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Optimizing Land Dispute Resolution Through Mediation: A Legal Analysis of Biau District, Buol Regency

Analisis Hukum Optimalisasi Penyelesaian Sengketa Tanah Melalui Mediasi Di Kecamatan Biau Kab Buol

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Abstract

Alternative dispute resolution mechanisms in developing nations frequently experience structural dysfunctions within complex agrarian governance. This study examines the optimization of land dispute resolution through mediation in Biau District, Buol Regency. Employing a qualitative socio-legal approach, primary empirical data were gathered via purposive sampling across twenty-three key informants and analyzed rigorously using an interactive qualitative model. Grounded in Lawrence Friedman's legal system theory, the findings reveal that mediation failures do not stem from statutory deficits, but rather from deep-seated structural pathologies, specifically uncertified local mediators, and cultural patron-client dynamics that systematically distort neutrality. Consequently, grassroots consensus frequently suffers from severe executive impotence. To resolve this procedural impasse, this article conceptualizes the Tripartite Alliance for Site Agrarian Resolution. This framework integrates local government, agrarian offices, and judicial courts via e-Court networks to transform informal settlements into legally binding settlement deeds (Acta van Dading), thereby guaranteeing absolute enforcement and sustainable agrarian justice.

Abstrak

Mekanisme alternatif penyelesaian sengketa di negara berkembang kerap mengalami disfungsi struktural dalam tata kelola agraria kompleks. Penelitian ini menganalisis optimalisasi penyelesaian sengketa tanah melalui mediasi di Kecamatan Biau, Kabupaten Buol. Menggunakan pendekatan sosio-legal kualitatif, data empiris primer dihimpun melalui purposive sampling dari dua puluh tiga informan kunci dan dianalisis secara presisi menggunakan model kualitatif interaktif. Berdasarkan teori sistem hukum Lawrence Friedman, hasil penelitian menunjukkan bahwa kegagalan mediasi tidak bersumber dari defisit regulasi normatif, melainkan dari patologi struktural mendalam, khususnya mediator lokal non-sertifikasi, dan dinamika kultur patron-klien yang secara sistematis mendistorsi netralitas. Akibatnya, konsensus akar rumput sering kali mengalami kelumpuhan eksekutorial yang parah. Guna mengurai kebuntuan prosedural tersebut, artikel ini menawarkan rekonstruksi kelembagaan melalui Aliansi Tripartit Resolusi Agraria Tapak. Model ini mengintegrasikan pemerintah lokal, kantor pertanahan, dan pengadilan perdata via jaringan e-Court untuk mengonversi kesepakatan informal menjadi Akta Perdamaian (Acta van Dading) demi menegakkan keadilan agraria berkelanjutan yang berkepastian hukum mutlak.

A. INTRODUCTION

1. Backgorund

The fortification of Alternative Dispute Resolution (ADR) mechanisms within global agrarian governance is frequently advanced as a panacea for the dilatory formalism of civil adjudication in developing jurisdictions.[1] In Indonesia, this strategic orientation is manifested through the extensive fortification of sectoral regulatory frameworks, notably Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 11 of 2016 on the Settlement of Land Cases. Nevertheless, epistemic friction arises when this formalization policy is operationalized at the grassroots level, wherein mediation frequently succumbs to structural dysfunction and fails to yield final and binding outcomes.[2]

This phenomenon of failure is not merely a localized administrative deficiency, but rather a reflection of a global crisis of legal pluralism, wherein local-level informal resolution mechanisms are frequently eliminated or fail to harmonize with the rigidity of positive state law.[3] This governance crisis is starkly evident in the Biau District of Buol Regency, Central Sulawesi Province, serving as a microcosm of the systemic failure of ADR within culturally entrenched rural jurisdictions. Empirical documentation of recent local disputes reveals an alarming trajectory of mediation failures: escalating from 12 cases in 2023 to 15 cases in 2024, and culminating in 19 unresolved land disputes by early 2026. This linear anomaly corroborates a fundamental disjunction between the normative ambitions of the state and the sociological realities of grassroots legal implementation.

