather reflects weaknesses in the documentation system and the updating of village land data. From the perspective of administrative law, such deficiencies in documentation may result in legal uncertainty for the community.

To more clearly illustrate the gap between the land administration procedures that should be carried out and the actual practices occurring in Meteseh Village, a comparison between the land registration mechanism as regulated under Government Regulation Number 24 of 1997 concerning Land Registration and the empirical conditions in the field can be seen in the following table.

Table 4. Comparison Between Ideal Land Registration Procedures and Practice in Meteseh Village

Stage	Ideal Procedure (Based on Government Regulation No. 24/1997 on Land Registration)	Practice in the Field (Meteseh Village, Kendal, 2024)
Initial possession by community	Community physically controls land, non- disputed, and meets minimum 20 years of continuous possession	Community has controlled and utilized land for more than 30 years for residence and livelihood without dispute

	in good faith	
Application submission	Community submits application to Village Head for verification and forwarding to Land Office (BPN)	Community submitted application but no administrative follow-up
Village verification and recommendation	Village Head issues land certificate letter and forwards documents to BPN	No certificate issued; communication between residents and village officials was ineffective
Process at Land Office (BPN)	BPN conducts measurement, verification, and issues land certificate	Process never reached BPN because it stopped at village level

Source: Author's Analysis, 2026

The comparison shows that the primary issue in the land conflict in Krajan Tengah Hamlet is not merely related to normative provisions in laws and regulations, but rather to the stagnation of land administration processes at the village level. As a result, communities that have long physically controlled the land do not have access to proceed with the land legalization process at the Land Office.

Furthermore, when analyzed through the principles of good governance (Asas-Asas Umum Pemerintahan yang Baik / AUPB), this conflict reflects issues in terms of legal certainty and due diligence. The principle of legal certainty requires that every administrative action or decision be based on complete data, clear procedures, and an appropriate legal basis. Meanwhile, the principle of due diligence requires administrative officials to conduct thorough verification before making decisions that affect the rights of the community. In this case, the discrepancy between historical data, old fiscal classifications such as *Gouvernement Grond*, and the factual condition of land possession over decades

indicates that determining land status requires comprehensive assessment and cannot rely on a single administrative source.

From the perspective of legal protection for citizens, the continuous control of land for more than three decades by 43 households constitutes a significant social fact. In the practice of national agrarian law, long-term physical possession carried out in good faith is often taken into consideration in asset legalization programs, such as through Complete Systematic Land Registration (PTSL) or land redistribution mechanisms. Although the Basic Agrarian Law (UUPA) does not explicitly regulate the concept of acquisitive prescription as recognized in classical civil law, the spirit of agrarian reform embodied in the UUPA places social justice as the primary orientation of land policy.³⁰

In this context, the state's right to control should not be interpreted as the state's absolute domination over land, but rather as a constitutional mandate to regulate, administer, and distribute land for the greatest prosperity of the people. When land that has been physically utilized as housing by low-income communities remains in an unclear legal status, such social objectives have not been fully achieved. The state, including regional and village governments as part of the governmental structure, bears the responsibility to provide administrative solutions that ensure legal certainty without disregarding existing laws and regulations.

Thus, the land conflict in Krajan Tengah Hamlet is not merely a matter of right or wrong in determining land status, but rather reflects the lack of integration within the land administration system between historical data, village records, and the reality of community land control. The

³⁰ Masnah, M. "Implementasi Kebijakan Pendaftaran Tanah Sistematis Lengkap (PTSL) Di Kabupaten Muaro Jambi. *Jurnal Renaissance* 6, no. 2 (2021): 783-801.

normative gap within the Basic Agrarian Law (UUPA), which does not specifically regulate mechanisms for resolving issues related to state land that has long been controlled by communities, further increases the potential for similar conflicts in various regions. Therefore, a resolution oriented toward agrarian justice requires an approach that is not only formalistic but also substantive, taking into account the social function of land, the principle of legal certainty, and the protection of communities that have long depended on such land for their livelihoods.³¹

From a broader perspective, this case demonstrates the importance of harmonizing administrative law and agrarian law. Administrative decisions regarding land status must align with the principles of agrarian justice, while land policies must be implemented in accordance with good governance practices. Without such integration, land conflicts will continue to recur and generate tension between communities and local governments.

