

LAND REGISTRATION DISPUTES RESOLUTION THROUGH MEDIATION AT THE OFFICE OF THE MINISTRY OF AGRARIAN AND SPATIAL/ NATIONAL LAND AGENCY OF PASAMAN DISTRICT

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Abstract: Land registration dispute is a dispute between the parties in the form of mutual claims regarding ownership rights to the plot of land, which occurs when one party applies for land registration. Land registration disputes become a crucial problem if not resolved immediately. For that is needed a resolution method that is able to provide justice for the disputing parties. Streamlining land registration dispute resolution methods through mediation is a solution to speed up dispute resolution.

Key Words: Disputes Resolution, Land Registration, Mediation, Office of The Ministry of Agrarian And Spatial/ National Land Agency, and Pasaman District.

1. INTRODUCTION:

The Ministry of Agrarian and Spatial Planning/National Land Agency is given the authority to resolve disputes in the land sector through mediation efforts. So that the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency can act as a mediator in resolving disputes in the land sector. Thus, the implementation of mediation for disputes in the land sector can be a strategic choice due to the large pile of civil cases, especially in the field of land cases that must be handled by the general court.

2. THEORITICAL FRAMEWORK:

a. Theory of Justice

Justice theory is a theory that examines and analyzes the impartiality, truth or arbitrariness of institutions or individuals against society or other individuals.[1]

b. Legal Certainty

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is carried out, that those entitled by law can obtain their rights and that decisions can be implemented.[2]

c. Dispute Resolution Theory

Dispute resolution is an attempt to restore the relationship between the disputing parties to their original state.

3. LITERATURE REVIEW:

Provisions regarding land registration are explicitly regulated in the Basic Agrarian Law (UUPA), which is the basic regulation that regulates the control, ownership, designation, use, and control of land use with the aim of implementing land management and utilization.

According to Rusmadi Murad, land disputes, namely the emergence of legal disputes, originate from complaints from a party (person/body) containing objections and claims for land rights, both on land status, priority, and ownership, in the hope of obtaining administrative settlements. in accordance with the provisions of the applicable regulations.[3]

Alternative dispute resolution is a dispute resolution mechanism outside the court and does not use a formal legal approach.

Mediation is basically a negotiation involving third parties who have expertise in effective mediation procedures, can help in conflict situations to coordinate their activities so that they are more effective in the bargaining process when there is no negotiation there is no mediation.

4. METHOD:

The method used in this study is a sociological juridical approach, namely research on legal issues carried out sociologically or paying attention to other aspects and social institutions.[4]

5. DISCUSSION:

Land registration disputes usually occur when one of the parties submits an application for land registration to the Office of the Ministry of Agrarian and Spatial Planning/National Land Agency. Against the application for land registration submitted by the party, then a lawsuit is received from another party who feels that the ownership rights to the land have been taken unilaterally by the opposing party and feels that they have been harmed by the actions of the opposing party who has submitted an application for land registration.

In land registration disputes, disputes and disputes occur in the form of mutual claims regarding ownership rights to the disputed object of land between the disputing parties.

6. ANALYSIS:

A. Land Registration Dispute Resolution Mechanism through Mediation at the Office of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of Pasaman Regency

Every dispute in the land sector requires settlement, both litigation and non-litigation settlement. Settlement of land disputes by litigation is resolved through judicial bodies, namely the general court and the state administrative court. Referring to Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, there is room for non-litigation resolution of land disputes through procedures agreed upon by the parties, namely out-of-court settlement by means of consultation, negotiation, mediation, conciliation, and expert research. .

B. Legal Power of Mediation Result of Land Registration Dispute Settlement at the Office of the Ministry of Agrarian and Spatial Planning/National Land Agency of Pasaman Regency

Mediation is carried out to produce mutually beneficial decisions for the parties. Where none of the parties feel aggrieved by the agreement produced in the mediation process. Dispute resolution through mediation provides a forum for the parties to cooperate voluntarily to reach an agreement in making decisions regarding the disputes they face. Mediation is not only aimed at resolving legal disputes, it will also improve social relations between the parties.[5]

C. The implications of resolving land registration disputes through mediation on the implementation of land registration at the Office of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of Pasaman Regency

Settlement of land registration disputes provides great benefits in the stages of land registration activities. Where land registration itself is important to prove land rights and proof of ownership as the owner of legal land rights according to law. The implementation of land registration is the basis and embodiment of orderly administration in the land sector.

7. CONCLUSION

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) One form of settlement of land registration disputes at the Office of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency is through mediation. The implementation of mediation on land registration

disputes is guided by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases.

- 2) The deed of reconciliation on land registration disputes that have been formulated by the parties based on the results of mediation, must be registered with the district court where the object of the dispute is located to be confirmed in the form of a peace decision, as regulated in Article 44 paragraph (5) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning. / Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases
- 3) The implementation of mediation for the settlement of land registration disputes that have succeeded in reaching a peace agreement, must be stated in the form of a deed and registered with the district court.

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