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Reforming the Land Boundary Dispute Resolution Mechanism Based on Mediation for Legal Certainty and Social Sustainability

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Abstract: Land boundary disputes between citizens in Indonesia often give rise to legal uncertainty, social conflict, and burden the courts. Settlement through litigation has proven ineffective due to its high costs, lengthy time, and failure to guarantee sustainable social relations. This study emphasizes reform of the mediation-based land boundary dispute resolution mechanism, using a restorative justice approach to achieve legal certainty while maintaining social harmony. The Supreme Court Regulation Number 1 of 2016 regarding Court Mediation Procedures and Law Number 5 of 1960 concerning Basic Agrarian Regulations (Articles 19 and 33), which prioritizes legal clarity and public welfare, serve as the legal foundation, which opens up space for peaceful resolution. Mediation is considered capable of producing fair and legally binding agreements, preventing conflict escalation, and restoring social relations between parties, in line with the objectives of the Basic Agrarian Law. Normative legal analysis and mediation practices in the field indicate that this approach is effective in reducing the burden of court cases, providing legal certainty, and maintaining social sustainability. In conclusion, mediation-based reform of land boundary dispute resolution mechanisms is an integrative legal strategy that harmonizes formal interests and social values and serves as a crucial instrument in developing responsive and equitable agrarian law.

Keyword: Land Boundary Disputes, Mediation, Dispute Resolution.

INTRODUCTION

Land boundary disputes between residents in Indonesia are an increasingly prevalent and complex issue, reflecting a weak land administration system and a lack of public awareness of the importance of certainty over land rights boundaries. (Usman, 2022) Based on information provided by the National Land Agency/Ministry of Agrarian Affairs and Spatial Planning (ATR/BPN), thousands of land boundary disputes have been reported annually in recent years, making them one of the most prevalent types of agrarian conflict in Indonesia. (Burhanuddin, Wardhani, & Surya, 2022) These disputes often arise from overlapping certificates, inconsistencies in land plot maps, and measurement errors in the

field, particularly in densely populated areas and areas with high land economic value. (Ramli, 2021) The impact not only creates legal uncertainty and economic losses but also leads to social conflicts that damage relationships between residents, even in some cases triggering physical violence and community divisions. Real-life examples can be seen in a number of reported cases in various regions, such as West Java, East Kalimantan, and South Sulawesi, where unresolved land boundary disputes have resulted in road closures, land destruction, and even violent acts. (Marsella, 2015)

In Indonesia, land border disputes are becoming more common and posing a significant challenge to national land governance. Based on information provided by the National Land Agency/Ministry of Agrarian Affairs and Spatial Planning (ATR/BPN), land boundary disputes account for the largest share of all agrarian disputes reported annually. (Hipan, Nur, & Djanggih, 2018) This problem often occurs in both rural and urban areas due to inconsistencies in boundary map data, overlapping certificates, and a lack of public awareness and participation in the boundary measurement and determination process. The social impacts of these disputes are very real, such as damaged relationships between residents, disrupted social stability, and the emergence of horizontal conflicts that can escalate into physical violence. (Parlina, 2023) Economically, land boundary disputes hamper community productivity because the disputed land cannot be optimally utilized, often burdening families due to legal costs and wasted time. Several cases that have surfaced in the media, such as land boundary disputes between residents in Central Java and Kalimantan, demonstrate that without an effective resolution mechanism, agrarian conflicts have the potential to become a source of prolonged legal uncertainty. (Hasan, Dungga, & Imran, 2023) This circumstance highlights the fact that settling land border disputes is a social and legal issue that urgently needs reform rather than just an administrative one.

The mechanism for resolving land boundary disputes through litigation in court has demonstrated various fundamental weaknesses. The litigation process is generally time-consuming, expensive, and requires legal skills that most rural communities lack. (Sekar NS, et al., 2024) As a result, residents often do not obtain substantive justice due to obstacles to formal procedures and economic constraints. Furthermore, resolving disputes through the courts tends to create winners and losers, deepening the conflict and damaging social relations between communities that previously lived side by side. (Reynaldi, 2023) Final and binding court decisions do provide formal legal certainty, but in practice, they often fail to address the root of the problem, especially when one party feels disadvantaged or does not accept the outcome.

