



## LEGAL RECONSTRUCTION OF MEDIATION IN VILLAGE CONFLICT RESOLUTION BASED ON DIGNIFIED JUSTICE

**Franciscus Xaverius Wartoyo**

*Universitas Pelita Harapan, Jakarta, Indonesia, Email: [franciscus.wartoyo@uph.edu](mailto:franciscus.wartoyo@uph.edu)*

**Dinda Triwijanarko**

*Université Libre de Bruxelles, Brussels, Belgium, Email: [dinda.triwijanarko@dentons.com](mailto:dinda.triwijanarko@dentons.com)*

### ARTICLE INFO

**Keywords:**

Conflict Resolution;  
Customary Law; Legal  
Reconstruction; Mediation;  
Social Harmony.

**DOI :**

10.26532/jh.v41i3.44297

### ABSTRACT

As the smallest unit in the Indonesian government system, villages play a crucial role in maintaining social harmony and resolving conflicts within communities. Village heads and their staff, such as neighborhood heads and hamlet heads, have legal and moral responsibilities as extensions of the local government. Based on Law Number 6 of 2014 and its most recent amendment, Number 3 of 2024, village heads are obligated to resolve disputes within village communities. This study aims to analyze the role of village heads and village community institutions in conflict resolution through customary law and non-litigation approaches. This study used qualitative methods, focusing on analyzing the role of village heads and community institutions in conflict resolution through customary law and non-litigation approaches. Furthermore, this study highlights the harmonization of Pancasila values in pluralistic village communities and identifies challenges and solutions in implementing the latest regulations at the village level. The results indicate that empowering village heads through mediator training and legal support can increase the effectiveness of peaceful and just resolutions. In conclusion, harmonizing Pancasila values and integrating customary law into village conflict resolution mechanisms is crucial for maintaining the unity and well-being of village communities.

## 1. Introduction

The Indonesian government operates under the 1945 Constitution of the Republic of Indonesia, which serves as the foundational law guiding the nation's political and administrative systems. This constitution delineates the distribution of authority from the central government to regional and local entities, empowering local governments to manage their affairs autonomously.<sup>1</sup> Within this framework, the constitutional

<sup>1</sup> Natali Helberger., *Kekuatan Politik Platform: Bagaimana Upaya Saat Ini untuk Mengatur Misinformasi Memperkuat Kekuatan Opini*, *Jurnalisme Digital*, Vol.8, no.6, 2020, page.842. See too, Anis Mashdurohatun, Muslimah Hayati, Saritua Silitonga, Zaenal Arifin, and Amanda Amanda., *The Conserving Agrarian Land for Future Generations: A Policy Blueprint for Indonesia*, *Jurnal Hukum*, Vol.41, no.1, 2020, page.18; Rochmani

system regulates interactions among state institutions, including those in autonomous regions across the Unitary State of the Republic of Indonesia. At the grassroots level, village heads play a pivotal role as extensions of government authority, bearing cultural, legal, and moral responsibilities toward their communities. This is formalized in the Regulation of the Minister of Home Affairs Number 18 of 2018 concerning Village Community Institutions and Village Customary Institutions, particularly Article 1 paragraph (2), which defines the village community association as an institution formed by the community and the village head.

Village heads oversee the most basic social units, ensuring environmental stability and community welfare. They function as key links between residents and higher administrative levels, such as sub-district heads or regents, facilitating communication and implementing government programs. According to Law Number 6 of 2014 concerning Villages, Article 26 paragraph (4) letter k, village heads are obligated to resolve community disputes within their jurisdictions (Law Number 6, 2014). This role extends to collaborating with village community institutions, which include entities like environmental harmony groups, community harmony initiatives, family welfare empowerment programs, youth organizations, integrated service posts, and community empowerment institutions, as outlined in Article 6 paragraph (1) of Regulation of the Minister of Home Affairs Number 18/2018. Together, village heads and these institutions maintain harmony, welfare, and security, promoting community participation and order based on Pancasila values the ideological foundation of Indonesia emphasizing mutual cooperation, social justice, and unity in diversity.

Conflicts are inherent in social interactions, particularly in Indonesia's pluralistic and multicultural society. These disputes can range from interpersonal disagreements to group tensions, often arising from issues like resource allocation, cultural differences, or violations of norms. For instance, in a typical village setting, a land boundary dispute between two neighboring families might escalate into verbal confrontations or even physical altercations, disrupting community harmony. In such cases, the village head intervenes as a mediator, convening a deliberation session where both parties present their claims, guided by local customs and mutual apologies, ultimately fostering reconciliation without resorting to formal courts. This example illustrates how village-level conflicts, if unmanaged, can erode social cohesion, underscoring the need for effective resolution mechanisms.<sup>2</sup>

From sociological and anthropological perspectives, conflicts represent natural intersections of interests in diverse societies.<sup>3</sup> In rural Indonesia, resolutions traditionally rely on non-litigation approaches rooted in local wisdom, such as mediation by village heads and customary institutions. These methods prioritize familial settlements, where the wrongdoer offers an apology, and the aggrieved party extends forgiveness, restoring balance. Historically, Indonesian communities,

---

Rochmani, Wenny Megawati, Adi Suliantoro, and Muhammet Ebuzer Ersoy, An Effective Environmental Dispute Resolution Model That Supports Environmental Sustainability, *Jurnal Hukum*, Vol.41, no.2, 2025, page.283.

<sup>2</sup> Muhammad Syarif Nuh., Tudang Sipulung: A conflict resolution wisdom of Bugis-Makassar community, *Hasanuddin Law Review*, Vol.1, no.2, 2016, page.245. See too, Ashadi L. Diab, Mustaqim Pabbajah, Ratri Nurina Widyanti, Lian Mulyani Muthalib, and Widi Fajar Widyatmoko., Accommodation of local wisdom in conflict resolution of Indonesia's urban society, *Cogent Social Sciences*, Vol.8, no.1, 2022, page.215.

<sup>3</sup> Rosemary Fisher., Conflict and collaboration: Land disputes in Indonesia. In *Resolving land disputes in East Asia: Exploring the limits of law*, England, Emerald Publishing Limited, 2017, page.198.

especially in areas like Java, have employed values of deliberation and mutual aid to address disputes that are not life-threatening. This aligns with Pancasila's principles, which promote harmony amid ethnic, religious, and cultural diversity. Harmony, in this context, entails compatibility, balance, and justice, achieved through dialogue, mutual respect, and a sense of brotherhood.<sup>4</sup>

National regulations reinforce this framework. Law Number 6 of 2014 and Regulation of the Minister of Home Affairs Number 18/2018 position village institutions as partners in empowerment and conflict resolution, synchronizing formal law with customary practices to prevent dualistic systems that complicate governance. Recent studies highlight the effectiveness of these mechanisms. For example, research on customary conflict resolution in indigenous villages like those of the Baduy, Tengger, and Samin ethnic groups demonstrates that village governments effectively integrate local traditions to maintain social order.<sup>5</sup> Similarly, studies on non-litigation land disputes show village heads' mediation roles yield high success rates in preserving community relations. Another investigation into industrial relations disputes reveals how integrating local wisdom, such as principles of mutual cooperation, enhances village heads' mediation efficacy. In election-related conflicts, local governments, including village heads, often employ deliberation and negotiation to resolve disputes, emphasizing their negotiator roles. Furthermore, analyses of legal problem-solving in villages like Lerep indicate that informal district courts provide accessible alternatives to formal judiciary systems. Broader studies on land conflicts across Indonesia note that formal legal systems play a minor role, with customary resolutions dominating due to their cultural relevance and efficiency.<sup>6</sup>

Despite these advancements, a clear research gap persists. While prior studies effectively document the procedural aspects of village heads' mediation in specific contexts such as land disputes or ethnic customary governance they often overlook the explicit integration of Pancasila values as a unifying framework for conflict resolution in pluralistic settings.<sup>7</sup> For instance, research on indigenous groups focuses on ethnic-specific customs but does not deeply explore how Pancasila's principles of social justice and democracy can bridge formal and customary laws to enhance nationwide applicability. Similarly, investigations into non-litigation mechanisms highlight effectiveness but fail to address challenges like resource limitations or knowledge gaps that hinder optimal implementation, particularly in synchronizing with national regulations.<sup>8</sup> Moreover, few studies substantiate the novelty of examining village heads' roles in former conflict regions through a Pancasila lens, where social inclusion is critical for sustainable development. This gap is evident when comparing with works on industrial disputes, which integrate

<sup>4</sup> Didik Sukriono, Sudirman, Desinta Dwi Rapita, A. Rosyid Al Atok, and Alfian Bramantya., Local wisdom as legal dispute settlement: how Indonesia's communities acknowledge Alternative Dispute Resolution?, *Legality: Jurnal Ilmiah Hukum*, Vol.33, no.1, 2025, page.274.

