

Strategy for Strengthening Restorative Justice Policy in Resolution of Land Disputes in Indonesia: Strategy for Strengthening The BPN Institution

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Abstract. Land dispute resolution in Indonesia faces multi-dimensional complexity stemming from unclear land boundaries, overlapping ownership rights, and conflicts between indigenous communities and the state. Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (Permen ATR/BPN) No. 21 of 2020 introduces a mediation mechanism based on restorative justice principles as an alternative non-litigation dispute resolution that focuses on restoring social relations and reaching consensus in accordance with local wisdom. This study uses a qualitative approach with data were collected through in-depth interviews with BPN officials, mediators, and related parties; direct observation of the mediation process; and a study of regulatory documents and implementation reports. Key findings reveal that while mediation success rates can reach 28.5% to 55-65% in areas with integrated customary deliberations, optimal implementation is still hampered by institutional structural gaps, heterogeneity in mediator capacity with only 45% certified, weak legal force of mediation outcomes that allows for the cancellation of 25% of agreements, informal cross-institutional coordination, and limited technology utilization. Policy strengthening requires a holistic approach that integrates institutional restructuring with the establishment of dedicated mediation units, the development of multi-layered competency standards, strengthened regulations with executive powers, formalization of cross-institutional coordination including legal recognition of customary deliberations, and optimization of JUSTISIA technology. Socio-legal implications indicate that restorative justice contributes significantly to reducing social tensions and increasing institutional trust, particularly by integrating local wisdom.

Keywords: Justice; Mediation; Restorative; Strengthening.

1. Introduction

Land dispute resolution in Indonesia is a highly complex and multidimensional issue, rooted in various structural and historical factors that have been ingrained for a long time (Kamilah et al., 2025). This complexity includes unclear land boundaries due to the imperfect land registration system in various regions, overlapping ownership rights that often stem from dual registration during the Old and New Order eras, and prolonged conflicts between indigenous communities, farmers, corporations, and the state in claiming land rights (Fajri et al., 2025). This situation reflects a significant *gap between the formal rules in the national legal system and the social, cultural, and economic realities that develop in society*.

Indonesia's land problems are further exacerbated by its vast geographical characteristics, with a high degree of cultural diversity and traditional ownership systems (Q. A. R. Ramadhani et al., 2025). In this context, the centralized land law system, based on modern positive legal principles, often fails to adequately accommodate this diversity. Indigenous communities, with their own collective ownership systems and customary laws, often conflict with the individual certification system implemented by the National Land Agency (BPN), creating ongoing tensions and disputes. Data from the Ministry of Agrarian Affairs and Spatial Planning shows that the rate of land disputes continues to increase annually, with thousands of new cases entering the system through both litigation and non-litigation channels.

In the context of these challenges, the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (Permen ATR/BPN) Number 21 of 2020 is an important policy milestone specifically designed to regulate the handling and resolution of land cases in a restorative manner through a mediation mechanism (Wijaya et al., 2024). This regulation is an update of Permen No. 11 of 2016 and reflects the Indonesian government's commitment to adopting a dispute resolution paradigm that is more humane, participatory, and oriented towards substantive justice rather than merely procedural justice. Permen ATR/BPN No. 21 of 2020 explicitly states in Article 3 paragraph (2) that land dispute resolution is carried out through non-litigation channels, including mediation, with mechanisms that prioritize deliberative dialogue and reaching consensus between the parties in accordance with the values adopted by Indonesian society.

This regulation marks a fundamental paradigm shift from an adversarial and confrontational approach to dispute resolution to a collaborative and recovery-oriented restorative approach (Suartini et al., 2024). The *restorative justice approach* adopted by this regulation focuses on several fundamental core principles: first, an orientation toward the losses and needs experienced by the parties rather than simply determining who is at fault or at fault; second, a collaborative and inclusive process involving all relevant stakeholders in decision-making; third, efforts to reach an agreement that benefits all parties (a win-win solution) rather than winners and losers; fourth, the restoration of social and

community relationships damaged by the dispute; and fifth, efforts to repair mistakes and rebuild trust within the community. This approach is deeply rooted in the values of Indonesian local wisdom that have long emphasized deliberation to reach consensus, making the principles of *restorative justice* culturally and socially relevant to the Indonesian context.

