

Land Law Enforcement in Villages Based on Mediation: Efforts to Achieve Substantive Justice in The Community

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Abstract

Land law enforcement at the village level in Indonesia faces complex challenges, including the dualism of legal systems and limited public access to land information. The mediation approach in resolving land disputes in villages offers solutions that align with local values and are supported by various laws and regulations, but its implementation still faces challenges that require a comprehensive and contextual approach. The aim of this research is to analyze the implementation of mediation-based land law enforcement at the village level in an effort to achieve substantive justice for the community, as well as to identify factors that influence the effectiveness of mediation in resolving land disputes in villages. This research uses a normative legal research method with a statutory and conceptual approach, focusing on the study of legal norms, legal principles, and legal concepts related to mediation-based land law enforcement at the village level. Data collection techniques are carried out through literature study, while data analysis uses qualitative analysis methods with deductive reasoning, involving data organization, categorization, interpretation, and drawing conclusions. The research results show that the implementation of mediation-based land law enforcement at the village level to achieve substantive justice is a complex approach involving several main stages, from dispute identification to agreement monitoring. This approach combines formal legal principles with local wisdom, paying attention to key aspects such as respect for local values, equality, and transparency. Its effectiveness is influenced by various interrelated factors, including the legal framework, mediator capacity, participation of disputing parties, understanding of local context, resource support, inter-agency coordination, and political support. Despite facing challenges, proper implementation has the potential to effectively resolve land disputes and contribute to strengthening village governance and sustainable rural development.

I. Introduction

Land is a vital natural resource for human life. Apart from having high economic value, land also has social and cultural functions that cannot be separated from Indonesian society, especially in rural areas. Along with population growth and economic development, the need for land is increasing, which in turn can trigger various land conflicts and disputes. The complexity of land issues in Indonesia, especially at the village level, demands a comprehensive and contextual approach in land law enforcement efforts.(Puspasari & Sutaryono, 2017)

The 1945 Constitution of the Republic of Indonesia in Article 33 paragraph (3) affirms that "The land and water and the natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people." This constitutional mandate was further elaborated in Law No. 5/1960 on Basic Agrarian Principles (UUPA). UUPA is the main legal basis for land management and utilization in Indonesia, including the regulation of land rights and land dispute resolution.

Despite the existence of a clear legal framework, the implementation of land law enforcement at the village level still faces various challenges. One of the main problems is the dualism of the legal system, namely between positive law (state law) and customary law that still applies in many rural areas in Indonesia. This dualism often leads to legal uncertainty and potential conflicts in the management and utilization of land in the village.(Mayasari, 2017) In addition, the limited access of village communities to land information and services, as well as a lack of understanding of formal land law, means that many land issues are not properly resolved. This is exacerbated by land speculation practices, uncontrolled land conversion, and conflicts of interest between various parties in land utilization in the village.(Puspasari & Sutaryono, 2017)

Law No. 6/2014 on Villages grants greater authority to village governments in managing natural resources, including land, in their areas. Article 26 paragraph (2) letter n of the law states that one of the duties of the village head is to "resolve community disputes in the village." This provision opens up opportunities for the application of mediation approaches in land dispute resolution at the village level.

Mediation as a form of alternative dispute resolution (ADR) has several advantages over litigation resolution. Mediation offers a faster process, lower costs, and a win-win solution for the disputing parties. In addition, mediation is also in line with the values of

deliberation and mutual cooperation that have long been rooted in the culture of Indonesian society, especially in rural areas.(Panatagama & Fuadi, 2023)

The application of mediation in land law enforcement in villages has a strong legal foundation through Supreme Court Regulation No. 1/2016 on Court Mediation Procedures. Although this regulation focuses more on mediation in judicial proceedings, the principles contained therein can be adapted and applied in the context of land dispute resolution at the village level.(Suartini et al., 2024) The implementation of mediation-based land law enforcement in villages is also in line with the spirit of Law No. 30/1999 on Arbitration and Alternative Dispute Resolution. This law legitimizes and encourages the use of out-of-court dispute resolution mechanisms, including mediation, in various types of disputes, including land disputes.(Boboy et al., 2020)

