



Implementation of Land Dispute Settlement by Village Head Towards Village Community

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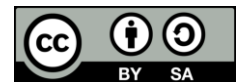
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ABSTRACT

This study focuses on the preferences of the Randuati Village community towards informal mediation mechanisms by the village head in resolving land disputes. Using a qualitative approach with a case study method, data were obtained through in-depth interviews and participatory observations. The results of the study indicate that the choice of informal mediation is not only due to limited access to the formal legal system, but further reflects collective trust in the social and historical authority of the village head. This confirms the existence of legal pluralism, where formal law and local law not only coexist but also influence each other in the practice of conflict resolution. The village head acts as a legal broker who bridges state law with the law that lives in society. The implications of this finding emphasize that justice at the grassroots level is the result of a complex interaction between norms, culture, and social structures. This study makes an important contribution to the development of more contextual and community-based agrarian policies, as well as opening up space for strengthening local mediation systems that are responsive to community needs.

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1. INTRODUCTION

Land issues in Indonesia are multidimensional issues that not only involve legal-formal aspects, but are also deeply rooted in the historical, socio-cultural, and economic-political dimensions of society (Nuryanto & Wildaniati, 2024). In rural areas, land is not merely positioned as a productive asset, but also as a symbol of identity, social status, and cultural heritage that is passed down from generation to generation. Based on data from the National Land Agency (BPN) in 2023, there were more than 8,000 land dispute cases throughout Indonesia, with the majority occurring in rural areas that have weak and overlapping land administration systems (Ramadan & Priyani, 2024). One of the areas experiencing a concrete manifestation of this agrarian crisis is Randuati Village, Nguling District, Pasuruan Regency. The disputes that occurred in the village were generally related to dualism in ownership claims, boundaries that were not validly documented, and agrarian heritage that did not have valid legal evidence. This phenomenon indicates structural friction between the state's positive legal system and local legal practices (local legal order) based on collective memory and social consensus. In the vortex of this dilemma, the village head plays a crucial role as an authoritative figure as well as a symbol of local representation in reducing conflict and building non-litigative mediation channels. However, the role of the village

head in the constellation of land conflict resolution has not received comprehensive academic attention, especially in the legal pluralism framework that accommodates the dynamics between formal legal norms, local wisdom values, and developing social practices.

Field observations revealed that the people of Randuati Village prefer informal channels through the village head in resolving land disputes rather than taking formal channels such as the Land Office or judicial institutions. This preference is built on the basis of social closeness, the historicity of relations, and the assumption that the village head has the capacity to remember the genealogy of land ownership in his area. However, this idealization does not immediately produce a substantial and just resolution. In practice, the role of the village head in resolving land conflicts is often faced with limited legal capabilities, potential conflicts of interest, and the weakness of an accountable ownership documentation system at the village level. In fact, in some cases, the intervention of the village head has become a source of social resistance because it is considered unaccommodating and full of subjective content. This reality indicates that mediation of land conflicts at the village level is not just a technocratic issue, but a complexity that requires an understanding of social structures, informal legitimacy, and affinity for plural norms that exist in society. Thus, it is important to conduct a systematic empirical study of how village heads navigate their roles in local power structures in order to reduce the escalation of agrarian conflicts in a civilized and contextual manner.

Several previous studies have made initial contributions to the understanding of the role of village heads in resolving agrarian conflicts, but most of them are still normative and fragmented. Research by Sutanto et al., (2021) shows that the success of village head mediation is greatly influenced by community social trust, but has not explored the institutional context and operationalization of mediation in the field. Another study by Arigbabu et al., (2024) emphasizes the importance of legal literacy as a supporting element for the mediative capacity of village heads, but ignores the pragmatic dimension in dispute resolution practices. On the other hand, Rochaeti & Muthia, (2021) highlight the advantages of a cultural approach in resolving land conflicts, although it is limited to indigenous communities and does not accommodate the social realities of villages with heterogeneous characteristics such as Randuati. These three studies provide an important initial framework, but do not fully answer the complexity of the relationship between local authorities, plural law, and the dynamics of land conflicts in village areas that have a long agrarian history and multivariate social systems.

