

Analysis of the Role of the National Land Agency (BPN) in Resolving Land Boundary Disputes in Rural Rembang Regency

ANALISIS PERAN BADAN PERTANAHAN NASIONAL (BPN) DALAM MENYELESAIKAN SENGKETA BATAS TANAH DI PEDESAAN KABUPATEN REMBANG

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Abstract

The problem of land disputes often arises and has become an unavoidable issue from time to time due to the growing human population while the number of land plots is limited. This encourages improvements in the arrangement of land parcels and land use, especially related to legal certainty for the community. In fact, for most rural communities, the settlement of land disputes is done through non-litigation channels because it is considered more effective and does not take much time. Article 1 point 10 of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution regulates various alternatives to land dispute resolution through



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non-litigation channels. The role of the National Land Agency is very important in ensuring that the process of resolving land boundary disputes is carried out in accordance with legal provisions. The problems of this research are 1) What obstacles are faced by the National Land Agency (BPN) in resolving land boundary disputes. 2) The effectiveness of land boundary dispute settlement through mediation by the National Land Agency (BPN) in Rembang Regency. The research method used in this research is empirical juridical with a qualitative research approach and data collection techniques through interviews and documentation studies. The results of this study show that the effectiveness of land boundary dispute resolution through mediation by the BPN of Rembang Regency still faces various challenges that affect its success. Mediation often does not fully meet the principles of legal effectiveness, such as legal certainty, acceptance of the parties, efficiency of the process, and sustainability of the solution. Although mediation is considered a faster and cheaper method than litigation, its effectiveness still needs to be improved through systematic efforts to overcome obstacles in resolving land boundary disputes through mediation mechanisms.

KEYWORDS *Effectiveness, Role, BPN, Land Boundary Disputes*

Permasalahan sengketa pertanahan sering kali muncul dan sudah menjadi isu yang tak terhindarkan dari masa ke masa dikarenakan jumlah populasi manusia yang terus bertambah sedangkan jumlah bidang tanah yang terbatas. Hal tersebut mendorong adanya perbaikan dalam penataan bidang dan penggunaan tanah terutama terkait kepastian hukumnya bagi masyarakat. Faktanya bagi kebanyakan masyarakat desa penyelesaian permasalahan sengketa tanah dilakukan melalui jalur non-litigasi karena dirasa lebih efektif dan tidak memakan banyak waktu. Pasal 1 angka 10 Undang-Undang Nomor 30 Tahun 1999 Tentang Arbitrase dan Alternatif Penyelesaian Sengketa mengatur mengenai berbagai alternatif penyelesaian sengketa pertanahan melalui jalur non-litigasi. Peran Badan Pertanahan Nasional menjadi sangat penting dalam memastikan proses penyelesaian sengketa batas tanah yang dilakukan sesuai dengan ketentuan hukum. Permasalahan

penelitian ini adalah 1) Kendala apa saja yang dihadapi Badan Pertanahan Nasional (BPN) dalam penyelesaian sengketa batas tanah. 2) Efektivitas penyelesaian sengketa batas tanah melalui mediasi oleh Badan Pertanahan Nasional (BPN) di Kabupaten Rembang. Metode penelitian yang digunakan dalam penelitian ini adalah yuridis empiris dengan pendekatan penelitian kualitatif dan teknik pengumpulan data melalui wawancara dan studi dokumentasi. Hasil dari penelitian ini menunjukkan bahwa efektivitas penyelesaian sengketa batas tanah melalui mediasi oleh BPN Kabupaten Rembang masih menghadapi berbagai tantangan yang mempengaruhi keberhasilannya. Mediasi sering kali belum sepenuhnya memenuhi prinsip-prinsip efektivitas hukum, seperti kepastian hukum, penerimaan para pihak, efisiensi proses, dan keberlanjutan solusi. Meskipun mediasi dianggap sebagai metode yang lebih cepat dan murah dibandingkan jalur litigasi, efektivitasnya masih perlu ditingkatkan melalui upaya sistematis untuk mengatasi kendala-kendala dalam menyelesaikan sengketa batas tanah melalui mekanisme mediasi.