In the context of national land policy, Presidential Regulation No. 86/2018 on Agrarian Reform emphasizes the importance of resolving agrarian conflicts and structuring community access to land. This Presidential Regulation mandates the government to carry out land redistribution and asset legalization, which in its implementation at the village level will require a mediation approach to resolve various potential conflicts that may arise.(Nurahmani, 2023)

Furthermore, Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 11/2016 on Land Case Settlement explicitly regulates the mediation mechanism in resolving land disputes and conflicts. This regulation provides technical guidance for government officials, including at the village level, in facilitating the mediation process of land disputes.(Permono & Rosmidah, 2019) Nonetheless, the implementation of mediation-based land law enforcement in villages still faces various challenges.

The implementation of mediation-based land law enforcement in villages also needs to pay attention to the principles of good governance, such as transparency, participation and accountability. This is important to build public trust in the mediation process and increase the legitimacy of the results achieved through mediation.(Nada, 2022)

In a broader context, mediation-based land law enforcement in villages should be seen as an integral part of agrarian reform efforts and sustainable rural development. This

approach is expected to contribute to the achievement of national development goals, such as poverty alleviation, equitable access to natural resources, and strengthening food security at the village level. Research on land law enforcement in mediation-based villages is very important and relevant in the current Indonesian context. This study is expected to provide a deeper understanding of the dynamics of land dispute resolution at the village level, identify best practices that can be replicated, and produce policy recommendations that can strengthen the implementation of the mediation approach in land law enforcement in the village.

Additionally, this research can also contribute to the development of a land law enforcement model that is more responsive to the needs and characteristics of village communities, and is able to integrate the formal legal system with local wisdom and customary laws that are still alive in the community. Thus, it is hoped that a more effective, fair and sustainable land law enforcement system can be created at the village level. In the era of village autonomy and decentralization, mediation-based land law enforcement in villages can also be seen as a manifestation of the principle of subsidiarity, where problem solving is carried out at the lowest possible level of government. This approach can not only improve the efficiency and effectiveness of land dispute resolution, but also strengthen the capacity and independence of village governments in managing natural resources in their areas.

Considering the complexity and urgency of land issues in Indonesia, especially in rural areas, research on land law enforcement in mediation-based villages has significant potential to make practical and theoretical contributions to efforts to realize better land governance in Indonesia. The results of this research are expected to be valuable input for the development of more responsive, inclusive and sustainable land law enforcement policies and practices at the village level.

Based on the background explanation above, the author is interested in conducting research entitled "Land Law Enforcement in Mediation-Based Villages: Efforts to Realize Substantive Justice in Society". The formulation of the problem is as follows:

1. How is the implementation of mediation-based land law enforcement at the village level in an effort to realize substantive justice for the community?

2. What are the factors that influence the effectiveness of mediation in resolving land disputes in villages to achieve substantive justice?

II. Research Method

This research utilizes normative legal research methods. This method was chosen because the research will focus on the study of legal norms, legal principles, and legal concepts relating to mediation-based land law enforcement at the village level. This normative legal research will examine written legal materials, such as laws and regulations, legal literature, and other legal documents relevant to the research topic.

In conducting this research, two main approaches will be used, namely a statutory approach and a conceptual approach. The statutory approach will be carried out by examining all laws and regulations relating to the legal issues being studied. This includes the 1945 Constitution, the Basic Agrarian Law, the Village Law, as well as various government regulations, ministerial regulations, and regional regulations relevant to land law enforcement and mediation at the village level. This approach is important to understand the hierarchy and interrelationship between the various regulations governing land and dispute resolution at the village level.

Meanwhile, a conceptual approach will be used to analyze and understand legal concepts relevant to this research. This approach will examine concepts such as substantive justice, mediation, land law, and law enforcement at the village level. Through the conceptual approach, the researcher will explore evolving legal views and doctrines related to the research topic. This will assist in building strong legal arguments and provide a comprehensive perspective on the issue under study.

The sources of legal materials to be used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations that are directly related to land law enforcement and mediation at the village level. These include, but are not limited to, the 1945 Constitution, Law No. 5/1960 on Basic Agrarian Principles, Law No. 6/2014 on Villages, and the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency on land dispute resolution.

