

## The Role of The Pancakarya Village Government in Structuring Land Ownership to Prevent Agrarian Conflicts

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**Abstract:** This study examines the role of the Pancakarya Village government in structuring land ownership to prevent agrarian conflicts. Using normative juridical methods, this study analyzes the process of transferring land ownership according to the Basic Agrarian Law (UUPA) and the role of village governments in protecting communities from inequality in land ownership. The results of the study show that the Pancakarya village government has succeeded in accommodating 90% of the community in the land certificate whitening program. However, there are still obstacles such as land boundary conflicts and lack of public understanding of the importance of certificates. The village government plays a role as a mediator in resolving disputes and conducting socialization related to the land certification program. This study recommends several improvement steps, including optimizing the use of land ownership master books, integrating data with digital land information systems, and increasing cooperation with the National Land Agency (BPN). These steps are expected to increase legal certainty and reduce the potential for agrarian conflicts in Pancakarya Village.

**Keywords:** Agrarian Conflict, Agrarian Reform, Land Certification, Land Tenure Arrangement,

### INTRODUCTION

Land is a primary need for humans, soil is a benchmark for a person's welfare. In practice, in the field, events such as soil overlap and others are often found. so that this causes conflicts in the ownership of the land, agrarian reform is expected to be able to realize welfare and justice, agrarian reform is expected to be one of the ways to reduce prolonged conflicts regarding land. The benefits of agrarian reform include ensuring economic independence and food security, increasing people's incomes, reducing land disputes, and preventing recurrence of conflicts that can destroy the country.

Agrarian reform is also considered the fulfillment of farmers' human rights. In Indonesia, agrarian reform has a long history, with many governments changing. To implement the sustainability program, it

cannot be implemented only by the central government, it must also involve elements of local government and up to the sub-district. At the sub-district level, the village apparatus has a very important role because there are a lot of villagers who make this land their livelihood such as being used as rice fields, gardens and so on or just used as a place to shelter.

The implementation of agrarian reform does not always run smoothly due to agrarian conflicts that hinder the implementation of agrarian reform, where there are conflicts regarding land ownership issues. The Village Government is very helpful to the village community in handling, the role of village officials in supporting agrarian reform must be in line with what is regulated by the central government, because there are still many village officials who use this program to be

used for their own business interests and it makes among the goals of agrarian reform namely creating a source of prosperity or community welfare and reducing conflicts over land tenure and ownership based on the objectives of agrarian reform through the regulation of land tenure and ownership are hampered. In this fact, there are many cases of land ownership by individuals or legal entities that violate the provisions of the applicable agrarian law, namely Law No. 5 of 1960, along with its implementing rules in this including:

1. Land tenure by government institutions without clear rights, which leads to frequent disputes over land rights.
2. Ownership of agricultural land that exceeds the permitted or not permitted limits, namely land outside the sub-district area.
3. Land ownership by way of illegal sale and purchase.
4. Land tenure that does not have title.

All of this shows the dominance of unequal ownership and land transfers in valid agrarian laws and regulations, causing economic turmoil in the countryside.<sup>1</sup> In Indonesia, the government has created a program called Agrarian Reform.<sup>2</sup>

As a rule, this agrarian reform already has a legal umbrella regulated in the main agrarian law no.5 of 1960, that the establishment of this agrarian law must achieve the function of the earth, water, and space and as a form to provide protection for the rights of the community to their land as stated in UUPA No.5 of 1960 in article 18 of agrarian reform is a prolonged program of the Indonesian government, This means that this is the main task that is not only carried out by the central government but also by the local government which has the

flexibility as an extension of the central government thus being able to realize the objectives of this agrarian reform which according to UUPA No. 5 of 1960 in article 14 paragraph 2 of the local government regulates the availability, distribution, and use of land, water, and space in their territory according to the conditions of their respective regions, based on the general plan contained in UUPA No. 5 of 1960 in paragraph 1 of this article and taking into account the relevant regulations. The purpose of agrarian reform itself is to produce a source of prosperity and welfare for agrarian based communities, the system of control, ownership, use, and utilization of land is regulated. From this intention, of course, it is not easy to implement it quickly, requiring coordination starting from the central level to the sub-district level.

In the strategic area, Pancakarya Village is a development area of Tanjungjaya and Pagadungan Villages. With the time of population growth and the need for community services increasing, community leaders support village development through the development process. Pancakarya Village comes from the combination of Tanjung Jaya Village and Pagadungan Village. Pancakarya Village was first established on June 24, 1984. The naming of "Pancakarya" comes from the words "Panca", which means "five", and "karya", which means "work". This means:

1. Increasing trust in Almighty God.
2. Improving people's welfare.
3. A social system that prioritizes the common good.
4. Carry out development.
5. Smart community life.