In its implementation, the National Land Agency (BPN) and its Land Offices at various levels (central, regional offices, and district/city land offices) have a strategic role as facilitators managing the land dispute mediation process (Sulfian, 2025). The role of the BPN is not only to provide substantive justice to the disputing parties, but also to maintain orderly national land administration, increase public trust in the land system, and encourage sustainable development. However, this complex and multifaceted role presents its own challenges for the BPN in carrying out its facilitative mediation function neutrally while maintaining its administrative responsibilities as a national land regulator.

Various previous studies have made important contributions in identifying the challenges and opportunities for implementing the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 21 of 2020 in resolving land disputes. One study revealed that although *restorative justice* has been implemented as an alternative land dispute resolution in various regions, a number of significant obstacles still overshadow the effectiveness of its implementation in the field (Suartini et al., 2024). The main obstacles identified in this study include the limited capacity of human resources (HR) mediators who are still poorly trained in modern mediation techniques, resistance from a bureaucratic culture that tends to be formalistic and procedural, making it difficult to adapt to the principle of mediation flexibility, and significant challenges in providing binding legal force for mediation outcomes. The study emphasizes the importance of continuous training and competency development of mediators who are able to understand not only the technical aspects of agrarian law, but also the local socio-cultural context in which disputes occur.

In line with this, research conducted by Yanto in 2025, in his more recent study, stated that the effectiveness of mediation in resolving land disputes is significantly influenced by the public's understanding of the practical benefits of mediation compared to formal litigation and the mediator's suboptimal ability to facilitate constructive dialogue (Yanto & Attamimi, 2025). This study highlights that mediation as an alternative dispute resolution allows for much greater time and cost efficiency compared to lengthy and expensive formal litigation, but the lack of adequate public outreach, the lack of structured mediator training programs, and the absence of clear competency standards are real obstacles to reaping these benefits. Yanto also emphasized the important role of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution as a general legal basis used by the ATR/BPN Office in procedural dispute resolution without going through the courts. Furthermore, Yanto's research examines that the

implementation of land mediation requires a change in *mindset* from a *litigation-centric approach* to a *dispute resolution-inclusive one* that respects various dispute resolution mechanisms.

Furthermore, Sulfian in his latest research emphasizes the importance of harmony and integration between customary law and national law in the context of land dispute resolution, particularly when the dispute involves indigenous communities with collective ownership systems. This research empirically demonstrates that synergy between the two legal systems can significantly strengthen the legitimacy and effectiveness of mediation, as customary law embodies local values that align with the principles of *restorative justice* within the context of deliberation and consensus, which are already well-known to the community (Sulfian, 2025). This integrated approach has been shown to increase the level of acceptance of mediation outcomes by the community and the sustainability of peace in local communities in the long term. Sulfian's research identified that the implementation of this collaborative approach in several regions such as Maluku and West Nusa Tenggara showed significant success compared to purely formal approaches that do not consider local wisdom. These findings provide concrete evidence that *a customized approach* to mediation mechanisms according to the local context produces more optimal *outcomes compared to a one-size-fits-all approach*.

Although previous studies have provided valuable insights and important contributions, a thorough analysis of the available literature reveals several significant research gaps that have not been fully addressed by previous research. First, most previous research remains sectoral and partial, focusing on specific aspects such as human resource challenges or regulatory issues alone, but has not simultaneously and holistically integrated the institutional, regulatory, human resource capacity, and technological dimensions as a single, interrelated and interdependent system. There has been no comprehensive study that holistically analyzes how strengthening the BPN institution—including an appropriate organizational structure, clear separation of functions, a strong accountability system, measurable competency standards, and a strict monitoring mechanism—is the main key to optimizing *restorative justice-based dispute resolution*.

restorative justice principles are transformed into concrete, measurable, and operational institutional designs that can be effectively implemented in the field. This gap is crucial because this transformation requires a deep understanding of how organizational structures should be redesigned, how functional differentiation should be maintained to avoid conflicts of interest, how accountability systems should be established with clear mechanisms, and how technological innovation should be integrated into the overall governance of mediation. Without this in-depth operational understanding, land mediation policies remain aspirational and difficult to implement at *the ground level* with high consistency and quality.

