

## Legal Role By the National Land Agency of Labuhanbatu District in the Settlement Land Disputes in Regency Area Labuhan Batu

Dhiky Bryan Harpinansah<sup>1</sup>, Bernat Panjaitan<sup>2</sup>, Nimrot Siahaan<sup>3</sup>

<sup>1,2,3</sup> Faculty of Law, Universitas Labuhanbatu, Indonesia

bryandhiky@gmail.com, bernat.pjt@gmail.com, nimrotsiahaan4@gmail.com

### Abstract

*This study aims to know as well as analyze about Role Law of the District National Land Agency Labuhanbatu in finish dispute land in the district area Labuhanbatu. Besides That know as well as analyze about obstacles that occur in settlement dispute land that occurs in the working area of the Regency National Land Agency Labuhanbatu. This Research including type study juridical empirical, or called with study field that is study provision applicable law as well as what happened in fact in society. Results of the discussion is role the law of the Regency National Land Agency Labuhanbatu in finish dispute land in the district area Labuhanbatu can taken with two method ie non litigation and litigation. Furthermore, the obstacles that occur in settlement dispute land that occurs in the working area of the Regency National Land Agency Labuhanbatu as following: exists party that doesn't have faith No well, low level participation party dispute in finish dispute land, Lack Source Power Human, No exists strict sanctions from the BPN if happen one intention disputing parties.*

### Keywords

Role law; participation; land disputes; national land agency



## I. Introduction

Land for life man has very position important. this caused almost whole aspect his life especially for the Indonesian nation is not can regardless from existence real land No only can reviewed from aspect economy course, but covers all life and livelihood As right basis, right on land very means as sign existence, freedom, and dignity self someone. On the side else, the state is obligated give guarantee certainty law to right on land that although right That No characteristic absolute because limited by the interests of other people, society and the state. (Darwin Ginting, 2010: 2) Evaluation is done by comparing the data in the field with the standard so that a picture that shows the actual situation compared to the standard is obtained. This evaluation model also allows researchers to be able to give consideration without having to make decisions. (Aini, S. et al. 2019)

Problems land is always an issue shows up and always actual from time to time, concurrently with increase population, development, and increasingly extent access various the obtaining party land as basic capital in various interests. (Pahlefi, 2014: 137)

The concept of human resource development is an attempt to improve technical, theoretical, conceptual, and education and training. The types of development are grouped into informal development and formal development: 1) Informal development, namely employees on their own desires and efforts train and develop themselves by studying literature books that have to do with their work or position. Informal development shows that the employee is eager to advance by improving his work ability. 2) Formal development, where employees are assigned by the company to take part in education and

training, both those conducted by the company and those carried out by educational and training institutions. (Setiawan, D and Marfistasari, A. 2021)

Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired. In addition, development is also very dependent on the availability of natural resource wealth. The availability of natural resources is one of the keys to economic growth in an area. (Shah, M. et al. 2020)

In the development of the world of education, especially after the rolling reforms, new phenomena have arisen in educational institutions, which are schools that use the term Integrated Islamic Schools (Titik, 2010: 42). The school is essentially aimed at helping parents teach good habits and add good character, also given education for life in society that is difficult given at home. Thus, education in schools is actually part of education in the family, which is also a continuation of education in the family (Daulay in Ayuningsih, W. et al. 2020).

Dispute land happen because land have very position important, which can prove independence and sovereignty owner. Land has function in framework state integrity and function as basic capital in framework realizes profusely prosperity people. (Abdurrahman, 1992:72)

Human Resources (HR) is the most important component in a company or organization to run the business it does. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired (Shah et al, 2020). The development of human resources is a process of changing the human resources who belong to an organization, from one situation to another, which is better to prepare a future responsibility in achieving organizational goals (Werdhiastutie et al, 2020).

Basically choice settlement dispute can done with 2 (two) processes. Settlement process dispute through internal litigation court, then develop the solution process dispute through Work same (cooperative) outside court. Social media is an example of a relatively recent development of information technology (Marbun *et al*, 2020). Communication through social media promises a comfortable state of communication, where someone who cannot compose words can be someone who is very poetic, with a very relaxed appearance and state, someone can carry out communication activities with others, lecturers, or someone when we communicate with it must take care of all things, appearance and style of language, but communicating through social media do not have to pay attention to it, sit back with a cup of coffee and use casual clothes a person can carry out communication activities (Marlina, 2020).