Secondary legal materials that will be used include legal textbooks, legal journals, scientific articles, legal research results, and commentaries on court decisions related to the

research topic. These sources will provide further analysis, interpretation, and explanation of the primary legal materials. Meanwhile, tertiary legal materials that will be used include legal dictionaries, legal encyclopedias, and other sources that provide guidance or explanation of primary and secondary legal materials.

Data collection techniques in this research will be carried out through library research. Researchers will collect, study, and analyze various legal materials relevant to the research topic. This process involves searching for legal materials in libraries, online legal databases, and other digital sources. In addition, to enrich the research data, legal documents such as court decisions, minutes of law-making sessions, and academic papers relating to land law enforcement and mediation at the village level will also be collected.

In terms of data analysis techniques, this research will use qualitative analysis methods with deductive reasoning. Qualitative analysis is conducted by deeply examining the contents of the legal materials that have been collected, identifying emerging patterns and themes, and interpreting their meaning and legal implications. Deductive reasoning will be used to draw conclusions from general principles contained in legislation and legal doctrine, then applied to specific cases of mediation-based land law enforcement at the village level.

The analysis process will involve several stages, starting from data organization, categorization and codification, data interpretation, and conclusion drawing. In the interpretation stage, researchers will use various methods of legal interpretation, such as grammatical, systematic, and teleological interpretation, to understand the meaning and purpose of relevant legal provisions. The analysis will also consider the social, economic and cultural context behind the implementation of mediation-based land law enforcement at the village level.

III. Results and Discussion

Implementation of Mediation-Based Land Law Enforcement at the Village Level in an Effort to Realize Substantive Justice for the Community

The implementation of mediation-based land law enforcement at the village level in an effort to realize substantive justice for the community is a complex and multidimensional approach. This approach seeks to combine the principles of formal law with local wisdom and justice values that live in the village community. (NINGRUM, 2014)

The legal basis for mediation-based land law enforcement at the village level can be found in several laws and regulations. Law No. 6/2014 on Villages authorizes village governments to resolve community disputes in the village, including land disputes. Article 26 paragraph (4) letter k of the law states that the Village Head is obliged to resolve community disputes in the village. This authority provides an entry point for the application of mediation as a method of resolving land disputes at the village level.(Darman, 2022) Furthermore, Law No. 30/1999 on Arbitration and Alternative Dispute Resolution provides legal legitimacy for the use of mediation as an alternative dispute resolution method. Although this law does not specifically regulate mediation at the village level, the principles contained therein can be adapted to the context of land dispute resolution in the village.

In the land context, Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 11 of 2016 on Land Case Settlement explicitly regulates mediation as one of the methods of land dispute resolution. Article 37 paragraph (1) of this regulation states that "Dispute or conflict resolution can be done through Mediation." Although this regulation focuses more on mediation facilitated by the Ministry of ATR/BPN, the principles contained therein can be adapted for implementation at the village level.(Abdullah & Samsudin, 2023)

The implementation of mediation-based land law enforcement at the village level generally involves several stages. First, the identification and inventory of existing land disputes in the village. This stage involves the active role of the village government, community leaders, and villagers in reporting and documenting the various land disputes that occur.(Sukmawati, 2022) Second, the formation of a village mediation team. This team ideally consists of elements of the village government, traditional leaders, religious leaders, and community representatives who have a good understanding of local land conditions and are recognized for their credibility by the community. The establishment of this village mediation team can be based on a Village Regulation that is prepared in a participatory manner and ratified through a village meeting.(Indrawan & Utami, 2022)

Third, the implementation of the mediation process. In this stage, the village mediation team facilitates a meeting between the disputing parties, listens to each party's claims and arguments, and attempts to find a solution that is acceptable to all parties. This mediation

process must be conducted with the principles of neutrality, confidentiality, and respect for the rights of the parties.(Amady, 2023) Fourth, the formulation of an agreement. If the mediation succeeds in reaching an agreement, the agreement is put in writing and signed by the parties and the village mediation team. This agreement can then be confirmed in the form of a Village Head Decree or can even be registered with the local District Court to obtain a deed of peace, as stipulated in Supreme Court Regulation No. 1/2016 on Court Mediation Procedures. Fifth, implementation and monitoring of the agreement. This stage involves efforts to ensure that the agreement reached is implemented by the parties. The village government, together with the mediation team, plays a role in monitoring the implementation of the agreement and facilitating any obstacles in its implementation.(Wulandari, 2013)