Based on the conceptual framework, it can be critically identified that there is a substantial epistemological gap (knowledge gap) in the discourse on agrarian conflict resolution by village government actors, especially village heads. This gap is evident in the empirical dimension which has not elaborated much on the complexity of local dynamics, emerging power relations, and the validity of legal pluralism in the village context. The available study landscape to date is still dominated by normative studies that are limited to formal legal analysis, or focus on areas with relatively low conflict intensity, thus ignoring the reality of social practices that take place factually at the grassroots level.

This study aims to fill this gap by offering a scientific contribution based on a qualitative approach that is exploratory and in-depth on the practice of land conflict resolution by village heads in Randuati Village. By placing socio-structural dynamics as the starting point of analysis, this study seeks to present a more holistic understanding of the mediative role of village heads in managing and resolving land disputes. Thus, the findings of this study are not only empirically contributive to strengthening the capacity of local institutions in conflict governance, but also broaden the horizon of academic discourse on community-based conflict resolution in the contemporary agrarian realm.

The novelty of this study lies in the interdisciplinary approach it uses, which integrates the perspectives of agrarian law, legal anthropology, and sociology of conflict. Rather than being trapped in a legalistic versus cultural dichotomy, this study offers a synthetic analytical approach, by examining the interaction between formal regulatory structures, local norms, and mediation practices based on social legitimacy. In particular, this study highlights the strategic position of the village head as a legal broker within the framework of legal pluralism, an aspect that is still rarely touched upon in academic literature, especially in the rural context of East Java.

By presenting a participatory, contextual, and social trust-based conflict resolution model, this study is expected to be able to present an alternative approach that is more adaptive to the social dynamics of contemporary village communities. In this context, the main objective of this study is to conduct a comprehensive and empirical evidence-based analysis of the implementation of the role of the village head in the land conflict

resolution process in Randuati Village, Nguling District, Pasuruan Regency. The focus of the analysis is directed at the form of mediative intervention, the resolution strategy used, and contextual variables that influence the effectiveness of dispute resolution. The findings are expected to not only enrich the scientific literature in the study of agrarian law and conflict resolution, but also provide significant practical implications in the formulation of community-based policies and strengthening institutional capacity at the village level.

2. RESEARCH METHODS

This study is a type of empirical legal research that aims to directly understand the practice of resolving land conflicts at the village level, especially how village heads carry out their mediative role in the context of legal pluralism (Sumarna & Kadriah, 2023). This study uses an interdisciplinary approach that combines sociological-legal, legal anthropology, and qualitative approaches. The sociological-legal approach is used to examine the interaction between formal state legal norms and social practices that develop in society. Meanwhile, the legal anthropology approach is used to explore cultural values and local norms that influence the dynamics of land dispute resolution. The qualitative approach was chosen because it is able to provide a deep understanding of the mediation process, social context, and power relations that occur in practice in the field.

The location of this research was chosen purposively because it has the characteristics of complex agrarian conflicts, with distinctive historical and social backgrounds. Data collection was carried out through primary and secondary sources. Primary data sources include in-depth interviews with village heads, village officials, community leaders, parties involved in the conflict, and officers from the local Land Office. In addition, participant observation was conducted to directly observe the mediation process and social interactions that took place during conflict resolution.

Secondary data sources were obtained from village administrative documents, land regulations, and relevant literature reviews from journals, books, and previous research reports (Qomaruddin & Sa'diyah, 2024). Data were analyzed to identify patterns of village head intervention, forms of mediation strategies used, and contextual factors that influence the effectiveness of conflict resolution. In this analysis process, special attention was paid to the relationship between state law and local norms as a manifestation of legal pluralism that lives in village communities. To ensure the validity of the data, triangulation of sources and methods was carried out, as well as member checking of informants to ensure the validity of the information obtained. This research was also conducted by upholding the principles of research ethics, such as maintaining the confidentiality of informants' identities, obtaining informed consent, and respecting local norms and values during the data collection process in the field.

3. RESULT AND ANALYSIS

Community Preference for Informal Mediation by the Village Head

The tendency of the Randuati Village community in resolving land disputes shows a strong preference for informal mechanisms, especially through mediation facilitated by the village head. This reflects the unique local legal configuration, where the village head not only acts as an administrative official, but also as an authoritative figure in resolving agrarian conflicts. This dual role shows the existence of a plurality of legal systems as explained in the theory of legal pluralism by Griffiths (1986), namely the existence of formal and non-formal legal systems that coexist and interact with each other in one jurisdiction (Sanjaya, 2024).