Litigation process produce agreement that is no adversial yet capable embrace interest together, inclined raises problem new, slow in the solution.

Evaluation is done by comparing the data in the field with the standard so that a picture that shows the actual situation compared to the standard is obtained. This evaluation model also allows researchers to be able to give consideration without having to make decisions. (Aini, S. et al. 2019)

Instead, through the process outside court produce agreement agreement that is “win-win solution avoided from resulting delays in the completion process Because matter procedural and administrative, complete comprehensive in together and fixed guard connection ok. (Felix MT. Sitorus, 2002: 11)

Based on background behind problem that has described, then formulation problem in research this as following:

1. How role the law of the Regency National Land Agency Labuhanbatu in finish dispute land in the district area Labuhanbatu?
2. What just obstacles that occur in settlement dispute land that occurs in the working area of the Regency National Land Agency Labuhanbatu?

## **II. Research Method**

Method research used in research. This is study juridical empirical, or called with study field that is study provision applicable law as well as what happened in in fact in society. (Suharsimi Arikunto, 2012: 126)

Study juridical empirical is study law about enforcement or implementation provision law normative in action on each incident law certain happened in society. (Abdul kadir Muhammad, 2004: 134)

## **III. Result and Discussion**

### **3.1 Role Law of the District National Land Agency Labuhanbatu in finish dispute land in the district area Labuhanbatu**

Regulation Head of the National Land Agency Number 3 of 2011 concerning Manager Assessment and Treatment Case land formulate that is meant with dispute land according to Article 1 point 2 perka National Land Agency Number 3 of 2011 hereinafter abbreviated dispute is dispute land between individuals, legal entities, or institutions that do not impact wide in a manner socio-political. Communication is the process of delivering messages by someone to other people to tell, change attitudes, opinions or behavior either directly orally or indirectly through the media. In this communication requires a reciprocal relationship between the delivery of messages and recipients namely communicators and communicants (Hasbullah, et al: 2018).

Whereas conflict land according to article 1 point 3 rules head of the Land Agency National Number 3 of 2011 is dispute land between individuals, groups, groups, organizations, legal entities, or institution that has trend or Already impact wide in a manner socio-political.

That means BPN is authorized . Sumardji, 2006 : 246) Complete dispute land, fine in form dispute nor conflict land.

Understanding dispute land too seen in Regulation of the Minister of Agrarian Affairs / KBPN No. 1 of 1999 concerning Handling Procedures Dispute Land.

Based on dimensions impact, conflict own more impact wide when compared to with term dispute. Conflict existing and ongoing land ongoing and possible still will going on when No thawed road objective exit, then will always become interesting topic For discussed and resolved in context administration to front. (Husayn Alting, 2013: 269)

According to Mudjono, There are several causative factor emergence dispute ground.

1. No regulations yet complete;
2. incompatibility regulations;
3. Official less land responsive to need and quantity available land;
4. Insufficient data accurate and less complete;
5. Incorrect land data;
6. Limitations source Power man on duty finish dispute land;
7. Transaction wrong ground;

8. There is settlement from agency else, so happen overlapping overlapping authority. (Rachmadi Usman, 2003: 2)

Dispute is continuation from exists problem. A problem will changed become dispute when problem the No can resolved.

In 2022 for completion problem land through Non litigation (mediation at the office land Regency Labuhanbatu as many as 2 cases whereas For settlement through Litigation ( Case in Court ) totaling 17 Cases (3 Cases at the Medan State Administrative Court and 14 Cases at the District Court ). (Data from the District National Land Agency Labuhan Batu : 2023)

Completion Land disputes can done with two method: (Data from the District National Land Agency Labuhan Batu : 2023)

### **3.2 Handler Problem Non Litigation**

Completion done with method mediation or negotiations facilitated by the Land Office.