KATA KUNCI *Efektivitas, Peran, BPN, Sengketa Batas Tanah*

Introduction

A dispute is a dispute, quarrel, or also something that causes a difference of opinion between one party and another. Article 1 point 2 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Disputes defines a dispute as a land dispute between individuals, legal entities, or institutions that does not have a broad impact. Land disputes have several types including administrative land disputes, civil land disputes, and criminal land disputes. The emergence of land disputes can be caused by various driving factors such as erroneous land data, so that double certificates are often found with different owner names, overlapping ownership of land which can cause two or more parties to be able to name the same land.¹ Problems can occur

¹ Rr. Luh Sekar N.S. (2024). Analisis Yuridis Peran Kantor ATR/BPN terhadap Penyelesaian Permasalahan Sengketa Batas Tanah. Indonesian Journal of Law and Justice, Vol. 1, No. 4, 2024, hal: 6 <https://journal.pubmedia.id/index.php/lawjustice>

when one party feels aggrieved by the other, especially when the responses of the two parties have different points of view regarding expressing a sense of truth between them.

Geographically, Rembang Regency is the easternmost regency in Central Java Province and is located on the North Coast of Central Java. The district borders several other districts in Central Java and East Java. The total area of Rembang Regency is 101,408 ha, divided into 14 sub-districts, 287 villages and 7 kelurahan. The kecamatan with the largest area is Kecamatan Sale (10,715 ha) and the smallest is Kecamatan Sluke (3,759 ha). With this population density in Rembang Regency, it is inseparable from the problem of land disputes. Cases of land disputes that often occur in several villages in Rembang Regency are cases of land boundary disputes. Land boundary disputes are land disputes that occur because of the unclear physical boundaries, location, and area of land recognized by one party. In this case, the installation of stakes as land boundary markers is an important element in land boundary disputes. The installation of land boundary stakes is one of the best solutions to prevent fraud in land ownership. Through an interview with Ms. Lia Roselina as the Coordinator of the Case and Dispute Substance Group (KKS), she said that almost every year there are land boundary disputes in Rembang Regency. In the 2021-2025 period, there was a decrease in land dispute cases, he also added that in 2021-2023 there were a number of land issues which included 19 cases of disputes, conflicts, and cases entered in the Rembang Regency database. A number of cases that entered the Rembang Regency Land Office, 16 of which were successfully resolved through mediation by the SKP section and the court (inkracht), while the remaining 3 cases were still not successfully resolved. However, in 2024 until now there have been no complaints of cases at the Rembang District Land Office. This shows that the problem of land disputes must occur from year to year, not infrequently also the problem of land boundary disputes that occur in rural areas that are not exposed. In contrast to the practice in the field, there are still

many lands in several villages in Rembang Regency that do not have clear boundaries and are measured with certainty and many people still do not use permanent stakes as land boundaries. There are often people who still use ordinary wood or even trees as land boundary stakes. This is often found in several villages in Rembang Regency, including Maguan Village and Padaran Village. Maguan Village is one of the villages where most of the land has not been certified and of course the land boundary signs are also not in accordance with specifications, making it prone to land boundary disputes between next-door neighbors.

For most villagers, land disputes are resolved through non-litigation channels because it is considered more effective and does not take much time. Through this non-litigation route, the process is usually carried out by certain institutions according to the focus of the problem, one of which is the National Land Agency (BPN). Article 11 paragraph (3) of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Disputes explains that BPN has the authority to resolve land disputes or conflicts, including land boundary disputes. BPN is responsible for land issues in accordance with applicable regulations. One of the dispute resolution mechanisms stipulated in this regulation is through mediation. Mediation is a process of resolving disputes between two or more parties through discussion and negotiation by involving a third party as a neutral mediator who works together to find the best solution for both parties to the dispute.² Mediation has several benefits, one of which is that both disputing parties have the opportunity to participate directly in the resolution of their land disputes. The third party (mediator) in this case BPN only acts as a facilitator for the disputing parties to reach an agreement that is Win-Win Solution (mutually beneficial).³ Although the implementation of

² Hamidi, Moh. Abdul Latif. (2021). *Penyelesaian Sengketa Pertanahan di Madura Sacara Mediasi Oleh Badan Pertanahan Nasional*. Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam, Vol. 12, No. 1 Juni 2021.

³ Afia, Khoirunni,dkk. (2022). *Problematika dan Penyelesaian Sengketa Melalui Mediasi Berbasis Virtual di Indonesia*. Jurnal stp mataram, Vol. 11 No. 1 Juni 2022

the mediation process does not always run optimally due to several existing obstacles, BPN as a government agency is responsible for providing legal certainty over land ownership and land dispute resolution.

