

Analysis of the Handling of Agrarian Crimes and Public Order Disturbances in the Form of Land Grabbing and Swallow Houses in Jrahi Village, Pati Regency

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Abstract. *This study discusses the qualifications of agrarian offenses in land grabbing cases in Jrahi Village from the perspective of criminal law, as well as the role of the village government in handling and resolving agrarian offenses and disturbances to public order without causing social conflict within the village community. This research was motivated by a land grabbing case that lasted for approximately 29 years and the construction of a swallow bird house that caused disturbances to public order due to noise pollution. This study employed an empirical legal research method with a sociological juridical approach through interviews and literature studies. The results of the study indicate that the land grabbing case in Jrahi Village fulfills the elements of a criminal offense because there was an unlawful act in the form of controlling another person's land without rights, the existence of intentional conduct, and losses suffered by the legal landowner. From the perspective of criminal law, such actions can be classified as agrarian offenses. Based on the theory of legal effectiveness proposed by Soerjono Soekanto, the effectiveness of conflict resolution is influenced by legal factors, government, society, and the legal culture of the community, which still highly upholds family values and deliberation. In addition, based on the theory of legal objectives, the resolution of agrarian conflicts in Jrahi Village reflects efforts to realize legal certainty, justice, and legal benefits through deliberation and mediation. This study also shows that the village government plays an important role in maintaining public order and preventing agrarian conflicts from developing into larger social conflicts. The Jrahi Village Government seeks to resolve conflicts through persuasive approaches, mediation, and social communication in order to maintain community harmony, considering that Jrahi Village is known for its high level of social harmony as a Pancasila Village. Thus, the resolution of agrarian offenses requires not only criminal law enforcement but also social approaches, deliberation, and strengthening village regulations in order to create an orderly, safe, harmonious society and provide legal certainty for the community.*

Keywords: Agrarian; Effectiveness; Government; Legal; Offense.

1. Introduction

Land is one of the sources the most fundamental power in life man Because own function strategic as room life, source livelihood, as well as means fulfillment need social and economic. ¹In the context of law, land No only viewed as object right own, but also have dimensions related public close with interest general, order social, and justice. ²Therefore that, settings and protection law to land become part important in system law Indonesian national.

1945 Constitution of the Republic of Indonesia through Article 33 paragraph (3) confirms that earth, water and wealth nature contained therein controlled by the state and used for as big as possible prosperity of the people.³ Provision This positioning the country as the party that owns authority for arrange mastery, utilization, and use land so that it does not cause inequality as well as conflict social. ⁴In practice, the arrangement the realized through various regulation legislation in the field of agrarian, spatial planning, and order general.

In development law criminal nationally, Indonesia has set Constitution Number 1 of 2023 concerning the Criminal Code as update law criminal law that replaces the Criminal Code previously. Update This reflect existence adjustment to development social and needs law modern society. Therefore that, analysis to actions encroachment land in study This referring to the provisions of the national Criminal Code latest to suit with development applicable law.

Although thus, the problem agrarian Still be one of source the most frequent conflict happening in society.⁵ Encroachment land, dispute ownership, as well as mastery land without legitimate rights show that implementation law agrarian Not yet fully walk effective. Encroachment land is actions oppose laws that do not only violate right on land other parties but also potentially cause disturbance order general and conflict social in the environment public.⁶ Conflict kind of This often not stop at the problem law only, but develop become problem disturbing social harmony life socialize.⁷

¹ Urip Santoso, in development latest see Aditya Y. Wibowo, " Effectiveness Agrarian Law Enforcement in Settlement Land Conflict ," *Journal Rechts Vinding* , Vol. 9, no. 1, 2020.

²Rizky Kurniawan, " Conflict Agrarianism and Its Impact to Social Order ," *Socius Journal* , Vol. 9, No. 1, 2021.

³ Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia .

⁴ Ni'matul Huda, " Decentralization and Authority Government in System State Administration ," *Journal Constitution* , Vol. 17, No. 2, 2020.

⁵Taufik H. Siregar, " Law Enforcement against Land Disputes in Indonesia," *Ius Quia Iustum Law Journal* , Vol. 27, No. 2, 2020.

⁶Rizky Kurniawan, " Conflict Agrarianism and Its Impact to Social Order ," *Socius Journal* , Vol. 9, No. 1, 2021.