The high caseload in the courts, particularly regarding land disputes, also demonstrates the inefficiency of litigation in resolving agrarian conflicts. According to a Supreme Court report, land disputes are among the top five most frequently filed civil cases, and many of these relate to land boundary issues. (Sukma & Aminah, 2024) This problem leads to a backlog of cases and slows down the judicial process, forcing communities to wait years for a final decision. Ironically, even after this lengthy process, conflicts often persist in communities because legal decisions fail to restore trust and social relations between the disputing parties. Thus, resolution through litigation is not only inefficient but also fails to create sustainable peace at the local level. (Ihsani & Putra, 2024)

This situation underscores the need for reform of land dispute resolution mechanisms through a non-litigation approach that is faster, cheaper, and more equitable. One relevant approach is restorative justice-based mediation, where resolution is aimed at restoring social relations and reaching mutual agreements, rather than simply determining who is right or wrong. (Burhanuddin, Wardhani, & Surya, 2022) This strategy is in line with the principles of amicable dispute settlement outlined in Supreme Court Regulation Number 1 of 2016 about Court Mediation Procedures, which provides ample space for parties to engage in

dialogue and seek win-win solutions. Globally, mediation has proven effective in resolving various agrarian conflicts at a low cost and with more sustainable results. In Indonesia, this mechanism is beginning to be adopted by the National Land Agency (BPN) and local governments in resolving land disputes outside the courts. (Nola, 2016)

Mediation has great potential as an alternative resolution for land boundary disputes in Indonesia because it aligns with the characteristics of a society that upholds the values of deliberation and consensus. According to the Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in Court, which is a strict regulation of the legal basis for mediation in Indonesia, all civil cases must first go through a mediation process before moving on to the main case examination stage. This rule shows that the value of amicable and collaborative dispute settlement is acknowledged by the law. Additionally, Articles 19 and 33 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) highlight the necessity of achieving legal certainty over land in order to guarantee the welfare and social fairness of all Indonesians. The relationship between PERMA No. 1 of 2016 and UUPA No. 5 of 1960 lies in the spirit of both to create a dispute resolution system that is not only oriented towards formal legality but also pays attention to aspects of humanity and substantive justice. (Yunia, 2022) Thus, mediation is not merely a procedural instrument, but rather an integral part of the national agrarian legal system, which strives to maintain a balance between legal certainty and social peace.

The principles of mediation are also highly relevant to the social values and customary law that exist in Indonesian society. Indigenous communities in various regions have long been familiar with deliberation-based dispute resolution mechanisms, such as "rembug desa," "adat rapat," or "adat peace institutions," which aim to achieve harmony and restore relations between residents. (Shebubakar & Raniah, 2023) The principles of voluntariness, equality, openness, and confidentiality in the mediation process are highly aligned with the philosophy of cooperation and the spirit of family that characterize the Indonesian nation. Furthermore, in the context of customary law, dispute resolution does not simply focus on who is right or wrong, but rather on restoring social balance. (Myaskur & Wahyudiono, 2024) This strengthens the argument that mediation, both in and out of court, serves as a bridge between the national legal system and local wisdom, serving to maintain social cohesion and community stability.

From an agrarian law perspective, mediation can serve as an effective means of achieving legal certainty and social sustainability. In resolving land boundary disputes, the results of mediation have the same legal force as a peace agreement if ratified by a court, thus providing formal legal guarantees to the parties. (Darmika, 2022) However, what distinguishes mediation from litigation is its ability to maintain good relations between the disputing parties. When agreements are reached voluntarily and based on mutual understanding, the results are more easily accepted and implemented. Mediation also prevents new disputes from arising because the parties actively participate in formulating solutions. (Khoirruni, Agustiwi, & Bidari, 2022) Thus, mediation is not only a legal instrument that guarantees certainty of land rights, but also a social tool that promotes peace, reconciliation, and sustainable community development.