Settlement of land disputes, particularly boundary disputes, is a very important and urgent issue to be resolved. The current judicial system has undermined public confidence as it often fails to deal effectively with land disputes. Therefore, conflict resolution alternatives are urgently needed to address this problem. The problem of land disputes starts when a complaint is filed by one party, either an individual or an institution, claiming rights to land. The complaint contains claims related to land ownership, land status, or priority. The complaining party hopes that the dispute can be resolved in accordance with the regulations that apply to land cases.⁴ In terms of resolving land boundary disputes, the Rembang Regency BPN as mediator ensures that the dispute resolution process is carried out in accordance with legal provisions and has become the responsibility of the National Land Agency. Therefore, a mediator who can provide an important role is the success of a mediation carried out, the mediator must also have the ability in the field of analysis and expertise in creating a positive reaction to the perceptions of each party.⁵

With the formation of the Disputes, Conflicts and Cases Section at the Land Office at the Regency or City level in carrying out its duties and functions, BPN as an institution that not only handles land administration issues but also as a forum for the community to be able to find solutions in resolving land dispute issues without having to obtain court / litigation channels. The effectiveness of BPN as a government agency that handles land issues should be able to carry out its duties and functions properly, because as an agency related to land issues, of course, the community fully expects that when land problems occur, they can be resolved by BPN. In addition, the

⁴ Rosiana, Junaidi Tarigan. (2022). Analisis Yuridis Penyelesaian Sengketa Tanah Melalui Mediasi. *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia*, Vol. 4, No. 2 (2022)

⁵ Fadlail, Ach&Maria Ulfa. (2025). Peran Badan Pertanahan Nasional (BPN) Sebagai Mediator Dalam Penyelesaian Sengketa Pertanahan. *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial dan Politik*, Vol. 2, No. 1 (2025).

BPN can also be expected to be the enforcer of the National Land Law which is concretely contained in laws and other implementing regulations relating to land issues.⁶

Method

The research method used is Qualitative, with an empirical legal approach and qualitative descriptive data collection techniques. The data sources of this research are primary and secondary data. Primary data is obtained directly from literature study, observation and interviews. The research location is the Rembang Regency Land Office (ATR/BPN), the Padaran Village and Maguan Village Governments, and Mrs. S as the party involved in the land boundary dispute.⁷

Result & Discussion

A. Constraints Faced by BPN in Resolving Land Boundary Disputes in Rembang Regency

1. Internal Factors

A. Limited Human Resources (HR)

The role of the Rembang Regency BPN in the process of resolving land boundary disputes in rural Rembang Regency certainly does not only run that easily, there are various things that hinder or become obstacles in a mediation process. Things that cause complexity are related to social relationships between individuals where there are differences in arguments, perspectives, understanding and even interests (Anas, 2020). However, it should be noted that settlement through mediation is an alternative that can be done to resolve a dispute. It can be said that not all mediation decisions can be implemented at the Rembang Regency Land Office by considering decisions in terms of administration that have been carried out juridically and physically. Each dispute

⁶ Afia, Khoirunni,dkk. (2022). Problematika dan Penyelesaian Sengketa Melalui Mediasi Berbasis Virtual di Indonesia. Jurnal stp mataram, Vol. 11 No. 1 Juni 2022

⁷ Subagyo, P. Joko. "Metode Penelitian dalam Teori dan Praktik/P. Joko Subagyo." (2015).

resolution institution contains advantages and disadvantages, because in this case the approach taken is different.

Thus, under normal conditions, each party receives proportional treatment in each application of the law in accordance with the objective conditions that are taking place around them. This will affect the satisfaction of the parties who are resolving their disputes through mediation. In this case mediation is known to have many advantages which do not rule out the possibility that mediation also has weaknesses, where the weakness is that mediation lies in the binding force of mediation decisions. Based on the results of observations and interviews with the Rembang Regency Land Office, the Village Government, the community experiencing land boundary disputes, several main factors were found to be obstacles in the process of resolving land boundary disputes through mediation by the National Land Agency (BPN) of Rembang Regency.

One of the main obstacles faced by the Rembang District BPN in resolving land boundary disputes through mediation is limited human resources (HR). Based on an interview with Ms. Lia Roselina as the Coordinator of the Case and Dispute Substance Group (KKS) of the Rembang District BPN, it was found that the limited number of human resources and the lack of personnel with adequate mediator education backgrounds are serious obstacles in the mediation process of land disputes.