⁷Dian A. Putri, "Legal Culture in Settlement Disputes in Village Communities," *Journal Juridica* , Vol. 35, no. 1, 2020.

On the other hand, development activity economy society also brings up problem related laws with utilization space and land, one of them is development House bird swiftlets without permit. Nest business bird swiftlets own mark economy tall and become source promising income. However, the establishment of building House swiftlets without permission violate provision law administration, spatial planning, and potential cause disturbance environment, health, and peace inhabitant around.⁸ Therefore that, development House swiftlets without permission No only become problem licensing, but also issues order general.

Important For confirmed that encroachment land and development House bird swiftlets without permission are two events different laws, both from aspect perpetrator, location, and characteristics the law. Encroachment land including in realm offense related agrarian with violation right on land, whereas development House swiftlets without permission more dominant is at in realm violation law administration and order general.⁹ Although thus, both case the own similarities contextual, namely You're welcome impact on order general and requires handling by the government village as part from organizer government at the closest level with public.

Phenomenon this also happened in the village Jrahi, a village that are official bear predicate as Pancasila village. Predicate This reflect strong the values of Pancasila in life public village Jrahi, like tolerance interfaith religious, harmony social and cultural deliberation in finish problem. In the context of a harmonious and respectful society tall mark togetherness, emergence case encroachment land and development House swiftlets without permission become interesting phenomenon for reviewed in a way academic, because show existence tension between interest individuals and interests general.

The role of government village becomes very important in handle problem the.¹⁰ Government village own authority and responsibility answer in guard order general, facilitating settlement disputes, as well as upholding legal and social norms at the community level local.¹¹ In practice, the settlement cases in the village No always taken through track formal law, but rather often done through non- litigation approach like deliberation and mediation.¹² Approach This in line

⁸ Arif Firmansyah, " Spatial Planning and Problems Building Without Permits in Indonesia," *Journal of Environmental Law Development* , Vol. 4, No. 2, 2019.

⁹ Boedi Harsono, *Indonesian Agrarian Law* , Djambatan , Jakarta, 2008, p . 45.

¹⁰ Heru Nugroho, "The Role of Village Government in Settlement Land- Based Disputes Mediation ," *Jurnal Law Reform* , Vol. 16, No. 2, 2020.

¹¹ Constitution Number 6 of 2014 concerning VILLAGES.

¹² Rahmadi's Destiny , *Mediation Settlement Dispute through Approach Consensus* , RajaGrafindo Persada , Jakarta, 2011, p . 19.

with the values of Pancasila, in particular please fourth, and wisdom local life in public village Jrahi.¹³

2. Research Methods

Types of research This use study law empirical, namely research that examines law No only as a written norm in regulation legislation, but also as something fact social life and implementation in public.¹⁴ Study law empirical centralize attention to how law Work in practices, including How apparatus government and society understand as well as carry out provision law In the context ¹⁵of study this, approach law empirical used For study in a way direct handling offense agrarian in the form of encroachment land and disturbance order general in the form of establishment House swiftlets without permission in the village Jrahi. Research This make an effort obtain factual data about roles, authorities and mechanisms government village in handle problem laws that occur in its territory, both through action administrative, mediation, and coordination with apparatus enforcer law. With use study law empirical, research This expected capable describe suitability between provision applicable law with practice handling cases at the level village, as well as identify factors social influences effectiveness implementation law. Therefore that, research law empirical viewed appropriate for analyze handling offense agrarian and disturbance order general in effort guard order law at a time harmony social public village Jrahi.

3. Results and Discussion

3.1. qualifications offense agrarian in case encroachment land in the village Jrahi reviewed from perspective law criminal

In perspective law criminal, a actions new can categorized as action criminal if fulfil elements crimes that have been determined in regulation legislation. ¹⁶Therefore that, for determine whether case encroachment land in Jrahi Village can qualified as offense agrarian, then need done analysis to elements action existing criminal acts in actions mentioned. In addition to being reviewed from perspective law criminal, research this is also analyzed use theory effectiveness law according to Soerjono Soekanto and theory objective law to know to what extent the law capable give justice, certainty and benefit in settlement case encroachment land in Jrahi Village.

Case of encroachment land in Jrahi Village began in 1993 when owner land go wanders to outside area for work. About two months after his departure, wife

¹³ Herlina Ratna Sambawa Ningrum, " Legal Analysis of the System Settlement Justice -Based Land Disputes ," *Journal Legal Reform* , UNISSULA.