<sup>5</sup> Taufik Siregar, Ikhsan Lubis, and Anwar Sadat Harahap., The Role of Local Wisdom in Law: Alternative Dispute Resolution in the Land Sector in North Sumatra, Indonesia, *ISVS e-journal*, Vol.10, no.1, 2023, page.254.

<sup>6</sup> Rosemary Fisher., Conflict and collaboration: Land disputes in Indonesia. In *Resolving land disputes in East Asia: Exploring the limits of law*, England, Emerald Publishing Limited, 2017, page.199.

<sup>7</sup> Ward Berenschot., Resolving land conflicts in Indonesia, *Bijdragen tot de taal-, land-en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia*, Vol.176, no.4, 2020, page.569.

<sup>8</sup> Ramalina Ranaivo Mikea Manitra., Implementation of Village Law as A Tool for Poverty Alleviation in Lerep Tourism Village: National and International Perspective, *Pikukuh: Jurnal Hukum dan Kearifan Lokal*, Vol.2, no.1, 2025, page.11.

local wisdom but do not extend to broader Pancasila-based harmonization strategies.<sup>9</sup> The state-of-the-art thus emphasizes procedural roles but lacks comprehensive analysis of ideological alignment, leaving room for research that bridges this disparity.

The significance of this study lies in its potential to address these shortcomings by exploring how Pancasila values can strengthen non-litigation conflict resolution, offering policy recommendations for improved village governance. In reality, discrepancies exist between regulatory expectations and on-ground implementation, where limited resources, coordination issues, and inadequate knowledge reduce effectiveness. This research is urgent for fostering sustainable harmony, especially in diverse communities, and for providing insights that enhance community empowerment.

This study aims to analyze the role of village heads and village community institutions in resolving conflicts through customary law and non-litigation approaches, while examining the implementation of Pancasila values in pluralistic village contexts. Specifically, the research questions are: (1) How do village heads integrate customary and formal laws in mediation processes? (2) What challenges impede the effective application of Pancasila values in conflict resolution? (3) How can synchronization between national regulations and local wisdom improve social harmony? Theoretically, this research enriches understandings of formal-customary law intersections at the local level. Practically, its findings can guide governments and stakeholders in developing strategies that bolster village heads as mediators, supporting sustainable development and peaceful coexistence.

## 2. Research Methods

This study employed a qualitative research design with the aim of gaining a deeper understanding of the role of village heads and village community institutions in conflict resolution and the harmonization of Pancasila values within the context of formal and customary law in villages. A qualitative design was chosen because the nature of this problem is highly complex and intertwined with social, cultural, and legal dynamics that are not easily measured quantitatively.

The legal approach applied in this study is both normative and conceptual, focusing on the study of laws and regulations, particularly Law Number 6 of 2014 concerning Villages, Minister of Home Affairs Regulation Number 18 of 2018 concerning Village Community Institutions and Village Customary Institutions, and the relevance of Pancasila values in conflict resolution.<sup>10</sup> The normative approach is important for examining the content and intent of applicable regulations, while the conceptual approach is used to examine the legal concepts and theories underlying the role of village institutions and peaceful dispute resolution.

Furthermore, this study employs a limited comparative approach, comparing the practices of conflict resolution and social harmonization in Indonesian villages with

<sup>9</sup> Rosemary Fisher., Conflict and collaboration: Land disputes in Indonesia. In *Resolving land disputes in East Asia: Exploring the limits of law*, England, Emerald Publishing Limited, 2017, page.200.

<sup>10</sup> Maemunah., Kewenangan Kepala Desa Dalam Mengangkat Dan Memberhentikan Perangkat Desa di Tinjau Dari Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan*, Vol.6, no.1, 2018, page.25. See too, Youla C. Sajangbati., Penyelenggaraan Pemerintahan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014, *Lex Administratum*, Vol.3, no.2, 2015, page.255.

several local models based on local wisdom and customary law. This approach helps illustrate the potential for implementing more effective mechanisms through the integration of formal and customary law.

The analysis in this study was conducted using alternating inductive and deductive reasoning methods. The inductive approach was used to identify patterns and phenomena emerging from qualitative data obtained through literature studies, regulations, and field studies (where applicable). Deductive reasoning was used to connect preliminary findings with legal theory and the concept of Pancasila values regarding social harmony and the function of village heads as mediators.<sup>11</sup> This method is expected to foster a comprehensive and clear understanding of the role of law and social norms in the village context.

In terms of the laws analyzed, the study focused on Indonesian positive law, particularly regulations governing village governance and community institutions; customary law and local values, which serve as traditional mechanisms for conflict resolution and maintaining social harmony; and finally, Pancasila values, as the philosophical basis of the state and a normative source governing how national life should be conducted, particularly in the context of pluralism and peaceful dispute resolution.

### **3. Result and Discussion**

#### **3.1. Theoretical Foundation: Local Wisdom and Governance in Indonesian Rural Communities**

The community within the territory of the unitary state of the Republic of Indonesia is very pluralistic and diverse. Therefore, upholding the law and harmony between citizens greatly determines the peace and security of the people living in it. Most people, especially in rural areas, still quite a lot of people uphold the law based on customs, the spirit of mutual cooperation, and local cultural wisdom. The smallest and most basic community in the social system is the neighborhood of neighbors and residents, according to Bishop<sup>12</sup> in this digital social era is called the New Social Network or social network. Some important things are no different from the traditional model, especially in Indonesian society and nation which has many kinds of ethnicities and tribes living in one small community such as in villages or housing.<sup>13</sup>

In the wider environment in rural communities, the village head and the organs under him, namely the head of the community unit and the head of the neighborhood unit, are responsible for the community system in the environment of their work area.<sup>14</sup> Responsibility for the community system is based on the proximity of the scope of the environment or community where members in a network of

---

<sup>11</sup> Włodzimierz Korab-Karpowicz., Social harmony or a happy society, *International Journal of Philosophy*, Vol.9, no.3, 2021, page.256. See too, T. Aarsal, D. L. Setyowati, P. Hardati, and H. T. Atmaja., Social harmony model for social conflict management in Central Java, In *IOP Conference Series: Earth and Environmental Science*, Bristol, IOP Publishing, 2021, page.263.

<sup>12</sup> Jonathan Bishop., Networking: A New Social Operating System, *International Journal of E-Politics*, Vol.4 no.1, 2013, page.64.

<sup>13</sup> Inspektorat Jenderal Kemendikbudristek., Dua Sisi Media Sosial Untuk Pelajar, *Inspektorat Jenderal Kemendikbudristek*, 2023.

<sup>14</sup> Mohamad Zaki Hassan., Kewajiban Penyelesaian Perselisihan Oleh Kepala Desa Menurut Pasal 26 Ayat (4) Huruf K Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, (Malang, Universitas Brawijaya, 2018), page.24.

individuals in a community know each other and they are close, and community members in village community institutions through the village head interact with each other.<sup>15</sup> One of the local wisdom that is almost lost today is concern for neighbors and the surrounding environment, and community heads, in this case the head of the neighborhood unit and the head of the community unit through the village head who does not seem to have power in uniformly carrying out his social control duties for residents in his area or environment.

The responsibility of the head of the community and community through the village head in this case is very important in maintaining harmony, and facilitating social interaction in the community area. This is in line with the vision of the nation and state, which is to form a just and prosperous society, supporting each other, which according to Durkheim<sup>16</sup> is called mechanical solidarity and organic solidarity.

The Indonesian nation has a very pluralistic social system and exists in almost every modern community today. This pluralism is not only limited to geographical boundaries.<sup>17</sup> But it also extends to the interactions of everyday life where individuals of diverse ethnicities, beliefs, and cultures coexist. All of which are under the responsibility of the village head within the scope of the community scale and the head of the community unit, and the head of the neighborhood unit which can form the head of the neighborhood in the community, especially the village community.