Limited human resources are also exacerbated by the additional workload that must be carried out by BPN staff, such as the Complete Systematic Land Registration (PTSL) program. This causes their capacity to be divided and has an impact on the sub-optimal mediation process and hampers dispute resolution. The ratio between staff and the number of settlement cases submitted each month is unbalanced, resulting in a slow, delayed and ineffective settlement process.

In addition, the lack of competent mediators also

makes the mediation process less inclusive. An ideal mediator should be able to facilitate a balanced dialog between the disputing parties, but with limited human resources, mediation is often just a formality without achieving a win-win solution. For example, in the case of a land boundary dispute between Mrs. S and Mr. K in Padaran Village, although mediation was conducted, one of the parties still did not accept the outcome because the mediator was unable to deeply understand the interests of each party.

In order to realize legal certainty, it is necessary to improve the competence and professionalism of human resources and to provide guidance in accordance with applicable laws and regulations.⁸

B. Lack of Budget

The lack of budget is also one of the significant internal factors hindering the effectiveness of land boundary dispute resolution. With a limited budget, the Rembang District BPN faces difficulties in increasing the capacity of its human resources, procuring modern measuring instruments, and conducting socialization to the community. This budget shortfall means that the mediation process cannot be optimized, especially in terms of empowering professional mediators and involving advanced technology to verify technical and juridical data.

Supporting facilities such as infrastructure, an efficient organizational system, adequate equipment, and sufficient finances are essential to support the smooth running of the mediation process. However, the lack of budget means that these facilities cannot be optimized, resulting in a slower and less effective dispute resolution process. For example, the lack of budget results in the unavailability of adequate GPS measurement tools, comfortable mediation rooms, and operational costs for field visits and socialization to the community.

⁸ Ramli, Asmarani. "Telaah Atas Reforma Agraria Untuk Keadilan dan Kesejahteraan Dalam Tataran Teori Kebenaran." *Jurnal Ilmu Hukum Amanna Gappa* 20, no. 1 (2012): 47-57

Based on data from the Rembang District BPN in the 2018-2020 period, 9 out of 11 incoming land dispute cases were successfully resolved through mediation, indicating a mediation success rate of 80% percent. However, in the period 2023-2025, 3 out of 10 incoming land dispute cases were successfully resolved at the Rembang District BPN, while litigation was only used as the last option after mediation failed.

Table 4.2 Statistics on the Settlement of Land Boundary Disputes through Mediation

| No. | Period | Number of Cases Entered | Cases Resolved Through Mediation | Percentage of Mediation Success |
|-----|-----------|-------------------------|----------------------------------|---------------------------------|
| 1. | 2018-2020 | 11 | 9 | 80% |
| 2. | 2023 | 10 | 3 | 30% |

From this data, it can be seen that in the 2018-2020 period, mediation by the National Land Agency (BPN) of Rembang Regency succeeded in resolving most land boundary disputes, which amounted to 80% of the total incoming cases. This shows the effectiveness of mediation as an efficient dispute resolution method. Meanwhile, in the 2023 period, only 3 cases were successfully resolved out of 10 cases of disputes entered at the BPN of Rembang District. Nevertheless, litigation remains the residual option used when mediation fails or does not reach an agreement. Budget gaps are one of the factors that hinder the settlement of these disputes. Limited funding leads to limited resources such as a lack of mediators and technical support tools, which slows

down the mediation process and contributes to unresolved cases.

The lack of budget has resulted in a failure to reach out to a wide range of community participation. Without sufficient funds, socialization and education on dispute resolution and mediation procedures cannot be conducted thoroughly and effectively. This leads to low public awareness of the mediation process, which in turn increases the potential for prolonged conflicts and violations of land boundary provisions.

Concrete steps are needed to improve this condition by allocating a sufficient and sustainable budget and optimizing the use of these funds through proper and transparent planning. Efforts to increase the budget are also part of the strategy to support the smooth running of the mediation process.