¹⁴ Soerjono Soekanto, *Introduction Legal Research* , UI Press, Jakarta, 2014, pp . 51–53.

¹⁵ Bambang Sunggono, *Methodology Legal Research* , RajaGrafindo Persada , Jakarta, 2016, p . 42.

¹⁶ Moeljatno , *Principles of Criminal Law* (Jakarta: Rineka Cipta, 2018), p . 59.

owner land get information that land owned by his family has used by other parties without permission. After return to Jrahi Village and do search, known that the controlling party land the Still own connection family, namely child lift from parents owner land. However, appointment child the No own document official and base clear law. Because of the existence of connection family and feeling of reluctance to the greater party old, owner land choose silent and not do action law during for years.

Mastery land the ongoing during not enough over 29 years. During the land controlled by the party other, owner land No get results and benefit economy from land agriculture which is legitimate is his. Proper land can used as source livelihood precisely exploited by other parties without base clear rights. Conditions the show existence action mastery land without rights exercised in a way continuously and causes loss to owner legal land.

If analyzed from perspective law criminal, elements the first one that can seen in case This is existence actions human (*handeling*).¹⁷ Element This is element main in every action criminal Because something offense only can happen if there is action real thing that someone does. In this case encroachment land in Jrahi Village, form actions the seen from action party certain people who use, control, and utilize land belonging to someone else continuously without permission from rightful owner. Act mastery land the No only in the form of use while, but rather done in term a very long time so remove right owner land for utilise the land alone. Even during land the controlled by the party other, owner land No get results and benefit economy from land agriculture said. Condition This show existence action active in the form of mastery physique on land other people's property that is done in a way continuously.

Apart from the existence of element actions human, element next thing to do analyzed is element oppose law (*wederrechtelijk*). In law criminal, actions it is said oppose law if contradictory with provision regulation legislation and violate protected rights of others law.¹⁸ According to Moeljatno, the nature of oppose law is element important in action criminal Because something actions No can convicted if No contradictory with applicable law. In case encroachment land in Jrahi Village, nature oppose law seen from action mastery land without existence right or permission from owner legitimate land. Based on results interview, the party in control land No own certificate, letter ownership, as well as proof other laws that can made into base mastery land. Control land only based on relationships family Because party the is child lift from parents owner land. However Thus, the relationship family No can made into base law for control land

¹⁷Ahmad Redi, " Law Enforcement against Land Control Without Rights Based on Government Regulation in Lieu of Law Number 51 of 1960," *Journal Rechtsregel* , Vol. 4, no. 1 (2021): 55.

¹⁸R. Sugandhi, *Criminal Code and its Explanation* (Yogyakarta: Deepublish , 2019), p . 42.

belonging to someone else, especially Again No there is document official about appointment child and transition right on land the.

Due to that, action mastery land the can categorized as actions oppose law Because contradictory with right ownership on land owned by the victim. Elements oppose the law is also visible from disappearance right owner land for master, use, and enjoy results the land Alone during for years. With Thus, the action the No only violate law agrarian, but also detrimental right civil law owner land. In addition to the elements actions and traits oppose law, in law criminal law must also be proven existence element error (*schuld*), especially intention (*dolus*). Element intentionality is very important Because somebody only can convicted if do actions with aware and knowing consequence from his actions. In case encroachment land in Jrahi Village, elements intentional can seen from action permanent party control land although know that land the No his. Mastery land done in a way continuously in a very long time without existence permission from owner legal land. Apart from that, the party in control land also not Once make an effort return land or give results management land to the rightful owner. This show existence will and consciousness for still maintain mastery on land belonging to someone else. Intentional the more seen Because perpetrator still cultivate and utilize land for interest personal although know that land the own rightful owner.

In perspective law criminal agrarian, action the can associated with Regulation Government Replacement Constitution Number 51 of 1960 concerning Prohibition Land Use Without Appropriate Permission or His power.¹⁹ Regulation the confirm that use land without permission from entitled party is prohibited and permissible actions subject to sanctions criminal provisions that is basically aim give protection law to right mastery land so that it does not used in a way arbitrarily by other parties. Additionally, action mastery land without rights can also be associated with provision in the Criminal Code, in particular related articles with mastery land or goods belonging to someone else oppose law. Therefore that case encroachment land in Jrahi Village No only own dimensions civil law, but also contains element criminal offenses that can be qualified as offense agrarian.

