

From the Village Hall to the Courtroom: Changing Patterns of Land Dispute Resolution in Rural Communities in Banyuwangi Regency

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Abstract

Social change, increasing land values, and the complexity of land administration have influenced how rural communities resolve land disputes. Informal mechanisms such as deliberation and local mediation increasingly interact with administrative procedures and formal litigation. This study aims to examine changing patterns of land dispute resolution among rural communities in Banyuwangi Regency and to identify factors contributing to shifts from community-based mechanisms toward formal institutions. The research employs a socio-legal approach through interviews with community members, village officials, mediators, and law-enforcement actors, complemented by analysis of land-related documents and regulations. The study argues that the shift toward formal dispute resolution does not necessarily indicate the decline of local law but may reflect changes in the nature of disputes and growing demands for formal legal certainty. Nevertheless, formal mechanisms may become less effective when costs, procedural duration, and information requirements exceed the capacity of local communities. An effective dispute-resolution system should therefore connect local mechanisms with formal institutions through clear referral, mediation, documentation, and oversight arrangements. Such integration can enhance access to justice while preserving the social functions of community-based dispute resolution. The study offers a framework for understanding legal transition in rural land governance.

[Perubahan sosial, peningkatan nilai tanah, dan kompleksitas administrasi tanah telah memengaruhi cara masyarakat pedesaan menyelesaikan sengketa tanah. Mekanisme informal seperti musyawarah dan mediasi lokal semakin berinteraksi dengan prosedur administratif dan litigasi formal. Studi ini bertujuan untuk meneliti perubahan pola penyelesaian sengketa tanah di kalangan masyarakat pedesaan di Kabupaten Banyuwangi dan untuk mengidentifikasi faktor-faktor yang berkontribusi pada pergeseran dari mekanisme berbasis masyarakat menuju lembaga formal. Penelitian ini menggunakan pendekatan sosial-hukum melalui wawancara dengan anggota masyarakat, pejabat desa, mediator, dan aktor penegak hukum, dilengkapi

dengan analisis dokumen dan peraturan terkait tanah. Studi ini berpendapat bahwa pergeseran menuju penyelesaian sengketa formal tidak selalu menunjukkan penurunan hukum lokal tetapi mungkin mencerminkan perubahan sifat sengketa dan meningkatnya tuntutan akan kepastian hukum formal. Meskipun demikian, mekanisme formal mungkin menjadi kurang efektif ketika biaya, durasi prosedur, dan persyaratan informasi melebihi kapasitas masyarakat setempat. Oleh karena itu, sistem penyelesaian sengketa yang efektif harus menghubungkan mekanisme lokal dengan lembaga formal melalui pengaturan rujukan, mediasi, dokumentasi, dan pengawasan yang jelas. Integrasi tersebut dapat meningkatkan akses keadilan sekaligus melestarikan fungsi sosial penyelesaian sengketa berbasis masyarakat. Studi ini menawarkan kerangka kerja untuk memahami transisi hukum dalam tata kelola lahan pedesaan.]

Keywords: land disputes, rural communities, dispute resolution, local law, access to justice

Introduction

Land occupies a distinctive position in rural Indonesian society because its meaning extends beyond its economic value. Land is simultaneously a productive resource, a means of livelihood, an object of inheritance, a marker of social identity, and a foundation of community belonging. Consequently, disputes over land rarely concern ownership in a purely juridical sense. They frequently involve competing histories of occupation, inheritance relationships, customary or community recognition, administrative documents, land certificates, plantation concessions, spatial planning, and claims of state authority. The complexity of these disputes means that their resolution cannot adequately be understood through formal legal doctrine alone. The question is not simply which party possesses the strongest legal title, but also how competing claims become legally recognizable, which institutions are trusted to resolve them, and how communities move between different mechanisms of dispute settlement.

Indonesia's modern agrarian regime is principally structured by Law No. 5 of 1960 concerning Basic Agrarian Principles, commonly known as the Basic Agrarian Law (Undang-Undang Pokok Agraria or UUPA). The law establishes a national framework for land rights and places land registration within the state's responsibility to provide legal certainty. Government Regulation No. 24 of 1997 subsequently elaborated the land-registration system and explicitly connected registration with the objective of providing legal certainty concerning land. This legal architecture has progressively increased the significance of administrative records and documentary evidence in determining land rights. Yet the formalization of land rights has not eliminated the social and historical dimensions through which rural communities understand land.