Nevertheless, various legal challenges remain in the implementation of mediation as a mechanism for resolving land boundary disputes in Indonesia. One major issue is the weak effectiveness of mediation in creating legal certainty due to the lack of an integrated system between the National Land Agency (BPN), local governments, and judicial institutions in handling mediation agreements. Furthermore, not all mediators have a thorough understanding of the technical aspects of land matters, often resulting in agreements that do not align with the legal or physical data of the disputed land. Another challenge is the low

level of public legal awareness regarding peaceful resolution, as many still consider the courts the only path to justice.

The urgency of reforming land boundary dispute resolution mechanisms in Indonesia lies in the urgent need to create a more effective, humane, and sustainable legal system to address the ever-increasing complexity of agrarian issues. To date, the dominant litigation approach has not been able to provide adequate solutions due to its lengthy, expensive process and its frequent exacerbation of social conflict between communities. Therefore, reforms are needed that place restorative justice-based mediation as the primary instrument for resolving land boundary disputes, emphasizing deliberation, equality, and the restoration of social relations. This reform is not only about procedural efficiency, but also part of an effort to realize the mandate of UUPA No. 5 of 1960 to provide legal certainty and public welfare through equitable land management. In an academic context, the urgency of this research arises from the need to examine in depth how mediation can be legally formulated and effectively implemented as a dispute resolution mechanism that is responsive to social dynamics. This research is expected to provide theoretical contributions to the development of a just agrarian law concept, as well as practical recommendations for judicial institutions, the National Land Agency (BPN), and the government in strengthening more participatory land dispute resolution policies oriented towards social sustainability.

METHOD

This study employs a normative juridical methodology that combines a conceptual and statutory approach. Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 11 of 2016 concerning Land Case Settlement are among the positive legal provisions pertaining to land boundary dispute resolution mechanisms that are examined using the statutory approach. Meanwhile, the conceptual approach is used to understand and analyze legal ideas and theories relevant to the concept of restorative justice and the effectiveness of mediation in the agrarian legal system. Primary legal materials, such as pertinent legislation and court rulings, secondary legal materials, such as legal literature, scientific journals, research findings, and expert opinions, and tertiary legal materials, such as legal dictionaries and encyclopedias, make up the data sources utilized. Using academic literature, pertinent legal papers, and library research, data collection methods were carried out. Following data collection, descriptive-qualitative analysis approaches were used to describe and evaluate legal standards and theoretical concepts in order to determine their applicability and deficiencies, and opportunities for legal reform in the application of restorative mediation to resolve land boundary disputes in order to achieve legal certainty and social sustainability.

RESULTS AND DISCUSSION

Effectiveness of Mediation Mechanisms in Resolving Land Boundary Disputes

The effectiveness of mediation in a legal context is a measure of the extent to which the mediation process achieves its primary goal: to resolve disputes quickly, fairly, and affordably, and restore social relations between the disputing parties. In legal dispute resolution, effectiveness can be understood as the ability of a mechanism to produce outcomes that align with the values of substantive justice and legal certainty expected by society. According to Soerjono Soekanto's theory of legal effectiveness, law is considered effective if the applicable legal rules are truly adhered to and implemented in society. In mediation, effectiveness is measured not only by the number of disputes resolved but also by the extent to which the agreements are voluntarily accepted by the parties and can prevent

new conflicts from arising. Therefore, mediation is considered effective if it can save time in settlement, reduce legal costs, produce fair and binding agreements, and have a positive social impact by maintaining good relations between residents.