If reviewed more further, mastery land without right in case this can also categorized as action criminal continues. This Because mastery land done in a way continuously in One series the same will and continues in term a long time, namely not enough over 29 years old. In law criminal, act criminal continue is actions taken in a way repetitive or Keep going ongoing so that the consequences that arise also take place in a way continuously. In case this, the consequences that arise in the form of disappearance right owner land for use and enjoy results the land Alone during for years. In addition to fulfilling elements action criminal in perspective law criminal, case encroachment land in Jrahi Village can also be analyzed use theory

¹⁹Dian Aries Mujiburohman, " Problems Land Disputes and Their Resolution in Indonesia," *Jurnal Rechts Vinding* , Vol. 10, no. 1 (2021): 78.

effectiveness law according to Soerjono Soekanto. According to Soerjono Soekanto, effectiveness law influenced by five factors, namely factor law, factors enforcer law, factors means or facilities, factors society, and factors culture law.²⁰ Fifth factor the each other related in determine succeed or whether or not something rule law implemented in society.

The first factor is factor law That alone. In case encroachment land in Jrahi Village, actually has there is rule the laws that govern about prohibition mastery land without rights, good in law agrarian and law criminal provisions the can found in UUPA, PERPU Number 51 Years 1960, as well as provision in the relevant Criminal Code with mastery land in a way oppose law. However, even though rule law has available, mastery land without right still ongoing during dozens year. This show that existence rule law just Not yet Enough if No followed with implementation and enforcement effective law.

Second factor is factor enforcer law. In case this, the government village own role important in help settlement conflict between second split parties. Based on results interview, government village do mediation so that the problem encroachment land No develop become more conflict big. Mediation steps the show existence effort settlement conflict in a way peace for guard order and harmony public village. Apart from the government village, officials the police also have role in the enforcement process law Because conflict the Finally enter to realm law after existence report from the previous party control land. In condition said, the officer enforcer law must capables behave objective and seeing base ownership land based on tool valid evidence. This is important Because conflict agrarian often not only viewed as problem criminal, but also related with aspect civil and administrative land.

The third factor is factor means and facilities. In case encroachment land in Jrahi Village, the existence of certificate right on land become very important means in give certainty law to owner land. Certificate the become tool strong evidence in prove right ownership on land so that the victim finally can return master and cultivate the land as land agriculture. With Thus, the administration good land own role important in prevent occurrence conflict agrarian in society.

The fourth factor is factor society. In case encroachment land in Jrahi Village, factors society has a big influence the way settlement conflict. The victim chooses silent during not enough over 29 years Because there is a feeling of fear, reluctance and consideration connection family with the controlling party land said. Attitude the show that awareness law public Still influenced by relationships social and cultural strong family. In life public rural, relationship family often more prioritized compared to settlement through track law. Society tends to avoid conflict open

²⁰ Soerjono Soekanto, *Factors that Influence Law Enforcement* (Depok: Rajawali Pers, 2020), p . 12.

Because worry can damage connection social between residents. However, the conditions the precisely can cause mastery land without right ongoing in a long time and cause uncertainty law. This is show that effectiveness law is also greatly influenced by the level of awareness law public in maintain and protect his rights.

The fifth factor is factor culture law. Jrahi Village known as a village that upholds tall mark harmony social until set as a Pancasila Village. Predicate the show that Jrahi Village community own culture deliberation, tolerance, and life harmonious society between citizens. Culture law a more diverse society put forward settlement in a way peace seen from step government the village that does mediation to second split party before problem develop become more conflict big. Completion through mediation is form implementation the values of Pancasila, in particular please deliberation for consensus in life public village.²¹ However, the culture guard harmony social on the other hand can cause public reluctant fight for right the law in a way firmly. In case this, the victim chooses silent during years to maintain connection family although right on the land has harmed. With thus, culture law public own enormous influence to effectiveness enforcement law in case agrarian. In addition to being analyzed use theory effectiveness law, case encroachment land in Jrahi Village can also be reviewed based on theory objective law. According to Gustav Radbruch, the purpose of law consists of on three elements main, namely justice, certainty law, and benefits.²² Third element the must walk in a way balanced in enforcement law so that the law can give optimal protection to public.