The community's choice to resolve disputes through the village head is not merely pragmatic, but is also based on trust in the social, historical, and cultural authority held by local leaders. The village head is considered to understand the genealogy of land ownership history and is considered more sensitive to the social dynamics that develop in the community.

Ahmad Sarjono as a local villager revealed that the community's preference in resolving land disputes tends to be directed towards the village head. This is due to the collective belief that village heads have a comprehensive historical understanding of the status and history of land ownership in their area. Furthermore, he considered that the litigation path through the courts was considered less effective because it has the potential to increase the complexity of resolving cases and incur significant costs for the disputing parties.

In a similar context, Wagini Ningsih as one of the informants highlighted the strategic role of the village head who is considered to have the authority of knowledge regarding the genealogy and history of land ownership in his area. In addition to the informative aspect, the village head is also considered capable of creating a personal

and informal dialogue space, so that it is more easily accessible to the community. Residents also tend to choose direct communication with the village head because it is considered more practical and does not cause bureaucratic pressure as when having to deal with it at the city level. This finding reflects the existence of a strong emotional attachment between the community and local leaders, which in turn strengthens the social legitimacy of the village head in resolving agrarian conflicts through deliberation. This approach is considered more responsive to local values, and reflects participatory dispute resolution practices that are rooted in community culture.

Based on the results of field observations conducted throughout April 2025, it was found that land dispute mediation practices were generally carried out in village halls in an atmosphere that tended to be informal and without the involvement of professional legal advisors. In this process, the village head plays a central role as a facilitator, actively listening to the arguments of each disputing party and encouraging the achievement of a compromise agreement through joint dialogue. Although this approach is relatively effective in building social harmony at the local level, significant weaknesses lie in the administrative aspect, especially in terms of recording the results of mediation. Not all settlements are stated in the form of official documents, which ultimately opens up the possibility of similar conflicts re-emerging in the future due to the lack of a binding legal basis.

Conceptually, this phenomenon can be studied through the approach proposed by Merry (1988), which highlights that community-based mediation mechanisms represent more local values and norms than formal legal principles (Yilmaz & Sokolova-Shipoli, 2024). In this framework, the village head acts as a legal broker, namely a connecting actor who integrates community social practices with the formal legal system of the state. This intermediary role is crucial, especially in contexts where structural barriers such as high litigation costs, limited geographic access, and procedural complexity are factors that prevent people from reaching formal justice directly.

Although community mediation mechanisms offer social effectiveness, there are still significant challenges from both epistemic and legal aspects. One of the weaknesses that stands out is the absence of formal documentation that can be used as a legal reference in the future. The agreements reached are generally only conveyed verbally without being stated in the form of a written decision that has binding legal force. This condition creates a space for legal uncertainty (legal grey area), which has the potential to be exploited negatively by parties who do not have good intentions, thus creating vulnerability to further disputes.

This limitation was emphasized by Eny Agustining as the village secretary, who stated that village heads often have difficulty resolving disputes due to the absence of valid and complete land documents, so they have to rely on oral information from the community. This situation shows the weakness of the agrarian documentation infrastructure which has an impact on the validity and legitimacy of the mediation results.

The impact of the unavailability of administrative evidence is the disruption of the effectiveness of the dispute resolution process and the decline in the authority of the village head as a mediator. Agus Hartono as the head of Randu Hamlet said that in a heated dispute situation without written evidence, his party had difficulty in enforcing a decision. This statement emphasizes the limitations faced by the village head when administrative evidence is not available as a basis for legitimizing mediation.

From an institutional perspective, the national land system has provided a formal mechanism through certification of land rights and land measurements carried out by the National Land Agency (BPN). However, the majority of village communities still rely on unofficial documents such as sales and purchase letters or oral testimony, which do not have legal force in the positive legal system. This condition reflects the existence of legal dualism between state law and law that develops socially in society (living law), as described by Turnudzi, (2025). This phenomenon emphasizes the importance of a legal pluralism approach in understanding the dynamics of land dispute resolution at the local level.

