

## **The Role Of The Village Head As A Mediator For Land Dispute Resolution In Benteng Village, Talay Regency, Batubara Regency**

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### **Abstract**

This study examines the role of the Village Head as a mediator in resolving land disputes in Benteng Village, Talawi District, Batubara Regency. Using a normative juridical approach, the research analyzes legal norms, statutory regulations, and relevant doctrines to understand the scope of authority and effectiveness of village-level mediation. The findings show that the Village Head's authority to mediate disputes is mandated by Law No. 6 of 2014 on Villages, which obliges the Village Head to maintain social order and resolve community disputes peacefully. Mediation at the village level is generally more effective than litigation because it prioritizes kinship, customary values, and social proximity among residents. The Village Head plays a central role in facilitating deliberation, verifying ownership documents, and issuing administrative statements to support settlement outcomes. However, challenges persist, including limited facilities, insufficient budget allocations, low legal awareness among residents, and the lack of formal training or mediator certification for Village Heads. These constraints hinder the optimization of mediation practices. Therefore, the study emphasizes the importance of government support through training, regulatory enhancements, and institutional capacity building to enhance the effectiveness of village mediation and ensure justice at the grassroots level.

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### **Keywords**

Village Head; mediation; land dispute; dispute resolution

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### **1. INTRODUCTION**

Land, as a gift from God Almighty, is a vital natural resource that humans need for various purposes, such as planting, housing, and business. In relation to population growth and the development of life, it affects the value of land for the community. So valuable is the land that humans, who are social creatures, will defend their land at any cost. The need for legal certainty guarantees in the field of Land is also increasing. (A. Rahman et al., 2021) To address the growing challenges in the land sector, the government's efforts are centered on organizing land registration for land submitted by individuals, legal entities, or private individuals, as well as for the benefit of government



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agencies.(Ramadhani, 2021)

In the 1945 Constitution Article 33 paragraph (3), Land regulation uses the term Agrarian, which has a wider scope, namely land, water, and natural resources contained in it(Wn et al., 2025). Not only that, but the country's founders also attempted to establish a national legal framework that specifically regulates land. Finally, on September 24, 1960, Law Number 5 of 1960 concerning the Basic Agrarian Regulations was enacted. One of the purposes of the promulgation of Law Number 5 of 1960 concerning Agrarian Basic Regulations and Principles is to provide legal certainty. (Wolf, 2025)

This goal can be realized through two efforts, namely the availability of written, complete and clear legal instruments, which are implemented consistently in accordance with the spirit and provisions and the registration of land that allows the holder of land rights to easily prove his right to the land he controls and, for interested parties such as potential buyers and potential creditors, to obtain the necessary information about the land that is the object of the law that will be implemented, as well as for the Government to implement land policies. (Arief Rahmad Mahmud, 2025)

In the provisions of Article 1 paragraph 1 of Government Regulation No. 24 of 1997, namely that a series of activities carried out by the Government on a continuous, continuous and periodic basis, including the collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists, regarding land plots and flats, including the issuance of certificates of proof of rights to land plots that already have rights and property rights to apartment units and certain rights that burdening him.(Palantung, 2021). Although it has been regulated in Government Regulation Number 24 of 1997, the practice of land rights registration/certification remains unknown to many people, who do not comply with these rules. Many people still use the traditional method of buying and selling land, which is still done manually. So that their lack of awareness results in land disputes. (Miftahudin, 2021)

It can be said that disputes in the land sector have never receded, and even have a tendency to increase every year due to several factors such as the condition of the community who are increasingly paying attention to their rights, land factors that are increasing from time to time and the need for the community to have a better future (Okto et al., 2024). The community also said that land is a promising investment. There are numerous complaints about land issues, and almost all aspects of land can give rise to disputes, such as errors in land boundaries and mistakes in the allocation of inheritance. (France, 2021)

From the village side, which is an area under the sub-district, which is led by the village head. A village is a collection of several small communities or settlements. When the rules of regional autonomy are enforced, a village is referred to as nagari, gampung, or kampuang. Likewise, other terms that are

very suitable for the characteristics of village customs that have been formed for a long time. (Muhammad Akbar Kharisma, 2021)