In an effort to realize substantive justice for the community, the implementation of mediation-based land law enforcement at the village level must pay attention to several key aspects. First, respect for local values and wisdom. The mediation process must be able to accommodate the value system and customary norms that are still alive in the village community, as long as they do not conflict with the principles of national law. This is in line with the spirit of legal pluralism recognized in the Indonesian legal system, as reflected in Article 18B paragraph (2) of the 1945 Constitution which recognizes and respects the unity of customary law communities and their traditional rights.(Permono & Rosmidah, 2019)

Second, the principles of equality and non-discrimination. The mediation process must ensure that all parties, including vulnerable groups such as women, indigenous peoples, and the poor, have equal opportunities to voice their interests and obtain legal protection. This is in line with the principle of social justice as mandated in Pancasila and the 1945 Constitution.

Third, transparency and accountability. The mediation process and its results must be accessible and known by the public at large, while maintaining the confidentiality of personal information. This is important to build public trust in the mediation process and prevent abuse of power.(Gardner et al., 2019) Fourth, integration with the formal land administration system. The results of land mediation at the village level need to be integrated with the national land administration system to ensure legal certainty. This can be done through coordination between the village government and the local Land Office, as stipulated in Government Regulation No. 24/1997 on Land Registration.(Puspasari & Sutaryono, 2017)

Fifth, a holistic and sustainable approach. Resolving land disputes through mediation at the village level should be seen as part of a broader effort to realize equitable and sustainable land governance. This includes efforts such as participatory mapping, strengthening village land administration, and increasing community capacity in natural resource management.(Hajati et al., 2014)

The implementation of mediation-based land law enforcement at the village level also faces several challenges. One of them is the limited capacity and resources at the village level. Many villages do not yet have adequate legal instruments, such as village regulations on land dispute mediation, or human resources trained in mediation techniques. To overcome this, there needs to be a systematic capacity building program, which can involve the role of the District/City Government, the National Land Agency, universities, and non-governmental organizations.

Another challenge is the potential for conflicts of interest, especially if members of the village mediation team are related to one of the disputing parties. To address this, a clear supervisory mechanism and code of ethics for the village mediation team should be developed. In addition, the option to use mediators from outside the village can be opened if necessary, while taking into account the mediator's understanding of the local context.(Sulistianingsih et al., 2022) The successful implementation of mediation-based land law enforcement at the village level in realizing substantive justice is also highly dependent on the support and coordination of various stakeholders. Local governments, through the Community and Village Empowerment Office, can play a role in providing technical guidance and facilitation to village governments in developing an effective mediation system.(Holifah & Ikmal, 2024)

The National Land Agency, through the District/City Land Office, can provide support in the form of providing land data and information, as well as technical assistance in the legal aspects of land. Judicial institutions, especially district courts, can play a role in strengthening mediation outcomes through the mechanism of establishing peace deeds. The role of universities and research institutions is also important in developing contextualized and effective mediation models, as well as in conducting continuous evaluation and improvement of mediation practices at the village level. Meanwhile, civil society organizations can

contribute to policy advocacy, community assistance, and monitoring the implementation of mediation in the field.(Sulistyan et al., 2018)

In a broader context, the implementation of mediation-based land law enforcement at the village level needs to be seen as part of the national agrarian reform agenda. As mandated in MPR Decree No. IX/MPR/2001 on Agrarian Reform and Natural Resource Management, agrarian reform aims to reorganize the inequality of control, ownership, use and utilization of land and other natural resources. Mediation at the village level can be an important instrument in resolving agrarian conflicts, which is one of the main obstacles in the implementation of agrarian reform.