The persistence of locally embedded dispute-resolution practices illustrates this tension. Rural communities commonly possess their own mechanisms for addressing disagreements through deliberation, family negotiation, village intervention, religious figures, community leaders, or other locally recognized authorities. Such mechanisms may not operate as autonomous alternatives to state law; rather, they coexist with formal institutions and are often influenced by them. This condition is consistent with the socio-legal concept of legal pluralism, which challenges the assumption that law is necessarily produced by a single centralized state authority. Griffiths (1986) conceptualizes legal pluralism through the coexistence of multiple legal orders within a social field, while Merry (1988) emphasizes that normative plurality is a characteristic of modern social life rather than merely a feature of colonial or customary societies.

The village consequently occupies an ambiguous but important position in Indonesia's legal order. On one hand, the village is an administrative institution incorporated into the state structure. On the other hand, it remains a social arena in which community norms, historical relationships, and local understandings of justice continue to influence behavior. Law No. 6 of 2014 concerning Villages provides a formal institutional context for village governance while also recognizing the significance of deliberation and, particularly in customary villages, the settlement of disputes through locally embedded mechanisms. Winarsih (2017) interprets this recognition as part of a broader movement toward responsive law because the state legal system accommodates norms that have developed within communities.

Village mediation therefore occupies an important position between informal social settlement and formal adjudication. Its attraction derives partly from proximity. Parties can meet in a familiar institutional environment, explain their claims through ordinary language, and attempt to preserve social relationships without immediately entering adversarial litigation. Research on Wukirsari Village similarly identifies the institutionalization of village mediation as an important mechanism for improving access to justice because village-level institutions are closer to citizens socially and geographically (Isdiyanto and Asmorojati 2021).

However, accessibility does not imply unlimited authority. Village institutions generally cannot replace the legal functions of land-registration authorities or courts when disputes require authoritative determinations concerning registered rights, administrative decisions, or complex questions of legal title. This limitation becomes increasingly important because the character of rural land disputes has changed. Land values, investment, infrastructure development, plantation activity, spatial planning, land registration, and agrarian-reform policies have increased the legal and economic consequences of land ownership. A dispute that once could be addressed through a community agreement may become significantly more difficult when it concerns a registered certificate, a plantation right, a state concession, or a spatial-planning designation. At that point, the dispute

is no longer only a social disagreement between community members. It becomes a contest over institutional authority and legally recognized evidence.

Banyuwangi Regency provides an especially productive setting for examining this transformation. The regency has experienced significant agrarian conflicts in which community claims have interacted with formal state and corporate claims. The Bongkoran conflict, for example, has been analyzed as a conflict involving a duality between state law and folk law. Sholahudin, Siahaan, and Wiratraman (2020) demonstrate that government and corporate actors relied primarily on formal legal claims, whereas local communities relied heavily on socio-historical claims concerning long-term communal occupation and use.

The significance of this finding extends beyond Bongkoran because it reveals how different parties can enter the same dispute with fundamentally different understandings of what makes a land claim legitimate. The Pakel conflict provides a further illustration of the transformation of rural land disputes. Setiawati et al. (2025) show that changes in agrarian policy altered patterns of land ownership and control in Pakel Village and contributed to a prolonged conflict involving the local community and PT Bumi Sari. Their historical analysis demonstrates that contemporary land disputes cannot always be explained solely through present-day legal documents because historical experiences of land control continue to shape contemporary claims.

The case is analytically important because it shows how the formalization of land governance can coexist with unresolved historical claims. The persistence of such conflicts raises a central question: why do rural land disputes increasingly move from village-based settlement toward formal administrative and judicial institutions, and what does this movement mean for the continuing relevance of local law?

This article argues that the movement from the village hall to the courtroom represents neither the simple failure of local dispute resolution nor the inevitable triumph of formal state law. Instead, it represents a process of legal transformation in which the institutional function of local law changes as the character of the dispute changes. At the village level, legal legitimacy is frequently constructed through social relationships, historical memory, community recognition, and deliberation. As disputes move toward formal institutions, legitimacy becomes increasingly connected to documentary evidence, procedural compliance, administrative authority, and judicial enforceability. Local law therefore does not necessarily disappear. It is reconfigured.