Doctrinally, mediation is conceptualized as an emancipatory legal mechanism, foregrounding the principles of deliberation, consensus, and the restoration of social capital among the disputants.[4] Within the agrarian legal ecosystem, mediation is situated

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[1] Aussielia Amzulian, "The Future of Arbitration for Personal Data Disputes in Indonesia: Weighing the Benefits and Challenges," *Media Iuris* 8, no. 2 (June 30, 2025): 215–38, https://doi.org/10.20473/mi.v8i2.63060.
[2] Rio Rolando et al., "Hukum Agraria Dalam Penyelesaian Sengketa Tanah Di Indonesia," *Perkara : Jurnal Ilmu Hukum Dan Politik* 2, no. 1 (January 16, 2024): 319–27, https://doi.org/10.51903/perkara.v2i1.1682.
[3] Sally Engle Merry, "Legal Pluralism," *Law & Society Review* 22, no. 5 (July 1, 1988): 869–96, https://doi.org/10.2307/3053638.
[4] A. Sultan Sulfian, "Optimalisasi Peran Badan Pertanahan Nasional Dalam Menyelesaikan Sengketa Agraria Melalui Jalur Mediasi," *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan* 24, no. 1 (August 30, 2025): 151–61, https://doi.org/10.30863/ekspose.v24i1.10329.

as a highly adaptive and flexible mechanism given its capacity to assimilate localized communal values and mitigate the protracted social polarization stemming from post-litigatory relational destruction. Nevertheless, the efficacy of this instrument does not operate within a vacuum; its success is profoundly contingent upon the degree of convergence between institutional preparedness and the maturity of the ambient socio-legal culture.[5] Within the empirical reality of rural agrarian disputes, the mediation process is frequently distorted into an arena for the entrenchment of asymmetrical power relations. Actors endowed with dominant politico-economic capital are able to disregard negotiated settlements in the absence of definitive sanctions, while informal mediators remain ensnared by technical-juridical capacity constraints and devoid of robust institutional backing.

Legal substance pertains to the caliber of prevailing norms and regulations; legal structure denotes the apparatus and institutional architecture responsible for executing the law; whereas legal culture encompasses the societal paradigms of consciousness, behavior, and attitudes toward the law itself. These three constituent elements must function in harmonious synthesis to ensure the effective operation of law within society. Within the context of agrarian dispute mediation in the Biau District, the paramount deficiency appears not to reside in the fragility of legal substance, but rather in the incapacity of the local legal structure and culture to operationalize mediation as a dispute resolution mechanism imbued with legitimacy and juridical certainty.

This predicament evinces that the efficacy of mediation cannot be assessed through a reductionist metric reliant solely upon the availability of formal legal instruments; instead, it must be appraised by the law's functional capacity to operate effectively within empirical social realities. Through the theoretical lens of the legal system, as classically posited by Lawrence M. Friedman, the functioning of law within a society is trichotomously buttressed by three foundational elements: legal substance, legal structure, and legal culture.[6]

Legal substance pertains to the caliber of norms, substantive materials, and codified regulations; legal structure delineates the institutional apparatus and law enforcement agencies; whereas legal culture encompasses the psychological dispositions, values,

[5] Willya Achmad, "Konflik Sengketa Lahan Dan Strategi Penyelesaian Di Indonesia," *Jurnal Kolaborasi Resolusi Konflik* 6, no. 1 (February 11, 2024): 8–18, https://doi.org/10.24198/jkrk.v6i1.53280.
[6] Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975). Hal, 11-25.

consciousness, and behavioral paradigms of society toward the law. These three constituent elements must operate in a harmonious and reciprocal manner to actualize substantive legal certainty. Within the paradigm of agrarian dispute mediation in the Biau District, the fundamental pathology no longer stems from deficiencies in legal substance—given the highly progressive nature of national regulatory instruments—but is instead predicated upon the paralysis of the local legal structure and the alienation of a societal legal culture that has yet to internalize mediation as a conflict resolution mechanism possessing absolute juridical legitimacy.

The discourse surrounding the dysfunction and failure of agrarian mediation within contemporary legal literature is currently bifurcated into two primary theoretical poles. The first pole attributes the failure of mediation to individual agency and the legal behavior of the disputing parties. Within this theoretical landscape, Sagoni, Rahmi, and Hijrah assert that the efficacy of a negotiated settlement is profoundly correlated with the degree of individual legal consciousness and the rigor of the parties' voluntary compliance with the stipulations of the mediation agreement.[7] This perspective is corroborated by Mustika, Arsyad, and Lawang, who identify that within inheritance-based agrarian disputes, personal egoism, familial fragmentation, and the absence of good faith serve as principal determinants that diminish the prospects of achieving an amicable consensus.[8]

Conversely, the second theoretical pole rejects such individual behavioral reductionism, emphasizing instead institutional determinism and flaws in institutional structural design. Lumentung, Simanjuntak, and Rakia contend that the efficacy of agrarian conflict resolution is fundamentally predicated upon the caliber of inter-institutional coordination and cross-agency collaborative approaches between land offices and regional governments.[9] In a similar vein, Ningsih and Tuasikal assert that the principal vulnerability of mediation is rooted in the deficient juridical competence of