According to Article 18 of the 1945 Constitution, it is stated that villages existed before the formation of the Indonesian state (Hakim, 2020). Therefore, the existence of villages must be recognized and guaranteed directly for the survival of the Indonesian state. After the amendment of the 1945 Constitution, customary law in society is clearly recognized as stipulated in Article 18B paragraph 2 which states that the state recognizes and respects the unity of customary law communities and their customary rights as long as they are alive and in accordance with the development of society and the principles of the Republic of Indonesia as stipulated in the Law (Setyowati, 2023). The village makes laws (customary laws) whose essence is a reflection of what the community believes is a view of life that is in accordance with a sense of justice and propriety. (Rifan, 2021)

The leaders in the village government are the village heads. The village head serves as a leader and sets an example for the community, while also being a servant who plays a crucial role in community development (Supriadi, 2021). The implementation of village government is a subsystem within the national government system that grants villages the authority to manage and regulate the community's interests within the village. In addition to carrying out duties in the field of government and development, village heads also carry out government duties in the social sector. Namely, in the social sector, village heads and village staff play an active role in implementing community service activities in the field. (Manulang, 2021)

Village heads participate in the development of village communities, and it is understood that village officials are responsible for enforcing laws and regulations, as well as maintaining order and peace within the community (Kogoya et al., 2015). In the village area, no one is ever free from problems, because a village is named after its gathering place, which has undergone setbacks (Nursetiawan, 2020). This excellence comes from everything related to the progress and prosperity of a village. On the other hand, a village must experience setbacks when there is a dispute between community members, referred to as a dispute. (Kartiwi, 2024)

## 2. METHOD

This study was conducted at the Benteng Village Head Office, located in Talawi District, Batubara Regency. The type of normative juridical research is a form of research guided by legal norms, encompassing laws, regulations, and other legal documents. A type of normative juridical research is discussed about a doctrine or principle that includes legal science. (Zainuddin & Karina, 2023)

Normative juridical research possesses the properties of *Descriptive Research*, where a descriptive analyst is defined as one who can obtain a detailed and systematic picture related to the problem being

researched (Disemadi, 2022). The analysis is conducted based on the picture and the facts obtained, and will be carried out carefully to determine the solution to the problem.

The data collection tools used are literature studies or document studies (*Documentary Studies*), utilizing a legal source of secondary data. Secondary data refers to information obtained by researchers through literature reviews and document analysis, which are the results of research and processing by others. This data is typically available in the form of books or documents, often provided in libraries or private archives. (Qomaruddin & Sa'diyah, 2024)

Data analysis is the final step in the writing activity. Data analysis is carried out qualitatively, namely by focusing on written laws (laws and regulations), theories, principles, and legal doctrines. This process involves reviewing literature material (secondary data) to draw conclusions and provide legal recommendations. (Herlina, 2024)

### 3. FINDINGS AND DISCUSSION

#### 3.1. Legal Arrangement of Village Head According to Law

In Law No. 6 of 2014 concerning Villages, Article 1, paragraph 3 states that the Village Government is the Village Head, or as it is called by other names, who is assisted by the Village apparatus as an element of the Village Government organizer (Ihe, 2023). In carrying out their duties and functions, the Village Head implements village government, undertakes village development, fosters village communities, and empowers them. (Shawn, 2015)

In Government Regulation No. 43 of 2014 concerning Implementation Regulation of Law Number 6 of 2014 concerning Villages, the regulation explains that a village is a gathering place for people who have an area that has the authority to regulate and exist government affairs, the interests of the local community based on community initiatives, rights of origin, and/or traditional rights that are recognized and respected in the Indonesian government system (Natasyah & Pasaribu, 2023). The village is led by the Village Head, who serves as the leader in the rural community. In the election of the Village Head, the election is carried out simultaneously in all districts/cities. In his position, the Village Head serves for 6 years after being inaugurated. (Averus & Alfina, 2020)

In Permendagri No.112 of 2014 concerning the Election of Village Heads, the legal rules of the Minister of Home Affairs explain that a village is a legal community unit that has territorial boundaries that have the authority to regulate and manage government affairs, the interests of the local community based on community initiatives, rights of origin, and/or customary rights that are recognized and respected in the system of government of the Unitary State of the Republic of Indonesia. (Putranto, 2023)