This shows that the pluralistic nature of Indonesian society significantly shapes the functioning of local communities and the enforcement of law. Within the territory of the unitary state of the Republic of Indonesia, diverse ethnicities, religions, and cultural practices coexist, particularly in rural areas, where local wisdom and customary practices remain influential in maintaining social harmony. Despite the rise of formal legal institutions, many villagers still resolve disputes based on customary law, mutual cooperation, and traditional norms, reflecting a social fabric that emphasizes community over individualism.<sup>18</sup>

The smallest unit of society, often the neighborhood or cluster of residents, plays a critical role in maintaining cohesion. Bishop<sup>19</sup> refers to these networks in the digital era as "New Social Networks," yet their fundamental characteristics trust, proximity, and shared norms remain similar to traditional structures in Indonesian villages. In these micro-communities, residents frequently know one another personally, enabling informal social control and fostering cooperative behavior, which continues

<sup>15</sup> Umar Marhum,<sup>7</sup> and Maja Meronda., Partisipasi Masyarakat Dalam Pembentukan Peraturan Desa Menurut Undang-Undang Nomor 6 Tahun 2014: Studi Kasus Desa Wawosanggula Kecamatan Puriala, Konawe, Sulawesi Tenggara, *Jurnal Ekonomi, Sosial & Humaniora*, Vol.2, no.12, 2021, page.142. See too, Jefri Antonius Gulo, Muhammad Hidayat, Relly Anjar Vinata Wisnu Saputra, Abdul Harits, and Natasya Herlianti., Esensial Resolusi dalam Konflik Masyarakat Madani, *Journal of Publik Administration & Policy Review*, Vol.1, no.1, 2023, page.74.

<sup>16</sup> Emile Durkheim., From mechanical to organic solidarity, *Sociology: Introductory Readings*, Vol.2, no.1, 2010, page.25.

<sup>17</sup> Sumintarsih, and Christriyati Ariani., *Kearifan Tradisional Masyarakat Pedesaan Dalam Pemeliharaan Lingkungan Alam Kabupaten Gunung Kidul Provinsi Daerah Istimewa Yogyakarta*, Jakarta, Direktorat Jenderal Kebudayaan, 2007, page.75.

<sup>18</sup> Marhaeni Ria Siombo, and Henny Wiludjeng., *Hukum adat dalam perkembangannya*, Jakarta, Penerbit Universitas katolik Indonesia Atma Jaya, 2020, page.36. See too, Ahmad Muhamad Mustain Nasoha, Ashfiya Nur Atqiya, Dini Agustin Rahmawati, Zahwa Luthfi'A. Az-zahra, and Nadia Shafira., Integrasi Nilai Pancasila dalam Sistem Hukum Konstitusi Indonesia: Implikasi terhadap Perlindungan Hukum Adat, *Politika Progresif: Jurnal Hukum, Politik dan Humaniora*, Vol.1, no.4, 2024, page.51.

<sup>19</sup> Jonathan Bishop., Networking: A New Social Operating System, *International Journal of E-Politics*, Vol.4 no.1, 2013, page.65.

to underpin the functioning of the village system.<sup>20</sup>

At the institutional level, the village head is central in managing the social order and facilitating local governance. Supporting officials, such as the heads of the community unit and neighborhood unit, operate under the village head's authority to implement policies and maintain social cohesion.<sup>21</sup> This hierarchical structure enables governance to scale from individual households to the broader community, ensuring that local rules, dispute resolution mechanisms, and public services are effectively applied. Village heads are particularly responsible for mediating disputes, coordinating community initiatives, and preserving environmental and social welfare, roles that reflect subsidiarity principles embedded in Law Number 6 of 2014 on Villages.<sup>22</sup>

The concept of local wisdom is integral to this governance model. Traditionally, neighbors and community leaders monitor and support one another, promoting concern for the environment and social welfare.<sup>23</sup> However, modern social changes and urbanization have weakened some of these practices, creating challenges for community leaders in enforcing norms uniformly.<sup>24</sup> This situation underscores the need to adapt traditional mechanisms into contemporary governance structures, integrating formal legal authority with cultural legitimacy to maintain social harmony.

Durkheim's theories of mechanical and organic solidarity provide a useful lens to understand these dynamics.<sup>25</sup> In rural areas, social cohesion often relies on mechanical solidarity, where similarity in values and shared traditions fosters mutual support. In more diverse and urbanized contexts, organic solidarity emerges, based on interdependence and specialized roles, such as the formalized duties of village

---

<sup>20</sup> Tommy Putra Zumita., Upaya Penyelesaian Sengketa Batas Desa Di Indonesia Demi Terciptanya Kepastian Hukum (Studi Kasus Desa Di Kutai Barat), *Proceeding APHTN-HAN* Vol.2, no.1, 2024, page.515. See too, Hoffatus Zaina., Implementasi Kebijakan Pembentukan Rt/Rw Sebagai Lembaga Kemasyarakatan Desa (Studi Desa Sukorejo Kecamatan Sumber Wringin Kabupaten Bondowoso Tahun 2018) (Doctoral, Universitas Muhammadiyah Jember, 2019), page.24.

<sup>21</sup> Harun Achmad., Eksistensi pemerintahan desa ditinjau dari perspektif asas subsidiaritas dalam undang-undang nomor 6 tahun 2014 tentang desa, *Eksistensi Pemerintahan Desa Ditinjau Dari Perspektif Asas Subsidiaritas Dalam Undang-Undang Nomor 6 Tahun 2014 Tentang Desa*, Vol.26 no.2, 2019, page.256. See too, Maemunah Maemunah., Kewenangan Kepala Desa Dalam Mengangkat Dan Memberhentikan Perangkat Desa di Tinjau Dari Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan*, Vol.6, no.1, 2018, page.26.

<sup>22</sup> Mirani Sucisia Dewi., Implementasi Pendekatan Participatory Development Planning oleh Pemerintah Desa Setelah Diundangkannya Undang-Undang Nomor 6 Tahun 2014 tentang Desa, *Jurnal Hukum Lex Generalis*, Vol.3, no.8, 2022, page.665. See too, Mohamad Zaki Hassan., Kewajiban Penyelesaian Perselisihan Oleh Kepala Desa Menurut Pasal 26 Ayat (4) Huruf K Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, (Malang, Universitas Brawijaya, 2018), page.25.

<sup>23</sup> Sumintarsih, and Christiyati Ariani., *Kearifan Tradisional Masyarakat Pedesaan Dalam Pemeliharaan Lingkungan Alam Kabupaten Gunung Kidul Provinsi Daerah Istimewa Yogyakarta*, Jakarta, Direktorat Jenderal Kebudayaan, 2007, page.76. See too, Adi Sulistiyono., *Mengembangkan Paradigma Non-Litigasi Di Indonesia*, 1st ed, Surakarta, Sebelas Maret University Press, 2006, page.24.

<sup>24</sup> I. Wayan Rideng., Penyelesaian Konflik Masyarakat Desa Pakraman Dalam Perpektif Restorative Justice, *Kertha Widya*, Vol.1, no.1, 2013, page.245. See too, Susanti Kartika Mija, Suryono Yohanes, and Herminus Ratu Udju., Fungsi Lembaga Kemasyrakatan Desa Dalam Mewujudkan Pembangunan Desa di Desa Lalong, Kecamatan Lembor Selatan Kabupaten Manggarai Barat, *Jurnal Hukum Online*, Vol.1, no.3, 2023; page.470.

<sup>25</sup> Emile Durkheim., From mechanical to organic solidarity, *Sociology: Introductory Readings*, Vol.2, no.1, 2010, page.27. See too, Rotulo, A, M Epstein, and E Kondilis., Federalisme Fiskal vs Desentralisasi Fiskal dalam Perawatan Kesehatan: Kerangka Konseptual, *Hippokratia*, Vol.24, no.3, 2020, page.107.

officials and neighborhood administrators.<sup>26</sup> Effective governance requires balancing both forms of solidarity, preserving cultural norms while implementing formal legal and administrative systems.<sup>27</sup>

Furthermore, participatory approaches in local governance, as emphasized in the Village Law, encourage community engagement in planning and decision-making, strengthening social capital and trust in leadership.<sup>28</sup> Mechanisms such as local mediation, community consultations, and dispute resolution processes allow village heads and neighborhood leaders to manage conflicts effectively while accommodating pluralism and cultural diversity.<sup>29</sup> These processes demonstrate how institutional roles, when combined with local wisdom, can reinforce social harmony and facilitate collective problem-solving in complex, multi-ethnic environments.

This shows that Indonesian rural governance also lies in recognizing the interplay between pluralism, local wisdom, and formal legal structures. Neighborhood networks, community leadership, and village governance collectively sustain social order, mediate disputes, and promote cooperation. Integrating customary norms with statutory authority ensures the adaptability of local governance in addressing contemporary social, environmental, and economic challenges while maintaining peace and harmony within diverse communities.<sup>30</sup>

### 3.2. Implementation and Challenges of Village Governance and Dispute Resolution

In carrying out their current duties, the village head through the environmental and community units, especially the head of the community unit, the head of the neighborhood unit, until now does not have the strong legal authority needed to overcome violations of the law in their jurisdiction.<sup>31</sup> Although there are security

<sup>26</sup> Włodzimierz Korab-Karpowicz., Social harmony or a happy society, *International Journal of Philosophy*, Vol.9, no.3, 2021, page.257. See too, Wida Wirdaniati, Irman Firmansyah, Vidya Marâ, and Siti Nurhajanah., Model Legalisasi Sertifikasi Tanah di Perdesaan dan Proyeksi Terhadap Nilai Manfaat Kepemilikan, *Jurnal Hukum*, Vol.38, no.2, 2022, page.129.