From the aspect justice, case encroachment land in the village Jrahi show that owner land in the end get return his rights on land that has been for years mastered other party. Return right on land the is form protection law to right public on ownership land. However, if analyzed more deep, the real victim has experience injustice Because lost right manage the land during not enough over 29 years without get results and benefit economy from land mentioned. In addition to the losses economy, victims also experience pressure psychological due to fear and reluctance to party the ruling family the land. Condition the show that conflict agrarian No only cause loss material, but also has an impact to life social and psychological society. Therefore that, justice in case agrarian No only measured from return land to rightful owner, but also of protection to rights public during the completion process conflict ongoing.

From the aspect certainty law, existence certificate right on land become very important factor in settlement case this. Certificate right on land is tool strong evidence regarding physical data and legal data land as arranged in law land

²¹ Rinitami Njatrijani, " Mediation as Alternative Settlement Dispute Land in Indonesia," *Journal Legal Issues* , Vol. 50, No. 2 (2021): 170.

²² Bernard L. Tanya, *Legal Theory: Strategies of Order Humans Across Space and Generations* (Yogyakarta: Genta Publishing, 2019), p . 130.

national. In case encroachment land in Jrahi Village, certificate on behalf of the victim to become base main in prove Who parties who are legitimate own right on land the.

Existence certificate the give certainty law to the victim until the final victim brave attend the police examination process and maintain his rights on land. This is show that system registration land own role important in create protection law for society and prevent occurrence mastery land in a way oppose law. Besides justice and certainty law, purpose law is also related with benefit. In case encroachment land in Jrahi Village, settlement conflict through mediation carried out government village give benefit in guard harmony society. This become important because Jrahi Village known as a Pancasila Village that upholds tall mark unity, deliberation, and life harmonious society between residents. Settlement through mediation done so that the conflict land No develop become more disputes big and annoying order public village. In society rural, conflict the land is very easy develop become conflict social Because involving connection family and relationships social between citizens. Because of this that, approach deliberation be one of the way it is considered capable guard stability social public.

However Thus, the solution in a way peace still must notice certainty law and protection to right public. The only solution peace - oriented without give certainty law precisely can cause conflict only later day. In case this, certainty law new truly seen after the victim can prove ownership land through certificate right on the land he owns.

Based on description said, the case encroachment land in the village Jrahi basically can qualified as offense agrarian Because there is actions mastery land without rights exercised in a way oppose law and give rise to loss to owner legal land.²³ The action fulfil element action criminal Because there is element actions human, element oppose law, elements intentional, and existence consequence in the form of disappearance right owner land For master and utilize the land myself. In perspective law criminal agrarian, control land without permission from entitled party contradictory with provision in Regulation Government Replacement Constitution Number 51 of 1960 concerning Prohibition Land Use Without Appropriate Permission or His power. Additionally, action it also contradicts with principles protection right on land in law agrarian national guarantee existence certainty law for holder right on land.

Reviewed from theory effectiveness law according to Soerjono Soekanto, case This show that effectiveness law influenced by factors society and culture law. The society that still prioritize connection family and respect causing the victim not to quick fight for his rights through track law. As a result, control land without right

²³ Nurhasan Ismail, " Legal Protection of Land Rights in National Agrarian Law System ," *Ius Quia Iustum Journal* , Vol. 27, No. 2 (2020): 240.

ongoing in a long time and cause uncertainty law. Meanwhile that, if reviewed from objective law, settlement case this is the end has reflect existence certainty law through proof certificate right on land, creation benefits through settlement in a way mediation, as well as realization justice Because land can return to the rightful owner. However thus, justice the Not yet fully optimal because the victim remains experience loss during for years consequence mastery land without right.

3.2. Roles and mechanisms government village in handle and resolve offense agrarian and disturbance order general without cause conflict social in the middle public village

Based on the role of government village in handling offense agrarian and disturbance order general is basically very important Because government village is institution the closest government with society. In life public rural, government village No only functioning as implementer administration government, but also has not quite enough answer guard peace, harmony social, and complete various problems that occur in the environment society. Because of this that, when happen conflict agrarian and disturbance order general, society in general more formerly complain problem the government village before go through track formal law. In the context of offense agrarian, government village own position strategic Because government village know condition social society, history ownership land, relationship between citizens, as well as situation environment village in a way directly. This cause government village often become party first to receive reports and efforts finish conflict land through approach deliberation. Settlement through government village considered more effective in guard connection social society so that conflict No develop become dispute prolonged and action criminal offenses that can be bother peace public village.

