



Prevention and resolution of land conflicts in the community in Suka Makmur Village

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ABSTRACT

Land is a fundamental element with economic and social dimensions that are often a source of conflict due to the imbalance between the rule of positive Law (law in books) and practice in society (law in action). In Suka Makmur Village, low legal literacy and a strong tradition of underhand transactions create legal vulnerabilities and make land a "dead capital" (dead capital). This activity aims to increase public understanding of the importance of land certification through the complete systematic land registration (PTSL) program and provide basic skills in non-litigation dispute resolution. The implementation uses a participatory approach that combines normative and sociological aspects through three stages: (1) observation and identification of conflict typology; (2) socialization and legal education; and (3) Discussion and clinical consultation in the form of surgical cases of citizens ' land documents. It was found that the dominant conflicts in the village were boundary disputes and inheritance disputes. This activity succeeded in changing the public's perception of land certification, which was originally considered expensive, into an economical preventive measure. Prevention is carried out through strengthening the understanding of the principle of Contradictoire Delimitatie (mutual delimitation), while dispute resolution is directed at village mediation mechanisms that are seen as more humanistic and effective in maintaining social cohesion than litigation channels. The synergy between citizens ' legal awareness, Village Administrative Order, and the use of government programs (PTSL) is the main key in mitigating and resolving land disputes in a sustainable manner.

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A. INTRODUCTION

Soil is a fundamental element for human life that has multidimensional dimensions, including economic, social, cultural, and religious aspects. In the context of statehood, the constitutional mandate in Article 33 paragraph (3) of the 1945 constitution confirms that the earth, water, and Natural Resources contained therein are controlled by the state for the



greatest prosperity of the people. This principle was translated into law No. 5 of 1960 on the basic agrarian principles (UUPA), which laid the foundation for the unification of agrarian law in Indonesia (Harsono, 2007). One of the main pillars of the UUPA is Article 19, which requires the government to carry out land registration throughout Indonesia to ensure legal certainty for every holder of land rights.

Despite the availability of legal instruments, sociological realities show that land conflicts remain a classic problem that never ends. Land conflicts in Indonesia are often rooted in an imbalance between the positive rule of Law (law in books) and the practice of law in society (law in action). According to Satjipto Rahardjo, the law is often teetering to pursue the development of complex social dynamics of society (Rahardjo, 2010). This phenomenon is clearly seen in rural areas, where people still tend to rely on evidence of hereditary physical possession or traditional documents such as girik and petuk that do not actually provide absolute legal certainty before the courts.

Land conflicts can be broadly categorized into two main typologies: boundary disputes and rights disputes (Suputra dkk., 2023). Boundary disputes usually result from the vagueness of physical boundary markings on the ground, whereas rights disputes arise from multiple or overlapping claims of ownership. In Suka Makmur Village, this problem is complicated by the high mobility of the transfer of land rights which is only done through oral agreements or under the hand without involving land deed officials (PPAT). This practice creates legal vulnerabilities that at any time can trigger horizontal conflicts between citizens and vertical conflicts between citizens and outsiders.

The impact of this legal uncertainty is significant. Economically, disputed land becomes "dead capital" because it cannot be pledged to financial institutions for business capital (Soto, 2013). Socially, land conflicts often undermine social cohesion and create prolonged tensions between neighbors or family members. Therefore, conflict prevention through legal literacy is becoming an urgent urgency. Prevention through systematic land registration is not just the fulfillment of administrative requirements, but preventive efforts to protect people's economic rights in the future (Urip Santoso, 2019).

In addition to prevention efforts, conflict resolution mechanisms also require a more humanist approach. The path of litigation in court often takes a long time, costs a lot, and ends in a fractured relationship between the parties. As an alternative, The Alternative Dispute Resolution (ADR) approach through mediation is seen as more effective for village communities. Mediation puts forward the principle of win win solution and is in line with the local wisdom of the Indonesian people who uphold consensus (Abbas, 2017).