C. Limited Infrastructure

Lack of facilities and infrastructure is also a significant internal factor. The BPN of Rembang Regency has difficulty in conducting re-measurements due to the unavailability of adequate equipment. This results in the dispute resolution process becoming more complicated and taking longer. Based on the results of the interview with Ms. Lia Roselina as the Coordinator of the Substance Group (KKS) of Cases and Disputes, it was found that the limited infrastructure hampered the mediation process:

1. Limited mediation space which is shared with other functions so that there is no special room capable of carrying out mediation optimally. This condition causes the mediation process to be less conducive because the room is limited and often alternates with other activities.
2. The availability of technical equipment such as land measuring tools is also limited. The Rembang District BPN only has a limited number of land measuring tools that must be used interchangeably for a fairly large area, so land boundary measurements are often delayed. This limited equipment has a direct impact on the slow process

of verification and measurement of land boundaries, which is one of the important stages in the implementation of the mediation process to resolve land boundary disputes.

3. The lack of adequate operational vehicles to support officer mobility and take measurements in the field, especially in rural areas that are difficult to reach. This hampers the speed and smoothness of the settlement process because officers must wait for the availability of vehicles or use less efficient alternative transportation.

The limited infrastructure will have an impact on the lack of comfort and professionalism in the implementation of mediation which will ultimately reduce public confidence in the process of resolving land disputes through mediation.

2. External Factors

A. Low Public Legal Awareness

The low level of public legal awareness of the dispute resolution process through mediation is a significant obstacle in resolving land disputes. According to Fang, Hassan and Lepage (2023: 96), environmental literacy is influenced by various variables such as education level, and access to information. Low environmental literacy can cause people to lack understanding of the importance of the mediation process as an alternative to land dispute resolution.

Low public legal awareness is one of the major challenges in resolving land boundary disputes. Based on interviews with Ms. Lia Roselina, many people do not understand the importance of having a clear and legal land certificate. They often use informal stakes or verbal boundaries as the basis for their land claims, leading to conflict when disputes arise.

Low public legal awareness is caused by several factors, namely:

1. Less intensive socialization and education on the existence and importance of mediation as an

alternative to land dispute resolution.

2. The relatively low level of education of the village community, resulting in a lack of understanding of legal procedures and land administration.
3. Lack of access to information and adequate land administration facilities, making it difficult for people to obtain knowledge about land origins and mediation procedures.

This condition can be analyzed based on the imbalance between the community's need for quick and inexpensive land dispute resolution and their low understanding of and access to mediation mechanisms facilitated by the BPN of Rembang District. This imbalance emphasizes that although mediation is an efficient and low-cost procedure, its success is highly dependent on the awareness and active participation of the community, which is still less than optimal. This demands efforts from the Rembang District BPN and related parties to increase legal education and socialization of mediation in a more massive and sustainable manner so that the community better understands and utilizes mediation in resolving land boundary disputes.

B. Lack of Land Certificates

Another significant challenge is the lack of land certificates. Land certificates are strong evidence of ownership of land. Without a certificate, it will be difficult to prove each party's claim to the location of their land boundaries in the event of a dispute.⁹ In addition, the lack of land certificates is due to the fact that many people do not understand the process of obtaining a land certificate because they still believe that obtaining a certificate is time-consuming, complicated and expensive.

In rural areas, especially in Rembang district, many people are reluctant to apply for land certificates because they are unaware of the procedures involved and think

⁹ Kasalya, I Gusti Ayu Agung, dkk. (2022). Penyelesaian Sengketa Proses Pendaftaran Tanah Sistematis Lengkap (PTSL) Berdasarkan Peraturan Menteri Agraria Nomor 6 Tahun 2018. *Jurnal Analogi Hukum*, Vol. 4, No.1 (2022), hal: 76-81

that obtaining a land certificate will only increase their tax payments. This assumption is due to the lack of economic security in the village due to high levels of poverty. This is reinforced by interviews with Maguan village authorities who said that many villagers did not know about the importance of land certificates.

The lack of land certificates is influenced by several factors including:

1. Lack of effective and equitable socialization of the law by the BPN of Rembang Regency to rural communities.
2. The low level of education in the community, which makes it difficult to understand the rule of law.
3. Economic factors that limit people's access to formal land certificates and the installation of concrete land boundary markers in accordance with applicable legal procedures.

