

The Role and Function of National Land Authority as Mediator in Land Dispute Settlements in Indonesia

Authors : Nia Kurniati, Efa Laela Fakhriah

Abstract : The regulation in Indonesia provides space for the land dispute to be settled outside the court by the government through National Land. In this case, the bureaucrat of Badan Pertanahan Nasional (BPN) acts as mediator to reach a fair agreement between the disputing parties. Land dispute is from a party who denies the ownership of the other party of a land and denies legal-technical facts written on land certificate published by BPN. Appointing the bureaucrat of BPN as mediator in dispute settlements may possibly create conflict of interest since the object. It has become a concern since bureaucrat of BPN acts as mediator, he will be bias and partial in assisting the dispute settlement, thus the spirit and purposes of mediation will be hampered. This issue triggers to be thoroughly examined further in a relation with the role and function of BPN as land dispute mediator. The methodology used in this research is a normative-legal one with qualitative-legal analytical method. The object of this research is in the form of random sampling of land dispute cases being occurred in some areas. Several principles in mediation have to be made as the base of the consideration to appoint bureaucrat of BPN as mediator since the mediator is an impartial third party, working with both disputing parties and assisting them to reach a fair resolution written in agreement as a foundation of land dispute settlement. The existence of BPN as mediator in land dispute settlement encounters conflict of interest which uphold legal uncertainty to act objectively.

Keywords : Indonesia, land dispute, mediator, national land authority

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