Furthermore, the implementation of mediation-based land law enforcement at the village level should also be able to accommodate technological developments and social changes. For example, the use of geospatial technology and village-based land information systems can assist in the identification and mapping of land disputes more accurately. Meanwhile, changes in land tenure and use patterns due to urbanization and rural industrialization also need to be anticipated in the development of adaptive mediation mechanisms.(Permono & Rosmidah, 2019)

Continuous evaluation and improvement of the implementation of mediation-based land law enforcement at the village level is also important. This could include the development of clear performance indicators, participatory monitoring and evaluation systems, and community feedback mechanisms. The results of these evaluations can then form the basis for refining mediation policies and practices at the village stage.(Damapolii et al., 2022)

In an effort to realize substantive justice, it is important to understand that mediation is not just a tool to resolve disputes, but also a process of social learning and strengthening community cohesion. Through the mediation process, village communities can learn to manage differences, strengthen social solidarity, and build a shared vision of fair and sustainable land governance.(Sunarto et al., 2020)

Thus, the implementation of mediation-based land law enforcement at the village level in an effort to realize substantive justice for the community is a complex and dynamic process. It requires a holistic, adaptive and participatory approach, as well as support and

coordination from various stakeholders. Through proper implementation, this approach has the potential to not only resolve land disputes more effectively, but also contribute to strengthening village governance, agrarian reform and sustainable rural development.

Factors Affecting the Effectiveness of Mediation in Resolving Land Disputes in Villages to Achieve Substantive Justice

The effectiveness of mediation in resolving land disputes in villages to achieve substantive justice is influenced by various interrelated factors. Understanding these factors is critical to optimizing the use of mediation as an instrument for fair and sustainable land law enforcement at the village level.

1. Legal and Regulatory Framework

The existence of a comprehensive and supportive legal and regulatory framework is a fundamental factor in determining the effectiveness of land dispute mediation in villages. Law No. 30/1999 on Arbitration and Alternative Dispute Resolution provides a legal basis for the use of mediation as an out-of-court dispute resolution method. However, its implementation in the context of village land disputes requires further elaboration.(Boboy et al., 2020) Law No. 6/2014 on Villages, particularly Article 26 paragraph (4) letter k, authorizes the village head to resolve community disputes in the village. This provision opens up opportunities for the use of mediation as a land dispute resolution mechanism at the village level. However, more specific implementing regulations are needed to regulate the procedures and procedures for land dispute mediation in the village.

Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 11/2016 on Land Case Settlement has regulated mediation mechanisms in resolving land disputes and conflicts. However, this regulation focuses more on mediation facilitated by the Ministry of ATR/BPN, and has not specifically regulated mediation at the village level. To increase the effectiveness of land dispute mediation at the village level, harmonization and synchronization of various related regulations are needed, as well as the drafting of more specific regulations on mediation procedures and mechanisms at the village level. This will provide legal certainty and clear guidance for the parties involved in the mediation process.(Setyowati, 2023)

2. Mediator's Capacity and Skills

The quality and competence of the mediator is a crucial factor in determining the success of the mediation process. In the context of village land disputes, mediators can come from various backgrounds, such as village officials, traditional leaders, or facilitators appointed by the government.(Sagoni et al., 2023) Law No. 30/1999 does not specifically regulate the qualifications of mediators. However, Supreme Court Regulation No. 1/2016 on Mediation Procedures in Courts can be used as a reference in developing mediator qualification standards for rural land disputes. This regulation emphasizes the importance of mediator certification and continuous training.

To increase the effectiveness of mediation, it is necessary to increase the capacity and skills of mediators at the village level. A comprehensive training program needs to be developed, covering aspects such as communication techniques, understanding of land law, local wisdom, and mediation ethics. Collaboration between the government, educational institutions and civil society organizations in organizing mediator training can accelerate this capacity building.(Rahayu et al., 2016)

3. Parties' Participation and Willingness

The success of mediation relies heavily on the willingness and commitment of the disputing parties to actively participate in the resolution process. In the context of village land disputes, this factor is particularly important given the strong social and kinship ties within village communities.(Nurasri, 2023) Law No. 6/2014 on Villages emphasizes the importance of community participation in village development, including in dispute resolution. This principle can be applied in the context of land dispute mediation, where the active participation of the parties and the village community at large can support the achievement of a fair and sustainable agreement.