[7] Sulaeman Sagoni, Rahmi, and Sitti Hijrah, "Efektivitas Hukum Terhadap Mediasi Dalam Penyelesaian Sengketa Tanah Di Kelurahan Cina, Kecamatan Pammana, Kabupaten Wajo," *Legal Journal of Law* 2, no. 1 (May 15, 2023): 79–90, https://jurnal.lamaddukelleng.ac.id/index.php/legal/article/view/51.
[8] Nasya Mustika, Yusri Muhammad Arsyad, and Hasanna Lawang, "Analisis Faktor-Faktor Ketidakberhasilan Mediasi Dalam Penyelesaian Sengketa Kewarisan Tanah: Studi Kasus Perkara No. 292/Pdt.G/2024/PA.PW Di Pengadilan Agama Pasarwajo," *At-Tasyrih: Jurnal Pendidikan Dan Hukum Islam* 11, no. 2 (December 23, 2025): 532–41, https://ejournal.unisbajambi.ac.id/index.php/attasyrih/article/view/493.
[9] Imelda Astreed S. Lumentung, Kristi W. Simanjuntak, and A. Sakti. R. S. Rakia, "Efektivitas Mediasi Dengan Pendekatan Kolaboratif Dalam Menyelesaikan Kasus Pertanahan Di Kantor Pertanahan Kota Sorong," *Judge: Jurnal Hukum* 6, no. 2 (May 31, 2025): 218–27, https://journal.cattleyadf.org/index.php/Judge/article/view/1368.

mediators, compounded by the tenuous logistical and institutional support from local authorities at the grassroots level.[10]

Although the aforementioned theoretical discourse has profoundly enriched the sociology of law, a salient conceptual blind spot persists: the preponderance of prior scholarship tends to examine mediation through the lens of sterile institutional formalism, positioning the mediator exclusively as an administrative apparatus of the judiciary or state bureaucracy. Consequently, scholarly attention directed toward the sub-district and village levels as social arenas—permeated by informal power relations, prejudiced kinship networks, economic asymmetry, and socio-political patronage—remains critically underdeveloped. Yet, it is precisely at this grassroots echelon that the mediation process is inherently devoid of neutrality; rather, it is perpetually negotiated under the pervasive influence of asymmetrical local social structures, which unequivocally distorts the bargaining positions of the disputants.

Beyond the marginalization of local social dynamics, extant literature is predominantly oriented toward the procedural efficacy of mediation in generating a settlement agreement, thereby neglecting the juridical trajectory of the post-agreement phase. In empirical reality, the vast majority of non-litigatory mediation outcomes in rural contexts suffer a "juridical demise," manifesting as unilateral repudiation by a party due to the sheer absence of legal enforceability. This predicament demonstrates that the fundamental pathology of agrarian mediation extends beyond the mere facilitation of moral compromise; rather, it is rooted in the absence of a legal transmission mechanism capable of transmuting private agreements into public instruments endowed with tangible executory force.

It is within this interstitial space that this article situates its scientific novelty. By utilizing the dynamics of the Biau District as an analytical laboratory, this research undertakes a critical deconstruction of the agrarian mediation dilemma through a theoretical revitalization of Lawrence M. Friedman's legal system framework. This article transcends the mere cataloging of technical failures to meticulously dissect how the nexus of local patronage and the capacity deficits of informal mediator structures cumulatively engender a cultural repudiation of mediation outcomes. Through this methodological

[10] Riska Kurnia Ningsih and Hadi Tuasikal, "Tantangan Dan Solusi Dalam Implementasi Mediasi Sebagai Alternatif Penyelesaian Sengketa Tanah," *Journal of Dual Legal Systems* 2, no. 1 (April 9, 2025): 70–89, https://journal.staisar.ac.id/index.php/jdls/article/view/323.

approach, we empirically demonstrate that the escalating failure of agrarian mediation at the grassroots level is destructively catalyzed by structural pathologies and the alienation of legal culture, rather than a paucity of normative regulation.

Furthermore, as a concrete remedial measure, this article proffers a paradigm for the institutional reconstruction of mediation through the fortification of the executory binding power of settlement agreements. To mitigate the post-mediation juridical fragility, settlement outcomes at the village or sub-district echelon must not be relegated to the status of mere private documents that afford only a facade of conflict resolution. These instruments must be elevated via a registration mechanism at the district court to be converted into a Deed of Settlement (*Acta van Dading*). Pursuant to Supreme Court Regulation No. 1 of 2016, the transformation into a deed of settlement confers an executory title commensurate with a court judgment possessing res judicata (*inkracht van gewijsde*). Through this integration, the propensity for agreement repudiation by a dominant party can be legally severed, given the availability of tangible enforcement mechanisms executed by the state.

