



Pattern of Settlement of Land Ownership Disputes in Southwest Sumba Regency

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ABSTRACT

Indonesia's constitution guarantees land ownership, yet disputes over land ownership remain widespread, particularly in regions like Southwest Sumba Regency, where competing claims to private property are frequent. This study addresses two key questions: 1) What are the root causes of land ownership disputes in Southwest Sumba Regency, and 2) What are the resolution patterns for these disputes? Employing normative research methods, this study aims to analyze both the causes and the resolution patterns of land ownership disputes in the region. Key causes include prolonged borrowing of cultivation packages, unclear land status without proper certification, land sales without family consent, boundary shifts without traditional leader involvement, and inequitable inheritance distribution. Resolution patterns in Southwest Sumba emphasize a family-centered approach, the active role of traditional leaders, and mediation facilitated by the Customary Peace Institute (LPA). Highlighting the urgency of addressing these disputes, this research suggests that raising public awareness about land ownership legality and bolstering governmental support for the LPA can enhance conflict resolution mechanisms. Moreover, the findings offer a model for other regions dealing with similar disputes and underline their relevance for policymaking to ensure equitable and sustainable land governance.

Keywords: Conflict Resolution Patterns, Land Disputes, Southwest Sumba.

INTRODUCTION

Land is a vital natural resource that fulfills basic human needs, such as shelter and farming, while also supporting various economic and social activities, including trade, industry, and infrastructure development (Hamler & Opara, 2022). Despite its strategic importance and high economic and social value, land administration in Indonesia faces persistent challenges that remain inadequately addressed in existing research. This study aims to fill these gaps by exploring aspects of land administration that have yet to be resolved, providing a unique contribution to the discourse on land management and governance. Land utilization must be managed wisely to ensure sustainability for future generations. However, land disputes frequently occur due to weaknesses in ownership administration, rooted in the colonial period, when traditional documents such as pipil were used—documents that are no longer recognized within the modern legal framework (Sukadana et al., 2023). This legal uncertainty creates opportunities for unauthorized claims to land. While the state constitutionally guarantees land management for the people's prosperity,

resolving disputes requires a more robust administrative system that safeguards community ownership rights and upholds the strategic value of land, particularly in addressing local conditions such as those in Southwest Sumba.

Weak land ownership certificates have the potential to trigger protracted conflicts that negatively affect the social and economic stability of communities. Land, which should be a productive asset, is often a source of dispute due to legal uncertainty and lack of administrative certainty. To address this issue, agrarian reform is needed, which includes digitizing land data, re-registration, and granting legally recognized land certificates. In addition, educating the public about the importance of land certification and the legal process is essential, especially in regions like Southwest Sumba, where customary and formal legal systems intersect. This integration aligns with the state's authority, as stipulated in Article 33 paragraph (3) of the 1945 Constitution and the Basic Agrarian Law (UUPA), to regulate and manage land for the welfare of the people. By ensuring legal certainty over land rights for individuals and legal entities, as emphasized by Bernhard Limbing (Riyadi, 2017), such efforts could also provide a broader framework for addressing agrarian and land disputes in a way that incorporates local wisdom into national policies.

Land dispute resolution in Indonesia, especially in Southwest Sumba Regency, prioritizes non-judicial channels such as deliberation, mediation, conciliation and arbitration, with the National Land Agency (BPN) as the main mediator. The principle of justice is the main foundation in every settlement effort to create a fair and sustainable solution, in contrast to the litigation route which often results in a win-lose solution. In Wee Rame Village, for example, a conflict between two individuals over land property rights was attempted to be resolved through mediation by the BPN, where one party had a certificate of ownership, while the other party relied solely on customary recognition without any official documentary evidence.

Land conflicts in Southwest Sumba reflect major challenges in land management, especially in areas with strong customary systems and minimal land documentation. Disputes are often exacerbated by overlapping claims and a lack of accurate land maps, complicating the resolution process. This highlights the importance of BPN's role in ensuring clarity of land ownership status through more organized registration and community-based approaches to prevent social tensions that could hamper regional development.

RESEARCH METHODS

This research employs empirical legal methods combined with conceptual, statutory, and sociological approaches to investigate patterns of land dispute resolution in Southwest Sumba Regency, particularly Wee Rame Village. The conceptual approach analyzes the relationship between concepts relevant to the issue under study, while the statutory approach examines the applicable legal frameworks and regulations (Marzuki & Sh, 2020). The sociological approach complements the study by observing law as a functioning social institution within real-life contexts

(Sibirian, 2022). Data sources include primary data collected through interviews and observations, as well as secondary data from legal literature and related regulations. However, further elaboration on the data validation and analysis process is necessary. Providing details on how the data was verified and analyzed in depth would enhance the credibility and robustness of the methodology. The primary legal data includes the 1945 Constitution, Law No. 5 of 1960, and Law No. 26 of 2007, supported by secondary legal materials such as books and journals.