Table 1. Comparison of Formal and Informal Dispute Resolution Paths

Aspect	Formal Channel	Informal Channel
Legality	Legally recognized and binding	Not always legally enforceable

Documentation	Officially documented	Generally undocumented
Accessibility	Limited, requires time and money	Easily accessible, fast and inexpensive
Procedure	Complex and bureaucratic	Simple and flexible
Neutrality	Reviewed by official third parties	Prone to bias due to social proximity
Enforcement Power	Enforceable by court	Cannot be formally enforced

As a practical consequence of these findings, policy interventions are needed that aim to strengthen the legal capacity of village heads in carrying out their functions as community mediators. Strategic steps that can be taken include mediation training based on legal understanding, facilitation of official documentation of the results of mediation agreements, and integration of the results of these mediations into the formal land system. The implementation of these efforts is expected to be able to fill the legal vacuum that has occurred so far, while strengthening the legitimacy of local law and encouraging the creation of substantive justice at the grassroots level.

Thus, the results of this study confirm that the community's preference for informal mediation is not merely a reaction to limited access to the formal legal system, but also a reflection of the social structure and legal culture inherent in the local community. In Randuati Village, the village head plays a role that is more than just an administrative official; he is a central actor in the dynamics of legal pluralism that is growing and developing in the community. Therefore, synchronization between state law and local customary law is a crucial need in order to build an inclusive, efficient, and equitable dispute resolution mechanism.

Limitations of Village Heads in Formal Legal Aspects

The role of village heads in managing agrarian conflicts at the local level reflects the complexity of both structural and cultural nature. Sociologically, village heads have a strategic position with recognized moral authority and emotional closeness to residents. However, the effectiveness of this role is often limited by a lack of understanding of the formal legal framework and the absence of legally valid agrarian documents. Ahmad Mulyadi as an official said that village heads often experience confusion in making decisions when there are no official documents available, so they only rely on testimony or historical narratives from residents. This finding strengthens the conclusion that in practice, village heads often rely on social legitimacy rather than administrative evidence that has legal force, which ultimately has an impact on the weak legal position in the dispute resolution process.

A similar statement was also expressed by Agus Hartono, who highlighted that the absence of legal documents is a major obstacle in the process of resolving agrarian conflicts. He stated that when the dispute has heated up but is not accompanied by evidence of legal ownership, it is difficult for village officials to make firm decisions. This statement reflects the structural limitations in the authority of the village head, especially when dealing with land conflicts that have entered the escalation phase. Field observations also show that the majority of residents only have evidence of informal transactions, such as sales and purchase letters that are not legalized by official land agencies. In addition, the absence of accurate land maps and the lack of historical documentation of land use worsen the situation, thereby strengthening legal uncertainty and opening up space for potential similar disputes in the future.

In the national agrarian legal system, the validity of claims to land ownership is normatively determined by the existence of official documents, especially land title certificates. However, at the local level, communities still rely heavily on oral testimony and customary legitimacy that is not formally documented. This situation places

the village head in a problematic position: on the one hand, he is trusted as a mediator by the community, but on the other hand, he does not have a strong enough legal basis to issue final and legally binding decisions. This phenomenon shows the urgency of the need for synergy between community-based recording mechanisms and the national land administration system, in order to increase legal certainty and reduce the potential for agrarian conflict at the village level.

This study also identified conceptual tensions between the formal legal framework of the state and local legal practices rooted in collective memory and communal social values. Naufal Mustain, as a local village figure, explained that the formal legal approach is often difficult for village communities to understand. On the other hand, local customary-based solutions are considered easier to accept and are able to produce mutually agreed solutions. This reflects that in the context of rural communities, the customary legal system has a higher level of flexibility and adaptability to local socio-cultural conditions, while also showing the reality of legal pluralism that coexists with the formal state legal system.

One of the residents, Desi Safitri, said that the practice of oral land inheritance has been going on for generations in the lives of rural communities. The process of transferring land ownership rights is not accompanied by official documents, but rather depends on social understanding regarding genealogy and ownership history that is known together by the community. However, along with the increasing demand for formal legal evidence, this traditional inheritance system has begun to be questioned and has given rise to ownership conflicts. This statement reflects the clash between local knowledge that is based on collective memory and social norms, with the state legal system that requires administrative legality as the only valid means of proof.