In the village area, it is necessary to have an organizational structure and a village government work system so that the village work system can be implemented properly. In this regulation, a village

is defined as a place where people reside, with boundaries or territories that have the authority to regulate and manage government affairs, which are recognized and respected within the Indonesian system of government. (Tome et al., 2021)

### **3.2. The Role of the Village Head as a Mediator for Land Dispute Resolution in Benteng Village, Talalawi District, Batubara Regency**

Benteng Village in Batubara Regency has a distinctive social and political character, where kinship relationships, customary values, and traditional social structures remain strong. The Village Head serves not only as an administrative official but also as a moral figure and traditional mediator, respected by the community. Public trust in community-based dispute resolution mechanisms is higher than in formal court litigation proceedings (Ferdiansyah et al., 2025). Most land disputes in Benteng Village arise from inheritance issues and ownership boundaries between extended families, so the mediation approach carried out by the Village Head is more effective because it takes into account social, emotional, and family values. (Susanto et al., 2024)

Soil has tremendous value for human life, as it is essential for sustaining life throughout a person's lifetime (Rasyidi, 2021). The 1945 Constitution highlights the extraordinary benefits of land for human life and the state, as stated in Article 33, which notes that "land, water, and natural resources contained therein are controlled by the State and used as much as possible for the welfare of the people". (Triningsih, 2020)

In that article, it becomes a culture in the definition of land in Indonesia, which is regulated in Law Number 5 of 1960 concerning the Basic Agrarian Law (UUPA) (Rafie, 2024). The importance of land to human life is multifaceted and complex. From an economic perspective, land is a key component of the means of production that can contribute to prosperity. Politically, land can determine the community's status in decision-making, as well as serve as cultural capital to determine who owns it. Additionally, land holds a profound significance because the death of a person typically returns to the land (Prince, 2024). Since land has multidimensional properties, there is certainly a concern that people who own land will hold their land in any way if their rights are violated". (Maria Avelina Abon et al., 2022)

The village head must be a figure who can serve as a role model for residents. This involves being fair, thoughtful, and inclusive in every decision taken (Scott, 2024). Village heads who demonstrate concern for all levels of society, regardless of background, can foster trust among their citizens. When the village head is firm and transparent in managing conflicts or problems that arise, residents will feel more appreciated, and their needs will be better accommodated. (Zianida et al., 2024)

Harmony among residents is the primary foundation for creating a harmonious and prosperous village life. As community leaders, village heads play a crucial role in maintaining harmonious relationships between residents, particularly in the face of diverse cultural, religious, and socioeconomic

backgrounds. Building harmony between citizens requires not only a clear vision but also an effective and consistent strategy. (Subata et al., 2023)

Today, there are frequent land disputes in society, both between individuals and groups, as well as between individuals and corporations, and between society and the government. This can lead to a lack of harmony in human social interactions within society. In the Coal Regency area, several cases of land disputes have arisen, and the community is involved in various settlement processes. Some individuals go through settlement in judicial institutions (litigation) and then opt for extrajudicial methods (non-litigation). (R. Rahman, 2017)

Likewise, in the Coal Regency area, precisely in Benteng Village, Talawi District, Coal Regency. The community in resolving cases prefers the Village Head to resolve it. The Village Head resolves land disputes through a mediation process to obtain justice. In resolving cases through the role of the Village Head as a mediator, of course, there will be facilities to reach an agreement from the parties who have the case, and the role of the Village Head as a judge of the village peace refers to article 26 Paragraph (4) letter (k) of Law Number 6 of 2014 concerning Villages which states that: "in carrying out his duties, the Village Head is obliged to resolve community disputes peacefully". (Sri Lestari Rahayu, Mulyanto, 2016)

The Village Head holds the role of the highest leader in the village, as they are responsible for protecting the community. According to the author, the Village Head is referred to as the best leader because he is considered to possess abilities, character, and personal characteristics that can create a safe environment, allowing the community he leads to work together to achieve a common direction for the good of the community. As a leader, the Village Head has the role of advisor, facilitator, problem solver, and effective communicator with the community. Additionally, the Village Head is responsible for managing government affairs and community administrative matters. (Arumsari et al., 2017)