<sup>27</sup> T. Arsal, D. L. Setyowati, P. Hardati, and H. T. Atmaja., Social harmony model for social conflict management in Central Java, In *IOP Conference Series: Earth and Environmental Science*, Bristol, IOP Publishing, 2021, page.265. See too, Laode Ahmad Pidana Bolombo., Implementation of Social Conflict Management in Local Government: A Policy Content Analysis, *Journal of Public Administration and Governance*, Vol.11, no.2, 2021, page.3828.

<sup>28</sup> Ramalina Ranaivo Mikea Manitra., Implementation of Village Law as A Tool for Poverty Alleviation in Lerep Tourism Village: National and International Perspective, *Pikukuh: Jurnal Hukum dan Kearifan Lokal*, Vol.2, no.1, 2025, page.14. See too, Mirani Sucisia Dewi., Implementasi Pendekatan Participatory Development Planning oleh Pemerintah Desa Setelah Diundangkannya Undang-Undang Nomor 6 Tahun 2014 tentang Desa, *Jurnal Hukum Lex Generalis*, Vol.3, no.8, 2022, page.666.

<sup>29</sup> Didik Sukriono, Sudirman Sudirman, Desinta Dwi Rapita, A. Rosyid Al Atok, and Alfian Bramantya., Local wisdom as legal dispute settlement: how Indonesia's communities acknowledge Alternative Dispute Resolution?, *Legality: Jurnal Ilmiah Hukum*, Vol.33, no.1, 2025, page.275. See too, Sartika Dewi., Proses Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Karawang Dihubungkan Dengan Peraturan Mahkamah Agung Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan, *Justisi: Jurnal Ilmu Hukum*, Vol.5, no.1, 2020, 32; Bagio Kadaryanto, and Irawan Harahap., Mediasi Sebagai Model Penyelesaian Masalah Masyarakat Oleh Kepala Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, *Jurnal Ilmu Komunikasi Dan Sosial Politik*, Vol.1, no.3, 2024, page.285.

<sup>30</sup> Brendan Matthew Fandoe, I. Nyoman Putu Budiarta, and I. Gusti Agung Ayu Gita Pritayanti., Implikasi Peraturan Mahkamah Agung No. 1 Tahun 2016 Tentang Mediasi di Pengadilan Agama Badung, *Jurnal Analogi Hukum*, Vol.6, no.2, 2024, page.155. See too, Ashadi L. Diab, Mustaqim Pabbajah, Ratri Nurina Widyanti, Lian Mulyani Muthalib, and Widi Fajar Widyatmoko., Accommodation of local wisdom in conflict resolution of Indonesia's urban society, *Cogent Social Sciences*, Vol.8, no.1, 2022, page.216.

<sup>31</sup> Ria Zaitullah., Efektivitas Mediasi dalam Penyelesaian Perkara Perceraian di Pengadilan Agama Menurut Peraturan Mahkamah Agung No. 1 Tahun 2016, *Al-Manhaj: Journal of Indonesian Islamic Family Law*, Vol.2,



forces such as civil defense at the village/sub-district level, their authority is limited. During the COVID-19 pandemic, village heads have important authority in managing their citizens and regulating and preventing the spread of the virus by self-isolating and limiting activities in their neighborhoods.

Managing social assistance and distribution to its citizens, which turns out to be not easy to do and is the responsibility of the village head and the organs under him, especially the head of the community unit, the head of the neighborhood unit, where if there is a gap in distribution and inconsistency of assistance, there will be problems that lead to every protest or complaint of the residents.<sup>32</sup> Therefore, it is very important for the village head and the organs under him, especially the head of the community unit, the head of the neighborhood unit to be able to have comprehensive legal protection. By ensuring that village heads are legally protected, they can also better manage community affairs, address population issues, and enforce social stability in any case.<sup>33</sup>

In order to maintain harmony and uphold social stability in overcoming population problems that occur in the work environment of the village head and the organs under him, especially the community and neighborhood units as long as it is not a serious criminal case and is more civil or really threatens human life, it can actually be resolved through mediation in addition to the litigation method through the court.<sup>34</sup>

This is because the mediation method in dispute resolution brings more benefits and advantages to the judiciary and the parties involved in the case because the procedures in simpler courts do not have much budget and waste time. Thus, the mediation method in dispute resolution is more than a form of judicial system and procedure that consumes a lot of time, energy, and budget because it is simpler in this mediation procedure.<sup>35</sup>

In the Supreme Court regulation Number 1 of 2016 concerning Mediation Procedures in Court which is the result of the revision of Supreme Court Regulation Number 1 of 2008 concerning Mediation Procedures in Court, in the implementation of the court, it is required to mediate every dispute of a civil nature, and cases that are not life-threatening or too severe, as well as in divorce cases between husband and wife, which often require careful legal and emotional consideration.<sup>36</sup>

Article 26 paragraph (4) letter k of Law Number 6 of 2014 concerning Rural Affairs

---

no.2, 2020, 149. See too, Maemunah., Kewenangan Kepala Desa Dalam Mengangkat Dan Memberhentikan Perangkat Desa di Tinjau Dari Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan*, Vol.6, no.1, 2018, page.27.

<sup>32</sup> Iis Mardeli., Kedudukan Desa Dalam Sistem Ketatanegaraan Republik Indonesia, 2015, *Semantic Scholar*.

<sup>33</sup> Dwi Dasa Suryantoro., Tinjauan Yuridis terhadap Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang Mediasi, *legal studies journal*, Vol.3, no.2, 2023, page.95.

<sup>34</sup> Yuniko Fitrian., Pentingnya Budaya Hukum Dalam Masyarakat, Artikel, Bengkulu, 1970, *Jaringan dan Dokumentasi Ilmu Hukum Pemerintah Provinsi Bengkulu*.

<sup>35</sup> Sri Anggraini Kusuma Dewi, and Rezky Panji Perdana Martua Hasibuan., Legitimasi Kedudukan Kepala Desa dalam Penyelesaian Sengketa Agraria, *Jurnal Kajian Pembaruan Hukum*, Vol.1, no.2, 2021, page.313.

<sup>36</sup> Brendan Matthew Fandoe, I. Nyoman Putu Budiarta, and I. Gusti Agung Ayu Gita Pritayanti., Implikasi Peraturan Mahkamah Agung No. 1 Tahun 2016 Tentang Mediasi di Pengadilan Agama Badung, *Jurnal Analogi Hukum*, Vol.6, no.2, 2024, page.155. See too, Laode Ahmad Pidana Bolombo., Implementation of Social Conflict Management in Local Government: A Policy Content Analysis, *Journal of Public Administration and Governance*, Vol.11, no.2, 2021, page.382399.

provides for the village head that "the village head is obliged to resolve regional debates in rural areas", in order to provide the necessary limits so that it does not become the goal in the debate effort, "Article 28 of Law Number 6 of 2014" concerning Rural Affairs is strengthened related to ratification, in particular:<sup>37</sup>

- (1) Village Heads who do not fulfill their obligations as referred to in "Article 26 paragraph (4) and Article 27 are subject to the approval of the regulator either as an oral or written notification".
- (2) Since authoritative approval as referred to in "paragraph (1) is not made, the temporary suspension is completed and can be continued with the end."<sup>38</sup>

The role of the village head in resolving conflicts between residents is very important. Therefore, in order to equip the village head and the organs under him, especially the heads of the community units and the heads of the neighborhood units, especially those who do not have a legal education background, even those who have a legal education background, they need the skills needed to mediate disputes, in this case they must be provided with training and workshops. Therefore, village heads need to consider the allocation of programs through training and coaching or workshops involving law faculties, universities or institutions in collaboration with the ministry of law and human rights that have the authority to issue certificates and training of non-judge mediators both involving universities and ministries of law and human rights.<sup>39</sup> In order to legally have the basis and competence in resolving disputes in village communities with the principle of emphasizing dignified justice<sup>40</sup>, to foster the spirit of unity and unity in the culture of family law, and mutual cooperation.

Both government organs and private institutions everywhere still have obstacles in improving their human resources,<sup>41</sup> even though the village head is only a government partner in the smallest unit in the village government institution, the manager is expected to have adequate ability to carry out his duties, especially knowledge and ability in the field of bureaucracy and government administration.