Another significant finding relates to the potential for conflicts of interest inherent in mediation practices by village heads. In some cases, personal ties or kinship relations between the village head and one of the disputing parties have an impact on bias in the mediation process and lower the standards of objectivity that should be maintained. The village secretary said that there were cases where the parties involved in the conflict were distant relatives of the village head, so that mediation decisions tended to be unbalanced. The case study in Krajan Hamlet confirms this finding, where the village head appeared less active in intervening in the imbalance of narratives conveyed by the more dominant party.

Within the framework of mediation theory, neutrality is an ethical and legal principle that is essential for the legitimacy of the dispute resolution process. The inability of the village head to distance himself from personal interests has the potential to damage public trust in village authority. Therefore, institutional intervention is needed in the form of mediation ethics training and strengthening participatory monitoring mechanisms by residents to prevent abuse of authority and maintain the integrity of the process.

As a comparative illustration, the fundamental differences between conflict resolution mechanisms through formal and informal channels can be summarized as follows: formal channels managed by state institutions are characterized by high costs, lengthy procedures, and decisions that have binding legal force. In contrast, mediation by village heads is fast, low-cost, but does not have strong legal force and is vulnerable to conflicts of interest. In terms of documentation, formal channels tend to be well documented in institutional archives, while informal channels have minimal recording and often do not have an administrative track record. However, high accessibility and social closeness are factors that make people continue to rely on these informal channels, even though they are accompanied by significant legal risks.

Table 2. The mediation process commonly carried out by village heads consists of

Stage	Process Description	Characteristics
1. Conflict Report	Citizens submit complaints regarding land disputes to the village head.	Initiated by the community, not formally documented.
2. Summoning the Parties	The village head summons the disputing parties to attend.	Done informally, without official letters.

3. Village Deliberation	A mediation forum is held with the village head as the main mediator.	Prioritizes familial approach and consensus.
4. Verbal Agreement	The disputing parties reach a verbal consensus.	Not always written down in a formal document.
5. Documentation (Optional)	The agreement may be recorded in minutes (if done).	Not standardized, depends on the village head's initiative.
6. Post-Mediation Monitoring	Not always conducted, depending on the continuity of the conflict.	Weak in terms of monitoring and accountability.

Overall, these findings show that the position of village heads in resolving land conflicts is ambivalent: on the one hand, accelerating the resolution process and strengthening social cohesion, but on the other hand facing serious challenges in terms of legal capability, neutrality, and legality of decisions. Therefore, the strategy of increasing the legal capacity of village heads, strengthening land documentation at the local level, and integrating customary law with national law are strategic steps in building an adaptive, inclusive, and equitable conflict resolution system in rural areas.

4. CONCLUSION

This study shows that the preference of the Randuati Village community for informal mediation by the village head in resolving land disputes is not merely a pragmatic alternative to limited access to the formal legal system, but reflects a deep trust in the social and historical authority of the village head as a central figure in the configuration of local law. This finding strengthens the discourse of legal pluralism, where formal and local legal systems coexist and influence each other in practice. Trust in the village head who is considered to know the history of the land and understand the social dynamics of the community creates a form of contextual justice that is more sociologically acceptable, although not always legally recognized. An important lesson from this study is that justice at the grassroots level is more than just a product of state law; it is the result of the interaction of norms, culture, and social structures that are rooted in the daily lives of the community.

This study makes a significant contribution to enriching the literature on community-based mediation and the role of local authorities in agrarian conflict resolution. This study not only renews the understanding of the dynamics of informal mediation in the village context, but also offers a new perspective on the village head as a legal broker who bridges the gap between state law and the law of community life. The strength of this study lies in its holistic approach and is rooted in in-depth empirical data through interviews and observations, as well as its integration with a strong theoretical framework. However, this study has a limited scope that only covers one village, and has not explored the dimensions of gender or age differences in conflict resolution preferences. Further research is needed with a wider coverage area and mixed methods, in order to build a more comprehensive and in-depth understanding. This effort is important as a basis for formulating agrarian policies that are more inclusive and rooted in the social realities of local communities.

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