Based on the foregoing elucidation, this article concludes that the accommodation of equitable agrarian dispute resolution at the grassroots level cannot be realized through the mere cosmetic enactment of novel substantive regulations; rather, it necessitates the institutional restructuring of local mediators and the cultivation of a robust culture of legal compliance within society. The capacity building of local mediators, the digitalization of an integrated agrarian dispute documentation system, and the mandatory conversion of settlement outcomes into *Acta van Dading* constitute the strategic pillars requisite for upholding an agrarian justice system that guarantees legal certainty, promotes emancipation, and satisfies the rigors of international scientific standards.

2. Research Questions

Predicated upon the tension between normative postulates and empirical realities concerning the implementation of agrarian dispute mediation within the Biau District of Buol Regency, this article addresses two primary inquiries.

First, in what manner do the pathologies of the local institutional structure and the prevailing societal legal culture distort the efficacy of non-litigatory agrarian dispute resolution at the grassroots level?

Second, how might a framework for the institutional reconstruction of mediation—specifically through the formal registration of settlement outcomes as an *acta van dading* before the court—be formulated to confer definitive binding authority and tangible executory force upon the disputing parties?

3. Research Methods

This research employs an empirical legal methodology anchored in a socio-legal framework to deconstruct the dichotomy between the normative law governing agrarian mediation and its empirical implementation within the Biau District of Buol Regency. The empirical approach was strategically adopted predicated upon the premise that the paramount deficiency in mediating agrarian disputes does not reside in a lacuna of legal norms, but rather in the paralysis of institutional structures and the resistance embedded within the societal legal culture regarding the operationalization of mediation mechanisms as idealized by positive law.[11]

Bahan hukum primer dalam penelitian ini terdiri atas Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa, Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan, serta Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 11 Tahun 2016 tentang Penyelesaian Kasus Pertanahan. Adapun bahan hukum sekunder diekstraksi dari literatur primer berupa jurnal internasional bereputasi, buku hukum otoritatif, dan dokumentasi riset mutakhir yang relevan dengan diskursus efektivitas hukum agraria.

Empirical field data collection was executed between 2023 and early 2026, a timeframe concurrent with the escalation of agrarian dispute mediation failures within the research locus. The selection of informants was non-randomized; rather, it employed a purposive sampling methodology whereby subjects were specifically designated in accordance with predefined inclusion criteria to guarantee the depth and authenticity of the sociological data.[12] A comprehensive cohort of 23 principal informants was engaged in in-depth interviews, comprising: one Head of Biau District (representing administrative authority); three village officials functioning as informal mediators; four customary leaders (representing socio-cultural influence); and fifteen community

[11] Reza Banakar and Max Travers, *Theory and Method in Socio-Legal Research* (Oxford: Hart Publishing, 2005). Hal, 28-34.
[12] John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017). Hal, 185-187.

members. The inclusion criteria for the community informants mandated their status as direct disputants whose mediation proceedings at the village or district echelon had culminated in a deadlock, or whose settlement agreements had been repudiated post-mediation within the preceding three years. This primary data elicitation process was further corroborated by moderate participant observation and a meticulous examination of dispute resolution dossiers retained within village and district archives.

The aggregated empirical data were not merely described; rather, they were subjected to rigorous analysis employing the interactive qualitative analysis model conceptualized by Miles, Huberman, and Saldaña, which comprises three concurrent phases: data condensation, data display, and conclusion drawing and verification.[13] The interview transcripts were condensed and subsequently subjected to thematic codification, employing Lawrence M. Friedman's legal system theory as the analytical framework. This thematic codification specifically delineates the mediation anomalies into three primary nodes: (1) legal substance, to evaluate the sufficiency of normative prerequisites; (2) legal structure, to identify capacity deficits, jurisdictional limitations, and the asymmetry of power relations among local mediators; and (3) legal culture, to dissect the degree of voluntary compliance, parochial egoism, and the good faith of the disputants in executing the settlement agreement. The triangulation of these methodological instruments is utilized to diagnose the pathologies of mediation at the grassroots echelon, while simultaneously formulating legal prescriptions that are both operationally viable and robustly binding.