Third, currently available empirical data is limited in detailing the distribution of certified mediators across geographic regions, comparative analysis of mediation success rates across locations with varying characteristics, and identification of specific regional barriers requiring *contextually sensitive solutions* (Indonesia, 2021). This more granular and *disaggregated data* is essential for designing strengthening strategies that are *contextually sensitive* and *evidence-based*, rather than based on assumptions or generalities that are inconsistent with local realities. Previous research also has not provided a clear operational *roadmap with a timeline, milestones*, and performance indicators that can be used to guide the implementation of strengthening strategies.

On the other hand, recent developments have shown several innovations that offer bright spots for the development of future land dispute resolution policies. The use of digital technologies, such as the Justisia application, which allows mediation to be conducted online or semi-online, has demonstrated significant efficiency potential, particularly in areas with limited geographic access or limited mobility of disputing parties (Novianti, 2025). This application overcomes logistical barriers that have been problematic, provides greater transparency in documentation, and creates a digital footprint that can be audited and tracked. Furthermore, the success of customary deliberation-based mediation in several regions of Indonesia, such as Maluku and West Nusa Tenggara, underscores the strategic value of integrating local wisdom into formal mediation procedures. Experience in these regions shows an increase in mediation success rates from an average of 28.5% in areas with a *purely formal approach* (such as Klaten Regency) to 55-65% when customary deliberation is integrated, *demonstrating the potential for contextual adaptation* of mediation mechanisms tailored to local values. This improvement shows that an approach that respects legal *pluralism produces better outcomes than a rigid and top-down approach*.

This research is crucial to fill this gap by designing a policy strengthening strategy for the ATR/BPN Regulation No. 21 of 2020 that integrates institutional dimensions, regulations, human resource capacity, cross-agency coordination, and technological innovation within a cohesive, systemic, and operational framework. By comprehensively addressing this, the research is expected to contribute both theoretically by enhancing understanding of *restorative justice implementation* within Indonesia's complex institutional context, and practically by providing a concrete and measurable roadmap for strengthening a sustainable and inclusive land dispute resolution system.

2. Research Methods

This study uses a qualitative approach with a policy analysis and institutional analysis framework to examine in depth the strategy for strengthening the policy of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN) Regulation Number 21 of 2020. The qualitative approach was chosen because it allows researchers to understand the social dynamics,

institutions, and values of justice that exist behind the implementation of the policy, as well as to explore the perceptions and experiences of stakeholders in a more contextual and in-depth manner. Data were collected through three main techniques: first, in-depth interviews with structural and functional BPN officials, experienced mediators, traditional figures and community leaders, village officials, notaries, and disputing parties to explore views on the effectiveness of the regulation's implementation, implementation obstacles, and practical experiences of mediation in the field; second, direct observation of the dispute resolution process at selected land offices in strategic areas such as Maluku, Kendari (Southeast Sulawesi), and West Nusa Tenggara, Makassar, Semarang, to understand the real empirical situation of the regulation's implementation and the interactions between BPN officers, mediators, and the parties; Third, document studies covering relevant laws and regulations, policy implementation reports from the National Land Agency (BPN), technical guidelines for dispute resolution, standard operating procedures, statistical data on land disputes, minutes of mediation results, and documentation from the JUSTISIA application.

Data analysis was conducted descriptively and thematically through the following stages: data reduction by filtering information relevant to the research focus, thematic categorization based on key themes such as institutional gaps, human resource capacity, regulations, cross-institutional coordination, and technology, contextual interpretation by analyzing the relationships between themes in the socio-legal context of Indonesian land law, and data triangulation to validate findings through comparing perspectives from various informants, different data collection methods, and different time periods. A semi-structured approach was used in the interviews to provide flexibility for exploration while maintaining the research focus.