Apart from the conflict land, government the village also has role important in handle disturbance order common occurrences consequence activity public and activity business certain. Disorders order general can in the form of noise, dispute between citizens, use land that causes anxiety society, as well as activity disruptive development comfort environment around. In society rural areas that have connection social close, interference order general that is not quick completed potential cause conflict social and division between residents.

The role of government village in settlement conflict in essence more put forward approach persuasive and deliberative approach the done Because public village generally Still uphold tall mark family, mutual cooperation, and harmony social. Because of that that, the government village make an effort become mediator between disputing parties so that the problem can be resolved can completed in a way peace without cause hostility in the environment society. In practice, the mechanism settlement conflict by the government village usually started with reception report or complaint from society. After accept report, government village do search and clarification to problems that occur. Next government village

bring together disputing parties through a deliberation forum or mediation to seek solution together that can accepted by all parties. Mechanism the show that government village own function important as a social mediator in guard stability and order public village. Under construction offense agrarian and disturbance order general, government village basically own role important as the party that guards balance between enforcement law with harmony social society. This becomes important Because conflicts that occur in society village often involves connection family, closeness social, as well as connection between residents who have intertwined in long time. Because of that that, if settlement conflict done in a way No right, then can cause division social and disturbing peace public village.

Mechanism settlement carried out government village generally more prioritize approach deliberation compared to settlement in a way repressive. Deliberation chosen Because considered more capable guard connection Good between residents and avoid conflict open to the community. In the deliberation process said, the government village play a role as a mediator who provides chance to each party for convey opinions, complaints, and his demands in a way open. With the existence of a deliberation forum, community can look for solution together without must direct bring problem to track court or criminal proceedings. The role of government village as a mediator is also seen in effort dampen potential conflict social that can appear consequence something problems. In many cases agrarian and disturbance order general, emotions public often easy increase Because problem the related direct with rights, comfort, and life social society. Because of this that, presence government the village is very important for guard situation still conducive as well as prevent occurrence actions that can be cause commotion or violence in society. In addition to doing mediation, government the village also has role in give education law to public about rights and obligations inhabitant in life socializing. Education the important Because Still Lots public villages that have not been understand procedure law, mechanism settlement disputes, as well as related rules with use land and order environment. Lack of understanding law public often become reason emergence prolonged conflict because each party feel most right and defend his interests Alone.

In context theory effectiveness law according to Soerjono Soekanto, role government village show that effectiveness law No only depending on the existence of regulation law only, but also influenced by factors apparatus enforcer law and society. Government village as part from apparatus government own role important in ensure that law can walk in a way effective in the middle society. Meanwhile that, society also becomes factor important Because success settlement conflict is greatly influenced by awareness law and will public for finish problem in a way peace. Apart from the factor apparatus and society, theory effectiveness the law also emphasizes importance culture law in life society. In society rural, cultural deliberation and family still very strong so that settlement conflict through further dialogue easy accepted compared to settlement of a

nature coercive. Because of this that, the government village must be capable to adapt mechanism settlement conflict with condition social and cultural society so that the solution is carried out can be accepted by all parties and not cause conflict only later day.

Implementation mechanism deliberation in settlement conflict in the village is basically reflect that government village not only operate function administrative, but also running function social in guard stability society. In life public village, peace and harmony social is very important thing Because connection between residents generally nature close and mutual related. Because of that that, the conflict that is not quick completed potential develop become dispute prolonged which can damage connection social society. In practice, the government the village must also be capable behave neutral and fair in finish conflicts that occur in society. Attitudes neutral the it is important for the community still own trust to government village as party mediator. If government village considered take sides to one of them parties, then settlement conflict precisely can trigger dissatisfaction and enlarge conflict social in society. The role of government village as the mediator is also visible in effort connect public with other authorities who have authority more continue, such as police, Bhabinkamtibmas, Koramil, and agency land. Involvement elements the important especially if the conflict that occurred start potential bother order general or contain element violation law. With existence coordination between government village and officials related, resolution conflict can done in a way more effective and permanent guard situation society to be conducive.