The parameters of mediation effectiveness in resolving land boundary disputes can be seen from several important aspects. First, the time aspect. Mediation is considered effective if it can resolve disputes in a relatively short time compared to the litigation process, which can take months or even years. Second, the cost aspect, where mediation is much cheaper because it does not require large court costs, witnesses, or advocates. Third, the success rate, which is measured by the percentage of agreements reached and voluntarily accepted by both parties. Fourth, the level of compliance, namely the extent to which the parties implement the terms of the agreement without further legal coercion. Fifth, the social impact, namely the ability of mediation to restore social relations, prevent recurrent conflict, and create sustainable peace. Based on the theory of restorative justice, the success of mediation is measured not only by its formal legal aspects, but also by the extent to which the process provides space for participation, healing, and reconciliation between the disputing parties. Thus, the effectiveness of mediation must be understood as a combination of legitimate legal outcomes and social benefits directly felt by the community.

The Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016 about Mediation Procedures in Court, which is an upgrade over the previous regulation, provides clear legislative guidelines for the implementation of mediation in the Indonesian legal system. According to this PERMA's Article 4, paragraph (1), each judge must first try to settle civil disputes through mediation before moving on to the main case examination stage. This provision affirms the position of mediation as the primary instrument in dispute resolution, including land boundary disputes. Furthermore, Article 27 paragraph (1) of PERMA No. 1 of 2016 stipulates that if the parties reach an agreement, the mediation results can be strengthened by a peace deed that has permanent and enforceable legal force. This means that the mediation results have the same legal standing as a final and binding court decision, thus providing legal certainty to the disputing parties. Therefore, mediation is not merely informal or a compromise but has a strong legal basis in the Indonesian judicial system.

Understanding the connection between Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) and PERMA No. 1 of 2016 is also essential. The UUPA's Article 19, paragraph (1), highlights that the government enforces land registration across the Republic of Indonesia to guarantee legal clarity. In the meantime, the UUPA's Article 33, paragraph (3), highlights that the state controls the land, water, and natural resources found there and uses them as much as possible for the benefit of the populace. By tying these two clauses together, mediation can be viewed as a way to achieve social justice and legal clarity in land management, because through mediation, the community is given the opportunity to resolve disputes peacefully and with dignity, without damaging the social order. In addition, mediation is in line with the spirit of the UUPA, which prioritizes the welfare of the people and social justice above individual interests, thus strengthening the position of mediation as an instrument of agrarian law that is just and sustainable.

In practice, mediation in resolving land boundary disputes has been implemented both through court (litigation) and out-of-court (non-litigation) channels. In court, mediation is conducted according to the procedures stipulated in PERMA No. 1 of 2016 with the assistance of certified mediators appointed by the court. Outside the court, mediation is often facilitated by the National Land Agency (BPN), local governments, or local customary institutions. Some regions have successfully implemented a participatory mediation model involving community leaders and village officials, which has proven more effective in reaching peaceful agreements. For example, in several areas in Central Java and Bali, the

BPN, together with village governments, initiated land boundary deliberation forums that significantly reduced the number of disputes. However, not all mediation processes run smoothly; some fail due to a lack of good faith from the parties, a lack of legal and technical data on land boundaries, or the mediator's low competence in the land sector. Therefore, the effectiveness of mediation in the field depends heavily on the synergy between formal legal aspects, the abilities of the mediator and their knowledge of local law. The outcome of conflict settlement in the land boundary mediation procedure depends on the roles played by the parties. According to the guidelines outlined in Article 6 paragraph (2) of PERMA No. 1 of 2016, the mediator serves as an impartial facilitator who assists the parties in reaching a mutually agreeable resolution without taking sides, which emphasizes that mediators must be neutral and not force an agreement. Meanwhile, the community as a disputing party must demonstrate good faith, openness of information, and a willingness to negotiate. Regional governments and the National Land Agency (BPN) are responsible for providing land plot maps, rights boundaries, and the legal basis for ownership to avoid misunderstandings during mediation. With the support of competent institutions and a participatory community, mediation can function optimally as a dispute resolution tool that not only ensures legal certainty but also maintains social harmony at the local level. In general, mediation will be more successful in settling land border disputes if all legal, institutional, and social elements work synergistically within a fair, responsive, and sustainable agrarian legal system framework.