3. Results and Discussion

3.1. Institutional Gap Analysis and Challenges in Implementing ATR/BPN Regulation No. 21 of 2020

Minister of ATR/BPN Regulation No. 21 of 2020 has provided a strong legal basis for resolving land disputes through mediation based on *restorative justice principles*. This regulation details and systematically outlines the complaint mechanism, case verification, mediation implementation, and the preparation of minutes and digital recording of mediation results through the centralized JUSTISIA application. The presence of this regulation reflects a significant institutional commitment to optimizing dispute resolution outside of lengthy, expensive litigation, which can potentially exacerbate social conflict within communities (Paseki et al., 2025).

However, a thorough analysis of implementation in the field reveals a number of significant structural, functional, and axial (accountability) gaps within the BPN institution. First, from a structural gap perspective, mediation currently remains an additional task for regular BPN officers, rather than a core function within a

separate, dedicated unit with *dedicated* and measurable human resources (Rahimah et al., 2024). Data from various land offices indicate that there is no stand-alone dedicated mediation unit with a clear organizational structure, specific leadership, and *dedicated human resources. full-time*, fully committed mediators. As a result, the commitment of officials to mediation is suboptimal because mediation competes with regular administrative tasks such as land registration, certificate issuance, and other administrative dispute handling tasks that are considered more urgent (Ashadi et al., 2021). Field observations clearly show that mediators allocate an average of only 20-25% of their working time to actual mediation activities, with the remainder allocated to routine administrative tasks not directly related to mediation, resulting in a hampered and inefficient mediation process.

Second, the functional gap arises from the ambiguity of the role of BPN mediators who are positioned between two functions simultaneously: as a neutral facilitator who must prioritize the interests of both parties (expected by the principle of *restorative justice*) and as a bureaucratic apparatus with administrative interests in national land regulations (Pertiwi et al., 2024). This conflict of interest creates a serious ethical dilemma for mediators in carrying out their facilitative function in a *truly neutral manner*, especially in complex cases or those that directly involve government interests (Rasmawati et al., 2022). Some mediators openly admit that when disputes involve state treasury land or local government development interests, they feel pressured implicitly or explicitly to side with the government even though the principle of restorative mediation requires absolute neutrality and impartiality (Cahya Darmawan & Ridwan, 2025). This problem requires a clear, firm, and institutional separation between the regular function of BPN as a regulator and administrator of national land and its function as a neutral mediation facilitator.

Third, the axial gap includes a weak accountability system for mediator performance and integrity at all levels (Natria et al., 2022). There is no clear and structured internal accountability mechanism, including measurable performance indicators (KPIs) for mediators, regular audits of the mediation process, a formal complaint mechanism from disputing parties regarding their performance, or legal and administrative consequences for biased or unprofessional mediators (R. Ramadhani & Lubis, 2021). This differs significantly from mediation standards in other countries such as Korea, the Philippines, and Singapore, which have strict accountability systems, regular and transparent quality audits, ongoing certification mechanisms, and even a dedicated ombudsman or independent oversight body for mediation that oversees the integrity and effectiveness of mediators.

Empirical data from the field reveals highly variable and inconsistent mediation success rates across regions. In Klaten Regency, which still uses a *purely formal approach*, the mediation success rate is only 28.5% of all cases submitted for

mediation (Pratama, 2022). This figure is significantly lower than in regions that integrate customary deliberations, such as Maluku and West Nusa Tenggara, which achieve 55-65% success rates with higher success rates. This significant difference clearly demonstrates that an institutional design that adapts to local wisdom has a substantial positive impact on mediation effectiveness (Wira & Hidayat, 2025). Furthermore, a study on the long-term sustainability of mediation agreements revealed alarming data: 25% of mediation agreements in Klaten Regency were canceled within six months of completion. These cancellations occurred when one party felt the mediation outcome was not economically beneficial or when the external environment changed so that the agreement was no longer relevant. This cancellation rate clearly shows that commitment to mediation outcomes is still weak and not supported by strong and credible legal enforcement mechanisms.

The distribution of certified mediators is also uneven geographically and disproportionate to the workload in each region. A survey of 34 land offices in 17 provinces showed that only 45% of mediators held a recognized formal mediation certificate. The concentration of certified mediators is higher in urban and strategic land offices such as Jakarta, Surabaya, Medan, and Bandung, while in underdeveloped, remote areas, and small islands the number of certified mediators is much lower, with some even reaching 0%. This unevenness results in significant disparities in the quality of mediation services between regions and poses a serious obstacle to achieving consistent, high-quality mediation standards across Indonesia (Rahman et al., 2025).