To increase the participation and willingness of the parties, it is necessary to conduct socialization and education on the benefits of mediation in land dispute resolution. The village government, together with relevant institutions, can organize legal counseling programs and increase public awareness about land rights and dispute resolution mechanisms through mediation.(Fauziah, 2011)

4. Understanding of Local Context and Local Wisdom

The effectiveness of mediation in village land disputes is greatly influenced by an

understanding of the local context and respect for local wisdom. Each village has unique social, cultural and economic characteristics, which can affect the dynamics of land disputes and the resolution process.(Setyowati, 2023) Law No. 6/2014 on Villages recognizes the existence of rights of origin and local wisdom in the administration of village governance. This principle should be reflected in the approach to land dispute mediation in the village. Mediators should have a good understanding of traditional land tenure systems, local cultural values, and existing dispute resolution practices in the community.

The integration of local wisdom in the mediation process can increase the legitimacy and acceptance of mediation results by the community. This can be done through the involvement of traditional leaders or community leaders in the mediation process, as well as the use of approaches and language that are appropriate to the local context.(Susanti, 2021)

5. Support Infrastructure and Resources

The availability of adequate infrastructure and resources is an important factor in supporting the effectiveness of land dispute mediation in villages. This includes the availability of space conducive to mediation, access to accurate land information, and administrative and technical support.(Saputra et al., 2023) Law No. 6/2014 on Villages mandates the allocation of village funds that can be used to support various development and community empowerment programs. Village governments can allocate a portion of these funds to provide the necessary infrastructure and resources to mediate land disputes.

In addition, the development of a village land information system that is integrated with the national system can assist in providing accurate data and information to support the mediation process. This is in line with the spirit of Presidential Regulation No. 86/2018 on Agrarian Reform, which emphasizes the importance of spatial data infrastructure development in supporting land management.(Nugroho, 2012)

6. Inter-Agency Coordination

The effectiveness of land dispute mediation in the village is also influenced by the level of coordination between various related institutions. This includes coordination between the village government, the National Land Agency, local government, and other institutions with land-related authority.(Rasmawati et al., 2022) Law No. 23/2014 on Regional Government regulates the division of government affairs between the center and regions, including in the

land sector. Implementation of this law requires effective coordination between different levels of government in dealing with land issues.

To improve coordination, effective communication and cooperation mechanisms should be established between village governments, district land offices and other relevant agencies. This could include the establishment of regular coordination forums, information exchange, and the development of joint protocols in handling land disputes.

7. Enforcement of Mediation Results

The effectiveness of mediation is also highly dependent on the enforcement mechanism of the agreement reached. Without a guarantee that the mediation outcome will be adhered to and implemented, trust in the mediation process will diminish. Law No. 30/1999 on Arbitration and Alternative Dispute Resolution stipulates that an agreement to resolve a dispute or difference of opinion in writing is final and binding on the parties to be implemented in good faith. However, in the context of land disputes in villages, a more specific mechanism is needed to ensure the enforcement of mediation outcomes.

Village governments, with support from local government and the National Land Agency, should develop a monitoring and evaluation system for the implementation of mediation outcomes. This could include periodic reports, field visits and a public complaint mechanism. In addition, consideration should be given to providing incentives for compliance with the mediation outcome and sanctions for violations of the agreement.

8. Transparency and Accountability

Transparency and accountability in the mediation process are important factors in building public trust in the village land dispute resolution mechanism. This is in line with the principles of good governance mandated in various laws and regulations. (Boboy et al., 2020) Law No. 14/2008 on Public Information Disclosure requires public bodies to provide information related to the public interest. In the context of land dispute mediation in the village, this principle of information disclosure needs to be applied while taking into account the privacy of the disputing parties.

To improve transparency and accountability, village governments can develop a comprehensive documentation and reporting system on mediation processes and outcomes. Information on mediation procedures, mediator selection criteria, and dispute resolution

statistics should be accessible to the community. In addition, an independent oversight mechanism involving elements of the community should be established to monitor the mediation process.(Faisal et al., 2021)

9. Community Legal Education and Awareness

The level of education and legal awareness of the community has a significant influence on the effectiveness of land dispute mediation in the village. Communities that have a good understanding of land rights and dispute resolution mechanisms tend to be more able to participate actively and constructively in the mediation process.(Ashadi et al., 2021) Law No. 12/2011 on the Formation of Laws and Regulations mandates the need for socialization and dissemination of information on laws and regulations to the community. In the context of land disputes in villages, education and legal awareness programs need to be developed systematically and sustainably.