Furthermore, based on the results of research and analysis of the conflict dynamics in Meteseh Village, several factors can be identified as influencing the emergence of land disputes between the community and the village government. These factors are not limited to formal legal aspects, but also involve administrative issues, the historical patterns of land control, and the lack of synchronization of land data at the local level. To provide a more structured overview of these contributing factors, the following table summarizes the key causes of the conflict.

³¹ Suharto, B., and Supadno. "Hambatan-hambatan dalam Pelaksanaan Program Pendaftaran Tanah Sistematis Lengkap (PTSL)." *The Indonesian Journal of Public Administration* 9, no. 1 (2023).

Table 5. Factors Causing Land Conflict in Krajan Tengah Hamlet

Factor Category	Description	Impact
Administrative	- Data inconsistency between parcel maps, village records, and asset registers - Land not recorded in Village Register (Buku C) and Asset Register	Unclear land status between state land and village treasury land
Legal	- Ambiguity of land legal status - Use of outdated classification "Gouvernement Grond (GG)"	Legal uncertainty for the community
Institutional	- Weak coordination between village government and BPN - Suboptimal facilitation function of village government	Legalization process stalled at village level
Social	- Physical possession >30 years by 43 households - Land used for residence and livelihood	Community in a legally vulnerable position

Source: Author's Analysis, 2026

The table indicates that the land conflict in Krajan Tengah Hamlet is influenced not only by formal legal aspects, but also by village administrative issues and the lack of synchronization in land data that has developed over a long period of time.

From this additional analysis, the conflict in Meteseh Village can be understood as a phenomenon involving historical, administrative, social, and normative aspects. Accordingly, the approach to its resolution must be comprehensive, not only through litigation mechanisms in administrative courts, but also through the improvement of land administration and the implementation of equitable land legalization policies. Through this perspective, the primary objectives of national agrarian law namely legal certainty and social justice for all people can be more effectively realized.

From the perspective of legal protection theory, this condition shows that communities who have long physically controlled land are in a vulnerable position due to uncertainty in legal status. According to the theory of legal protection proposed by Philipus M. Hadjon, legal protection for citizens is essentially divided into two forms: preventive legal protection and repressive legal protection.

Preventive legal protection aims to prevent disputes through clear administrative procedures, policy transparency, and the provision of opportunities for the public to obtain legal certainty before a government decision is made. In the context of the land conflict in Meteseh Village, such preventive protection should be realized through the improvement of land administration at the village level and by facilitating public access to land registration processes, so that communities who have long physically controlled land can obtain clear legal recognition.³²

In addition, repressive legal protection becomes important once a dispute has already arisen. This form of protection is implemented through dispute resolution mechanisms, either via administrative channels or judicial institutions. However,

³² Silalahi, G. N., & Djajaputra, G. Analisis Perlindungan Hukum Bagi Pihak Yang Memiliki Hak Atas Tanah. *UNES Law Review*, Vol 6 No 4 (2024), 10583-10589.

in land conflicts such as that in Krajan Tengah Hamlet, resolutions that rely solely on litigation are often insufficient to address the underlying historical and social issues. Therefore, the state must provide policies that are more responsive to community conditions, such as asset legalization programs or land redistribution within the framework of agrarian reform. In this way, communities that have long exercised actual control over land can obtain legal certainty without neglecting the principles of agrarian justice and the social function of land as mandated by national agrarian law.

D. Policy Recommendations and Conflict Resolution Based on Agrarian Justice

1. Strengthening a Participatory Land Registration System

The land conflict in Meteseh Village demonstrates that resolution through legal channels alone has not been fully capable of addressing the substantive issues faced by the community. Although court decisions provide formal legal certainty, the issues of land legalization and administrative structuring at the local level still require policies that are more responsive to the social conditions of the community. Therefore, a policy approach is needed that is not solely oriented toward top-down administrative procedures, but also grounded in the active participation of the community as those directly affected by land policies.