Based on the condition of the village, the potential will be divided into village sustainable development plans. The

<sup>1</sup>H. Ali Ahmad Chomza, SH, Hukum Agraria (Pertanahan Indonesia) Jilid 1, Jakarta;Prestasi pustaka Publisher, 2003.hal 47.

<sup>2</sup>Dorren Warriner, Landreform in Principle and Practice, Colorado Press, Oxford, 1969. him. xili, lihat Arie Sukanti Hutagalung, ibid hal. 202

Pancakarya Village Government System will discuss several topics and problems in Pancakarya Village in accordance with the scope of this research. The village government is led by the village head and village officials as part of the implementation of village government. Village governments are given responsibility by Law Number 6 of 2014 concerning Villages, which includes the implementation of government, the implementation of development, community development, and community empowerment based on Pancasila<sup>3</sup>. So far, the role of the Pancakarya village government, especially in terms of land ownership arrangements, has been taken into account, ownership arrangements are one of the objectives of agrarian reform. As explained above, inequality in land ownership still occurs, especially in the village that we use as the object of our research, namely Pancakarya village, in Pancakarya village itself 90% of residents already have a certificate of ownership which is proof of validity in the eyes of the law, The problem is that there are 10% of residents who are still not certified for ownership, among several reasons, namely residents here mark their land using stakes which can cause overlap at the time of measurement by BPN by referring to Ministerial Regulation Number 3 of 1997 concerning the Agrarian State/Head of the National Land Agency, then how to regulate the transfer of property rights to reduce land ownership inequality according to the UUPA and how is the role of the Pancakarya village government in protecting the community in terms of land ownership inequality that still occurs in Pancakarya village.

## METHOD

<sup>3</sup>Farhan asyhadi, profil desa pancakarya berkelanjutan Universitas Buana perjuangan Karawang, Journal UBP,

In this group research, the normative juridical research method was used to obtain a deep understanding of the role of village government related to land ownership in Pancakarya village, including a research process that resulted in descriptive data in the form of written or oral words from individuals and observed behaviors.

Using primary data with the research, it was obtained with a number of information and facts that can be indirectly accessed, such as book citations, literature, articles, laws, e-books, collecting and analyzing related documents such as village regulations, land ownership data, village archive documents and village spatial planning documents.

Secondary data derived from the original source through interviews with several parties in the Pancakarya village government (village head, village secretary and other village governments), and village communities to obtain information about village government policies, programs, and efforts in land planning. by directly observing activities and practices related to control in Pancakarya Village and the Karawang National Land Agency BPN/ATR.

## RESULTS AND DISCUSSION

### A. The process of transferring land ownership according to the UUPA

Land registration is a series of activities carried out by the government continuously and regularly. The legal basis for the implementation of land registration in Indonesia is Law No. 5 of 1960 Article 19 paragraph (1) concerning Basic Regulations on Agrarian Principles or better known as the Basic Agrarian Law One of the efforts to keep these problems from becoming a burden on people's lives by the State is carried out land registration for the first

<https://journal.ubpkarawang.ac.id/index.php/ProsidingKNPP/article/download/1679/1298>, Hal 5, diakses tanggal 04 Juni 2024.

time. Land registration for the first time in Government Regulation No. 24 of 1997 concerning land registration Article 1 number 9 is "Land registration activities carried out on land registration objects that have not been registered based on Government Regulation No. 10 of 1961 concerning Land Registration or this Government Regulation." The implementation of land registration is carried out by the government for the benefit of the people in order to guarantee legal certainty in the land sector.

The series of activities is an arrangement of activities in the implementation of land registration that are interconnected and sequentially into a unit. The word continuous indicates that its implementation is prolonged and even in an endless amount of time. The data will always be maintained and adjusted to changes that occur in the future until it remains in accordance with the last state. The word regular is intended for all activities must be based on the rules that govern because the results will be used as evidence according to the law. There are two types of data that will be collected in land registration, the first is physical data in the form of land (location, boundaries, the area of buildings and plants on it) and the last is juridical evidence in the form of (what is the name of the right, who holds the right, and whether there are other parties' rights) The term "land registration" gives the impression that the main purpose of registration is land from the time of data collection to the time of data dissemination. However, in fact, starting from data collection to the dissemination of juridical data, it is not the rights that are registered, the rights to the land that determine its legal status, and other rights that encumber the rights in question—but the deeds—the documents that prove that the rights in question were created. This happens when land registration uses the deed registration

system, or deed registration. (Boedi Harsono, 1997:73).