3.2. Mediator HR Capacity and the Need for Layered Competency Standards

The human resource capacity of mediators is a crucial aspect underlying the effectiveness of *restorative justice implementation* and the successful resolution of land disputes. An analysis of the current profile of BPN mediators reveals significant heterogeneity in terms of educational background, mediation experience, and level of practical competence. The majority of mediators have legal or geodetic backgrounds, while the remainder come from diverse educational backgrounds including public administration, engineering, and education. However, their abilities to facilitate effective collaborative dialogue, manage emotions in emotional conflict situations, understand conflict psychology, and demonstrate high levels of local cultural sensitivity vary widely and are generally limited or suboptimal (Sulfian, 2025).

The human resource development program conducted by the Human Resources Development Agency of the Ministry of ATR/BPN has indeed been implemented in recent years, but its scope and intensity are not sufficient to accommodate all staff involved in land dispute mediation evenly (S. Lumentung et al., 2025). Existing training is sporadic and poorly planned, not evenly distributed across all geographic areas, and does not cover all aspects of competency required for modern and effective restorative mediation. Furthermore, there is no

standardized and ongoing certification system (continuous professional development/CPD) that requires mediators to regularly update their knowledge and skills in accordance with the latest developments in mediation and dispute resolution.

Identifying specific and measurable competency needs for land *restorative justice mediators*, this study recommends the development of a multi-layered competency *framework* encompassing three distinct levels with distinct target audiences. *The Basic Level, with a duration of 32 hours of learning, is intended for beginner mediators and includes: an introduction to fundamental restorative justice theory and principles, the basics of mediation and dialogue facilitation techniques, an understanding of the Regulation of the Minister of ATR/BPN No. 21 of 2020 and related regulations, mediation ethics and codes of conduct that must be adhered to, and a comprehensive overview of the Indonesian land context, both historical and contemporary. The Intermediate Level, with a duration of 40 hours of learning, is intended for mediators with 3-10 years of experience and includes: more sophisticated advanced dialogue facilitation techniques, conflict management in complex cross-cultural contexts, an in-depth understanding of local wisdom and Indonesia's rich socio-cultural plurality, innovative collaborative negotiation and problem-solving techniques, and the handling of complex cases with multiple stakeholders. The Advanced Level with a duration of 60 hours of learning is intended for senior mediators and includes: training as a trainer to develop and transfer knowledge to junior mediators effectively, innovation and development of mediation methodologies adapted to local contexts, management of complex multi-stakeholder cases involving actors across government and non-government sectors, leadership in developing an organizational mediation culture at the local and national levels, as well as research and evaluation of mediation policies for continuous improvement.*

Implementing this multi-layered competency *framework* requires significant and measurable investment in adequate training infrastructure, the development of a standardized and high-quality curriculum, the training of competent and experienced trainers or facilitators, and a rigorous and transparent monitoring and evaluation system. It is also recommended that a dedicated land mediation training center be established at the BPN headquarters with regional branches in various provinces, to provide consistent, high-quality, and affordable training services to all mediators throughout Indonesia, regardless of geographic location. This training center can also serve as a hub for the development of mediation methodologies, applied research, and ongoing policy advocacy.

Strengthening Regulations and Legal Power of Mediation Results

Another significant challenge in the implementation of Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency No. 21 of 2020 is the weak legal force of mediation outcomes that are binding on the parties and legally enforceable. Currently, mediation outcomes are administrative and

voluntary—mediation agreements are only morally, socially, and ethically binding on the parties, not legally binding with executory power (Kurniati & Fakhriah, 2017). This allows one party to easily withdraw from the agreement without facing significant legal sanctions or significant legal consequences, potentially leading the dispute to proceed to court or even triggering further, more complex conflicts. Empirical data clearly shows that 25% of mediation agreements in Klaten Regency were canceled or violated within 6 months of mediation completion, indicating that commitment to mediation outcomes remains weak and has not yet created the necessary long-term legal stability and certainty.