A bottom-up approach in public policy is a model of policy formulation and implementation that originates from the conditions, aspirations, and needs of grassroots communities. In this approach, the community is not positioned merely as an object that receives decisions from the government, but as an active subject involved in the process of problem identification, solution formulation, and policy implementation. In contrast to the top-down approach, which is centralized and instructive, the bottom-up approach emphasizes dialogue, participation, and recognition of social realities in the field.³³

³³ Nayoan, F., and P. K. Prasetyo. "Partisipasi Masyarakat dalam

In the context of agrarian law, the bottom-up approach is highly relevant to the spirit of Law Number 5 of 1960 (UUPA), particularly regarding the principle of the social function of land and the objective of state control for the greatest prosperity of the people. State control over land is not intended as unilateral domination, but as an authority to regulate and ensure the fair distribution of land.

The case in Krajan Tengah Hamlet shows that for more than three decades, the community has continuously controlled and utilized the land as a place of residence. This social reality is a fact that cannot be ignored in the process of structuring land administration. However, the absence of a legalization mechanism that is responsive to these conditions indicates that the land registration system tends to operate in a procedural and administrative manner, without first establishing participatory social mapping.³⁴

Strengthening a participatory land registration system can begin with a joint inventory process involving the community, village government, and land administration authorities. This inventory should not only function as a technical record of land area and boundaries, but also as a means of reconstructing the history of land control. Through open deliberative forums, residents can present the history of possession, evidence of tax payments, or testimonies from community leaders who are aware of the origins of land use. This process is essential to build a shared understanding before proceeding to formal legalization stages.

In addition, the optimization of land legalization programs such as Complete Systematic Land Registration (PTSL) needs to be oriented toward actual local needs. Adequate socialization, administrative assistance for residents, and the active involvement of village governments as facilitators are

Pengadaan Tanah untuk Pembangunan bagi Kepentingan Umum di Muara Rupit Sumatera Selatan." *Tunas Agraria* 3, no. 2 (2020): 86–100.

³⁴ Ananda, R. G., F. D. A. C. Putri, A. Niravita, and M. A. H. Fikri. "Pentingnya Partisipasi Masyarakat dalam Pendaftaran Tanah untuk Mewujudkan Kepastian Hukum." *Jurnal Ilmiah Penelitian Mahasiswa* 2, no. 6 (2024): 459–469.

key factors for success. Within this framework, the village government should not be positioned as an opposing party to the community, but rather as a partner in establishing more orderly and accountable land administration.

Furthermore, community participation in the land registration process also serves a preventive function against conflict. When communities are involved in every stage—from object identification to data verification—the potential for misunderstandings or unilateral claims can be minimized. Procedural transparency and openness of information will strengthen the legitimacy of the final outcomes, whether in the form of land certificates or other administrative decisions.³⁵

Strengthening a bottom-up approach in the legalization of community land in Meteseh Village creates space for restructuring the relationship between the state, village, and community within a more dialogical framework. This model can serve as an initial foundation for resolving land conflicts that not only emphasize formal legal certainty but also take into account social justice and the sustainability of community livelihoods. This approach should further be integrated with non-litigation dispute resolution mechanisms and improvements in land governance at the village level to ensure that conflict resolution is carried out comprehensively

2. Mediation and Non-Litigation Dispute Resolution

In addition to strengthening a participatory land registration system, resolving land conflicts in Meteseh Village also requires the optimization of non-litigation mechanisms. Litigation through administrative courts does provide formal legal certainty, as reflected in Decision Number 17/G/2025/PTUN.SMG. However, court-based resolution is often confrontational, time-consuming, and may exacerbate social tensions between the community and the village government. Therefore, mediation and non-litigation

³⁵ Parapat, J. D., and B. Kurniawan. "Implementasi Program Pendaftaran Tanah Sistematis Lengkap (PTSL) sebagai Upaya Percepatan Pendaftaran Tanah di Provinsi Jawa Timur." *Publika* (2021): 355–368

dispute resolution serve as important instruments in achieving a more dialogical and sustainable conflict resolution.