The article develops this argument through three interconnected propositions. First, the movement toward formal institutions constitutes institutional escalation, rather than straightforward replacement of local law. Second, land formalization produces a documentary transformation in which historical and socially embedded claims increasingly have to be translated into legally recognizable evidence. Third, this transformation generates an access-to-justice paradox: formal institutions may

provide stronger legal certainty and enforceability while simultaneously creating financial, informational, procedural, and temporal barriers for rural communities.

The article contributes to the socio-legal literature by connecting legal pluralism with the institutional trajectory of rural land disputes. Rather than treating informal and formal mechanisms as competing alternatives, it conceptualizes them as interconnected stages within a changing legal field. The article consequently proposes an integrated model in which village mediation functions as an early and accessible mechanism, documentation provides institutional continuity, administrative referral addresses matters beyond village authority, formal mediation creates an additional opportunity for settlement, and adjudication provides authoritative resolution where consensual mechanisms fail.

Literature Review and Theoretical Framework

1. Legal Pluralism as an Analytical Lens

The concept of legal pluralism provides the primary theoretical foundation for understanding changing patterns of land dispute resolution in Banyuwangi. Legal pluralism challenges the assumption that a society necessarily operates under one coherent and centralized legal system. Griffiths (1986) famously distinguishes the sociological reality of multiple normative orders from the legal-centralist assumption that legitimate law must originate from the state. Merry (1988) similarly demonstrates that legal pluralism persists within modern societies because individuals and social groups routinely operate according to multiple normative frameworks.

This theoretical perspective is particularly relevant to rural land disputes because the parties do not necessarily understand their rights through the same normative vocabulary. A community may regard long-term possession, inherited occupation, collective recognition, or historical documents as strong evidence of entitlement. A corporation or government agency may instead emphasize certificates, concessions, permits, administrative decisions, or statutory provisions. The resulting dispute is therefore not merely a disagreement about facts. It is also a disagreement about the normative criteria by which facts acquire legal significance.

The Bongkoran conflict illustrates this phenomenon particularly clearly. Sholahudin, Siahaan, and Wiratraman (2020) describe a conflict between state law and folk law in which government and corporate actors emphasized formal legal status while communities emphasized socio-historical occupation and communal use. The analytical significance of the case lies in the fact that the two sides did not simply possess different interests; they relied upon different conceptions of legal legitimacy.

Legal pluralism nevertheless should not be interpreted as meaning that all normative orders possess equal institutional power. The existence of multiple normative orders does not eliminate hierarchy. State law can possess greater coercive and administrative capacity, particularly when disputes reach formal institutions. The relevant question is therefore not merely whether multiple legal

orders coexist, but how their relative authority changes as disputes move across institutional settings.

This observation allows the concept of legal pluralism to be connected with the article's central metaphor. The movement from the village hall to the courtroom does not represent a movement from lawlessness to law. Both spaces are legally meaningful, but they operate through different forms of authority. The village hall privileges deliberation, social recognition, and relational legitimacy, whereas the courtroom privileges procedural legality, documentary evidence, and authoritative adjudication. The transition between them is therefore a transition between institutional configurations of legality.

2. The Village as a Semi-Autonomous Legal Field

Moore's (1973) concept of the semi-autonomous social field further clarifies the position of the village. A semi-autonomous social field can generate norms and mechanisms of enforcement internally while simultaneously being subject to external legal influence. This concept is particularly appropriate for rural communities because village-level institutions possess meaningful capacity to structure social relations but remain embedded within national administrative and judicial systems.

The village's semi-autonomous character explains why local dispute resolution can be effective in some circumstances but inadequate in others. When a dispute concerns neighboring farmers with long-standing social relationships, village mediation can draw upon knowledge unavailable to distant institutions. Community members may know the history of a parcel, the identities of previous occupants, or the circumstances under which a boundary was established. Such social knowledge can facilitate settlement because the mediator operates within the same social field as the disputants.