Without clear and official certificates, land ownership boundaries are uncertain and prone to overlap, leading to conflicts between villagers over land tenure. This lack of clarity also makes it difficult to effectively enforce the law and settle disputes because legal proof of ownership is not available or is incomplete. The lack of land certificates can hamper the dispute resolution process carried out by the Rembang District BPN. Based on an interview with Ms. Lia Roselina as Coordinator of the Substance Group for Cases and Disputes, she explained that the mediation process requires clear and strong evidence to reach an agreement. The lack of land certificates will complicate mediation because valid evidence is limited and will extend the duration of the mediation process. The lack of land certificates also has the effect of weakening the legal protection of landowners, making their land more vulnerable to control by other parties.

According to John Rawls' distributive justice perspective, this indicates unequal access to fair and equal land ownership rights. The lack of land titles and the failure of mediation reflect the unequal distribution of

basic land rights that should be part of the "equal basic liberties" in Rawls' theory. It also creates injustice for rural communities who are economically and informationally disadvantaged, making them more vulnerable to losses due to unresolved disputes. In addition, mediation failures caused by limited resources and unprepared documents hinder the achievement of Rawls' difference principle, which is to improve conditions for the most disadvantaged. This imbalance reinforces the cycle of injustice in land tenure and dispute resolution in rural Rembang Regency. The data above shows that although mediation has been effective in resolving most disputes, budget gaps and lack of land certificates are still the main obstacles that cause distributive injustice in rural land management. Strengthening the budget and accelerating the land certificate program are important steps to realize better distributive justice according to Rawls' principles.¹⁰

The government of Rembang District through the Complete Systematic Land Registration (PTSL) program has attempted to increase the number of land certificates and the realization of certification of thousands of parcels of land owned by the region and the community. However, the success of this program also depends on increasing the legal awareness of the community to actively apply for land certificates, as well as adequate socialization and educational support so that the community understands the procedures and benefits of land certificates. Thus, the lack of public awareness in applying for certificates has demonstrated a failure to provide sufficient legal understanding and has become a major obstacle in realizing legal certainty and protection of land rights in Rembang District.

C. Use of Non-Formal Stakes

The use of land boundary markers that are not in accordance with procedures is one of the main obstacles that still occurs among rural communities in Rembang

¹⁰ John Rawls. (2005). *A Theory of Justice*. Delhi S & R Regal Co 2005 (eds.3).. Tersedia di Perpustakaan Mahkamah Konstitusi <https://simpus.mkri.id/opac/detail-opac?id=8429>

Regency. Many communities still use natural boundary markers such as trees or stones to mark their land boundaries. The use of these non-formal stakes often lacks adequate legal and technical clarity (Ahmad, 2024). The tree or stone stakes that most villagers use to mark their land boundaries are temporary and easily moved or lost.

This makes it difficult for the disputing parties to reach an agreement in the absence of a clear and permanent reference point for land boundaries. Many people still underestimate the installation of official boundary markers due to a lack of understanding and assume that installing official land boundary markers requires costs and a complicated process, so people often avoid and delay installing land boundary markers. As a result, mediation, which is supposed to be a peaceful solution, is hampered because the talks are not concrete.

This long-standing social and cultural custom adopted by most villagers has become a tradition and is considered socially legitimate. Although legally, these actions do not meet legal standards, such customs are very difficult to change and eliminate without intensive education and engagement. Official and registered boundary markers are key to safeguarding land and avoiding future land boundary disputes.

B. Effectiveness of Land Boundary Dispute Resolution through Mediation by BPN in Rembang Regency

1. The Level of Success of Mediation in Resolving Land Boundary Disputes in Rembang Regency

The National Land Agency (BPN) is a government agency tasked with implementing and developing land administration. In carrying out this task, the resolution of land problems is one of the functions under the authority of BPN.¹¹ Land disputes that are always a problem in rural

¹¹ Priyono, Galuh. (2023). Peran Kantor Pertanahan Dalam Penyelesaian Sengketa Batas Tanah (Studi Kasus Kantor Pertanahan Kabupaten Pematang). Thesis Universitas Islam Sultan Agung (UNNISULA)

areas, especially in rural Rembang Regency, are land boundary disputes. Dispute resolution through mediation by the BPN needs to be based on legitimate authorities based on laws and regulations. Dispute resolution through mediation by the BPN needs to be based on legitimate authorities based on laws and regulations. This is important as a basis for the BPN as a mediator in land dispute resolution. Therefore, the agreement in the framework of resolving disputes through mediation is carried out with restrictions intended so that the mediation decision does not violate the law and can be implemented effectively in the field (Ashadi, 2021).

