
Improving the Human Resources (HR) Capacity of Village Apparatus in the Field of Civil Law in Mediating Agrarian Conflicts: A Case Study in Grujugan Village, Cerme District, Bondowoso

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Article history

Submitted: 2024/01/05; Revised:2024/01/09; Accepted:2024/01/15

Abstract

This research discusses the urgency of increasing the capacity of Human Resources (HR) of village officials in mediating agrarian conflicts over community land boundaries in Grujugan Village, Cerme Subdistrict, Bondowoso Regency in the aspect of non-litigation civil law related to agrarian conflicts. This research focuses on increasing the civil legal competence of village officials in their role as mediators and administrators of agrarian civil law conflicts experienced by village communities. The purpose of this research is to reveal the methods and strategies for increasing the capacity and civil legal competence of village officials in mediating agrarian conflicts. This research uses theoretical analysis of human resource capacity building in the village, village governance, agrarian civil law, and the search for relevant legal decisions. In addition, this research considers the impact of agrarian conflicts on the socio-economic conditions of the community, as well as the role of village heads and village officials in mediation and conflict resolution. Qualitative methods were used with data collection through observation, interviews, and literature study. The results showed that, first, the knowledge of the Grujukan village apparatus related to civil affairs is still low, especially in mediating agrarian conflicts experienced by its citizens. Second, there is no initiative from the village government in improving the competence and capacity of the village apparatus so that it has an impact on the role and function of the village apparatus as a mediator and conflict administrator in resolving conflicts.

Keywords

Capacity building, Civil, Conflict, Mediation.



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INTRODUCTION

Increasing the capacity of human resources (HR) at the village government level is an important part and aspect in efforts to improve governance in

Indonesia.(Azizah Raja 2019)Grujugan Village, as a case study in this research, also faces challenges in the areas of civil law regarding land, agreements, and other legal disputes. Therefore, this study aims to identify and analyze the importance of improving the human resource capacity of village officials in the field of civil law. Several reasons that could serve as the background for this research include the emergence of complex civil law issues related to agrarian disputes between communities that have the potential to foster social conflict, such as the ongoing agrarian conflict in Aceh.(Tarfi and Amri 2021)Village officials in Grujugan Village face difficulties in understanding and applying civil law to mediate agrarian issues. Therefore, improving the human resource capacity of village officials in this regard is highly urgent. Increasing the capacity for civil law knowledge is very important for village officials because: (1) It can improve the quality of legal services in the village. With adequate legal knowledge, village officials can provide quality legal services in accordance with applicable laws and regulations.(Arfi nd)(2) Can improve the ability of village officials to resolve civil disputes. With adequate legal knowledge, village officials can resolve civil disputes in an appropriate manner and in accordance with applicable laws and regulations.(BPPKPD and).

In analyzing the two issues above, there are several relevant theories that support the resolution of agrarian conflicts and increase the capacity of village officials' human resources in the field of civil law, including theories of governance, village development, and human resource management. Conceptually, these theories will help in understanding the conceptual framework for increasing the capacity of village officials' human resources in the field of civil law. This will provide a deeper understanding of relevant issues and best practices in resolving agrarian conflicts through non-litigation civil law that can be applied in Grujugan Village. Resolving civil cases usually involves two paths offered to disputing parties: litigation and non-litigation. Litigation refers to the handling of cases through the judicial process, whether civil or criminal, while non-litigation refers to the resolution of legal problems outside the judicial process.(Goddess 2022). In addition, it will provide a more in-depth view of the concrete legal issues faced by Grujugan Village.

The main obstacle faced by the Grujugan Village apparatus in implementing civil law at the village level is the inadequate civil legal competence in mediating land boundary conflicts, resulting in residents experiencing legal uncertainty regarding their land boundaries. If this situation is allowed to drag on without any handling by the village apparatus, it will lead to conflict between residents, impacting social stability in Grujugan Village. The village government and its

apparatus, in the view of the community, are the ones who have the capacity to resolve the agrarian legal conflicts they experience regarding the boundaries of houses or rice fields that are the source of conflict. This perception of the community needs to receive a positive response from the village government by increasing their capacity in the field of civil law, so that they can provide understanding and guidance to the community about the role and function of the village government in agrarian law issues. An example of the low capacity of the village apparatus occurred in the Lemoh Barat Village Government, which did not properly understand the problems that exist in land conflicts regarding land boundaries or land certificates.