According to the provisions of UUPA No. 5 of 1960 in article 19 paragraph 3 land registration is an obligation, starting from the provisions of the article that land registration is to ensure legal certainty for both urban and rural communities. Because one of the purposes of land registration is for third parties to know who holds the rights to their land and where the boundaries are, the implementation of land registration is a mandate of the main agrarian law in realizing legal certainty for the community by the government. What is meant by the government in Government Regulation No. 24 of 1997 concerning Land Registration in Article 5 is the National Land Agency. The land registration implementer in the context of land administration the task of implementing land registration is carried out by the head of the land office with the assistance of the land deed making official (PPAT) and other officials assigned to carry out certain activities according to Government Regulation No. 24 of 1997 concerning Land Registration and other related regulations.

The object of land registration is based on the provisions of Government Regulation No. 24 of 1997 concerning Land Registration in Article 9 of the determination of land registration objects in the form of Fields: land that has ownership, business, building, and use, management, waqf, land of housing units, dependents, and state land. Taking into account that buildings and their use rights can be classified as primary land rights, they must be registered as direct land rights by the state. However, the second secondary land right is a right granted by the other party through an agreement, and as long as there is no regulation on how to encumber it, that right does not exist. (Boedi Harsono, 1997:429).

Village apparatus is an important element in the village government structure that plays a direct role by carrying out administrative tasks and providing public services to villagers. In the context of optimizing the arrangement of power and land ownership, the village apparatus has special responsibilities that include various aspects in administration, coordination, and operations. The effectiveness of the village apparatus is a key in ensuring that the village government runs well with various programs, including agrarian reform, which can be implemented optimally. The policy perspective is in accordance with the latest paradigm with the implementation of policies and public services, namely showing the effectiveness of government in the field with services to citizens through deliberation and improving community welfare.

In terms of agrarian reform, Villages have several important roles in optimizing agrarian reform. Villages can optimize agrarian reform by maximizing the utilization of available resources in a productive and economical way, as well as improving the quality of life of the community through increasing agricultural and fishery production. In this effort, villages can play a role as a unit implementing agrarian reform, community empowerment, and overcoming agrarian conflicts. Here are some strategies that can be implemented:

- 1. Managing Assets Efficiently and Effectively:** Villages must have the ability to utilize existing components in an efficient and effective manner in a productive and economical manner including agricultural and fishery assets. Thus, villages can strengthen the people's economy by encouraging the growth

of small and medium-scale businesses.

- 2. Improving the Quality of Life of the Community:** Villages can improve the quality of life of the community through increasing agricultural and fishery production. With increased production, people can have a more stable income and improve their quality of life.
- 3. Community Empowerment:** Villages can play a role in community empowerment by improving the community's ability to manage agricultural and fishery assets. Thus, people can have more control over their assets and increase their income.
- 4. Overcoming Agrarian Conflicts:** Villages must have the ability to overcome land disputes and disputes related to agrarian resources that threaten the productivity of the agricultural and fisheries sectors. By overcoming conflicts, villages can improve community stability and security, as well as increase their income.
- 5. Small and Medium Business Development:** Villages can Facilitate the progress of micro, small, and medium enterprises to support community finances. thus, people can have more opportunities to increase their income and improve their quality of life.<sup>4</sup>

In the context of agrarian reform, the Village Government must play the role of an actor who mediates existing disputes and ensures that land ownership is carried out fairly and transparently. Thus, the Pancakarya Village Government can present equality in aspects of land

<sup>4</sup>Tri haryono, <https://spi.or.id/reforma-agraria-dari-desa/>, Serikat Petani Indonesia Reforma Agraria Dari Desa, Hal Diakses tanggal 11 Juni 2024

ownership and utilization and improve the quality of life of the local community.

### **B. The role of the Pancakarya village government in protecting the community in the context of land ownership inequality**

In Law No. 6 of 2014 concerning Villages, the village government has the authority to manage the land in its village and is also responsible for protecting its community in terms of land. In the regulation, there is authority given to the village in order to manage everything about the land in the village.

Pancakarya Village is one of the village areas in Tempuran District, Karawang Regency, an area that has an area of 422,096 hectares. Initially, this village was an expansion with Tanjung Jaya and Pagadungan Villages due to the increase in population with the population and the urgency of providing services is increasing, in general this Pancakarya area still allocates its area for agricultural land. Of the total number of Pancakarya villages, there is an area divided into 50% for agricultural land and 50% for settlements, as an implementation of the central government, Pancakarya village is one of the villages that can be said to have succeeded in accommodating its people to participate in the bleaching program organized by the central government.