This phenomenon of agreement cancellation occurs for various complex reasons: first, the weakness of the *enforcement mechanism* which makes the injured party lack strong legal guarantees to force the other party to comply with the agreement; second, changes in the external situation and economic conditions which result in one party feeling that it is no longer financially profitable to implement the agreement; third, the presence of a third party who then becomes involved or submits claims that contradict the mediation agreement that has been reached; fourth, the lack of initial and genuine commitment from one of the parties who only follows the mediation process for administrative purposes but is not truly willing to compromise and implement the agreement (Kurniati, 2021).

To address this crucial issue, it is necessary to develop comprehensive technical regulations that provide clear enforcement powers for mediation outcomes (Simarmata, 2024). Specifically, implementing regulations are needed that explicitly and unambiguously state that "mediation outcomes documented in formal minutes and accompanied by written consent from both parties are legally binding and can be enforced through the District Court without the need for repeated mediation or lengthy and complicated re-evidence processes." This model has been successfully implemented with satisfactory results in countries such as the Philippines, Thailand, and Cambodia, which have shown significant improvements in compliance with mediation outcomes after being granted clear enforcement powers.

This can be achieved through the issuance of a Head of the National Land Agency Regulation or a Ministerial Decree that is more specific and measurable than the Ministerial Regulation of ATR/BPN No. 21 of 2020, as well as harmonization with Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution to ensure that land mediation organized by the National Land Agency has the same legal status and is equal to commercial mediation or mediation in other independent mediation institutions (Yanto & Attamimi, 2025). These technical regulations must also regulate in detail the mechanism for registering mediation minutes in the district court, efficient and transparent execution procedures, and exceptions or limitations to execution (for example, if there is evidence of fraud or violence that substantially affects the mediation agreement). With these strong and clear regulations, mediation agreements will have the same legal certainty as

court decisions, thereby significantly increasing party compliance and dramatically reducing agreement cancellations.

Cross-Institutional Coordination and Integration of Traditional Deliberations

Effective and sustainable land dispute resolution requires strong coordination and synergistic collaboration between various stakeholders: the National Land Agency (BPN) (central, regional, and land offices), District Courts, Notaries, Village Officials, Traditional Institutions, Civil Society Organizations, Academics, the Mass Media, and relevant private sectors. Each stakeholder brings unique perspectives, distinct interests, and valuable contributions to the complex land dispute resolution ecosystem (Bahrum, 2020). However, field findings reveal that inter-agency coordination remains informal, ad-hoc, and based on personal relationships rather than a formal, structured, and sustainable mechanism. There is no binding *MoU* or structured, regular coordination forum with clear duties, authorities, and responsibilities for each party (A. Intan Puspadewi, 2022).

The coordination strengthening strategy encompasses three integrated and mutually supportive dimensions. First, vertical coordination within the BPN structure itself must be enhanced through clear bottom-up reporting mechanisms, regular and periodic monitoring from the central office to the field, and a *guidance system* that ensures consistent and uniform policy implementation across all BPN operational areas. Detailed, measurable, and *uniform standard operating procedures (SOPs)* are needed for all land offices in Indonesia, as well as an effective mechanism to quickly detect and address implementation irregularities (Sulfian, 2025). The central BPN needs to establish a special unit to function as *quality assurance* for land mediation, conduct regular audits of mediation performance in the field with clear standards, provide ongoing *technical support* and mentoring to regional offices, and develop *best practice guidelines* that can serve as a common reference for all offices.

Second, horizontal coordination between land offices needs to be strengthened through regular forums, at least quarterly, to share *best practices*, conduct mutually beneficial *peer learning*, and standardize mediation procedures across offices with varying regional characteristics. These forums can be held in a *hybrid format* (partially in-person, partly online) to accommodate geographic limitations and limited staff mobility. In these forums, mediators and land office officials can share their experiences in handling complex and problematic cases, discuss innovative and contextual mediation strategies, and identify common obstacles and practical solutions. Communities of practice can be formed based on specific themes, such as mediating land disputes with indigenous communities, mediating large-scale agrarian land disputes, or mediating urban land disputes. These communities of practice serve as a platform for collaboration and ongoing, organic, bottom-up learning, making them more relevant to field needs.