B. DISCUSSION

1. Normative Disjunction and the Operational Failure of Agrarian Dispute Mediation at the Grassroots Level

Normatively, mediation has been mainstreamed as a determinative instrument in civil dispute resolution, encompassing agrarian conflicts. The fortification of mediation's standing is crystallized through both macro and micro regulatory frameworks, ranging from Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution—which confers juridical legitimacy upon extrajudicial conflict resolution—to Supreme Court Regulation No. 1 of 2016, which elevates mediation to an imperative prerequisite within the adjudicatory process. Within the sectoral domain of agrarian law, specific regulations

[13] Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. (Thousand Oaks, CA: Sage Publications, 2014). Hal, 8-10.

are codified in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 11 of 2016, which situates mediation as the paradigmatic approach to dispute resolution grounded in deliberation and consensus.[14]

This regulatory architecture demonstrates that the state has textually formulated an adequate legal framework to undergird the amicable and participatory resolution of agrarian disputes. Within socio-legal discourse, mediation is conceptualized as substantially more agile and efficacious compared to the formalism of litigation, which is inherently cost-prohibitive, protracted, and predisposed to fracturing the social cohesion among adversarial parties.[15] Particularly within the sociological landscape of rural communities, the mediatory approach inherently resonates symmetrically with the cultural trajectory of Indonesian society, which has historically venerated communal consensus in the elimination of social friction.

Nevertheless, the glorification of such regulatory frameworks does not correlate symmetrically with their operational efficacy at the grassroots level. Empirical investigations within the Biau District of Buol Regency unveil a stark anomaly: the escalation of agrarian disputes failing to be mitigated through mediation demonstrates a persistent upward trajectory. Drawing upon the most recent local dispute data, the incidence of resolution failures surged significantly from 12 cases in 2023 to 15 cases in 2024, reaching 19 cases by early 2026. This chronological data substantiates the hypothesis that localized agrarian dispute mediation has succumbed to functional paralysis, failing to establish itself as a robust safety valve for conflict resolution.

In practice, the agrarian dispute resolution ecosystem within the Biau District operates via a tiered, hierarchical mechanism. The preliminary phase of mediation is convened at the village hall, orchestrating the participation of the village head, village apparatus, customary or community leaders, and the disputing principals. Should the pursuit of consensus culminate in a deadlock, the matter is subsequently escalated to the sub-district level for remediation by the sub-district administrative authority. Architecturally, this paradigm reflects a localized, community-based conflict resolution

[14] Hendri Jayadi et al., "Penyelesaian Sengketa Tanah Berdasarkan Hukum Positif Tentang Penyelesaian Sengketa Di Indonesia," *Jurnal ComunitÃ Servizio* 5, no. 1 (April 17, 2023): 1050–1069, https://doi.org/10.33541/cs.v5i1.4287.
[15] U. Nurzia, "Penyelesaian Sengketa Tanah Melalui Mediasi," *CBJIS: Cross-Border Journal of Islamic Studies* 7, no. 1 (June 30, 2025): 227–33, https://doi.org/10.37567/cbjis.v7i1.3985.

endeavor. However, from the vantage point of legal structure, this mechanism harbors a fatal deficiency. Village and sub-district heads functioning as mediators operate within a vacuum of competence; they lack the formal certification mandated by Supreme Court Regulation No. 1 of 2016. This absence of technical-juridical qualification—manifesting as a fragility within the legal structure—renders the mediation process highly susceptible to co-optation. The mediatory forum frequently mutates into a biased, informal adjudicatory arena, wherein village officials inadvertently dictate settlement outcomes that favor local elites, rather than serving as impartial facilitators who safeguard the equitable bargaining power of vulnerable parties.

The corollary impact of this structural defect is the generation of artificial and non-final dispute resolutions. Numerous precedents demonstrate a pervasive rate of absenteeism among disputants in response to mediation summonses. More egregiously, even in instances where written agreements are successfully formulated on a voluntary basis, these mediation outcomes are frequently subjected to subsequent unilateral repudiation. This chronic deadlock originates from a singular, fundamental deficiency: agreements reached at the village or sub-district level remain relegated to the status of fragile "private contracts." Such documents fail to transform into public instruments endowed with executory force commensurate with a judicial decree. The absence of coercive power derived from state instruments renders the mediation agreement a mere "paper tiger"—morally binding yet juridically impotent—which ultimately precipitates relitigation and exacerbates the destructive magnitude of horizontal agrarian conflicts.[16]

Table 1. A Comparison of Normative Postulates and Empirical Realities in Agrarian Dispute Mediation within the Biau District

Legal System Aspect	Normative Postulate (Legal Basis)	Empirical Reality (Biau District)	Legal Impact / Pathology
Structural Capacity (Mediator)	Certified, neutral, and facilitative mediators (Supreme Court Regulation No. 1 of 2016).	Administered by village or sub-district apparatus devoid of formal certification, frequently manifesting a bias rooted in power asymmetry.	Unilateral domination; Mediation mutates into an informal adjudicatory forum that coerces vulnerable parties.

[16] Yakub Adi Krisanto, "Penyelesaian Sengketa Tanah Melalui Mediasi Di Kantor Pertanahan Kota Salatiga," *Magistrorum et Scholarium: Jurnal Pengabdian Masyarakat* 4, no. 1 (December 22, 2023): 16–26, https://doi.org/10.24246/jms.v4i12023p16-26.