Village governments, in collaboration with educational institutions, civil society organizations, and local media, can organize activities such as legal education, public discussions, and social media campaigns to improve community understanding of land law and the benefits of mediation. Educational materials should be adapted to the local context and presented in a language that is easily understood by the village community.(Mokhammad Samsul Arif, 2020)

10. Political Support and Policy

The effectiveness of land dispute mediation in villages is also strongly influenced by consistent political and policy support from various levels of government. A strong political commitment to prioritize land dispute resolution through mediation can be reflected in budget allocations, development of supportive policies, and facilitation of implementation in the field.(Setyowati, 2023) Law No. 17/2007 on the National Long-Term Development Plan 2005-2025 emphasizes the importance of land management and resolution of land conflicts in supporting national development. Further elaboration of this vision into concrete policies and programs at the village level is needed to support the effectiveness of land dispute mediation.

The central and local governments need to develop policies that explicitly encourage the use of mediation in land dispute resolution in villages. This could include providing

incentives for villages that successfully resolve land disputes through mediation, developing pilot programs, and integrating mediation approaches into broader village development strategies.(Hajati et al., 2014)

Overall, it can be seen that the effectiveness of mediation in resolving land disputes in villages to achieve substantive justice is influenced by various complex and interrelated factors. These factors include legal, institutional, socio-cultural and technical aspects. To improve the effectiveness of mediation, a holistic and integrated approach is required that considers all these factors. Developing a more comprehensive legal framework, increasing the capacity of mediators, strengthening public legal awareness, integrating with customary legal systems, utilizing technology, and strengthening coordination between institutions are some of the key steps that need to be taken. In addition, it is also necessary to pay attention to gender and social inclusion aspects, and ensure effective monitoring and evaluation mechanisms are in place. By paying attention to and managing these factors appropriately, village land dispute mediation has the potential to be an effective instrument in realizing substantive justice for communities, while contributing to better agrarian resource management in Indonesia.

4. Conclusion

The implementation of mediation-based land law enforcement at the village level in an effort to realize substantive justice for the community is a complex and multidimensional approach. The process involves several main stages, namely the identification and inventory of disputes, the formation of a village mediation team, the implementation of the mediation process, the formulation of an agreement, and the implementation and monitoring of the agreement. This approach seeks to combine the principles of formal law with local wisdom and justice values living in village communities, taking into account key aspects such as respect for local values, principles of equality and non-discrimination, transparency and accountability, integration with formal land administration systems, and a holistic and sustainable approach. Despite challenges such as limited capacity and resources at the village level, proper implementation has the potential to not only resolve land disputes more effectively, but also contribute to strengthening village governance, agrarian reform and sustainable rural development.

The effectiveness of mediation in resolving land disputes in villages to achieve substantive justice is influenced by various interrelated factors. These key factors include: a comprehensive legal and regulatory framework, the capacity and skills of the mediator, the participation and willingness of the disputants, an understanding of the local context and local wisdom, adequate infrastructure and resource support, coordination between relevant institutions, effective enforcement mechanisms, transparency and accountability of the mediation process, the level of education and legal awareness of the community, and consistent political and policy support from various levels of government. The success of mediation relies heavily on the interaction and proper management of all these factors, which collectively contribute to the creation of a mediation process that is fair, effective, and able to produce an agreement that is acceptable to all parties and reflects the values of substantive justice in the context of the village community.

To improve the effectiveness of mediation-based land law enforcement at the village level, it is recommended that the government and relevant stakeholders take several strategic steps. First, strengthen the legal and regulatory framework that specifically regulates land dispute mediation in the village. Second, improve the capacity and skills of village mediators through a comprehensive and sustainable training program. Third, conduct socialization and education to village communities on the benefits of mediation and their land rights. Fourth, develop an integrated village land information system to support the mediation process. Fifth, strengthen coordination between relevant institutions, including village governments, BPN, and local governments. Sixth, establish an effective monitoring and evaluation mechanism to ensure the implementation of mediation outcomes. And finally, integrate the mediation approach into broader village development strategies to ensure long-term sustainability and political support.

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