The village has legal authority to run its government under the village head and other village officials who are also supervised by the BPD or Village Consultative Body. The community believes that the village head and his apparatus are multifunctional, not only as the head or leader of the village, but also as a religious leader or traditional leader, protector, and elder, including in legal issues experienced by residents. On the other hand, the role and function of a village head is that if there is a dispute between villagers in the field of civil law, family law, inheritance law, then the village head with the help of community elders adjudicates the dispute by means of reconciliation.(Muh Naufal Ramli1 and 2 2021). A village head plays no more than a mediator and administrator of legal conflicts experienced by his community members.

With the ongoing development of social change, agrarian conflict has become an increasingly crucial issue for the sustainability of the agricultural sector, the primary source of livelihood for rural residents. Agrarian conflict has serious psychological, economic, and social impacts on residents. Psychologically, agrarian conflict experienced by residents can lead to psychological conflict, leading to social distancing, negative prejudice, and hatred. Agrarian conflicts do not simply pass without victims; incidents of conflict have led to criminal acts, intimidation, and other dispute resolution actions, resulting in some residents becoming victims of unhealthy conflict resolution practices.(Agustina 2019)Village governments and stakeholders need to prioritize resolving agrarian conflicts, at a minimum, reducing social tensions by mediating legal disputes between residents. A fair and inclusive approach, along with the active participation of all parties, is required. Human rights and environmental protection need to be strengthened through strong regulations and effective law enforcement. Public awareness also needs to be raised so they can play a role in sustainable decision-making.(Aryan Firdaus and

others)Village officials can act as mediators for the parties involved if there is an agrarian conflict in the village.

Mediation is one method that can be used to defuse and resolve conflict. This dispute resolution mechanism can be classified as a land media, where the resolution of conflicts or disputes is cooperative and directed toward an agreement on a win-win solution.(Eko Yuliasuti¹, Hakam Sholahuddin² nd). In line with the provisions of Law Number 6 of 2014 concerning Villages which emphasizes the function of the village head and village apparatus as dispute resolvers. Article 26 (1) states: "The Village Head is tasked with organizing Village Government, implementing Village Development, Village community development, and Village community empowerment". Furthermore, Article 26 (4) letter k. states: "In carrying out the duties as referred to in paragraph (1), the Village Head is obliged to: resolve community disputes in the Village"; In order to emphasize the function of the village head as a dispute resolver, Article 28 threatens through sanctions, as stated: (1) Village Heads who do not carry out the obligations as referred to in Article 26 paragraph (4) and Article 27 are subject to administrative sanctions in the form of verbal warnings and/or written warnings. (2) In the event that the administrative sanctions as referred to in paragraph (1) are not implemented, temporary suspension will be carried out and can be continued with dismissal. The provisions of Law Number 6 of 2014 concerning Villages and Government Regulation Number 43 of 2014 concerning the Implementing Regulations of Law Number 6 of 2014 concerning Villages, do not explain at all about the types of cases/disputes, mechanisms, forms, decision products or legal implications of the settlement of village head disputes. It is unclear whether the village head acts as a "village judge" or as a mediator as in alternative dispute resolution (ADR). What is clear is that there is a legal opportunity for village heads and officials to take a strategic role as a resolver in disputes that occur in village communities. It is understandable that as an implementation of the Village Law, Government Regulation Number 43 of 2014 concerning the Implementing Regulations of Law Number 6 of 2014 concerning Villages was established, which in it does not explain at all about the types of cases/disputes, mechanisms, forms, decision products or legal implications of the settlement of village heads. At the same time, the government regulation does not explain whether the village head acts as a "village judge" or a mediator as in alternative dispute resolution (ADR). When acting as a mediator, the provisions of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, as well as Law Number 48 of 2009 concerning Judicial Power, can be