In addition, the government the village also has not quite enough answer for do supervision to various activity potential communities cause disturbance order general. Supervision the it is important for the government village can more fast know existence problems in society before develop become more conflict big. In many case, delay handling something problem often cause public feel No noticed so that appear tension social in the environment village. If associated with theory objective law, role government village in settlement conflict in essence aim for realize certainty law, justice, and utility for society. From the aspect certainty law, government village make an effort give clarity to problems that occur through appropriate deliberation and proof with provision law. Certainty law become it is important for the community know rights and obligations as well as No do contradictory actions with law.

From the aspect justice, government village try give equal opportunity to every party For convey opinion and defend his rights in the deliberation process. The resolution carried out No only consider interest One parties, but also pay attention to interest public in a way as a whole so as not to create a sense of injustice in the environment village. Meanwhile that, from aspect benefit, solution conflict through approach deliberation gives great benefits for public Because capable

guard connection social and prevent occurrence conflict open. Settlement in a way peace assessed more in accordance with condition public a village that is still uphold tall mark kinship and mutual cooperation. Because that, approach deliberations that were held government village can become means effective in guard order general and harmony social public village.

In context life public village, success government village in handle conflict agrarian and disturbance order general No only measured from succeed or whether or not settlement something problems, but also from ability government village guard connection social society to remain harmonious after conflict resolved. This matter become important Because public village own connection close social so that unresolved conflict completed with Good can cause hostility prolonged in the environment community. Settlement conflict through deliberation in essence is form implementation values living social in public Indonesia, in particular public rural areas that are still uphold tall principles kinship and mutual cooperation. Because that, the government village own not quite enough answer for put forward settlement of a nature peace without ignore certainty law and protection right society. In addition to functioning as a mediator, the government the village also has role important in do step preventive measures to prevent emergence conflict new in society. Preventive steps the can done through improvement supervision to use land, development business certain, as well as activity potential communities bother order general. Good supervision is very important for the government village can quick know existence problems in society and do action before conflict develop become more big.

Government villages also need increase communication with public related various activity development and use land that can be impact to environment around. Lack of communication between owner business, society and government village often become reason emergence misunderstanding and anxiety society. Because of this that, openness information and communication social become part important in guard peace public village. In addition, the government village need do evaluation to rule and related mechanisms with development and use land in the village area. Evaluation the it is important that every activity potential development cause disturbance to public can controlled since beginning through more rules clear. With existence good governance, government village can prevent occurrence conflict social consequence activity certain disturbing comfort public.

In perspective theory effectiveness law according to Soerjono Soekanto, existence clear rules supported by awareness public will greatly affect effectiveness environmental law village. The law does not will walk effective if public No understand applicable rules or if government village No do supervision optimally. Therefore that, effectiveness law in public village needs Work The same between government village, officials related, and society That alone. Meanwhile that, if reviewed from theory objective law, steps government village in finish conflict

through approach deliberation show existence effort realize benefits law for community. Settlement in a way peace capable guard order general and avoid public from conflict prolonged which can damage connection social between citizens. In addition, the government the village also tries realize justice with give room to all party for convey their respective complaints and interests in the deliberation process.

In practice organization government village, success settlement conflict agrarian and disturbance order general is also greatly influenced by the ability government village in build trust society. Trust public to government village become factor important Because public will more easy convey complaints, problems, and potential conflict if feel government village capable behave fair and giving good solution. Therefore that, the government village must capable show attitude responsive, open, and not take sides in handle every problem that occur in the environment society. Trust public to government village basically can create effectiveness settlement more conflict good. People who believe to government village tend choose finish problem through deliberation compared to use actions that can be trigger conflict open. Condition it is very important in guard stability social public villages, especially in society that still own connection close social and family ties.

In addition, the government villages also need own ability for detect in a way early various potential issues cause disturbance order general. Detection early is very important Because Lots conflict social in society started from problem small that is not quick handled with good. If government village slow respond complaint society, then a sense of dissatisfaction public can develop become more conflict big and difficult controlled.

In handling conflict agrarian and disturbance order general, government the village must also capable put forward principles caution so that every decision taken No cause problem only later day. Government village No only must consider aspect social society, but also must notice provision applicable law so that the settlement is carried out own base clear law. Therefore that, coordination with apparatus enforcer law and agency related become part important in mechanism settlement conflict in the village. On the other hand, development development and activities businesses in rural areas also cause challenge government village become the more complex. Increasing development and use land for various interest economy can cause potential conflict if no arranged with good. Because of that that, the government village need do improvement to rule village and mechanism permits so that every potential activities bother public can controlled since beginning.