Based on this background, community service activities in Suka Makmur village were carried out as a strategic step to bridge the gap in legal understanding. The main focus of this activity is to equip the community with knowledge about the importance of land certification through the complete systematic land registration (PTSL) program and provide basic skills in resolving land disputes in a non litigation manner. Through this service, it is hoped that the Suka Makmur Village community can have legal independence in managing their land assets and be able to mitigate potential conflicts early.

B. METHODS

The method of implementing community service activities in Suka Makmur Village is designed in a participatory manner by combining normative and sociological approaches. The legal service Model applied in this activity is deliberately designed in a circular and



participatory clinical basis to distinguish it from conventional legal counseling which is generally one way (top down) and simply describes normative articles. The fundamental difference lies in the integration of problem mapping (problem mapping) sociologically at the beginning of the activity and the provision of clinical consultation space (case surgery) at the end of the activity. This Model ensures that the education provided is not merely a transfer of theoretical knowledge, but a legal intervention that is responsive to real documents and concrete disputes faced by citizens personally. This activity is carried out through three main stages that are mutually sustainable, namely:

1. Stage of observation and identification of conflict typology

The initial stage is done by mapping the problem (problem mapping) in Suka Makmur Village. The service team conducted in-depth interviews with village officials and community leaders to identify the dominant typology of land conflicts. This observation aims to map whether the conflicts that occur are horizontal (between residents related to land boundaries or inheritance) or vertical (related to area claims or rights of use). The Data obtained from this stage is used as a material base in the preparation of extension modules to be relevant to the factual needs of local communities(Syaekhu dkk., t.t.)

2. Stages of socialization and Legal Education

After the typology of the conflict is mapped, the socialization stage is carried out through the method of interactive legal lectures. The focus of the material at this stage is the legality of assets, which include:

- a. Presentation on the function of land certificates as a means of proving strong and absolute rights in accordance with Article 19 of the UUPA.
 - b. An explanation of the complete systematic land registration procedure (PTSL) and the procedure for transferring legally valid land rights (through PPAT deed).
 - c. Education on conflict prevention
 - d. The Media used in this socialization in the form of visual presentation
3. Clinical discussion and consultation stage (case surgery)

The final stage is direct assistance through two-way discussion sessions and clinical consultations. At this stage, citizens are given the opportunity to convey the specifics of the dispute case they are experiencing. The service team conducts "case surgery" on land documents owned by residents (such as girik, village certificate, or deed under hand). Through this discussion, the team gave recommendations on dispute resolution through non-litigation (mediation), emphasizing the role of the village head as a mediator in reaching a peace agreement. This approach aims to provide practical solutions while improving people's negotiation skills in resolving conflicts without having to resort to costly litigation(Abbas, 2017).

This service activity was actively attended by 29 participants, consisting of: 15 village officials and community leaders (including Village Heads and community leaders), 12 representatives of heads of families who identified potential boundary/inheritance disputes on their land, and 2 accompanying students as field technical teams. Community characteristics of participants in general are in the productive age range (30-60 years), the majority of livelihood as farmers/planters, with the last level of Education dominated by graduates of high school and Elementary School, which empirically correlated with limited access to formal land law information.

To measure the increase in community understanding, the team used instruments in the form of pre test and post test structured oral containing 5 main indicators: (1) understanding of the certificate function, (2) the flow of PTSL registration, (3) the substance of the principle of *Contradictoire Delimitatie*, (4) completeness of inheritance documents, and (5) the urgency of village mediation. In addition, clinical consultation sheet instruments are used to evaluate



the quality of citizens ' documents during case surgery sessions. Data analysis techniques were carried out in a descriptive qualitative manner to reduce the results of interviews, record the percentage of changes in the responses of residents before and after the intervention, and analyze the comparative legal status of land documents owned by residents before being given a settlement recommendation.