referred to. When acting as a village judge, efforts to resolve cases/disputes peacefully, which were regulated during the Dutch East Indies era, are referred to as Village Courts (*dorpsjustitie*). (Kokotiasa 2023) The mediation model contained in Law Number 30 of 1999 is broadly as follows. First, its implementation is preceded by a negotiation process; second, the appointed mediator is, in principle, anyone can be appointed as long as it is agreed upon by the parties; third, the mediator helps the parties to resolve their dispute; fourth, the final result of the mediation process is an agreement that has no executory power; and fifth, the implementation of the agreement is based on good faith. (Services 2020).

RESEARCH METHODS

The method used in this research is a qualitative method. Qualitative research is a research method that aims to gain an understanding of reality through an inductive thought process. In this research, researchers are involved in the situation and setting of the phenomenon being studied. Researchers are expected to always focus on the reality or events within the research context. In qualitative research, researchers conduct research activities objectively regarding the subjective reality being studied. In this case, subjectivity applies to the reality being studied, meaning that reality is seen from the perspective of those being studied. Qualitative research prioritizes the accuracy and adequacy of data. The emphasis in qualitative research is data validity, namely the correspondence between what is recorded as data and what actually occurs in the research setting. Research that aims to understand phenomena about what is experienced by research subjects, such as behavior, perception, motivation, actions, etc., holistically, and through descriptive means in the form of words and language, in a specific, natural context and by utilizing various natural methods. The main goal of qualitative research is to understand social phenomena or symptoms by focusing more on a complete picture of the phenomenon being studied rather than breaking it down into interrelated variables. (Adlini et al. 2022).

RESULTS AND WETTING

Law in Dutch is called "Recht," derived from the Latin "Rectum," which means: Goodness, virtue, blamelessness, guidance. In Latin, or another Latin word *eideren* is "ius," which means law, and comes from the word "Iubere," which means to regulate or rule. Meanwhile, the word "Ius" is closely related to "Iustitia," which means justice. Therefore, it can be concluded that law is a provision that regulates the relationship between humans and their surroundings, and must be obeyed. (Rasyidi 2014).

Definition of civil law According to Prof. Soebekti in his book on the Principles of Civil Law, civil law in a broad sense encompasses all basic laws governing individual interests. Meanwhile, Prof. Dr. Ny Sri Soedewi Mahsjhoen Sofwan, SH stated that what is meant by civil law is the law that regulates the interests between individual citizens and other individual citizens.(Agustina 2020)The scope of Civil Law in a broad sense essentially includes all material private law, namely all basic laws (material laws) that regulate individual interests, including laws contained in the Civil Code (BW), Commercial Code, and those regulated in a number of other regulations (laws), such as those concerning cooperatives, commerce, bankruptcy, etc.(Adikanina1987 nd)

The definition of agrarian law is a branch of law that regulates land, land ownership, and land use. Agrarian law discusses land ownership rights, land distribution, transfer of land rights, and other issues related to land.(Sari nd).

The basic principles contained in good corporate governance can be used to mediate conflicts or resolve land disputes, namely, 1. Independence (independency) That is a condition where the institution is managed professionally without conflict of interest and influence or pressure from any party that is not in accordance with applicable laws and regulations and healthy corporate principles. 2. Equality and fairness (fairness) Which can be simply defined as fair and equal treatment in fulfilling stakeholder rights that arise based on agreements and applicable laws and regulations(Levina Kindangen Masje Pangkey nd).

The land dispute resolution process, which can be carried out by Grujagan village officials, is as follows:

1. Submit a complaint to the Hamlet Head

After one of the parties submits a complaint, the hamlet head then handles the dispute, asks for information and tries to reconcile amicably first, but if both parties do not want to reconcile, then the dispute is handed over to the Village Head.(Stock and).

2. The Village Head presents the disputing parties

The village head first presents party a as the first party (plaintiff), asks for information, then presents party b as the second party (defendant) and then asks for information regarding the land dispute being contested.