Nature of Compliance (Culture)	Predicated upon good faith and deliberative consensus (Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 11 of 2016).	Deficient legal consciousness; Mediation is perceived merely as a pre-litigatory bureaucratic formality.	Unilateral repudiation of mediation outcomes; Recurrent disputes (relitigation).
Binding Force of the Agreement (Substance)	Agreements legally bind the parties equivalently to statutory law (Article 1338 of the Indonesian Civil Code).	Written agreements lack an executory title due to the absence of formal judicial registration.	The agreement is relegated to a "dead letter"; Absence of coercive state enforcement power.

Source: Primary Data Analysis by the Author (2023–2026)

Although this phenomenon of compliance demotivation aligns with the thesis postulated by Mustika, Arsyad, and Lawang concerning the absence of good faith within agrarian mediation, the empirical anomaly in the Biau District evinces that good faith alone remains fundamentally insufficient unless undergirded by a determinative institutional architecture for mediation.[17] This institutional architecture constitutes an operational structural dimension that was conspicuously overlooked by Lumentung, Simanjuntak, and Rakia in their collaborative research situated in Sorong.[18] Within the Biau District, mediation continues to operate in a rudimentary manner, remaining profoundly contingent upon the personal charisma of village officials and lacking integration into the formal institutional ecosystem of state law capable of guaranteeing executory certainty. The sociological conclusion is unequivocal: the failure of agrarian dispute mediation within this jurisdiction is fundamentally rooted in the impotence of the executing structures to engineer an equitable dialogic arena, compounded by a systemic failure to encase the resulting settlement agreements within a framework of absolute legal legitimacy.

2. Pathologies of Legal Structure and Culture within the Mediation Process in the Biau District

Operationalizing Lawrence Friedman's legal system framework, this empirical investigation unequivocally demonstrates that the failure of agrarian mediation within the Biau District is not rooted in a deficit of legal substance, but rather emanates from

[17] Mustika, Arsyad, and Lawang, "Analisis Faktor-Faktor Ketidakberhasilan Mediasi Dalam Penyelesaian Sengketa Kewarisan Tanah: Studi Kasus Perkara No. 292/Pdt.G/2024/PA.PW Di Pengadilan Agama Pasarwajo."
[18] Lumentung, Simanjuntak, and Rakia, "Efektivitas Mediasi Dengan Pendekatan Kolaboratif Dalam Menyelesaikan Kasus Pertanahan Di Kantor Pertanahan Kota Sorong."

mutually reinforcing structural and cultural pathologies.[19] The diverse array of extant macro regulatory instruments has fundamentally bridged any legal lacunae, comprehensively articulating the procedural architecture for extrajudicial conflict resolution. Nevertheless, the progressivity of these legal texts collides frontally with empirical realities when operationalized by an institutional structure inherently burdened by capacity deficits and compromised independence.

The most critical vulnerability centers on the anatomy of the legal structure at the grassroots level. In contrast to court-annexed mediation facilitated by judges or certified professional mediators, mediation at the village and sub-district echelons is monopolized by local bureaucratic apparatuses (Village Heads and Sub-district Heads). This cohort exercises the dispute resolution function strictly as an extension of their administrative authority, rather than predicating their actions upon professional negotiation acumen, emotional de-escalation techniques, or a comprehensive mastery of positive agrarian law. The implications are profoundly determinative: this deficit in technical-juridical competence precipitates the failure of local mediators to construct an impartial dialogic arena, particularly when the dispute encroaches upon the exploitation of inheritance rights or capital asymmetry between the parties. The vacuum of professionally certified mediators is seemingly perpetuated by design, thereby preserving the flexibility of village officials to orchestrate dispute resolution interventions that accommodate the vested interests of their local patronage networks.[20]

This condition intersects directly with the dimension of local legal culture, which is deeply entrenched in social patronage. Within the Biau District, mediation—idealized to transpire *in the shadow of the law*—is instead destructively distorted, ultimately operating *in the shadow of power*.[21] Within such a communal ecosystem, parties possessing genealogical, economic, or political proximity to the village apparatus inherently accrue a surplus of bargaining power.[22] This practice eviscerates the inherent neutrality of mediation; it ceases to function as a vehicle for the pursuit of justice or the restitution of substantive harm, mutating

[19] Friedman, *The Legal System: A Social Science Perspective* . Hal, 11-25
[20] Ningsih and Tuasikal, "Tantangan Dan Solusi Dalam Implementasi Mediasi Sebagai Alternatif Penyelesaian Sengketa Tanah."
[21] S. V. Biryukov, "Santi Romano and the Concept of Legal Pluralism," *Lex Russica* 76, no. 6 (June 15, 2023): 138–47, https://doi.org/10.17803/1729-5920.2023.199.6.138-147.
[22] Caroline Hambloch et al., "Power from below: Rethinking Bargaining Power in Global Value Chains," *Review of International Political Economy* 33, no. 3 (May 4, 2026): 1017–50, https://doi.org/10.1080/09692290.2025.2610737.