Yet the same social embeddedness can become problematic where disputes involve substantial power asymmetries. A village official may possess social authority but lack institutional independence. Local mediation may also be influenced by kinship, political relationships, economic dependency, or social hierarchy. Consequently, local settlement should not be idealized simply because it is informal.

The appropriate analytical position is therefore neither to romanticize village law nor to dismiss it as legally irrelevant. The village should be understood as a semi-autonomous legal field whose dispute-resolution capacity is valuable but institutionally bounded.

3. Land Registration and the Documentary Transformation of Claims

The formalization of land rights produces a significant transformation in the way claims are articulated. The UUPA establishes the legal foundation for land registration, while Government Regulation No. 24 of 1997 elaborates registration as a mechanism for providing legal certainty. Land registration does more than

create records. It changes the epistemology of land disputes. Once rights are formally registered, documentary evidence becomes increasingly important in determining which claims can be recognized by administrative institutions and courts. Historical possession may remain relevant, but its significance often depends on whether it can be connected to legally recognized forms of evidence.

This process creates what this article calls the documentary transformation of rural land claims. Community members who previously relied on oral histories, customary recognition, inherited occupation, or village records increasingly face the need to translate those forms of knowledge into documentary evidence. Such translation can strengthen rights when communities succeed in formalizing their claims, but it can also disadvantage groups whose historical relationship with land was never adequately documented.

The transformation is therefore ambivalent. Formalization can reduce uncertainty, prevent competing claims, and improve the enforceability of rights. At the same time, it can privilege actors who possess greater administrative resources and legal knowledge. The problem is not documentation itself, but unequal capacity to produce, preserve, interpret, and mobilize documentation.

4. Village Mediation and Access to Justice

Village mediation occupies a distinctive position in this legal transformation. Lestari, Ilwan, and Cahyowati (2019) describe a village-head-based land-dispute process involving complaints, summonses, deliberation, and the formulation of a written peace agreement. Their analysis demonstrates that village-level settlement can have a recognizable procedural structure even when it does not possess the same authority as formal adjudication.

Isdiyanto and Asmorojati (2021) similarly argue for strengthening village mediation as an institution capable of improving access to justice. These perspectives suggest that the distinction between "informal" and "formal" should be treated cautiously. Village mediation may be informal relative to courts, but it can still involve procedures, documentation, institutional roles, and normative expectations. The principal limitation concerns enforceability. A village agreement may be socially powerful but legally insufficient when the dispute concerns rights that only a competent administrative or judicial institution can determine. This limitation does not make village mediation ineffective. Instead, it demonstrates the need for a referral mechanism that connects local settlement with formal institutions.

5. Formal Mediation and Institutional Continuity

The institutionalization of mediation within the Indonesian judiciary provides an important bridge. Supreme Court Regulation No. 1 of 2016 recognizes mediation as part of judicial dispute resolution and explicitly connects it with broader objectives of access to justice and simple, speedy, and low-cost proceedings.

The existence of court-connected mediation suggests that mediation and adjudication should not be treated as mutually exclusive. Mediation can operate within a formal institution while retaining its consensual character. This creates the possibility of institutional continuity: a dispute can begin with community deliberation, be documented at village level, proceed to administrative review, and later enter formal mediation without requiring the parties to abandon the social history of the dispute.

This institutional continuity is central to the model proposed in this article. Rather than asking whether a dispute should be resolved locally or formally, the more productive question is how information, evidence, and agreements can move responsibly between institutions.

Methods

1. Socio-Legal Research Design

This study employs a socio-legal research design because the research problem concerns the interaction between legal norms and social practices. A doctrinal approach alone would be insufficient because it could identify the formal authority of land registration, village governance, mediation, and courts without explaining why communities select particular forums or how social relationships shape the resolution process.

The socio-legal approach instead treats dispute resolution as an institutional process. It asks how actors understand their claims, how they select forums, how local norms interact with state law, and how the consequences of formalization affect access to justice. The empirical component is designed around semi-structured interviews with community members, village officials, mediators, and actors involved in formal legal processes. Documentary materials are used to triangulate the interview accounts and to examine the formal legal environment within which disputes are processed.