Within the national land law system, a central role in resolving administrative land disputes lies with the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). Institutionally, the National Land Agency holds the authority to examine physical and juridical land data, facilitate dispute mediation, and provide administrative recommendations on land-related issues. In the context of the conflict in Krajan Tengah Hamlet, BPN can act as a neutral mediator by conducting a comprehensive verification of the history of land control, village administrative status, and the legal basis used in determining the previous land status.³⁶

Mediation by the National Land Agency (BPN) should ideally be conducted through an investigative and participatory approach. This means that before taking any administrative position, BPN needs to invite all relevant stakeholders—including community representatives, village authorities, and subdistrict officials—to engage in a joint clarification forum. In such a forum, each party is given the opportunity to present the basis of their claims openly, allowing the core issues to be identified objectively. This model is essential to avoid the dominance of a single administrative perspective over the social realities of the community.³⁷

At the administrative level, the subdistrict head (camat) also holds a strategic role as a coordinator of governance within the subdistrict. As a representative of the regional government at the local level, the camat can facilitate multi-

³⁶ Kurniati, N., and E. L. Fakhriah. "BPN sebagai Mediator dalam Penyelesaian Sengketa Tanah di Indonesia Pasca Perkaban No. 11 Tahun 2016." *Sosiohumaniora* 19, no. 2 (2017): 95–105.

³⁷ Dewi, N. N., and H. Setiasih. "Penyelesaian Sengketa Tanah melalui Mediasi Berdasarkan Peraturan Menteri ATR/BPN Nomor 21 Tahun 2020 (Studi Kasus di Kantor Pertanahan Kota Surabaya)." *DEKRIT: Jurnal Magister Ilmu Hukum* (2024): 67–68.

stakeholder deliberations and ensure that dispute resolution is carried out in accordance with the principles of good governance. In addition to formal state institutions, the presence of customary institutions or community leaders also plays a significant role in resolving agrarian conflicts in rural areas. Their involvement in the mediation process can strengthen the social legitimacy of any agreements reached. This locally grounded approach is often more effective in maintaining social harmony than formal decisions that produce win-lose outcomes.³⁸

From the perspective of agrarian law oriented toward social justice, mediation is not merely a means of compromise, but an instrument for finding a balance between legal certainty and social utility. Land conflicts often arise not only from normative issues, but also from the absence of adequate spaces for dialogue. When mediation is facilitated in a professional and transparent manner, the likelihood of reaching mutually acceptable solutions becomes greater compared to resolutions that rely solely on adversarial court processes.

On the other hand, the effectiveness of non-litigation dispute resolution largely depends on the commitment of all parties to act in good faith. Without openness of information, willingness to listen, and recognition of existing social realities, mediation risks becoming a mere administrative formality. Therefore, the roles of BPN, the camat, and community leaders should be directed toward fostering a deliberative environment that prioritizes substantive resolution rather than merely procedural outcomes.³⁹ The integration of litigation and non-litigation pathways ultimately strengthens the foundation for comprehensive agrarian

³⁸ Rosy, K. O., D. G. S. Mangku, and N. P. R. Yulianti. "Peran Mediasi dalam Penyelesaian Sengketa Tanah Adat Setra Karang Rupit di Pengadilan Negeri Singaraja Kelas 1B." *Ganesha Law Review* 2, no. 2 (2020): 155–166

³⁹ Kurniati, K., B. Madiang, and Z. Makkawaru. "Analisis Penyelesaian Sengketa Tanah melalui Jalur Mediasi di Desa Bontomanai Kecamatan Manngarabombang Kabupaten Takalar." *Jurnal Paradigma Administrasi Negara* 3, no. 2 (2021): 144–151.

conflict resolution.