The application of mediation in resolving land boundary disputes in Indonesia has empirically taken place both through court channels (litigation) and outside the court (non-litigation). The Supreme Court of the Republic of Indonesia Number 1 of 2016 Regulation concerning Mediation Procedures in Court, which mandates that all civil cases go through a mediation process before the main case is examined, clearly regulates the use of mediation in the litigation system in Article 4 paragraph (1). In many district courts, especially those handling land disputes, mediation is a mandatory initial step aimed at seeking voluntary peace under the guidance of a certified mediator. According to the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 11 of 2016 Regulation concerning the Settlement of Land Cases, the National Land Agency (BPN) frequently facilitates mediation outside of court through the land dispute and conflict handling unit. The National Land Agency (BPN), with the help of local government representatives, mediates disputes between the opposing parties in this more participative and socially conscious non-litigation method, community leaders, and traditional institutions. The approach has proven more acceptable to rural communities because it is based on local deliberation and agreement, in line with the values of cooperation and restorative justice.

In practice, mediation outcomes in the field show significant variation between success and failure. For example, in some regions, such as Central Java and West Sumatra, mediation has successfully resolved many land boundary disputes between residents due to the active support of village heads and indigenous communities familiar with the history of the boundaries. The agreements reached in mediation are then formalized in writing and validated by the court as a peace deed, as stipulated in Article 27 paragraph (1) of PERMA No. 1 of 2016, which has permanent legal force and is enforceable. However, in several other regions, such as East Kalimantan and South Sulawesi, the mediation process often reaches a deadlock because each party insists on maintaining ownership claims without a strong legal basis. Mediation failures are usually caused by the lack of complete land data, accurate plot maps, or overlapping land certificates. This situation indicates that the effectiveness of mediation depends not only on the mediator's skills, but also on the availability of adequate data and administrative support from land agencies.

Supporting and hindering factors are two categories of elements that affect whether mediation in land border disputes is successful or unsuccessful. Supporting factors include the competence of the mediator, who understands both the legal and technical aspects of land matters, the parties' willingness to negotiate openly, and institutional support from the National Land Agency (BPN) and local governments in providing valid data and land maps. Furthermore, Article 6 paragraph (2) of PERMA No. 1 of 2016 stipulates that mediators must be neutral and impartial, a crucial prerequisite for building trust between the parties. Meanwhile, inhibiting factors generally arise from strong ownership interests, power imbalances between parties (for example, between citizens and corporations), a lack of public understanding of land law, and weak coordination between government agencies. In many cases, conflicts escalate when mediation outcomes are not followed up with administrative confirmation from the BPN, for example, through updated land boundary data or certificates. Therefore, the success of mediation is crucially determined by multi-party collaboration and the continuity of the agreement with the national land administration system.

Mediation has a significant impact on legal certainty and social relations within the community. From a legal perspective, the results of mediation, formalized in a peace agreement and ratified by the court, have permanent legal force, as stipulated in Article 27 paragraph (2) of Supreme Court Regulation No. 1 of 2016. This provides the same legal guarantees as a court decision, but in a more efficient and peace-oriented manner. From a social perspective, mediation plays a crucial role in restoring relationships between communities previously strained by land boundary disputes. Unlike litigation, which tends to result in a winner and a loser, mediation positions both parties as partners working together to find a solution. This aligns with the values of restorative justice, which emphasize restoring social harmony rather than simply enforcing punishment. Thus, mediation can provide two benefits simultaneously: formal legal certainty and substantive social sustainability, both of which are essential in Indonesia's agrarian legal system.

Compared to litigation mechanisms, mediation has proven superior in terms of time efficiency, cost efficiency, and social impact. Litigation processes are often lengthy, create new tensions, and have the potential to deepen social divisions at the community level. Meanwhile, mediation allows for faster and more flexible resolutions, as decisions result from mutual agreement based on the principles of justice and equality. Furthermore, mediation outcomes are more easily accepted and implemented because they arise from the voluntary consent of the parties, rather than from the imposition of a judicial decision. In the agrarian context, this advantage of mediation is crucial because land disputes often involve long-term social relationships between residents, necessitating a resolution that is not only legally valid but also socially sustainable. Therefore, strengthening mediation as part of the agrarian dispute resolution system is a strategic step toward realizing responsive and equitable agrarian law.