Data collection techniques involved in-depth interviews with influential local figures, such as Agus Tinus Pala Bali and Benyamin B.U Rei, to gain insight into land dispute resolution. Documentation was also used to complement the research data. The research location focused on Wee Rame Village, which is one of the land conflict hotspots in Southwest Sumba. Sampling was conducted using purposive sampling method, selecting relevant land dispute cases for analysis. The data collected was analyzed qualitatively to produce a structured, logical, and in-depth interpretation of land dispute resolution in the area.

RESULTS AND DISCUSSION

Causes of Land Title Disputes in Southwest Sumba Regency

Land title disputes in Indonesia represent a multifaceted legal challenge, often arising from overlapping land titles, unauthorized claims, or ambiguous land boundaries. Contributing factors include administrative issues such as inaccurate land records and the manipulation of legal documents, as well as social dynamics like unresolved inheritance disputes. Despite the legal framework provided by the Basic Agrarian Law (UUPA) and Article 28H Paragraph (4) of the 1945 Constitution, which safeguard property rights, practical implementation frequently encounters barriers such as bureaucratic inefficiencies and jurisdictional overlaps. Existing resolution mechanisms—mediation, arbitration, or litigation—often face significant obstacles, highlighting the need for more integrative and adaptive approaches, including the incorporation of adat-based practices into the national legal system.

Land title disputes in Indonesia are often complicated by overlapping regulations between government agencies that create legal uncertainty and increase the risk of conflict (Ano et al., 2024). This lack of synchronization, coupled with laws that are multi-interpretive and not based on community needs, worsens the effectiveness of law enforcement. In the context of justice, John Rawls' concept of fairness and Lindner principles of substantive justice emphasize the importance of neutrality and fair application of the law to all parties (Lindner, 2022) Therefore, law enforcement is required to be objective and impartial, with the aim of realizing justice that is not only in accordance with positive law, but also reflects the moral values of society.

Land issues in Indonesia are increasing along with the increasingly urgent need for land for development, especially in urban areas with high rates of population growth and infrastructure development. Weaknesses in the past land administration system, such as the lack of orderly recording of ownership documents, became one of the main factors triggering land disputes. The rapid increase in land values in big cities has also worsened the situation, triggering horizontal

conflicts and unhealthy speculation practices. The government's climate of openness in the reform policy has also resurfaced old cases, but they are often exploited by certain parties for personal gain (Arif, 2021) These practices undermine public confidence in the legal system and land administration.

Land certificate disputes, such as cases of "aspal" (original but fake) certificates and multiple certificates, reflect weaknesses in Indonesia's land administration system. "Aspal" certificates are often the result of falsified base documents, while multiple certificates arise from measurement or boundary designation errors. Both types of disputes not only cause ownership confusion but also erode public confidence in the legal and governance system. The importance of transparency, accountability and document validation in the certificate issuance process is key to preventing similar conflicts in the future, supported by community empowerment in understanding and protecting their land rights.

Land disputes in Southwest Sumba Regency, particularly in Wee Rame Village, are often triggered by a variety of complex factors, including unauthorized land boundary transfers, unclear ownership status and non-transparent land transaction practices. One of the main causes is the protracted borrowing of land cultivation packages, which then leads to claims of land ownership by the cultivators. In addition, shifting land boundaries without official documentation often triggers conflicts between adjoining landowners. Other factors that exacerbate the situation are the buying and selling of land without involving all family members or related parties, as well as the unequal distribution of inheritance. Resolving these disputes requires an approach that involves traditional leaders, government and judicial institutions to reach a fair settlement, taking into account the value of local wisdom and transparency in land administration (Tinov, 2019).

The resolution of land disputes in Southwest Sumba Regency, particularly in Wee Rame Village, often reaches a deadlock in customary settlements, which then proceeds to the formal legal process in court. This legal process is often time-consuming and costly, especially when it comes to evidence, witnesses and the re-measurement of land boundaries. In this case, the land certificate becomes important legal evidence to resolve the dispute (Prasetyo et al., 2021). Local governments also have an important role in providing mediation and ensuring every land transaction is legally recorded. Land administration reforms, including better registration systems and law enforcement, are necessary to reduce land disputes in the future. In addition, public education on the importance of land titling and legal transaction procedures is also crucial to prevent unnecessary disputes. This comprehensive approach, involving the government, communities and a more efficient legal system, is expected to resolve land disputes more fairly and sustainably.

Patterns of Settlement of Property Rights Disputes in Southwest Sumba Regency

Land disputes in Indonesia often occur due to conflicting claims of ownership, utilization, or control of land between related parties, especially in an agrarian country like Indonesia (Lesttari et al., 2022). This issue is often related to the lack of clarity in land administration, overlapping regulations, and the colonial legacy of introducing a dualistic system of land law between

customary law and positive law. Lack of adequate land titling and discrepancies between administrative data and the reality on the ground also exacerbate the situation. Agrarian law experts, such as Hamler & Opara, emphasize the importance of agrarian reform covering legal, administrative and social aspects to resolve land disputes. Settlement of land disputes can be done not only through litigation, but also through alternative dispute resolution such as mediation and arbitration, which are considered more effective and faster, especially in cases involving indigenous peoples.