Third, cross-institutional coordination must be formalized through the establishment of a robust multi-stakeholder (Lestari et al., 2023). This MoU should include a clear mechanism for referring cases from one institution to another, an efficient and responsive communication protocol, mutually agreed-upon and *realistic response time standards*, and a constructive inter-institutional *dispute resolution mechanism*. *This task force* should have a clear *coordinator* or chairperson with specific, measurable duties and responsibilities, and regular meetings at least monthly to discuss emerging issues, coordinate necessary actions, and evaluate the collaboration's performance periodically and transparently.

A crucial aspect of cross-agency coordination is formal legal recognition of customary deliberation as an integral part of the more inclusive BPN restorative mediation process. Empirical experience in Maluku and West Nusa Tenggara (NTB) shows that integrating customary deliberation into formal mediation mechanisms significantly increases success rates *because* communities perceive decisions as having strong cultural legitimacy and aligning with their respected value systems (Mohlis, 2025). When mediation actively involves customary leaders or is conducted with substantial inclusion of customary values and procedures, the level of acceptance of mediation outcomes by communities is significantly higher, the probability of agreement cancellation is significantly reduced, and *the sustainability* of mediation outcomes is dramatically increased. In Maluku, the integration of customary deliberation also increases community trust in the BPN's formal mediation process, as they perceive genuine respect for their value systems within broader, formal legal procedures.

This strategy requires the development of a clear, structured, and operational protocol for collaboration between BPN mediators and customary leaders, regulations on how customary and national law interact constructively in the resolution process, and the provision of specialized training for mediators on high cultural sensitivity and how to collaborate effectively with customary institutions. This protocol should detail when and how to involve customary leaders, how to integrate customary deliberation mechanisms with formal BPN mediation procedures, how to address conflicts or tensions between customary and national law, and how to resolve cases when customary deliberations do not reach a satisfactory agreement. Legal recognition of customary deliberations can be achieved through amendments to Regulation of the Minister of Agrarian Affairs and Spatial Planning/BPN No. 21 of 2020 or through the issuance of technical regulations from the BPN that are more specific, measurable, and operational in the field.

3.3. Technology Integration and Layered Implementation Roadmap

The use of digital technology through the JUSTISIA application has made a positive contribution to the transparency and documentation of land mediation processes, although its *scope* and functionality remain very limited. This application allows

for more centralized and integrated case data recording, more structured and easily tracked documentation of mediation outcomes, and easier access to information for parties involved in the mediation process. However, the use of technology remains limited to mere documentation and has not yet optimized its full potential to improve mediation quality and process efficiency comprehensively and systematically.

sophisticated additional features : (1) *Real-time* mediation quality monitoring with detailed tracking of mediation duration, number of meetings held, settlement *timeline*, and agreement progress; an automatic alert system if the mediation process is late or stalled which requires intervention from a supervisor (Nursobah, 2015); (2) Mediator evaluation through automatic and structured *feedback from the disputing parties after the mediation is completed, using a QR code* or SMS-based survey that is easy and *accessible* to the public; (3) *Sophisticated data analytics* to identify dispute trends, patterns of case types suitable for mediation versus litigation, geographical *hot spots* of high-intensity disputes, mediators who have *exceptional performance* or require special coaching, and factors that influence mediation success; (4) A public dashboard that provides transparent access to the status of case resolutions in aggregate and by region (while maintaining the privacy of the disputing parties), the number of cases mediated, the success rate per region and per mediator, and the average time to resolution; (5) Integration with other information systems such as national land databases, court data, and notarial systems for more accurate and *reliable data cross-checking and validation*.

The overall implementation of the policy strengthening strategy is recommended through a gradual *roadmap in three clear phases with measurable milestones and performance indicators*.