From an agrarian law perspective, the effectiveness of mediation is directly related to the objectives of Law Number 5 of 1960 (UUPA), which emphasizes the importance of social justice, public welfare, and legal certainty regarding land. Article 2, paragraph (3) of the UUPA states that the implementation of the state's right to control must guarantee the prosperity of the people, while Article 9, paragraph (2) emphasizes that every citizen has an equal opportunity to obtain benefits from the land. Based on these principles, mediation can be understood as a concrete manifestation of the implementation of agrarian law that is just and oriented towards social welfare, because it provides space for the community to resolve differences peacefully and independently.

Agrarian Law Reform through a Restorative Mediation Approach

Agrarian law reform is a necessity to address the increasing complexity of land issues in Indonesia, which continue to evolve in line with the social, economic, and political dynamics of society. The agrarian legal system, derived from Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), has affirmed the principles of social justice and the people's prosperity in the control and utilization of land, as stipulated in Article 2 paragraph (3), which states that the state's right to control must be exercised to achieve the greatest possible prosperity for the people. However, in practice, the implementation of the UUPA often faces structural obstacles, such as overlapping policies, weak law enforcement, and the dominance of a formal-legalistic approach that does not fully accommodate the social values of society. Therefore, agrarian law reform not only means revising positive legal norms, but also restructuring the dispute resolution paradigm towards a more participatory, inclusive approach oriented toward restoring social relations. The application of the restorative justice concept is relevant as a basis for renewing the agrarian dispute resolution system to be more humane and sustainable.

The concept of restorative justice in modern law focuses on restoring the harm caused by a violation or conflict, rather than solely punishing the guilty party. The main principles of restorative justice include reparation, participation, and reconciliation, where all parties involved in a dispute are encouraged to actively participate in seeking a just and mutually beneficial solution. In the context of Indonesian agrarian law, these principles align closely with the values of deliberation, cooperation, and local wisdom that have long been the basis for dispute resolution in indigenous communities. Therefore, the application of a restorative justice approach in agrarian law reform can bridge the gap between modern positive law and the living law that has developed in society. This approach emphasizes the importance of restoring the social balance disturbed by land disputes, rather than simply determining who is right in formal legal terms. Therefore, restorative justice-based agrarian law reform can shift the paradigm of dispute resolution from a rigid litigation-oriented approach to one based on dialogue, deliberation, and mutual agreement, which fosters public trust in the legal system.

The normative basis of restorative mediation application in Indonesian agrarian law can be found in various laws and regulations. UUPA No. 5 of 1960 provides a philosophical and legal basis that land has a social function as stipulated in Article 6, which states that all rights to land have a social function. In addition, Article 9 paragraph (2) emphasizes that every citizen, both men and women, has an equal opportunity to obtain benefits from land. These principles indicate that the resolution of agrarian disputes must not only be based on individual interests but must also consider the social interests of the wider community. Meanwhile, PERMA No. 1 of 2016 concerning Mediation Procedures in Court serves as the legal basis for the implementation of mediation as a mandatory stage in the civil process, including land disputes, as emphasized in Article 4 paragraph (1). In addition, Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 11 of 2016 concerning the Settlement of Land Cases provides space for dispute resolution through mediation outside the court. Normatively, the results of mediation agreed upon by the parties can be stated in the form of a peace deed and have executive power as regulated in Article 27 paragraph (2) of PERMA No. 1 of 2016, which guarantees legal certainty regarding the results of the agreement.

Empirically, the application of restorative mediation in resolving agrarian disputes has begun to show positive results in several regions in Indonesia. For example, in Sleman and Karanganyar Regencies, community-based mediation, supported by the National Land Agency (BPN) and the local government, resolved a years-long land boundary dispute through a collaborative deliberation mechanism. In this process, the mediator acted not only as a mediator but also as a social facilitator, encouraging active community involvement.