<sup>37</sup> Mohamad Zaki Hassan., Kewajiban Penyelesaian Perselisihan Oleh Kepala Desa Menurut Pasal 26 Ayat (4) Huruf K Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, (Malang, Universitas Brawijaya, 2018), page.26.

<sup>38</sup> Tim Visi Yustisia., *Undang-Undang Nomor 6 Tahun 2014 Tentang Desa dan Peraturan Terkait*, Jakarta, Visimedia, 2015, page.13. See too, Bagio Kadaryanto, and Irawan Harahap., Mediasi Sebagai Model Penyelesaian Masalah Masyarakat Oleh Kepala Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, *Jurnal Ilmu Komunikasi Dan Sosial Politik*, Vol.1, no.3, 2024, page.286; Harun Achmad., Eksistensi pemerintahan desa ditinjau dari perspektif asas subsidiaritas dalam undang-undang nomor 6 tahun 2014 tentang desa, *Eksistensi Pemerintahan Desa Ditinjau Dari Perspektif Asas Subsidiaritas Dalam Undang-Undang Nomor 6 Tahun 2014 Tentang Desa*, Vol.26 no.2, 2019, page.257.

<sup>39</sup> Sumintarsih, and Christiyati Ariani., *Kearifan Tradisional Masyarakat Pedesaan Dalam Pemeliharaan Lingkungan Alam Kabupaten Gunung Kidul Provinsi Daerah Istimewa Yogyakarta*, Jakarta, Direktorat Jenderal Kebudayaan, 2007, page.77.

<sup>40</sup> Teguh Prasetyo., *Keadilan Bermartabat: Perspektif Teori Hukum*, Bandung, Nusamedia, 2019, page.24. See too, FX. Wartoyo, and Teguh Prasetyo., Pelaksanaan Kinerja DPD dalam Fungsi Pengawasan Berdasarkan Martabat Keadilan, *MANDALIKA: Jurnal Ilmu Sosial*, Vol.1, no.2, 2023, page.9.

<sup>41</sup> Fang Lee Cooke, Michael Dickmann, and Emma Parry., Critical Issues in Human Resource Management: An Introduction to Review Issues 2020, *International Journal of Human Resource Management*, Vol.31, no.1, 2020, page.3. See too, Sigit Wijatmoko, Ika Sartika, and Rosmery Elsy., Collaborative Governance in Digital Transformation Policy Implementation for MSMEs in Jakarta: A Socio-Legal Perspective, *Jurnal Hukum*, Vol.41, no.2, 2024, page.375.

### 3.3. Legal Reconstruction for Strengthening Village Governance and Conflict Resolution

To strengthen the role of village heads and community institutions in maintaining harmony and resolving conflicts in rural communities, it is necessary to strengthen legal norms that effectively integrate Pancasila values into the village legal system. This can be achieved by explicitly regulating the authority of village heads and their staff to resolve disputes through mediation and deliberation mechanisms, so that the conflict resolution process does not rely solely on the formal justice system, which is sometimes difficult for the community to access.<sup>42</sup>

More specifically, the efforts to strengthen the role of village heads and community institutions in maintaining social harmony and resolving conflicts in rural communities requires a comprehensive legal reconstruction that integrates Indonesia's foundational philosophy, Pancasila, into the village legal system. The pluralistic and diverse nature of Indonesian society demands governance mechanisms that can accommodate both formal legal authority and local cultural wisdom. Village heads, along with the heads of community units and neighborhood units, often serve as the first line of conflict management in rural areas. However, their legal authority is currently insufficient to fully exercise control over social disputes, particularly when such disputes do not rise to the level of criminal offenses but significantly impact social cohesion.<sup>43</sup>

Legal reconstruction should begin by explicitly regulating the authority of village heads and their supporting staff to resolve disputes through mediation and deliberation, rather than relying solely on formal courts. This approach is consistent with the principles of participatory governance outlined in Law Number 6 of 2014 concerning Villages, which emphasizes local involvement in decision-making and conflict resolution.<sup>44</sup> Mediation and deliberation provide a culturally sensitive alternative that aligns with Indonesian societal values, including mutual cooperation and local wisdom, enabling communities to address conflicts in ways that are both fair and socially sustainable.<sup>45</sup>

To operationalize this legal reconstruction, it is necessary to create new regulations or revise existing Minister of Home Affairs regulations to mandate training and certification for village heads and their staff as legally and culturally competent mediators. Such training would provide them with technical skills in dispute

<sup>42</sup> Ahmad Muhamad Mustain Nasoha, Ashfiya Nur Atqiya, Dini Agustin Rahmawati, Zahwa Luthfi' Az-zahra, and Nadia Shafira., Integrasi Nilai Pancasila dalam Sistem Hukum Konstitusi Indonesia: Implikasi terhadap Perlindungan Hukum Adat, *Politika Progresif: Jurnal Hukum, Politik dan Humaniora*, Vol.1, no.4, 2024, page.51. See too, Yaya Alfia, and Suriani Bt Tolo., Perspektif Hukum Adat Kawin Lari (Silayyang) Suku Bajau di Desa La Gasa Kabupaten Muna, *Jurnal Hukum*, Vol.37, no.1, 2021, page.25.

<sup>43</sup> Harun Achmad., Eksistensi pemerintahan desa ditinjau dari perspektif asas subsidiaritas dalam undang-undang nomor 6 tahun 2014 tentang desa, *Eksistensi Pemerintahan Desa Ditinjau Dari Perspektif Asas Subsidiaritas Dalam Undang-Undang Nomor 6 Tahun 2014 Tentang Desa*, Vol.26 no.2, 2019, page.258. See too, Sri Anggraini Kusuma Dewi, and Rezky Panji Perdana Martua Hasibuan., Legitimasi Kedudukan Kepala Desa dalam Penyelesaian Sengketa Agraria, *Jurnal Kajian Pembaruan Hukum*, Vol.1, no.2, 2021, page.315.

<sup>44</sup> Mirani Sucisia Dewi., Implementasi Pendekatan Participatory Development Planning oleh Pemerintah Desa Setelah Diundangkannya Undang-Undang Nomor 6 Tahun 2014 tentang Desa, *Jurnal Hukum Lex Generalis*, Vol.3, no.8, 2022, page.667.

<sup>45</sup> Taufik Siregar, Ikhsan Lubis, and Anwar Sadat Harahap., The Role of Local Wisdom in Law: Alternative Dispute Resolution in the Land Sector in North Sumatra, Indonesia, *ISVS e-journal*, Vol.10, no.1, 2023, page.255. See too, Siska Lis Sulistiani, and M. E. Sy., *Hukum adat di Indonesia*, Yogyakarta, Bumi Aksara, 2021, page.54.

resolution, negotiation, and community engagement, while grounding these competencies in local values and Pancasila principles. Legal and cultural competency is essential not only for mediating disputes effectively but also for fostering trust and legitimacy among community members.<sup>46</sup> The certification of village heads and their staff ensure a formal acknowledgment of their authority and expertise, providing a legal foundation for their actions in social conflict management.

Equally important is the establishment of a robust legal protection mechanism for village heads and their supporting staff. Current frameworks often expose village officials to potential legal risks when intervening in disputes, even when acting in good faith to maintain harmony. Legal protection allows village heads to perform their strategic social function with confidence and reduces the fear of litigation or administrative sanctions that could otherwise hinder proactive governance.<sup>47</sup> This protection is crucial, especially in cases where the village head acts as a mediator in civil or familial disputes, or in disputes over land, resources, and environmental issues. Research has shown that legally protected village officials are better able to foster compliance, maintain peace, and promote equitable outcomes in their communities.<sup>48</sup>

From a legal system reconstruction perspective, village governance must balance recognition of customary law with adherence to the national constitution and principles of universal justice. Customary law remains influential in many rural areas, providing culturally legitimate mechanisms for resolving disputes and maintaining social cohesion. Integrating customary law into a modern legal framework ensures that local traditions are respected, while formal laws safeguard rights and ensure accountability.<sup>49</sup> The development of a village code of ethics and governance can serve as a practical tool for this integration. Such a code would establish standards for conflict resolution, community engagement, and ethical conduct for village officials, thereby institutionalizing best practices and professionalizing local governance.<sup>50</sup>

Moreover, formalizing mediation and deliberation practices within the legal framework aligns with international best practices in alternative dispute resolution.