instead into an elitist instrument designed to legitimize the civil subjugation of socio-economically vulnerable parties.[23]

From the standpoint of legal administrative order, this structural pathology is exacerbated by the systemic failure of archiving mechanisms. Observational data reveal that the documentation of conflict resolution within this jurisdiction is profoundly rudimentary; settlement agreements are frequently articulated merely upon simple, unnotarized private instruments (*onderhands*), devoid of any integrated village registration mechanism. This pathology of record-keeping must not be reductively simplified as mere village administrative malpractice. Juridically, this administrative anarchism constitutes the fundamental root of legal causality (*conditio sine qua non*) explaining why such communal settlement agreements persistently fail to satisfy requisite formal qualifications. The absence of standardized settlement documentation precludes these village-level mediation products from being registered and homologated into a formal Deed of Settlement (*Acta van Dading*) at the District Court.[24]

These structural and administrative vulnerabilities subsequently synergize with the resistance embedded within the community's legal culture. A pragmatic legal consciousness compels the public to conceptualize village-level mediation not as a forum for definitive resolution, but merely as a "bureaucratic ritual" or a preliminary checkpoint prior to maneuvering toward formal litigation. This empirical finding not only complements but profoundly deepens the thesis postulated by Sagoni, Rahmi, and Hijrah.[25] In contrast to their argument, which attributes the failure purely to a deficit in the morality of public compliance, the sociological conditions within the Biau District demonstrate a contrary rationality: the community abstains from voluntary compliance due to the realization that these localized mediation products are fundamentally devoid of executory power. In the absence of coercive guarantees derived from state infrastructure, the repudiation of settlement agreements is perceived as carrying no risk of legal penalty. As long as this anomaly of structural patronage is perpetuated and settlement documents remain unintegrated into the judicial system,

[23] M Azka Haiban, "Subjek Hukum Investasi Internasional Dalam Forum ICSID: Teori Dan Praktiknya," *UNES Law Review* 6, no. 1 (2023): 2741–52, https://doi.org/10.31933/unesrev.v6i1.1076.
[24] Teguh Anindito, Aris Priyadi, and Arif Awaludin, "Pelaksanaan Peraturan Mahkamah Agung Nomor 1 Tahun 2016Tentang Prosedur Mediasi Di Pengadilan Negeri Banyumas," *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijayakusuma* 24, no. 1 (March 10, 2022): 23–32, https://doi.org/10.51921/chk.wqps6488.
[25] Sagoni, Rahmi, and Hijrah, "Efektivitas Hukum Terhadap Mediasi Dalam Penyelesaian Sengketa Tanah Di Kelurahan Cina, Kecamatan Pammana, Kabupaten Wajo."

mediation at the grassroots echelon will remain perpetually locked in a pathological cycle of pseudo-conflict resolution.

3. Institutional Reconstruction and the Binding Force of Agrarian Mediation Agreements

The optimization of agrarian dispute resolution via mediation at the grassroots level necessitates more than mere sociological endeavors to forge a compromise; it mandates an institutional reconstruction resolutely oriented toward fortifying its executory binding force. Heretofore, the fundamental vulnerability of communal mediation within the Biau District has centered precisely on this absence of legal guarantees. Mediation outcomes culminate exclusively in "private contracts" cloaked merely in moral obligation. Consequently, in the event of unilateral repudiation (default), the aggrieved party is bereft of the state's coercive instruments required to execute the agreement, thereby triggering recurrent disputes that paralyze the certainty and cohesion of positive law.

Conventional prescriptive measures generally propose the registration of village-level settlement agreements with the District Court for homologation into a formal Deed of Settlement (*Acta van Dading*). Nevertheless, this postulate doctrinally collides with a severe formalistic impasse within the dogmatics of Indonesian civil procedural law. Referring to the regulatory regime of Supreme Court Regulation No. 1 of 2016, specifically the delineations in Chapter V, Articles 36 and 37, an Extrajudicial Settlement Agreement is validated as fulfilling the formal prerequisites for homologation into an *Acta van Dading* only if the mediation process was facilitated by a Certified Mediator formally registered with the Supreme Court.[26] Within the sociological reality of the Biau District, this mediatory function is executed by Village Heads, Sub-district Heads, or Customary Leaders who, *de jure*, lack the prerequisite certification credentials. In the absence of a deconstructive breakthrough, the District Court remains shackled by strict legalism and is statutorily obligated to reject any registration petition for these localized mediation products.