3. Collecting Data and Evidence

The Village Head asks for information regarding the genealogy of the disputed land from both parties, finds out who the original owner of the disputed land is, who the descendants are related to the disputed land, sometimes when collecting data regarding the land genealogy, the traditional leader who is an elder is sometimes involved, because they know and understand the genealogy of the land in Grujugan village better. In proving agrarian conflicts, the disputing parties must prove land ownership certificates.(Rachmawati 2021)A land certificate is a document issued by the state through the National Land Agency (BPN) as proof of legal land ownership in accordance with applicable law. The name listed on the land certificate is the legal owner, who obtains the rights to the land, management rights, and mortgage rights recorded in the document.(Digital Channel nd).

4. Mediation

The two parties then met again in a village meeting, the village head as mediator tried to reconcile the disputing communities first, because in most of the cases he handled, the disputing parties were none other than family relations.

5. Bargaining (negotiation)

Negotiations regarding options can be intense and there's a possibility of deadlock. Therefore, the mediator must use private sessions (session periods or special sessions). The outcome of this bargaining is a list of options that can be used as alternative dispute resolution options.(Sinta and Hamzah Marpaung 2021).

6. Decision

The village head then decides who is closest to the land ownership rights, according to the results of data collection obtained from various parties, then conveys to the father or mother in dispute, that this party is the one who truly has the right to control the disputed land.

7. The party rejecting the decision

Bringing the case to the Sub-district Head However, if one of the parties objects to the reading of the decision by the village head, then the dispute case is then submitted to the sub-district, after reaching the sub-district, the case is then brought to the Enrekang District Court to be processed according to applicable law. The Authority of the Sub-district Head as a Mediator in Land Conflicts The Sub-district Head is the head of government at the sub-district level whose position is regulated in the provisions of Article 221 paragraph (1) of Law Number 23 of 2014 concerning Regional Government that the Regency/City Region forms sub-districts in order to improve coordination of government administration, public services, and empowerment of village/sub-district communities(Wicaksana and Rachman 2018). Settlement Through Court

If efforts through mediation and notification of decisions do not produce results, the land dispute must be resolved by the authorized agency, namely the court.(L 2017).

CONCLUSION

In the context of community service and improving the human resources (HR) of village officials in the field of civil law, particularly related to the handling of agrarian conflicts, several important aspects emerge. First, a solid understanding of law in a civil context is crucial. Law is interpreted as rules that guide human interactions with other humans and their environment, and compliance with them is a prerequisite. Civil law encompasses material private law, which encompasses various aspects, as regulated in the Civil Code (BW) and other regulations. Furthermore, agrarian law, which regulates land issues, ownership, and land use, is also a primary concern.

In resolving agrarian conflicts, mediation is a crucial tool involving a neutral third party, guided by good corporate governance principles such as independence and equality. The conflict resolution process involves several stages, including data collection, mediation, and negotiation, with the village head acting as mediator. The final decision is made based on the collected data, with the option to escalate the case if either party is dissatisfied. Overall, this service plays a central role in maintaining justice, security, and order in village communities, as well as protecting landowners' rights.

REFERENCE

Adikanina1987. "Scope of Civil Law." [wordpress.com](https://www.wordpress.com).