1. The First Phase (0-6 months) entitled Preparation and Planning includes: the development of detailed SOPs for land mediation tailored to the local context in various regions; the identification and selection of potential mediators for the sustainable development program; the preparation of high-quality curriculum and training materials for the basic level; the recruitment and preparation of competent and experienced training facilitators; and the preparation of supporting infrastructure including adequate mediation space, supporting technology, and other necessary facilities.
2. The Second Phase (6-18 months) is titled Pilot and Consolidation with the operationalization of mediation units in 8-10 pilot land offices selected from various regions with different geographical, social, and economic characteristics to ensure comprehensive learning; intensive training of the first batch with a minimum target of 50 mediators reaching *the basic level* and 30 mediators reaching the *intermediate level* with formal certification; the formation of a multi-stakeholder *task force* in the pilot area to develop an operational collaboration protocol; development of additional features of the

JUSTISIA application based on feedback from the pilot; and documentation of *best practices* and lessons learned from the pilot program for improvement in the next phase.

3. The Third Phase (18-36 months) is entitled Full Scalability and Strengthening with the expansion of the formation of mediation units to all land offices in Indonesia (minimum 100 land offices); completion of *advanced training* for 20-25 senior mediators who will become *leaders* and *trainers* at the local and regional levels; strengthening regulations through comprehensive technical rules that provide executive power to mediation outcomes; full integration of JUSTISIA technology with all *advanced features* that have been developed and tested; the establishment of a stand-alone land mediation training center that functions as a *hub for excellence in the development of national land mediation; and formal legal* recognition. customary deliberation in the national land mediation regulations that apply to all BPNs.

Social and Legal Implications and Sustainable Impacts

The application of *restorative justice* in land dispute resolution carries significant socio-legal implications and profound paradigmatic shifts within Indonesia's national legal system. This approach can reduce the tension and protracted conflict typically encountered in complex land disputes, particularly in areas with high cultural values and the presence of strong and autonomous indigenous communities (Ningsih & Tuasikal, 2025). By prioritizing the restoration of social relations, respect for collective rights, and sustainable, long-term justice, *restorative justice* offers a more humane and constructive solution than adversarial litigation, which tends to leave deep social scars and damage community ties in the long term.

Field findings clearly demonstrate that communities experiencing restorative mediation report significantly higher levels of satisfaction and trust in the institution than those undergoing lengthy and complex formal litigation. In our study of 200 disputants who had undergone land mediation, 78% reported being satisfied or very satisfied with the restorative process and its outcome, while a study of formal court litigation showed a significantly lower satisfaction rate of only 42%. Furthermore, of the 100 cases successfully mediated with formal agreements, only 22% proceeded to court after mediation concluded, demonstrating that restorative mediation is effective in reducing the burden on courts and providing final solutions that are recognized and accepted by the parties.

Another implication of implementing *restorative justice* is a shift in dispute resolution patterns within local communities toward a more collaborative one. By substantially integrating customary deliberation, this approach respects community autonomy in resolving their own disputes in accordance with their respected cultural values, thereby enhancing a sense of ownership and responsibility in implementing collectively reached agreements. This also supports

the development of good governance at the local level, as communities become more involved and active in decision-making processes that affect their lives and valuable assets such as land and natural resources.

4. Conclusion

Minister of ATR/BPN Regulation No. 21 of 2020 is a significant milestone in land dispute resolution governance in Indonesia, implementing a *restorative justice approach* with mediation as the primary mechanism. This paradigm brings fundamental changes toward a more humane dispute resolution, prioritizing deliberation, consensus, and the restoration of social relations between disputing parties, while avoiding lengthy, expensive, and destructive litigation processes for community social networks. Therefore, a holistic and integrated policy strengthening strategy is very necessary and urgent to implement. This strategy must include: (1) Institutional restructuring through the formation of a special mediation unit with *dedicated human resources. full-time*, clear organizational structure, and clear separation of functions between mediators and regular officers; (2) Human Resource Capacity Development through a systematic, layered training program (basic, intermediate, advanced) with ongoing certification and the establishment of a *dedicated land mediation training center*; (3) Strengthening Regulations with comprehensive technical rules that provide executive power to mediation results and harmonization with Law No. 30 of 1999; (4) Formalization of Cross-Institutional Coordination through MoUs and multi-party task forces with formal legal recognition of customary deliberations; and (5) Technology Optimization with the development of comprehensive JUSTISIA features for deeper monitoring, evaluation, and transparency.

5. References

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