With this success, it has helped some of the central government's tasks that cannot be carried out alone. The village government has its own way of helping the central government realize one of the goals of this agrarian reform. The way the Pancakarya village government has reduced prolonged conflicts during the agrarian reform period has shown real success, the people who experience problems do not

stand alone, the presence of the village government becomes a unifier to present solutions by directing the community to sit together. From both parties showing the evidence they have, some show the sale and purchase deed and some show evidence of girik. As a result, the Pancakarya village government made evidence from both parties as a measurement guideline that directly solved the problem. However, if the people who have the problem do not want to sit together, it will be difficult to solve the problem because both still insist on claiming that the land boundary is clear.

Because this legalization is very important so that the lands owned by the people of Pancakarya Village cannot be easily disturbed by any party. In the presence of this program, it is a catalyst for change that is beneficial for the community by making the land certified, in addition to being free of charge, this program also saves time for the community so that it is not far to take care of it to the city. According to the secretary of Pancakarya village, Herman Suherman, there are 90% of the land in Pancakarya village that has been certified and the rest are still using girik and sale deeds<sup>5</sup>

From the socialization efforts related to the program, the goal is for the community to be helped to understand and follow the program as well as assess how the services in the village are running, However, the Pancakarya village government based on the results of interviews related to the obstacles found in the existence of a master book containing the origin of the land in the village. However, even though there is a village master book consisting of data on the area of land ownership of the Pancakarya village community, in fact, there are still several problems related to land ownership. One of

<sup>5</sup>Wawancara dengan sekretaris desa pancakarya pada tanggal 13 Juni 2024 pukul 13:00 WIB – 15:00 WIB

the problems that arises in relation to this is the difference in land boundaries between owners, which is often referred to as "peg difference" or disputes between two or more adjacent land owners regarding the exact boundaries of land between two or more adjacent landowners. In the confession of the community who previously felt that they had land with an area that turned out to be included in the part of land owned by someone else on the suspicion that the community had previously marked their land by measuring it carelessly, this caused a problem of conflict overlapping an area of land of the owner with another owner so that the affected owner spilled over to the owner who claimed to have the land area felt disadvantaged.

Then the Pancakarya Village Government provides a platform that allows the process of finding answers to the dilemma by sitting together between two parties who are the same claiming about the land boundary. From both parties showing the evidence they have, some show the sale and purchase deed and some show evidence of girik. As a result, the Pancakarya village government made evidence from both parties as a measurement guideline that directly solved the problem. However, if the people who have the problem do not want to sit together, it will be difficult to solve the problem because both still insist on claiming that the land boundary is clear.

In addition to the problems found from the land measurement, another problem that makes 10% of the people in the village of Pancakarya whose land has not been certified is due to the constraints of the community itself who thinks that with proof of ownership of girik or sale deeds, it is enough to show that he owns the land. In the Pancakarya village area, the management of land that is specifically used is one of the sources of income for the Pancakarya village government in increasing the village treasury which is intended for the benefit of

the community and the village infrastructure; thus, the form of utilization is based on justice whose results of its use are not only enjoyed by some groups but also underprivileged people also feel the benefits.

## CONCLUSION

Based on the findings of this study, the arrangement of control and ownership by the Pancakarya village government aims to realize one of the goals of agrarian reform. Registration of land certificates is a must in law, namely to ensure legal certainty. This land registration must pay attention to 2 elements of land registration, namely in the form of physical evidence and juridical evidence. The Pancakarya village government arranges all land for its residents through the preparation of data in the master book owned by the village in the form of land under its territory. In the process of transferring to the Pancakarya village government's land rights certificate, a problem was found when the village government measured the residents' land to meet the requirements of the physical evidence. It was found that there were boundaries of the residents' territory that ate the boundaries of their neighbors who were still in the Pancakarya village area. Juridically, the registration of certificates on this land does not meet the element, namely there are other people's rights in it. To ensure the truthfulness, the Pancakarya village government matches through evidence owned by residents with evidence owned by the village government in the form of a master book. With this, the Pancakarya Village Government needs to optimize the use of the land ownership master book by verifying and updating data periodically. To prevent future conflicts, especially related to land boundaries or "stake differences", village governments should integrate master book data with digital land information systems and re-

measure land boundaries using more accurate technology. In addition, it is important to involve the community in the data verification process through regular deliberations, as well as work with the local National Land Agency to carry out mass land certification. With these steps, it is hoped that it can minimize the potential for land ownership disputes in the future and increase legal certainty for landowners in Pancakarya Village.

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