C. RESULTS AND DISCUSSION

1.1 Prevention of land conflicts

Based on the results of initial observations in Suka Makmur Village, the potential for land conflicts mainly stems from the high land tenure practices that rely on non-formal document evidence, such as girik, petuk, or physical tenure declaration. Empirically, non-formal documents tend not to be in a standard registration system, so it is easy to cause differences in interpretation of the status of Rights, area, and boundaries of land plots. This condition opens the space for overlapping claims, both between residents and between residents and external parties, because the proof of rights depends on documents of varying quality, witness statements, and boundary markers that often change from time to time. The findings are in line with the theory of legal certainty proposed by Jan Gijssels, that legal certainty requires clarity of rules as well as real protection of the rights of legal subjects.

In the context of land, legal certainty requires an affirmation of "who is the right holder" and "what is the object of the right" (location, boundaries, and area) that can be verified consistently. When land is not registered and not supported by a certificate issued by the National Land Agency (BPN), residents are in a weak bargaining position because they do not have the most robust and standardized evidence to deal with disputes. As a result, any increase in the value of land, changes in land use, or the inclusion of other parties ' interests can increase the risk of disputes, increase social costs (repeated mediation, deteriorating social relations), and increase the economic burden on citizens due to the long and expensive process of proof.

Prevention of land conflicts in Suka Makmur Village is not just an administrative issue, but a fundamental effort in changing the paradigm of society from physical land ownership (de facto) to formal legal recognition (de jure). Based on the results of the service, it was found that the root of legal vulnerability in this village lies in the strong oral tradition in land transactions.

In the socialization session, the service team emphasized the importance of the principle of publicity in the land registry. Theoretically, land registration aims to provide legal protection for its rights holders (Harsono, 2007). The team explained that in the absence of registration, citizens ' land rights are "latent" and vulnerable to being sued by third parties who have authentic evidence.



Through legal lectures, the team provides an understanding that the certificate is a strong evidence as stipulated in Article 19 paragraph (2) letter C of the UUPA. The team explained that land registration through the complete systematic land registration (PTSL) program is a golden opportunity for residents to mitigate future conflicts. The results of this session showed a change in public perception; those who initially thought that land certification was expensive and complicated, now understand that the costs incurred are much cheaper than economic losses due to prolonged land disputes (Urip Santoso, 2019). Referring to Hernando de Soto's thinking, land without a certificate in the countryside is often a "dead capital" (dead capital). The land has economic value, but cannot be converted into business capital because it does not have bargaining power in formal financial institutions (Soto, 2013).

The success of this change in perception and increased understanding was confirmed concretely through the post-test results. Before the activity was carried out (pre test), only about 20% of participants understood the important functions of permanent boundary signs and PTSL procedures. However, after being given interactive socialization, the level of legal understanding of citizens jumped dramatically to reach 85%. Residents collectively agreed to change their view of de facto land into de jure legality, which was marked by a written



commitment with the village apparatus to initiate the installation of land boundary Stakes en masse after the activity.

The results of in-depth observations: in Suka Makmur village, many residents have difficulty accessing bank credit for agricultural capital because they only have a land certificate (SKT) from the village. The service team explained that by certifying land, residents not only prevent boundary conflicts, but also open access to strengthening the family economy. Thus, preventive prevention of land conflicts is also positively correlated with improving the economic welfare of the village. Boundary dispute is the most dominant conflict typology in Suka Makmur Village. To mitigate this, the service team dissected the urgency of the principle of *Contradictoire Delimitatie* (determination of contradiction limits). This principle requires the presence of the owner of the immediately adjacent land in the process of land measurement by the officers of the National Land Agency.

The team emphasizes that conflict prevention is most effective starting from a neighborly boundary agreement. In the discussion session, the team advised residents to carry out "community movements for installing boundary signs" (*Gemapatas*) independently. This step serves as a function of social control; if the boundaries of the land are clear and agreed by the neighbors in writing, then the potential for future land overlap lawsuits can be suppressed to the lowest point.

1.2 Land Conflict Resolution mechanism through Non litigation approach

Although prevention efforts have been socialized, the reality on the ground shows that there are some existing disputes that require immediate resolution. In the "case surgery" session in Suka Makmur Village, the service team found that the majority of residents felt burdened if they had to resolve disputes through litigation due to cost, time, and complexity of legal procedures. Based on the findings in the field, the service team encourages the application of mediation as an alternative to dispute resolution (ADR). Theoretically, mediation in the countryside is in line with the theory of restorative justice and the sociological value of the Indonesian people who prioritize deliberation (Abbas, 2017).