<sup>46</sup> Ramalina Ranaivo Mikea Manitra., Implementation of Village Law as A Tool for Poverty Alleviation in Lerep Tourism Village: National and International Perspective, *Pikukuh: Jurnal Hukum dan Kearifan Lokal*, Vol.2, no.1, 2025, page.15. See too, Bagio Kadaryanto, and Irawan Harahap., Mediasi Sebagai Model Penyelesaian Masalah Masyarakat Oleh Kepala Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, *Jurnal Ilmu Komunikasi Dan Sosial Politik*, Vol.1, no.3, 2024, page.287.

<sup>47</sup> Arif Zainudin., Model Kelembagaan Pemerintahan Desa, *Jurnal Ilmu Pemerintahan: Kajian Ilmu Pemerintahan Dan Politik Daerah*, Vol.1, no.2, 2016, page.345.

<sup>48</sup> Brendan Matthew Fandoe, I. Nyoman Putu Budiarta, and I. Gusti Agung Ayu Gita Pritayanti., Implikasi Peraturan Mahkamah Agung No. 1 Tahun 2016 Tentang Mediasi di Pengadilan Agama Badung, *Jurnal Analogi Hukum*, Vol.6, no.2, 2024, page.155. See too, Nkmatul Wildati Nidaa, Muhammad Rafi Rusmadiyanto, and Moh Ludfi., Analisis Penyelesaian Sengketa Tanah Melalui Konsiliasi, Di Desa Pandan Kecamatan Galis Kabupaten Pamekasan: Hukum/Politik, *Bersatu: Jurnal Pendidikan Bhinneka Tunggal Ika*, Vol.3, no.3, 2025, page.45.

<sup>49</sup> Marhaeni Ria Siombo, and Henny Wiludjeng., *Hukum adat dalam perkembangannya*, Jakarta, Penerbit Universitas katolik Indonesia Atma Jaya, 2020, page.38.

<sup>50</sup> Hoffatus Zaina., Implementasi Kebijakan Pembentukan Rt/Rw Sebagai Lembaga Kemasyarakatan Desa (Studi Desa Sukorejo Kecamatan Sumber Wringin Kabupaten Bondowoso Tahun 2018) (Doctoral, Universitas Muhammadiyah Jember, 2019), page.25. See too, Maemunah., Kewenangan Kepala Desa Dalam Mengangkat Dan Memberhentikan Perangkat Desa di Tinjau Dari Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan*, Vol.6, no.1, 2018, page.28.

Mediation offers a less adversarial, more efficient, and cost-effective method of dispute resolution, reducing the burden on courts while enhancing social harmony.<sup>51</sup> Supreme Court Regulation Number 1 of 2016 emphasizes mediation in civil and family cases, reflecting a broader legal trend toward restorative justice and culturally sensitive dispute resolution.<sup>52</sup> By embedding these principles in village governance, rural communities gain access to structured conflict management mechanisms that are legally sanctioned yet culturally resonant.

Legal reconstruction also involves equipping village heads with managerial and administrative competencies necessary for effective governance. The responsibilities of village officials extend beyond conflict resolution to encompass resource allocation, social assistance distribution, and coordination of community development programs.<sup>53</sup> In practice, mismanagement or inequities in social assistance distribution can lead to unrest and complaints from residents. Therefore, integrating training programs, workshops, and collaborations with universities or legal institutions can strengthen the capabilities of village officials, ensuring they are equipped to handle both legal and social responsibilities competently.<sup>54</sup>

In addition to formal training, fostering ethical awareness and adherence to Pancasila values is central to effective village governance. Pancasila serves as a unifying philosophy, guiding community leaders to act in ways that respect human dignity, equality, and mutual cooperation.<sup>55</sup> Ethical governance promotes trust, reduces social conflict, and encourages participatory decision-making, thereby strengthening the legitimacy of village institutions. Implementing these values through structured governance frameworks and legal norms helps bridge the gap between traditional practices and modern administrative requirements, creating a hybrid model that is both effective and culturally acceptable.<sup>56</sup>

Finally, legal reconstruction supports social harmonization by establishing clear roles, responsibilities, and accountability for village heads and community officials. Through a combination of statutory authority, training, certification, and ethical governance, village heads can function as professional, accountable mediators,

<sup>51</sup> Sartika Dewi., Proses Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Karawang Dihubungkan Dengan Peraturan Mahkamah Agung Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan, *Justisi: Jurnal Ilmu Hukum*, Vol.5, no.1, 2020, 34.

<sup>52</sup> Ria Zaitullah., Efektivitas Mediasi dalam Penyelesaian Perkara Perceraian di Pengadilan Agama Menurut Peraturan Mahkamah Agung (PERMA) No. 1 Tahun 2016, *Al-Manhaj: Journal of Indonesian Islamic Family Law*, Vol.2, no.2, 2020, 150.

<sup>53</sup> Gratia Rogate Telaumbanua, Sukaaro Waruwu, and Delipiter Lase., Analisis Kinerja Kepala Desa Dalam Pelayanan Publik, *Jurnal Akuntansi, Manajemen Dan Ekonomi*, Vol.1, no.2, 2022, page.307. See too, Galip Lahada., Kepemimpinan kepala desa dalam pelaksanaan Pembangunan dan Kemasyarakatan di desa Malei Lage kecamatan Lage kabupaten Poso, *Jurnal Ilmiah Administratie*, Vol.11, no.1, 2020, page.7.

<sup>54</sup> Fang Lee Cooke, Michael Dickmann, and Emma Parry., Critical Issues in Human Resource Management: An Introduction to Review Issues 2020, *International Journal of Human Resource Management*, Vol.31, no.1, 2020, page.4.

<sup>55</sup> Ahmad Muhamad Mustain Nasoha, Ashfiya Nur Atqiya, Dini Agustin Rahmawati, Zahwa Luthfi'A Az-zahra, and Nadia Shafira., Integrasi Nilai Pancasila dalam Sistem Hukum Konstitusi Indonesia: Implikasi terhadap Perlindungan Hukum Adat, *Politika Progresif: Jurnal Hukum, Politik dan Humaniora*, Vol.1, no.4, 2024, page.54. See too, Jelita Siahaan, Raras Agustina, Reodiva Jonandes, and Riska Andi Fitriano., Pancasila sebagai Alat Pemersatu Bangsa Indonesia, *Gema Keadilan*, Vol.9, no.3, 2022, page.231.

<sup>56</sup> Włodzimierz Korab-Karpowicz., Social harmony or a happy society, *International Journal of Philosophy*, Vol.9, no.3, 2021, page.259. See too, Laode Ahmad Pidana Bolombo., Implementation of Social Conflict Management in Local Government: A Policy Content Analysis, *Journal of Public Administration and Governance*, Vol.11, no.2, 2021, page.382400.

facilitating cooperation and collective problem-solving in diverse rural communities. This approach not only strengthens local governance but also provides a model for modern village administration that respects diversity, promotes justice, and reinforces the social fabric of rural Indonesia.<sup>57</sup>

In conclusion, reconstructing the legal framework for village governance is essential to empower village heads and community institutions to manage conflicts effectively. By integrating Pancasila values, customary law, and formal legal protections, alongside professional training and ethical standards, rural governance can achieve greater social harmony, equitable dispute resolution, and sustainable community development. This reconstruction transforms village governance into a modern, legally grounded, and culturally resonant system that strengthens Indonesia's commitment to justice, diversity, and social cohesion.<sup>58</sup>

#### 4. Conclusion

Village heads have an inherent position, the most noticeable difference about the administrative system in managing community members. Thus, in dealing with conflicts and problems in their environment, they can be resolved directly by the organs under them through the community and ladder pillars that are optimized with mediation so that they do not reach the court. This is a consideration in legal certainty and legal protection, because the state system is a rule of law country, so it is necessary to allocate a budget for competency debriefing to be able to get, for example, to become a paralegal or a non-judge mediator.

Furthermore, in law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages, it is explained that the head of the environmental community assists in the implementation of the duties of the village head. Thus, similar to the village head, it can be said that the community and neighborhood pillars are organs that help the village head in handling the policies under him, including in this case it is necessary to get training and education whose costs need to be assisted by the government.

The village head plays a key role in solving community problems. When trained as non-judge mediators, they gain the skills to understand and resolve conflicts through mediation while grasping Indonesia's legal system. Empowering village heads and their supporting units, such as community and neighborhood leaders, requires a clear legal framework through law or ministerial regulations to provide a solid legal basis for handling disputes with dignified justice. With proper training, budget support, and legal protection, conflict resolution at the village level becomes more effective, fair, and respectful, ultimately strengthening social harmony and national stability.