In principle, every process through mediation must be based on the wishes of the parties first, both the plaintiff and the defendant. The mediator's role is to capture the wishes of the parties. Let's say they want to reconcile but they don't want to reconcile like what. Then the mediator plays a role in exploring what the plaintiff or defendant wants and then offering. So what becomes an effective benchmark, if for example the mediation is successful, it means that it is effective in the end. But the issue of whether or not it is effective is still developed on the intention of the parties themselves. If they really want to reconcile then of course it will be expressed because there are people who from the beginning have the intention of not wanting to reconcile. Even if the mediator tries to persuade during the mediation, it will not work. So in essence, the mediation process will not succeed if there is no desire from the parties to build a foundation for peace.¹²

Based on the results of interviews with Ms. Lia Roselina as the Coordinator of the Case and Dispute Substance Group (KKS), she explained that the success rate of mediation successfully completed by BPN Rembang Regency is arguably quite high, estimated at around 80%. According to a comparative analysis

¹² Hasanah, Ika Fu'ila Nurul. (2023). Kajian Hukum Ekonomi Syariah Terhadap Mediasi Sengketa Batas Tanah (Studi Kasus di Desa Maguan Kecamatan Kaliori Kabupaten Rembang). Thesis Mahasiswa IAIN Kudus

between mediation and litigation in resolving land disputes in Rembang Regency, there are significant differences in effectiveness and practice. Based on data from the Rembang District BPN for the 2018-2020 period, 9 out of 11 incoming cases were successfully resolved through mediation (80% success) and in the 2023 period, 3 out of 7 incoming cases were successfully resolved, while litigation was only a residual option if the mediation process did not reach an agreement for the parties.

Table 1.1 Comparison of dispute resolution through mediation and litigation in Rembang Regency

| No. | Aspects | Mediation | Litigation |
|-----|--------------------|---------------------------------------|--------------------------------------|
| 1. | Speed | 3 months on average | > 1 year |
| 2. | Cost | free (charged to the state budget) | IDR 5-15 million (case fee+advocate) |
| 3. | Party satisfaction | 80% of cases reach a win-win solution | often leads to social resentment |
| 4. | Success rate | 80% | 20% |

The data above explains that overall the practice of resolving land boundary disputes through mediation by the BPN in Rembang Regency is a more effective and efficient method of resolving land boundary disputes than litigation. However, if in the process the mediation fails to reach an agreement for the parties, litigation remains the last option for dispute resolution.

The application of Permen ATR BPN No. 21/2020 in the practice of resolving land boundary disputes through mediation in rural Rembang District shows mixed results and faces a number of significant challenges.

BPN's efforts in resolving land disputes are based on the provisions of Articles 43 and 44 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of

the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling and Settlement of Land Cases which explains that every dispute that is complained about is carried out a land dispute assessment to find out the sit of the case and the cause of the problem. Furthermore, the handling of land dispute cases is carried out by examining complaint data and data available at BPN to facilitate dispute resolution. BPN also conducts field research to examine the land that is the object of the dispute. Next, the BPN calls both parties and conducts mediation to reach an agreement. After the mediation is completed, if there is peace between the parties, then an official report is made which is signed by both parties so that it becomes evidence for further settlement of the steps taken. Because basically, the form of agreement between the two parties which is an agreement between them is made legally and becomes law for those who make it (Ashadi, 2021).

The effectiveness of land boundary dispute resolution through mediation by the BPN of Rembang Regency still faces various challenges that affect its success. Based on the research results, mediation often does not fully fulfill the principles of legal effectiveness, such as legal certainty, acceptance of the parties, efficiency of the process, and sustainability of the solution. Although the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 21 of 2020 on the Handling and Settlement of Land Cases has provided a more systematic legal basis for the settlement of land disputes through mediation, its implementation in Rembang Regency still faces significant obstacles from various factors. Thus, although mediation is considered a faster and cheaper method than litigation, its effectiveness still needs to be improved through systematic efforts to overcome obstacles in resolving land boundary disputes through mediation mechanisms.

2. Community Response to Mediation Results

Community responses to the results of mediation of land boundary disputes by the BPN varied, with some communities satisfied with the results and others dissatisfied and considering the results unfair. Some people think that through mediation, disputes can be resolved more quickly, fairly and peacefully. However, this is different for those who feel that mediation is not fair and does not fulfill their rights.¹³

The level of ease of the process of resolving land boundary disputes through mediation at the Rembang District Land Office was responded to variably, namely many respondents who stated that it was easy as many as 10 respondents (54%), who stated that it was normal 6 respondents (31%), and who stated that it was not easy 3 respondents (16%). From these data, it can be said that even though mediation is felt to be ineffective, it is considered easy in the process of implementing mediation.