In one of the cases raised by residents related to overlapping family land boundaries, the service team provided a mediation simulation. The team explained that the role of village heads or traditional leaders as mediators is not to decide who wins or loses, but to facilitate communication in order to reach a consensual agreement. This has been shown to lower the emotional tension between the disputing parties than if they were directly confronted in the formal legal realm.

The second conflict typology that arises in Suka Makmur Village is inheritance disputes over undivided land. Much of the land in this village is still in the name of deceased parents "dead" land, thus triggering a unilateral claim from one of the heirs. The service team provides solutions in the form of:

- a. Preparation of Certificate of inheritance (SKW): provides administrative direction for heirs to legalize their status first.
- b. Division by agreement: the team emphasizes that in land law, the division of inheritance land can be done through the deed of division of joint rights (APHB), which is preceded by consensus deliberation to avoid the rupture of the Brotherhood.

The face to face (clinical) case surgery method has been proven to be effective in increasing people's confidence. Citizens who previously felt "legally blind" became aware of



the position of the evidence they had. The real impact of this case surgery session is the increasing tactical ability of the community in recognizing potential conflicts and resolving disputes. As proof, through a mediation simulation guided by the team, two families who had a dispute about the boundaries of the house yard immediately agreed on a preliminary draft of peace in the family. Residents now have the basic skills to apply for gradual mediation with the village office, draw up a chronology of land ownership in a sequential manner, and no longer rush to choose the path of the police or the courts in the event of horizontal friction. The team explained that documents such as the statements of old witnesses in the village and the history of land ownership (sporadic) can be a strong basis in the village mediation process and land registration later. face to face (clinical) case surgery method has proven effective in increasing people's confidence. People who previously felt "legally blind" became aware of the position of the evidence they had. The team explained that documents such as the statements of old witnesses in the village and the history of land ownership (sporadic) can be a strong basis in the process of village mediation and land registration later.

Overall, this discussion shows that the settlement of land conflicts in Suka Makmur Village is more effective through a responsive legal approach. That is, the law is not only seen as a collection of rigid rules, but as a tool to achieve social justice through peace at the village level (Nonet dkk., 2017). Through mediation, the social harmony of Suka Makmur villagers is maintained without reducing the essence of the certainty of their land rights.

D. CONCLUSION

Community service activities in Suka Makmur village show that land problems are rooted in low legal literacy regarding the importance of formal certification and the strong tradition of transfer of Rights Under hand. Conflict prevention efforts are carried out effectively through the transformation of the paradigm of society from physical control to juridical control, as well as the application of the principle of *contradictoire delimitatie* in the determination of land boundaries.

Meanwhile, in the aspect of conflict resolution, the non-litigation approach through village mediation proved to be the most relevant and humanistic solution for the residents. Case surgery sessions provide a practical understanding for the public to recognize the status of the evidence they have and the correct administrative procedures. Overall, the synergy between citizens' legal awareness, Village Administrative Order, and the use of government programs (PTSL) is the main key in mitigating and resolving land disputes in Suka Makmur Village.

E. AUTHOR CONTRIBUTIONS

Fence M. Wantu as an activity coordinator in charge of organizing the entire series of events, dividing tasks, and ensuring that activities go according to plan. Akbar Hidayatullah Daud was in charge of making a dedication Journal. Mohamad Taufiq Zulfikar sarson who compiled the schedule and set the course of activities. Anastasia Sarjono prepares tools, materials, places, consumption, and technical needs. Nurifana Umar as documentation and publications that take photos, videos, and disseminate information on activities. Elmarianti prepares the Administration, records the results of the meeting, prepares the schedule, and makes the final report and Nur Insani Aulia as the person in charge of Community Relations who coordinates with village officials, community leaders, and helps invite residents to participate



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