Unraveling this procedural deadlock necessitates that the Supreme Court progressively redesigns the architecture of its procedural law. An urgent discourse entails advocating for the decentralization of rural mediator certification mechanisms, or the establishment of a *fast-track* precedent for the homologation of communal agreements,

[26] Tri Setiady and Yulia Putri Maulina, "Kekuatan Mengikat Hukum Mediasi Sebagai Upaya Penyelesaian Sengketa Waris Ditinjau Berdasarkan Undang-Undang No 30 Tahun 1999 Tentang Arbitrase Dan ADR," *Jurnal UDA* 32, no. 4 (September 1, 2024): 423–434, https://jurnal.universitasdarmaagung.ac.id/jurnaluda/article/view/4616.

unencumbered by private certification prerequisites. Within the comparative framework of global Alternative Dispute Resolution (ADR) systems, such pathologies have been brilliantly resolved in the Philippine jurisdiction via the *Katarungang Pambarangay* (Barangay Justice System). Under this jurisdiction, amicable settlements facilitated by the village apparatus (*Lupon*) automatically metamorphose into a legal force equivalent to a first-instance court judgment following a ten-day incubation period post-ratification. This paradigm of international governance empirically substantiates that the hybridization of communal resolution wisdom with the state's executory title constitutes a progressive measure that is entirely rational and implementable for developing nations.[27]

To actualize this breakthrough within the framework of Indonesian agrarian governance, this article proposes a concrete institutional reconstruction via the establishment of a "Grassroots Agrarian Resolution Tripartite Alliance." This model fundamentally departs from clichéd socialization doctrines, pivoting instead toward the fusion and digital integration of three pivotal actors within the legal ecosystem: (1) The Village/Sub-district Administration, positioned as the vanguard for early detection and cultural facilitation at the epicenter of the dispute; (2) The Buol Regency Land Office (ATR/BPN), functioning as the authoritative verifier that provides spatial data validation and safeguards the juridical *status quo* of the disputed land object; and (3) The Buol District Court, serving as the ultimate judicial authority that homologates this tripartite consensus document into a formal Deed of Settlement (*Acta van Dading*) via integration with the Electronic Court System (e-Court).[28]

Through the operationalization of this tripartite architecture, cross-institutional data exchange (interoperability) is established, thereby facilitating legally valid procedural substitution. Village-level settlement agreements will no longer face judicial rejection predicated upon a lack of individual mediator certification; rather, their legality will be processed based on cross-institutional validation, the authenticity of which has been formally verified by the National Land Agency (BPN) and local administrative bodies. It is precisely through this structural and cultural architectural conversion that grassroots agrarian mediation will ascend from a mere "sanctionless compromise ritual"

[27] Theresa Liquigan Eustaquio, "Recalibrating Philippine Criminal Justice: A Legal Analysis of Restorative Justice within the Framework of the Juvenile Justice and Barangay Systems," *Mimbar Keadilan* 19, no. 1 (January 28, 2026): 42–53, https://doi.org/10.30996/mk.v19i1.132587.
[28] Zaqi Aulia Dwinando, Marlinah, and Andri Zulpan, "Upaya Mediasi Dalam Penyelesaian Sengketa Penyerobotan Tanah Di Kota Bengkulu," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 4 (August 28, 2025): 3761–75, https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/1926.

to a paramount instrument of dispute resolution—one that is equitable, efficient, endowed with robust legal certainty, and fundamentally aligned with the ethos of modern civil judicature.

C. CONCLUSSION

The implementation of agrarian dispute mediation within the Biau District is systematically distorted by institutional structural pathologies characterized by an administrative monopoly of uncertified officials and a legal culture deeply entrenched in patronage, thereby transmuting the essence of deliberative consensus (*musyawarah*) into a biased arena dominated by power asymmetries. This predicament is further exacerbated by the absence of standardized documentation mechanisms and a pragmatic public legal consciousness, culminating in a high incidence of unilateral repudiation as these communal settlement products are perceived as fundamentally devoid of executory force. To resolve this procedural deadlock regarding the formal competence prerequisites of mediators, an institutional reconstruction is imperative through the design of a "Grassroots Agrarian Resolution Tripartite Alliance" model, which organically integrates the roles of the Village Administration, the Land Office, and the District Court. Through the operationalization of this cross-institutional data interoperability mechanism, localized mediation agreements can undergo rigorous institutional cross-validation and subsequently be converted into a formal Deed of Settlement (*Acta van Dading*) via the e-Court system, thereby endowing grassroots dispute resolution outcomes with definitive binding force and absolute executory title for the disputing parties.

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