<sup>57</sup> T. Aرسال, D. L. Setyowati, P. Hardati, and H. T. Atmaja., Social harmony model for social conflict management in Central Java, In *IOP Conference Series: Earth and Environmental Science*, Bristol, IOP Publishing, 2021, page.266. See too, Penny Kurnia Putri., Manajemen konflik dan resolusi Konflik: sebuah pendekatan terhadap perdamaian, *Papua Journal of Diplomacy and International Relations*, Vol.2, no.1, 2022, page.19.

<sup>58</sup> Taufik Siregar, Ikhsan Lubis, and Anwar Sadat Harahap., The Role of Local Wisdom in Law: Alternative Dispute Resolution in the Land Sector in North Sumatra, Indonesia, *ISVS e-journal*, Vol.10, no.1, 2023, page.257. See too, Mirani Sucisia Dewi., Implementasi Pendekatan Participatory Development Planning oleh Pemerintah Desa Setelah Diundangkannya Undang-Undang Nomor 6 Tahun 2014 tentang Desa, *Jurnal Hukum Lex Generalis*, Vol.3, no.8, 2022, page.669.

## References

### Books:

- Arsal, T., D. L. Setyowati, P. Hardati, and H. T. Atmaja. Social harmony model for social conflict management in Central Java. In *IOP Conference Series: Earth and Environmental Science*, vol. 747, no. 1, p. 012087. Bristol, IOP Publishing, 2021;
- Siombo, Marhaeni Ria, and Henny Wiludjeng. *Hukum adat dalam perkembangannya*. Jakarta, Penerbit Universitas katolik Indonesia Atma Jaya, 2020;
- Sulistiani, Siska Lis, and M. E. Sy. *Hukum adat di Indonesia*. Yogyakarta, Bumi Aksara, 2021;
- Sulistiyono, Adi. *Mengembangkan Paradigma non-Litigasi Di Indonesia*. 1st ed. Surakarta, Sebelas Maret University Press, 2006;
- Sumintarsih, and Christriyati Ariani. *Kearifan Tradisional Masyarakat Pedesaan Dalam Pemeliharaan Lingkungan Alam Kabupaten Gunung Kidul Provinsi Daerah Istimewa Yogyakarta*. Jakarta, Direktorat Jenderal Kebudayaan, 2007;
- Teguh Prasetyo. *Keadilan Bermartabat: Perspektif Teori Hukum*. Bandung, Nusamedia, 2019;
- Yustisia, Tim Visi. *Undang-Undang Nomor 6 Tahun 2014 Tentang Desa dan Peraturan Terkait*. Jakarta, Visimedia, 2015;

### Journals:

- Achmad, Harun. Eksistensi pemerintahan desa ditinjau dari perspektif asas subsidiaritas dalam undang-undang nomor 6 tahun 2014 tentang desa. *Eksistensi Pemerintahan Desa Ditinjau Dari Perspektif Asas Subsidiaritas Dalam Undang-Undang Nomor 6 Tahun 2014 Tentang Desa*, Vol.26 no.2, 2019;
- Berenschot, Ward. Resolving land conflicts in Indonesia. *Bijdragen tot de taal-, land-en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia* Vol.176, no.4, 2020;
- Alfia, Yaya, and Suriani Bt Tolo. Perspektif Hukum Adat Kawin Lari (Silayyang) Suku Bajau di Desa La Gasa Kabupaten Muna. *Jurnal Hukum* Vol.37, no.1, 2021; DOI: 10.26532/jh.v37i1.15706;
- Bishop, Jonathan. 'Networking: A New Social Operating System'. *International Journal of E-Politics* Vol.4 no.1, 2013; <https://doi.org/10.4018/jep.2013040106>;
- Bolombo, Laode Ahmad Pidana. Implementation of Social Conflict Management in Local Government: A Policy Content Analysis. *Journal of Public Administration and Governance* Vol.11, no.2, 2021;
- Cooke, Fang Lee, Michael Dickmann, and Emma Parry. 'Critical Issues in Human Resource Management: An Introduction to Review Issues 2020'. *International Journal of Human Resource Management* Vol.31, no.1, 2020; <https://doi.org/10.1080/09585192.2020.1691353>;
- Dewi, Mirani Sucisia. Implementasi Pendekatan Participatory Development

- Planning oleh Pemerintah Desa Setelah Diundangkannya Undang-Undang Nomor 6 Tahun 2014 tentang Desa. *Jurnal Hukum Lex Generalis* Vol.3, no.8, 2022; <https://doi.org/10.56370/jhlg.v3i8.292>;
- Dewi, Sartika. Proses Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Karawang Dihubungkan Dengan Peraturan Mahkamah Agung Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan. *Justisi: Jurnal Ilmu Hukum* Vol.5, no.1, 2020;
- Dewi, Sri Anggraini Kusuma, and Rezky Panji Perdana Martua Hasibuan. Legitimasi Kedudukan Kepala Desa dalam Penyelesaian Sengketa Agraria. *Jurnal Kajian Pembaruan Hukum* Vol.1, no.2, 2021; <https://doi.org/10.19184/jkph.v1i2.24474>;
- Diab, Ashadi L., Mustaqim Pabbajah, Ratri Nurina Widyanti, Lian Mulyani Muthalib, and Widi Fajar Widyatmoko. Accommodation of local wisdom in conflict resolution of Indonesia's urban society. *Cogent Social Sciences* Vol.8, no.1, 2022; <https://doi.org/10.1080/23311886.2022.2153413>;
- Durkheim, Emile. From mechanical to organic solidarity. *Sociology: Introductory Readings* Vol.2, no.1, 2010;
- Marhum, Umar, and Maja Meronda. Partisipasi Masyarakat Dalam Pembentukan Peraturan Desa Menurut Undang-Undang Nomor 6 Tahun 2014: Studi Kasus Desa Wawosanggula Kecamatan Puriala, Konawe, Sulawesi Tenggara. *Jurnal Ekonomi, Sosial & Humaniora* Vol.2, no.12, 2021;
- Fandoe, Brendan Matthew, I. Nyoman Putu Budiarta, and I. Gusti Agung Ayu Gita Pritayanti. Implikasi Peraturan Mahkamah Agung No. 1 Tahun 2016 Tentang Mediasi di Pengadilan Agama Badung. *Jurnal Analogi Hukum* Vol.6, no.2, 2024; <https://doi.org/10.22225/jah.6.2.2024.154-159>;
- Gulo, Jefri Antonius, Muhammad Hidayat, Relly Anjar Vinata Wisnu Saputra, Abdul Harits, and Natasya Herlianti. Esensial Resolusi dalam Konflik Masyarakat Madani. *Journal of Publik Administration & Policy Review* Vol.1, no.1, 2023;
- Helberger, Natali. 'Kekuatan Politik Platform: Bagaimana Upaya Saat Ini untuk Mengatur Misinformasi Memperkuat Kekuatan Opini'. *Jurnalisme Digital* Vol.8, no.6, 2020; <https://doi.org/10.1080/21670811.2020.1773888>;
- Kadaryanto, Bagio, and Irawan Harahap. Mediasi Sebagai Model Penyelesaian Masalah Masyarakat Oleh Kepala Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa. *Jurnal Ilmu Komunikasi Dan Sosial Politik* Vol.1, no.3, 2024;
- Korab-Karpowicz, Włodzimierz. Social harmony or a happy society. *International Journal of Philosophy* Vol.9, no.3, 2021; <https://doi.org/10.11648/j.ijp.20210903.18>;
- Lahada, Galip. Kepemimpinan kepala desa dalam pelaksanaan Pembangunan dan Kemasyarakatan di desa Malei Lage kecamatan Lage kabupaten Poso. *Jurnal Ilmiah Administratie* Vol.11, no.1, 2020;
- Maemunah, Maemunah. Kewenangan Kepala Desa Dalam Mengangkat Dan Memberhentikan Perangkat Desa di Tinjau Dari Undang-Undang Nomor 6 Tahun 2014 Tentang Desa. *CIVICUS: Pendidikan-Penelitian-Pengabdian*



*Pendidikan Pancasila Dan Kewarganegaraan* Vol.6, no.1, 2018;