With the settlement process through mediation, it is hoped that the community will become more aware and believe that mediation is the best solution to land disputes. With the support of various parties who cooperate with each other such as from BPN Rembang Regency, village government, and community leaders, the success rate of mediation will also definitely increase and the community will be more satisfied with the results of mediation.

Legal effectiveness depends not only on the existence of clear and firm legal regulations, but also on the extent to which these regulations can be effectively applied in society. In the context of mediation as one of the dispute resolution methods, legal effectiveness can be understood through several main aspects, such as legal certainty, acceptance of the parties, efficiency of the process, and sustainability of the solution. Through a

¹³ Abe, Ruktisandi Sindu, dkk. (2019). Tinjauan Hukum Terhadap Prosedur Pengukuran Ulang Tanah Sebagai Penyelesaian Sengketa Batas Kepemilikan Tanah di Kantor Pertanahan Kabupaten Blora. Prosiding: Jurnal Ilmiah Mahasiswa UNISSULA (KIMU) 2, Semarang 18 Oktober 2019, hal: 54-55

descriptive qualitative approach, this discussion will describe how mediation conducted by the BPN of Rembang Regency has not fully met the principles of legal effectiveness, as well as the factors that influence this condition.

From the results of the research, it appears that mediation conducted by the BPN of Rembang Regency often faces significant obstacles that impact on its effectiveness. One aspect that has been highlighted is the lack of legal certainty in the mediation results. In some cases, the results of mediation do not have formal binding legal force, making them vulnerable to future violations. For example, in the case of a land boundary dispute between Ms. S and Mr. K in Padaran Village, although the mediation had resulted in a written agreement, one of the parties still did not accept it because he felt that the process was not legally valid. This shows that mediation outcomes are often only verbal or informal, not supported by strong legal documents or binding court decisions. In legal effectiveness theory, legal certainty is one of the main indicators of the effectiveness of a legal mechanism. Without legal certainty, the results of mediation are difficult to be widely accepted and implemented by the parties.

Based on the above, it can be concluded that the effectiveness of mediation in resolving land boundary disputes by the BPN of Rembang Regency still faces various obstacles. Mediation conducted by the BPN has not fully met the principles of legal effectiveness, such as legal certainty, acceptance of the parties, process efficiency, and sustainability of solutions. These obstacles are caused by internal factors, such as limited human resources, lack of budget, and inadequate infrastructure, as well as external factors, such as low public legal awareness, lack of land certificate ownership, and the use of non-formal stakes.

To improve the effectiveness of mediation, systematic efforts are needed to overcome these obstacles. These efforts include increasing the capacity

of human resources, increasing the budget, procuring adequate infrastructure, and increasing public legal awareness through socialization and education. Thus, mediation can become a faster, more efficient and fair dispute resolution mechanism, thereby increasing legal certainty and reducing the potential for future conflicts.

Conclusion

The obstacles faced by the Rembang Regency National Land Agency (BPN) in resolving land boundary disputes through mediation mechanisms can be grouped into internal and external factors. Internal factors include limited human resources (HR), lack of budget, and inadequate facilities and infrastructure. Limited human resources mean that the mediation process is often not optimal because mediators do not have sufficient technical competence. The lack of budget has an impact on the limited training of mediators, the procurement of modern measuring instruments, and the implementation of socialization to the community. Meanwhile, external factors include low public legal awareness, lack of land certificate ownership, and the use of non-formal stakes that do not comply with legal standards. All of these constraints together hamper the effectiveness of mediation in resolving land boundary disputes in Rembang Regency.

The effectiveness of land boundary dispute resolution through mediation by the BPN of Rembang Regency still faces various challenges that affect its success. Based on the research results, mediation often does not fully fulfill the principles of legal effectiveness, such as legal certainty, acceptance of the parties, efficiency of the process, and sustainability of the solution. Although the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 21 of 2020 on the Handling and Settlement of Land Cases has provided a more systematic legal basis for the settlement of land disputes through mediation, its implementation in Rembang Regency still faces significant obstacles from various factors. Thus, although mediation is considered a faster and

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