- <https://adikanina1987.wordpress.com/2013/02/28/ruang-lingkup-hukum-perdata/> (September 11, 2023).
- Adlini, Miza Nina et al. 2022. "Qualitative Research Methods of Literature Study." *Edumasapul: Journal of Education* 6(1): 974–80.
- Agustina. 2019. *The Impact of the Agrarian Conflict of PTPN VII Cinta Manis on the Socio-Economic Community in Seribandung Village, Tanjung Batu District, Ogan Ilir Regency.*
- Agustina, Rosa. 2020. "Understanding and Scope of Civil Law." *Civil Law*: 1–18. <http://repository.ut.ac.id/4053/1/HKUM4202-M1.pdf>.
- Arfi, Bayu. "Capacity Building, Strengthening Village Apparatus Synergy." www.brebeskab.go.id.
<https://www.brebeskab.go.id/index.php/content/1/peningkatan-kapasitas-perkuat-sinergitas-aparatur-desa#> (September 14, 2023).
- Aryan Firdaus, Muhammad. *The Social Impact of Agrarian Conflict.*
- Azizah Raja, Nur. 2019. "Analysis of the Role of Regional Government in Resolving Agrarian Conflicts (Case Study of the Conflict Between PT. PP. London Sumatra and the Community in Bulukumba Regency)." *Journal of Government Science* 12(1): 53–66.
- BPPKPD. "Technical Guidance for Increasing the Capacity of Village Apparatus in the Implementation of Village Government." www.bppkpd.id.
<https://www.bppkpd.id/peningkatan-kapasitas-perangkat-des/> (September 14, 2023).
- Dewi, Ni Made Trisna. 2022. "Non-Litigation Dispute Resolution in Civil Dispute Settlement." *Journal of Legal Analysis* 5(1): 81–89.
- Digital Channel. "Understanding Land Certificates, Their Functions and Types." www.gardaoto.com. <https://www.gardaoto.com/blog/pengertian-sertifikat-tanah-fungsi-jenis-jenisnya/> (September 12, 2023).
- Eko Yuliasuti¹, Hakam Sholahuddin², Lefita Dewi Liarasari³. "Land Boundary Dispute Settlement Through Mediation (Case Study of Mediation Invitation Letter Number 405/Und- 18.72.UP.04.07/IX/2020, National Land Agency Office, Blitar City)."
- Kokotiasa, Wawan. 2023. "Institutionalization of Village Mediation and Synergy in Building an Abstract Justice System." 4: 1407–14.
- L, ERMA WINDASARI. 2017. "The Role of Village Government in Resolving Land Disputes in Bambapuang Village, Enrekang Regency." (The Role of Village Government in Resolving Land Disputes in Bambapuang Village, Enrekang

Regency): 1–84.

Levina Kindangen Masje Pangkey, Intan S. Village Administration Governance in the Implementation of the Village Government of Mundung Satu, East Tombatu District, Southeast Minahasa Regency.

Mentok, Class II District Court. "Civil Procedure Process." www.pn-mentok.go.id. <https://www.pn-mentok.go.id/tentang-pengadilan/kepaniteraan/kepaniteraan-perdata/proses-acara-perkara-perdata.html> (September 20, 2023).

Muh Naufal Ramli¹, Ma'aruf Hafidz² & Rizki Ramadani³, and 2. 2021. "Qawanin Journal of Legal Studies in Civil Case Resolution." 1(1).

Rachmawati, Dewi. 2021. "Legal Certainty Regarding Proof of Land Ownership." *Syntax Literate; Indonesian Scientific Journal* 6(6): 2700.

Rasyidi, Mudemar A. 2014. "The Function of Law in Society and the Role of Business Law in Indonesia." *Scientific Journal of Aerospace Law* 9(1): 106–16.

Sari, Annisa Medina. "What is Agrarian Law?" fahum.umsu.ac.id. <https://fahum.umsu.ac.id/apa-itu-hukum-agraria/> (September 11, 2023).

Services, Community. 2020. "Dynamics of Civil Dispute Resolution Mechanisms Outside the Court in Kekait Village, West Lombok Regency." 1(2): 99–106.

Sinta, Ade, and Devi Siti Hamzah Marpaung. 2021. "Land Dispute Resolution Through Mediation (Study at the Karawang Regency Land Office)." *Al Qisthas Journal of Law and Politics* 12(1): 66–78.

Tarfi, Akhyar, and Ikhwan Amri. 2021. "Agrarian Reform as a Path to Sustainable Peace in Aceh." *BHUMI: Journal of Agrarian Affairs and Land Affairs* 7(2): 210–25.

Wicaksana, Arif, and Tahar Rachman. 2018. "The Role of the Sub-district Head in Mediating Agricultural Land Conflicts in East Tombatu District, Southeast Minahasa Regency." *Angewandte Chemie International Edition*, 6(11), 951–952. 3(1): 10–27. <https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf>.