This restorative mediation approach combined formal legal elements with local social values such as mutual cooperation and respect for the history of land ownership in the village. The resulting agreements were not merely legal documents but also social agreements that strengthened relationships between residents. This demonstrates that the application of restorative justice in the agrarian context is not only effective in resolving conflicts but also plays a crucial role in rebuilding social harmony damaged by land disputes.

However, the implementation of restorative mediation in the agrarian legal system still faces various challenges and obstacles. Structurally, there is still overlapping authority between agencies such as the National Land Agency (BPN), local governments, and judicial institutions, which often slows down the dispute resolution process. Furthermore, weak land data integration and the lack of accurate digital land maps often hinder the determination of ownership boundaries. Other obstacles are cultural and social, such as low public legal awareness, high ownership egos, and the dominance of parties with greater economic or political power. Resistance to non-litigation approaches also persists because some communities perceive out-of-court settlements as lacking strong legal certainty. These conditions indicate that the successful implementation of restorative mediation requires synergy between institutional reform, increased mediator capacity, and strengthening public understanding of the law to encourage greater openness to dialogue-based and mutually agreed-upon resolutions.

Moving forward, agrarian legal reform through a restorative mediation approach needs to be directed toward strengthening a dispute resolution system that integrates legal certainty with social justice. An ideal model that can be developed is the establishment of a National Land Mediation Institute that functions as a coordination center for the resolution of cross-sectoral land disputes, supported by integrated digital land data connected to the National Land Agency (BPN) information system. Furthermore, it is necessary to improve the competence of mediators through training in agrarian law, socio-cultural approaches, and restorative dialogue facilitation techniques. This effort aligns with the vision of National Legal Development as outlined in the National Long-Term Development Plan (RPJPN), which emphasizes the establishment of a just, participatory, and sustainable legal system. This reform also supports the goal of sustainable development in the agrarian sector, as restorative mediation can create a balance between legal certainty, social benefits, and environmental sustainability. Thus, the restorative mediation approach is not only a technical solution for dispute resolution, but also a new paradigm in the development of agrarian law that is just and oriented towards the common good.

CONCLUSION

Based on the analysis and discussion of mediation-based land boundary dispute resolution mechanisms using a restorative justice approach, it can be concluded that the agrarian legal system in Indonesia requires comprehensive reform to ensure legal certainty and social sustainability. Land dispute resolution, which has been dominated by litigation, has proven ineffective due to its lengthy process, high costs, and social impacts that divide relationships between residents. Mediation has demonstrated significant promise in developing prompt, reasonably priced, and equitable solutions, as outlined in Supreme Court Regulation Number 1 of 2016 and further supported by Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 11 of 2016. Particularly those provisions that highlight the social role of land and the prosperity of people (provisions 2, 6, 9, and 33) in relation to the spirit of Law Number 5 of 1960 concerning the Basic Agrarian Law, mediation becomes an instrument capable of realizing the ideals of equitable agrarian law. More than just a conflict resolution tool, mediation with a restorative approach serves as a means of restoring social relations and strengthening

societal values based on deliberation, cooperation, and social justice. Therefore, agrarian law reform that integrates restorative mediation is a strategic step towards realizing a legal system that is responsive to community needs while maintaining social harmony at the local level.

Suggestions include strengthening agrarian mediation institutions and regulations to provide a more robust and operational legal foundation. The government, along with relevant institutions such as the National Land Agency (BPN), the Supreme Court, and the Ministry of Law and Human Rights, should initiate the establishment of a National Land Mediation Institute, which would serve as a coordinating forum for resolving cross-sectoral land disputes, equipped with a transparent and easily accessible digital land database system. Furthermore, increasing the capacity of mediators through training that integrates local legal, social, and cultural aspects is necessary to ensure an effective and equitable mediation process. Local governments and communities should also be encouraged to play an active role in dispute resolution through non-litigation channels by strengthening village deliberation mechanisms and customary institutions as part of the national legal system. Thus, agrarian law reform through restorative mediation not only strengthens legal certainty but also fosters public trust in the law, minimizes social conflict, and supports the achievement of sustainable development goals in the agrarian sector that are oriented towards justice and shared prosperity.