3. Bureaucratic Reform of Land Administration at the Village Level

In addition to strengthening participatory land registration systems and optimizing non-litigation dispute resolution, the land conflict in Meteseh Village also highlights the urgency of bureaucratic reform in land administration at the village level. In many rural agrarian cases, the problem does not lie solely in legal norms, but rather in the weak administrative capacity and land data governance at the local level. The inconsistency between parcel maps, village records, and asset data, as seen in Krajan Tengah Hamlet, reflects the need for a comprehensive reform of village bureaucratic systems.⁴⁰

Bureaucratic reform in village land administration can begin with improving the capacity of village officials through both technical and legal training. Village officials need to have a sufficient understanding of the fundamental principles of national agrarian law, including the provisions of Law Number 5 of 1960 (UUPA) and regulations related to village asset management under Law Number 6 of 2014. This understanding is crucial to ensure that every administrative action taken by the village particularly those related to village treasury land or land claimed as village assets is based on clear legal grounds and properly documented.

Such training should not only be normative but also administrative and technical in nature, including procedures for recording assets in village inventory books, managing land administration archives, and coordinating with land offices. With stronger administrative capacity, the potential for recording errors or data inconsistencies can be minimized. Village officials who fully understand these procedures will also be better equipped to explain land status to the community in a transparent and well-reasoned manner, thereby reducing misunderstandings that may escalate into

⁴⁰ Afifah, S. N. N., A. N. Suparman, and B. Setiadi. "Optimalisasi Pengelolaan Tanah Kas Desa oleh Pemerintah Desa Bumireja Kecamatan Kedungreja Kabupaten Cilacap." *Jurnal Otonomi* 1, no. 1 (2024): 151–164.

conflict.⁴¹

Another crucial aspect is the transparency of land data. Within the framework of good governance, openness of information is a prerequisite for building public trust. Data concerning village treasury land, block maps, parcel records, and the history of land status changes should be accessible to the public, as long as it does not fall under exempted information as regulated by law. This transparency can be implemented through the digitalization of village land data, periodic publication of village asset registers, and the provision of clear and structured mechanisms for requesting information.

Transparency serves not only as a means of social control but also as an instrument for dispute prevention. When communities have open access to information regarding the status and history of a particular land parcel, the space for speculation and suspicion can be reduced. In cases such as Krajan Tengah Hamlet, inconsistencies between map data and asset records have become one of the factors triggering differing perceptions. With an open and integrated data system, such discrepancies can be identified early and resolved administratively before escalating into legal disputes.⁴²

Furthermore, bureaucratic reform must also emphasize the principle of accountability. Every decision or administrative action taken by the village government concerning land matters must be legally and administratively accountable. This includes proper documentation of village deliberations, minutes of agreements, and recommendations issued by the village head. Comprehensive documentation will serve as an essential basis in the event of future audits or disputes.

Accountability is also closely related to consistency

⁴¹ Ali, K., and A. Saputra. "Tata Kelola Pemerintahan Desa terhadap Peningkatan Pelayanan Publik di Desa Pematang Johar." *Warta Dharmawangsa* 14, no. 4 (2020): 602–614.

⁴² Safitri, S. D., Y. Cikusin, and Hayat. "Upaya Pemerintah Desa dalam Meningkatkan Kualitas Pelayanan Publik." *Jurnal Indonesia Sosial Sains* 3, no. 5 (2022).

between policy and implementation. If a parcel of land is designated as village treasury land or tanah tegal panganan, there must be valid evidence of its registration as a village asset. Conversely, if the land is not recorded as an asset, an administrative evaluation should be conducted to determine its actual status. Such consistency is crucial to prevent dualism in data that could potentially harm both the community and the village government.