Formation rule more villages clear about use land, development business, as well as order the environment is very important for prevent occurrence conflict similar later day. Rules can become guidelines for public about rights and obligations in use environment village so that created regularity and certainty law in life society.

With existence clear rules, government the village also has more basic strong in take action to activities that cause disturbance order general.

In perspective theory objective law, existence rule a village that is clear in essence aim create certainty law for society. Certainty law it is important for the community knowing the limits of permitted and prohibited actions in environment village. In addition, clear rules can also be gives protection law to public from various form harmful interference interest general. Meanwhile that, from aspect benefit, formation rule village and mechanism settlement good conflict can help create environment a safe, orderly, and harmonious society. The community will feel more comfortable in operate activity daily if there is protection to rights and peace environment they. With Thus, the existence of government village as mediator and supervisor social own a very important role in guard order general and prevent emergence conflict social in the middle public village. In addition to the formation of rule village, government villages also need increase participation public in guard order and harmony environment village. Participation society is very important Because government village No can Work Alone in supervise all over activities that occur in the environment society. Because of this that, is necessary Work The same between government village, figures community, authorities security, and citizens village so that every issues that arise can quick known and resolved in a way together. Involvement public in guard order general can also create awareness collective about importance honor the rights and comfort of others in life in society. In the context of conflict agrarian and disturbance order general, society need understand that every use land or development business No may cause loss to environment around. Awareness the it is important for the community No only interest - oriented personal, but also pay attention to interest social public in a way overall. Government villages also need do a more approach active to public through socialization and outreach law about use land, order environment, and mechanisms settlement dispute. Counseling law own role important in increase understanding public to rule law and prevent emergence actions that can be cause conflict social. Lack of understanding law public often become reason occurrence dispute Because public No know procedure and limitation law in do something activity.

In context effectiveness law according to Soerjono Soekanto, extension law and involvement public is part from factor society and culture laws that greatly influence success enforcement law. The law does not will walk in a way effective if public No understand applicable rules and no own awareness for obey law said. Because of that that, the increase awareness law public be one of step important in create order and prevent conflict in the environment village. In addition, the culture law public a village that is still uphold tall mark family and deliberation need still maintained as part from mechanism settlement effective conflict resolution conflict through dialogue and deliberation can reduce potential hostility between residents as well as guard connection social public still harmonious. However, the

solution in a way deliberation still must supported by the rules clear laws so that it does not cause uncertainty law later day. In perspective theory objective law, steps government a village that prioritizes deliberation and approach persuasive show existence effort for create benefits law for community. Settlement the conflict that occurred in a way peace capable guard stability social and prevent emergence conflict prolonged which can bother life public village. In addition, the government the village also tries realize justice with give same space to every party for convey interests and complaints in the process of completion conflict. On the other hand, certainty the law also remains become important things in settlement offense agrarian and disturbance order general. Every settlement carried out government village must still notice rule applicable law for decisions to be taken own base clear and enforceable laws accepted by society. With existence balance between approach social and approach law, government village can operate his role optimally in guard peace, order and harmony public village.

Government village in case also not direct forbid existence House swiftlets, but rather more focuses on solutions to the impacts caused, especially disturbance perceived sound public around. Approach the show that government village consider balance between interest effort and comfort society. With Thus, the solution conflict No done in a way stiff, but still notice condition social public village in a way comprehensive.

4. Conclusion

Case of encroachment land that occurred in Jrahi Village can qualified as offense agrarian in perspective law criminal Because fulfil elements action criminal in the form of existence actions oppose law, elements intentional, and losses experienced by the owner legal land. Control land without right that is taking place in term long time shows Not yet optimally effectiveness laws influenced by factors law, apparatus enforcer law, facilities and infrastructure, society, and culture law as put forward by Soerjono Soekanto. Reviewed from theory objective law, settlement case the has leading to the realization certainty law, justice, and utility law through confession to right owner legal land as well as effort capable solution guard stability social community. Jrahi Village Government own role important in handle and resolve offense agrarian as well as disturbance order general through approach deliberation, mediation, and communication social. In handling case encroachment land and development House swiftlets that cause disturbance for society, government village make an effort guard balance between enforcement law and harmony social. The solution taken show that values family, tolerance, and lively deliberation in Jrahi Village community Still functioning with Good as means settlement conflict, although still required strengthening supervision, administration, and regulation village for prevent occurrence conflict similar in the future.

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