Land disputes in Indonesia are often triggered by differences between customary law and national law, where land in many regions is still controlled and regulated under customary law, while the national legal system through the UUPA seeks to formally organize land ownership (Yusuf & Karso, 2023). This difference causes conflict, especially in areas with strong customary law traditions. In addition, economic factors, such as urbanization and industrial development, also increase pressure on land ownership, leading to speculation and illegal land takeovers. Lack of public understanding of agrarian regulations and unclear implementation of the UUPA exacerbate these problems. Agrarian reforms that include public education and improved land administration are considered crucial to addressing land disputes.

Civil procedural law plays a crucial role in the resolution of land disputes, by providing a legal basis for resolving conflicts through the litigation process in court, although it often takes a long time and exacerbates tensions between the parties involved. (Prayogi, 2019) Land disputes can be divided into several types, such as disputes over ownership, land use, or disputes related to government development projects. The resolution of these disputes requires a comprehensive approach, including the use of alternative dispute resolution (ADR) theories, which emphasize mediation and negotiation as more efficient and cost-effective ways to reach an agreement. With ADR approaches, complex land conflicts can be resolved more quickly, maintaining relationships between parties and avoiding lengthy legal proceedings.

Civil procedural law theory plays an important role in the resolution of land disputes, by regulating the litigation procedures to be followed when a dispute is brought to court. The litigation process, governed by the Civil Code (KUHPperdata), provides a legal framework to enforce land rights deemed to be infringed, although it is often time-consuming, costly and adds to tensions between parties. On the other hand, non-litigation channels such as mediation, arbitration, and direct negotiation are also effective alternatives, as they are faster, cost-effective, and able to maintain relationships between disputing parties (Adiza et al., 2024) Each of these methods has its advantages, but a good understanding of the procedures and the rights of the parties involved is essential to achieve a fair and efficient settlement.

Dispute resolution through non-litigation channels offers flexibility that allows parties to determine the time, place, and procedures that suit their needs, and tends to produce solutions that are more creative and prioritize rapprochement (Yudhistira & Fajarina, 2024). Methods such as mediation and conciliation, which involve third parties as facilitators or advisors, are particularly suitable for land disputes involving local communities, where social and environmental interests

must be considered. Non-litigation pathways are not always effective, however, especially if one party is not willing to communicate. The National Land Agency (BPN) also plays an important role in this process, not only as a mediator providing land-related data and information, but also as a facilitator in reaching a fair and efficient settlement, especially in the context of land disputes that often involve social and cultural aspects.

Land title disputes in Wee Rame Village, Southwest Sumba Regency, are rooted in the complexities of land management involving custom, state law and social relations within the community. Tribal land managed by the Kabisu people, despite longstanding customary control, is often threatened by unilateral boundary transfers and the absence of valid land titles, triggering uncertainty over legal status. Dispute resolution is carried out using a family approach involving traditional leaders and the customary peace institution (LPA) as mediators. This approach prioritizes social and kinship relations, with the aim of reaching a peaceful agreement that maintains harmony between parties. Interviews with local leaders Agus Tinus Pala Bali and Benyamin B.U Rei emphasized the importance of involving all parties in the mediation process as well as the application of customs in maintaining social peace and resolving land conflicts efficiently.

CONCLUSION

Land title disputes in Southwest Sumba Regency arise from several factors, including unclear land ownership due to uncertified land, land transactions conducted without involving all family members, and inequitable inheritance distribution. These issues are further complicated by shifting land boundaries that exclude the involvement of traditional leaders and the presence of legal uncertainty. To address these challenges, a family-based approach with the active involvement of traditional leaders is key, as open meetings foster transparency and mutual understanding among disputing parties. The role of the Lembaga Perdamaian Adat (LPA) as a mediator is pivotal, emphasizing peaceful dispute resolution and preserving harmonious social relations within the community. This approach not only resolves disputes but also offers a model for other regions facing similar challenges, highlighting its theoretical contribution to conflict resolution frameworks and its practical application in informing policy and strengthening local governance.

The advice that can be given to the people of Southwest Sumba is to increase awareness and understanding of the importance of the legality of land ownership, particularly in land registration and certificate processing. Education on land-related rights and obligations needs to be conducted regularly, both through community meetings and training involving traditional leaders and legal experts, to prevent potential disputes and ensure their rights are officially recognized. Meanwhile, the government needs to strengthen support for customary peace institutions (LPAs) by providing adequate budgets and resources, as well as training for LPA members and customary leaders. This will allow for a more effective and peaceful land dispute resolution process, maintain social and familial relations, and develop regulations that are in line with prevailing laws and regulations.

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