- Manitra, Ramalina Ranaivo Mikea. Implementation of Village Law as A Tool for Poverty Alleviation in Lerep Tourism Village: National and International Perspective. *Pikukuh: Jurnal Hukum dan Kearifan Lokal* Vol.2, no.1, 2025; DOI: <http://dx.doi.org/10.62870/pkh.v2i1.28734>;
- Mashdurohaturun, Anis, Muslimah Hayati, Saritua Silitonga, Zaenal Arifin, and Amanda Amanda. The Conserving Agrarian Land for Future Generations: A Policy Blueprint for Indonesia. *Jurnal Hukum* Vol.41, no.1, 2020; DOI: 10.26532/jh.v41i1.39893;
- Mija, Susanti Kartika, Suryono Yohanes, and Herminus Ratu Udju. 'Fungsi Lembaga Kemasyarakatan Desa Dalam Mewujudkan Pembangunan Desa di Desa Lalong, Kecamatan Lembor Selatan Kabupaten Manggarai Barat'. *Jurnal Hukum Online (JHO)* Vol.1, no.3, 2023; <https://doi.org/10.29303/jkh.v8i2.138>;
- Nasoha, Ahmad Muhamad Mustain, Ashfiya Nur Atqiya, Dini Agustin Rahmawati, Zahwa Luthfi'A. Az-zahra, and Nadia Shafira. Integrasi Nilai Pancasila dalam Sistem Hukum Konstitusi Indonesia: Implikasi terhadap Perlindungan Hukum Adat. *Politika Progresif: Jurnal Hukum, Politik dan Humaniora* Vol.1, no.4, 2024; <https://doi.org/10.62383/progres.v1i4.931>;
- Nidaa, Nkmatul Wildati, Muhammad Rafi Rusmadiyanto, and Moh Ludfi. Analisis Penyelesaian Sengketa Tanah Melalui Konsiliasi, Di Desa Pandan Kecamatan Galis Kabupaten Pamekasan: Hukum/Politik. *Bersatu: Jurnal Pendidikan Bhinneka Tunggal Ika* Vol.3, no.3, 2025; <https://doi.org/10.51903/bersatu.v3i3.1061>;
- Nuh, Muhammad Syarif. Tudang Sipulung: A conflict resolution wisdom of Bugis-Makassar community. *Hasanuddin Law Review* Vol.1, no.2, 2016; <https://doi.org/10.20956/halrev.v1i2.308>;
- Putri, Penny Kurnia. Manajemen konflik dan resolusi Konflik: sebuah pendekatan terhadap perdamaian. *Papua Journal of Diplomacy and International Relations* Vol.2, no.1, 2022; DOI:10.31957/pjdir.v2i1.1945;
- Rideng, I. Wayan. Penyelesaian Konflik Masyarakat Desa Pakraman Dalam Perpektif Restorative Justice. *Kertha Widya* Vol.1, no.1, 2013; <https://doi.org/10.37637/kw.v1i1.425>;
- Rochmani, Rochmani, Wenny Megawati, Adi Suliantoro, and Muhammet Ebuzer Ersoy. An Effective Environmental Dispute Resolution Model That Supports Environmental Sustainability. *Jurnal Hukum* Vol.41, no.2, 2025; <http://dx.doi.org/10.26532/jh.41.2.277-295>;
- Rotulo, A, M Epstein, and E Kondilis. 'Federalisme Fiskal vs Desentralisasi Fiskal dalam Perawatan Kesehatan: Kerangka Konseptual'. *Hippokratia* Vol.24, no.3, 2020; doi: 10.1016/S0140-6736(20)32228-5;
- Sajangbati, Youla C. Penyelenggaraan Pemerintahan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014. *Lex Administratum* Vol.3, no.2, 2015;
- Siahaan, Jelita, Raras Agustina, Reodiva Jonandes, and Riska Andi Fitrono. 'Pancasila sebagai Alat Pemersatu Bangsa Indonesia'. *Gema Keadilan* Vol.9,

- no.3, 2022; <https://doi.org/10.14710/gk.2022.16520>;
- Siregar, Taufik, Ikhsan Lubis, and Anwar Sadat Harahap. The Role of Local Wisdom in Law: Alternative Dispute Resolution in the Land Sector in North Sumatra, Indonesia. *ISVS e-journal*/Vol.10, no.1, 2023;
- Sukriono, Didik, Sudirman Sudirman, Desinta Dwi Rapita, A. Rosyid Al Atok, and Alfian Bramantya. Local wisdom as legal dispute settlement: how Indonesia's communities acknowledge Alternative Dispute Resolution?. *Legality: Jurnal Ilmiah Hukum* Vol.33, no.1, 2025; <https://doi.org/10.22219/ljih.v33i1.39958>;
- Suryantoro, Dwi Dasa. Tinjauan Yuridis terhadap Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang Mediasi. *legal studies journal*/Vol.3, no.2, 2023;
- Telaumbanua, Gratia Rogate, Sukaaro Waruwu, and Delipiter Lase. Analisis Kinerja Kepala Desa Dalam Pelayanan Publik. *Jurnal Akuntansi, Manajemen Dan Ekonomi* Vol.1, no.2, 2022; <https://doi.org/10.56248/jamane.v1i2.45>;
- Wartoyo, FX, and Teguh Prasetyo. 'Pelaksanaan Kinerja DPD dalam Fungsi Pengawasan Berdasarkan Martabat Keadilan'. *Mandalika: Jurnal Ilmu Sosial* Vol.1, no.2, 2023; DOI: 10.56566/mandalika.v1i1.56;
- Wijatmoko, Sigit, Ika Sartika, and Rosmery Elsy. Collaborative Governance in Digital Transformation Policy Implementation for MSMEs in Jakarta: A Socio-Legal Perspective. *Jurnal Hukum* Vol.41, no.2, 2024; <http://dx.doi.org/10.26532/jh.41.2.366-393>;
- Wirdaniati, Wida, Irman Firmansyah, Vidya Marâ, and Siti Nurhajanah. Model Legalisasi Sertifikasi Tanah di Perdesaan dan Proyeksi Terhadap Nilai Manfaat Kepemilikan. *Jurnal Hukum* Vol.38, no.2, 2022; <http://dx.doi.org/10.26532/jh.38.2.122-137>;
- Zainudin, Arif. Model Kelembagaan Pemerintahan Desa. *Jurnal Ilmu Pemerintahan: Kajian Ilmu Pemerintahan Dan Politik Daerah* Vol.1, no.2, 2016; <https://doi.org/10.24905/jip.1.2.2016.338-351>;
- Zaitullah, Ria. Efektivitas Mediasi dalam Penyelesaian Perkara Perceraian di Pengadilan Agama Menurut Peraturan Mahkamah Agung (PERMA) No. 1 Tahun 2016. *Al-Manhaj: Journal of Indonesian Islamic Family Law* Vol.2, no.2, 2020; <https://doi.org/10.19105/al-manhaj.v2i2.3417>;
- Zumita, Tommy Putra. Upaya Penyelesaian Sengketa Batas Desa Di Indonesia Demi Terciptanya Kepastian Hukum (Studi Kasus Desa Di Kutai Barat). *Proceeding APHTN-HAN* Vol.2, no.1, 2024; <https://doi.org/10.55292/9mq8qd13>;

### **Dissertation:**

- Hassan, Mohamad Zaki. Kewajiban Penyelesaian Perselisihan Oleh Kepala Desa Menurut Pasal 26 Ayat (4) Huruf K Undang-Undang Nomor 6 Tahun 2014 Tentang Desa. *Malang: Universitas Brawijaya* (2018);
- Zaina, Hofifatus. 'Implementasi Kebijakan Pembentukan Rt/Rw Sebagai Lembaga Kemasyarakatan Desa (Studi Desa Sukorejo Kecamatan Sumber Wringin

Kabupaten Bondowoso Tahun 2018)'. Doctoral, Universitas Muhammadiyah Jember, 2019;

**Website:**

Inspektorat Jenderal Kemendikbudristek. Dua Sisi Media Sosial Untuk Pelajar. *Inspektorat Jenderal Kemendikbudristek*. <https://itjen.kemdikbud.go.id/web/dua-sisi-media-sosial-untuk-pelajar/>. Accessed July 24, 2025;

Fisher, Rosemary. Conflict and collaboration: Land disputes in Indonesia. In *Resolving land disputes in East Asia: Exploring the limits of law*. England, Emerald Publishing Limited, 2017;

Fitrian, Yuniko. 'Pentingnya Budaya Hukum Dalam Masyarakat'. Artikel. Bengkulu, 1970. *Jaringan dan Dokumentasi Ilmu Hukum Pemerintah Provinsi Bengkulu*. <https://jdih.bengkuluprov.go.id>. Accessed July, 13, 2025;

LibreTexts Social Sciences. 'Mechanical and Organic Solidarity Durkheim. *LibreTexts Social Sciences*. February 20, 2021. <https://socialsci.libretexts.org/@go/page/8117>. Accessed July 24, 2025;

Mardeli, Iis. Kedudukan Desa Dalam Sistem Ketatanegaraan Republik Indonesia', 2015. *Semantic Scholar*. <https://api.semanticscholar.org/CorpusID:129593804>. Accessed July 25, 2025.