In accordance with Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling And Settlement Case Land in Article 3 is explained Reception And Distribution Complaint namely:

- Accept Complaints originating from:
  - a. individuals / citizens society;
  - b. group society;
  - c. legal entity;
  - d. agency government; or
  - e. technical units, Regional Offices, Land Offices
- Complaint as meant accepted through counter reception letter Complaint, counter reception Complaint in a manner direct and acceptance Complaint through online media organized by Ministries, Regional Offices, Land Offices;
- Complaint submitted must fulfil requirements;
- Complaints that have accepted as meant be delivered to Directorate General VII or Field V or V- section is appropriate authorized and recorded in the Complaints register as well as dentry in system information correspondence For furthermore distributed to official;
- In matter Complaint in a manner verbally, complainant must fill in form Complaint and signed complainant as well as be equipped document requirements;
- To Complaint submitted in a manner right at the counter reception Complaints, files Complaint accepted and complainant given sign accept Complaint;
- To Complaint submitted through online media, given sign accept through online media;
- Complaints that are not fulfil condition stated Not yet complete or not fulfil conditions , returned to complainant in a manner written or online media and Complaints submitted in a manner oral through counter Complaint returned at the counter Complaint such;

In Article 6 explained Handling Disputes and Conflicts done through stages:

A. Assessment case;

Done For make it easy understand Case handled.

B. Title early;

Done with objective for:

- a. determine agency or institution or parties who have authority and/ or interest related Cases handled;
- b. formulate plan Handling;

- c. determine provision regulation legislation that can applied;
- d. determine juridical data, physical data, field data and required materials;
- e. compile plan Work research; And
- f. Set targets and time Completion

C. Research;

aim For collect:

- physical data in the form of a thematic map nor cadastral, terrestrial nor photogrammetric , image maps showing location, area and boundaries soil, spatial map , stewardship map land and other related maps with Cases handled ;
- juridical data form document about disputed subject, documents regarding the basis of rights, deeds/letters acquisition land, documents showing land status, history land, verdict court concerns object Cases, and data/ documents other administration that shows the administrative process publication Product Law on land to be object case;
- field data is describing facts condition in fact, mastery and utilization use land to be object case; and/ or
- material information is data/ information from the people involved in process and/ or who knows the issuance process Product Law and/ or knowing party connection between the parties with land to be object case.

D. Expose results Research;

meant For submit data/ material information explaining the legal status Product Law nor position law each party.

E. Meeting Coordination;

Meeting coordination held For obtain input from expert or agencies/institutions related competent in framework Completion case.

F. Title end;

Title end done For take decision Completion Cases to be carried out by the Minister, Head of Regional Office or Head of the Land Office .

G. Completion case .

In matter proposal Completion Case as results Title at the Land Office to The Head of the Regional Office does not can followed up, the Head of the Regional Office conveyed announcement about No can followed up proposal Completion Case with reasons and considerations as well as instruction Settlement.

### **3.3 A handler Problem kindly Litigation ( court )**

Inviting the Parties to the dispute For take track law.

In accordance with Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling And Settlement Case Land in Article 20 Handling Case explain The Ministries, Regional Offices and/ or Land Offices who become power law in Handling Institutional matters Justice use letter power special.

Obstacles that occur in settlement dispute land that occurs in the working area of the Regency National Land Agency Labuhanbatu

In do settlement district disputes Labuhanbatu, District National Land Agency Labuhanbatu find exists obstacles, including:

- a. The party that doesn't have faith No Good For take advantage of the mediation process as method For stalling time, ostensibly forget or no honest party in finish dispute.
- b. The low level participation party dispute in finish dispute land;
- c. Lack of Source Power Man in the Land Office especially in the Handling Sub-Section Disputes, Conflicts and Matters land on duty For finish case land in the Land Office;

- d. No exists strict sanctions \_ from the BPN if happen one intention \_ disputing parties \_ hinder the resolution process dispute . (Data from the District National Land Agency Labuhan Batu : 2023)

#### IV. Conclusion

Based on exposure above, then can concluded that

1. Role the law of the Regency National Land Agency Labuhanbatu in finish dispute land in the district area Labuhanbatu can taken with two method ie non litigation and litigation.
2. Obstacles that occur in settlement dispute land that occurs in the working area of the Regency National Land Agency Labuhanbatu as following: exists party that doesn't have faith No well, low level participation party dispute in finish dispute land, Lack Source Power Human, No exists strict sanctions from the BPN if happen one intention disputing parties.