Based on information related to the Role of the Village Head in resolving land disputes in Benteng Village, Batubara Regency, the community is confident and believes in the ability of the Village Head to solve the problems that occur, so that the community is confident and trusts the Village Head in taking a role in resolving land disputes that occur. The Head of Dea provides legal certainty to resolve land disputes by issuing a Decree of Ownership and a land statement letter, which is part of the proof of land ownership. The role of the Village Head in resolving land disputes that occur in the community is in accordance with the mandate of Article 26, paragraph 4 letter K, namely through mediation with a Mutual Agreement between the parties to the dispute, so that in the settlement process, it can provide justice to the community where the dispute occurs. (Hendrik et al., 2024)

### **3.3. Obstacles Faced by the Village Head as a Mediator for Land Dispute Resolution in Benteng Village, Talawi District, Batubara Regency**

Legal substance refers to the part of the material produced by people within the legal system, which includes the decisions they issue and the new rules they create. Substance also includes the law of life, and not just the rules in the law books. Legal substance refers to the process of creating legal products, which lawmakers carry out. Values that have the potential to cause legal symptoms in society are formulated in laws and regulations. Meanwhile, the creation of legal products is influenced by the country's political atmosphere. (Amen, 2020)

Often, the legal substance contained in a legislative product is influenced by the interests of a particular group. So that the resulting laws are not responsive to the development of society. The broader consequence is that the law is used as an instrument of power, rather than as a means to control or limit the arbitrariness of those in power. (Suhanda et al., 2024)

Unresponsive and undemocratic laws and regulations will only foster opinions in society that can disrupt legal stability, economic security, and political stability. So that to form laws and regulations in accordance with the aspirations that develop in society, it must be free from interference and the interests of certain parties or groups. (Hanisa, 2023)

In the author's opinion, regarding the obstacles to law enforcement carried out by the Village Head as a mediator in handling land disputes in Benteng Village, the Village Head has no obstacles related to law enforcement because the Village Head as a mediator will seek the truth in accordance with the principle of legal certainty so that the settlement process carried out through mediation can run well without involving law enforcement officials.

The Village Head, as a mediator in terms of facilities and infrastructure aspects, namely the budget efficiency carried out by the central government and local governments in meeting the needs of facilities and infrastructure needed by the Village Head as a Mediator, will be a big obstacle for the Village Head as a mediator in carrying out his duties and roles.

Law enforcement originates from the community and aims to achieve justice within it. Therefore, from the perspective of a particular community, it can influence law enforcement. The Indonesian people, in particular, have certain opinions about the law. From the numerous definitions of the law, there is a strong tendency in society to interpret the law and even identify it with an individual (in this case, a law enforcement officer). The uncertainty of the legal basis and the community's limited legal awareness remain.

The obstacles faced by the Village Head as a mediator are reviewed from a cultural perspective, namely, because the community lacks confidence in the Village Head as a mediator, as the Village Head

is still inexperienced in this role, and also lacks a mediator permit. To become a mediator, you must follow mediator education organized by a mediator organization to obtain a mediator license.

#### 4. CONCLUSION

This study concludes that the Village Head plays a strategic and essential role as a mediator in resolving land disputes in Benteng Village, Talawi District, Batubara Regency. This role is firmly supported by Law No. 6 of 2014 on Villages, which mandates the Village Head to maintain social order and facilitate the peaceful settlement of community disputes. In practice, village-level mediation is more effective than litigation, as it emphasizes familial values, social proximity, and customary norms that are deeply rooted in the community.

The Village Head also makes significant contributions by facilitating deliberations, clarifying land ownership status, and issuing administrative documents that support the dispute resolution process. However, the implementation of this mediating role faces several challenges, including limited budget, inadequate facilities and infrastructure, low legal awareness among the community, and the absence of formal mediator training or certification for Village Heads.

These constraints limit the optimal functioning of mediation at the village level. Therefore, government support is crucial through capacity-building programs, regulatory strengthening, and institutional empowerment. Enhancing the competency and authority of Village Heads as mediators will help ensure fair, effective, and culturally appropriate dispute resolution, thereby promoting social harmony and legal certainty at the grassroots level

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