REFERENCE

- Burhanuddin, M., Wardhani, L. C., & Surya, F. A. (2022). Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (Ptl) Sebagai Upaya Untuk Mencegah Sengketa Kepemilikan Dan Batas Tanah Di Kantor Pertanahan Kabupaten Kudus. *Jurnal Suara Keadilan*, 23(1), 51-61.
- Darmika, P. (2022). Upaya Penyelesaian Sengketa Tanah Melalui Mediasi Sebagai Jalur Alternatif. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 10(3), 327-336.
- Hasan, S. Y., Dungga, W. A., & Imran, S. Y. (2023). PENYEBAB TIMBULNYA SENGKETA TANAH. *Journal of Comprehensive Science (JCS)*, 2(6), 121.
- Hipan, N., Nur, N. M., & Djanggih, H. (2018). Problematika Penyelesaian Sengketa Tanah Di Lokasi Tanjung Sari Kabupaten Banggai. *Law Reform*, 14(2), 205-219.
- Ihsani, F. A., & Putra, G. P. (2024). Praktik mediasi sebagai alternatif penyelesaian sengketa batas di Kantor Pertanahan Kota Kediri. *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara*, 2(4), 252-262.
- Khoirruni, A., Agustiwi, A., & Bidari, A. S. (2022). Problematika dan Penyelesaian Sengketa Tanah Melalui Mediasi Berbasis Virtual di Indonesia. *Jurnal Ilmiah Hospitality*, 11(1), 347-354.
- Marsella. (2015). Perspektif Penanganan Sengketa Pertanahan Di Badan Pertanahan Nasional. *Jurnal Ilmiah Penegakan Hukum*, 2(2), 101-107.
- Myaskur, & Wahyudiono, T. (2024). Aspek Hukum Penyelesaian Sengketa Tanah Adat. *Islamic Law: Jurnal Siyasah*, 9(2), 97-110.
- Nola, L. F. (2016). Sengketa Tanah Partikelir. *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 4(2), 183-196.
- Parlina, S. a. (2023). Alternatif Penyelesaian Sengketa Batas Bidang Tanah Dan Upaya Penyelesaiannya. *Jurnal Ilmiah Living Law*, 15(1), 77-85.
- Ramli, M. R. (2021). Polemik Sengketa Hak Atas Tanah. *Jurnal Litigasi Amsir*, 9(1), 18-25.
- Reynaldi, M. R. (2023). Peran Notaris Pembuat Akta Tanah Dalam Meminimalisir Sengketa Tanah. *Jurnal Hukum*, 20(2), 522-530.
- Sekar NS, R. L., Mauldy E., N., Hanifa, S., Sabila, F. A., Putra, M. P., & GB Indra, S. (2024). Analisis Yuridis Peranan Kantor ATR/BPN terhadap Penyelesaian

- Permasalahan Sengketa Batas Tanah. *Indonesian Journal of Law and Justice*, 1(4), 11-12.
- Shebubakar, A. N., & Raniah, M. R. (2023). Hukum Tanah Adat/Ulayat. *Jurnal Magister Ilmu Hukum: Hukum dan Kesejahteraan*, 4(1), 14-22.
- Sukma, Z. P., & Aminah. (2024). Kendala yang Dihadapi oleh Kantor Pertanahan Kota Bandung Sebagai Mediator Para Pihak Dalam Proses Mediasi Penyelesaian Sengketa Batas Tanah. *UNES Law Review*, 6(3), 9572-9583.
- Usman, A. H. (2022). Mencegah Sengketa Tanah. *Sol Justicia*, 5(1), 63-75.
- Yunia, N. (2022). Penyelesaian Sengketa Batas Kepemilikan Tanah Secara Adr Di Badan Pertanahan Nasional. *Jurnal Hukum dan Kenotariatan*, 6(1), 651-668.