#### References

- Abdurrahman, (1992). Legal Position custom in Legislation Agrarian Indonesia, Jakarta: Academic Persindo
- Aini, S. et al. (2019). valuation of Authentic Assessment Implementation in Public Elementary School 101775 Sampali, Deli Serdang Regency Academic Year 2019/2020. *Budapest International Research and Critics in Linguistics and Education (BirLE) Journal*. P.29-40
- Aini, S. et al. (2019). valuation of Authentic Assessment Implementation in Public Elementary School 101775 Sampali, Deli Serdang Regency Academic Year 2019/2020. *Budapest International Research and Critics in Linguistics and Education (BirLE) Journal*. P.29-40
- Alting , Husein . (2013) “Conflict Land Ownership in North Maluku: People Versus Rulers and Entrepreneurs”, *Journal dynamics Law* , Vol.13, No. 2.
- Arikunto, Suharsimi, (2012), *Procedure Research Something Approach Practice*, Jakarta, Rineka Create.(Data from the District National Land Agency Labuhan Batu : 2023)
- Ayuningsih, W. et al. (2020). mplementation of Islamic Education Curriculum Development in Al-Ulum Islamic School Medan. *Budapest International Research and Critics in Linguistics and Education (BirLE) Journal*. P. 1033-1044.
- Ginting, Darwin, 2010, *Law Ownership Right Over Land Fields Agribusiness*, Bogor: Ghalia Indonesia.
- Hasbullah, Hatta, M., and Arifin, Z. (2018). Communication Pattern of Wilayatul Hisbah, Lhokseumawe City in Implementing Amar Makruf Nahi Mungkar. *Budapest International Research and Critics Institute Journal*, Vol. 1, No. 4, 194-205.
- Marbun, D. S., et al. (2020). The Effect of Social Media Culture and Knowledge Transfer on Performance. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)*, Volume 3, No 3, Page: 2513-2520.
- Marlina, et al. (2020). Disclosure of Communication in the Facebook and Impact Social Media on Worship Activities in Dakwah Faculty Students and Science of Communication Media of North Sumatera State University (UINSU). *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)*, Volume 3, No 3, Page: 2142-2148.
- MT. Sitorus , Felix. (2002). *Scope Agrarian in Going to Justice Agrarian*, London:

Foundation Akatiga

- Muhammad Abdulkadir, (2004), Law and Research Law, Bandung, Citra Aditya Bakti
- Niati, D. R., Siregar, Z. M. E., & Prayoga, Y. (2021). The Effect of Training on Work Performance and Career Development: The Role of Motivation as Intervening Variable. *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, 4(2), 2385–2393. <https://doi.org/10.33258/birci.v4i2.1940>
- Pahlefi, 2014. Analysis of Forms Dispute Law on Manurut Land Regulation Legislation in the Field Agrarian, “Magazine Law Academic Forum, Vol.25.
- Regulation Head of the National Land Agency Number 3 of 2011 concerning Manager Assessment and Treatment Case land.
- Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling And Settlement Case land
- Shah, M. et al. (2020). The Development Impact of PT. Medco E & P Malaka on Economic Aspects in East Aceh Regency. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)*. P. 276-286.
- Shah, M. M., et al. (2020). The Development Impact of PT. Medco E & P Malaka on Economic Aspects in East Aceh Regency. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* Volume 3, No 1, Page: 276-286.
- Sumar, (2006). “Basics and Space Scope authority in Right Management” Magazine *Yuridika*, Vol. 21, No. 3.
- Usman, Rachmadi, (2003), Settlement Options Outside Dispute \_ Court, Bandung: Citra Aditya Bakti.
- Werdhiastutie, A. et al. (2020). Achievement Motivation as Antecedents of Quality Improvement of Organizational Human Resources. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* Volume 3, No 2, Page: 747-752.