Ultimately, bureaucratic reform of land administration at the village level is not merely a matter of technical administrative improvement, but part of a broader effort to establish a just agrarian governance system. As the closest level of government to the community, the village holds a strategic position in ensuring that land management is orderly, transparent, and responsive to the needs of its residents. When administrative capacity is strengthened, data is made accessible, and accountability mechanisms function properly, the potential for agrarian conflicts can be significantly reduced.⁴³

To further clarify the policy measures that can be undertaken in resolving land conflicts in Meteseh Village, these recommendations can be systematically summarized in the following table:

Table 6. Recommendations for Just Agrarian Conflict Resolution

Strategy	Concrete Steps	Implementing Actors	Expected Outcomes
Participatory Land Registration	- Joint inventory of land possession history - Open deliberation with residents - Flexibility in non-documentary evidence	Village Government, BPN, Community	Land legalization responsive to social realities

⁴³ Kushartono, T., T. Rohayatin, D. Kurnia, W. Wulandari, and S. Munawaroh. "Peningkatan Kapasitas Pemerintah Desa melalui Tata Kelola Aset Desa." *Aksiologi: Jurnal Pengabdian kepada Masyarakat* 6, no. 3 (2022): 451–458.

Non-Litigation Mediation	- Mediation facilitated by BPN - Involvement of sub-district head (Camat) - Participation of community leaders	BPN, Camat, Community Leaders	Sustainable dialogical resolution
Village Bureaucratic Reform	- Training for village officials on agrarian law - Digitalization of village land data - Transparency of village assets	Village Government, Kendal Regency Government	Accountable land governance
Optimization of PTSL Program	- Socialization of PTSL program - Administrative assistance - Coordination between village and BPN	BPN, Village Government	Acceleration of land certification

Source: Author's Analysis, 2026

These recommendations indicate that resolving land conflicts requires not only formal legal certainty, but also participatory approaches, effective mediation, and improvements in land governance at the village level. These reform measures must also be synergized with the roles of subdistrict authorities and land administration agencies to create an integrated system between the village and regency levels. Through such integration, land administration will no longer operate in a fragmented manner, but instead function as a coherent system that supports the realization of legal certainty and agrarian justice at the local level.

From the perspective of legal certainty theory, the existence of an orderly and transparent land administration system is a fundamental prerequisite for ensuring legal protection for the community. Legal certainty requires that every legal relationship concerning land be based on clear

foundations, be predictable, and be implemented consistently by state authorities. Without clarity regarding land status, control, and registration, communities remain vulnerable to disputes and administrative actions that may not align with the factual conditions of land possession.

As stated by Gustav Radbruch, legal certainty constitutes one of the fundamental values of law, alongside justice and expediency. In the context of agrarian law, legal certainty is not only realized through the existence of legislation, but also through the implementation of land administration that is accurate, transparent, and accountable. Therefore, strengthening participatory land registration systems, optimizing non-litigation mediation mechanisms, and reforming land administration bureaucracy at the village level—as previously discussed—are essential instruments to ensure legal certainty while simultaneously advancing agrarian justice for the people of Meteseh Village.⁴⁴

E. Conclusion

The land conflict in Krajan Tengah Hamlet, Meteseh Village, is not merely caused by an absolute dispute over land ownership, but is more influenced by administrative ambiguity and the lack of synchronization of land data between the village government and the reality of community land control. The community has controlled and utilized the land for more than three decades as a place of residence and a source of livelihood; however, such control has not been followed by formal legal recognition through the land registration process. This condition reflects a gap between agrarian legal norms that guarantee legal certainty and the practice of land administration at the local level, which has not yet functioned optimally.

From the perspective of agrarian law and legal protection theory, the state has the responsibility to ensure legal certainty for communities that have long exercised actual control over land. Therefore, resolving land conflicts such as

⁴⁴ Dimas, R. Publikasi Pendaftaran Tanah Di Negara Indonesia Ditinjau Dari Teori Kepastian Hukum. *PROSIDING SERINA 1*, no.1, (2021) 209-216.

the one in Meteseh Village requires an approach that is not solely oriented toward formal administrative aspects, but also takes into account the reality of community possession, the social function of land, and the principles of agrarian justice. Accordingly, the integration of improvements in land administration, the strengthening of the village government's role in facilitating land registration, and the implementation of participatory asset legalization policies constitute essential steps toward achieving legal certainty and protecting community land rights.

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