2. Research Setting

Banyuwangi Regency was selected because its rural land conflicts provide a particularly clear illustration of the interaction between community-based claims and formal legal institutions. Bongkoran demonstrates the tension between state law and folk law, while Pakel illustrates the historical transformation of land control and the persistence of competing claims (Sholahudin, Siahaan, and Wiratraman 2020; Setiawati et al. 2025). The selection of Banyuwangi is therefore analytically oriented rather than statistically representative. The purpose is not to claim that every land dispute in Banyuwangi follows exactly the same trajectory. Instead, the cases provide an empirical setting through which broader patterns of legal transition can be examined.

3. Data Collection and Analysis

The empirical analysis combines interview materials with legal and documentary sources. Interviews focus on the experiences of actors involved in the dispute-resolution process, particularly their perceptions of village mediation, documentary evidence, institutional escalation, and formal legal procedures. Documentary analysis covers legislation, village-level records where available, land-related documents, court materials, and published studies concerning Banyuwangi's agrarian conflicts.

The data are analyzed thematically through an iterative process of identifying recurrent patterns, comparing actor perspectives, and relating empirical observations to the theoretical concepts of legal pluralism, semi-autonomous social fields, legal formalization, and access to justice. The analysis pays particular attention to moments when disputes move from one institution to another because these transitions reveal changes in the type of authority and evidence considered legitimate. Because land disputes may involve sensitive property and family information, respondent confidentiality is essential. The final empirical version of this article should specify the number of interviewees, the exact research period, village locations, sampling strategy, informed-consent procedure, and ethical safeguards. These details should be inserted from the author's actual fieldwork records rather than reconstructed retrospectively.

Results and Analysis

1. The Village Hall as the First Site of Legal Recognition

The first pattern identified in the study concerns the role of the village as the initial site in which a land dispute becomes publicly recognized as a dispute requiring intervention. This stage is significant because the parties often arrive with claims that are expressed through social and historical narratives rather than formal legal categories. A claimant may describe the land through inheritance, long-term cultivation, family history, or recognition by neighboring residents. These narratives provide a form of legitimacy that is meaningful within the community even when they do not immediately constitute conclusive evidence of legal title.

Village mediation is therefore not simply a preliminary administrative procedure. It is a process through which the community attempts to determine whether a conflict can still be contained within its own social field. The mediator's effectiveness depends partly on the ability to translate competing narratives into a form that permits compromise. Rather than asking only which party is legally correct, village deliberation may ask how the parties can coexist, whether a boundary can be clarified, whether access can be shared, or whether an inherited arrangement can be reconstructed.

This characteristic explains why village mediation can remain relevant even where formal legal institutions are available. Its value lies not primarily in its ability to produce authoritative legal judgments, but in its capacity to mobilize social knowledge that formal institutions may not possess. The village can identify

relationships, histories, and informal arrangements that would otherwise disappear from the formal record. In this sense, village mediation performs an epistemic function: it produces and preserves knowledge about the dispute.

The importance of this function is consistent with the broader literature on village mediation in Indonesia. Isdiyanto and Asmorojati (2021) argue that village mediation can strengthen access to justice because it provides a proximate institutional mechanism. Lestari, Ilwan, and Cahyowati (2019) likewise demonstrate that village-level land dispute settlement can develop recognizable procedural stages culminating in a written peace agreement. The implication is that the village should not be treated as merely an informal space outside the legal system. It is better understood as an institutional layer within a plural legal environment.

2. When Social Recognition Becomes Insufficient

The second pattern emerges when community recognition fails to resolve the dispute. This usually occurs when the land has acquired a significance that exceeds the immediate social relationship between the parties or when competing claims are supported by formal administrative documents.

At this point, the dispute changes character. The central question becomes less about whether the community recognizes a claimant and more about whether the claim can be established within the formal architecture of land law. The parties begin to mobilize certificates, historical documents, maps, tax records, inheritance documents, concessions, or administrative decisions. The dispute consequently moves from a social-relational frame toward a documentary-administrative frame.

This transformation is analytically important because it changes the criteria of credibility. A claimant who possesses strong social legitimacy may nevertheless encounter difficulty if that legitimacy cannot be translated into documentary evidence. Conversely, a party with stronger documentary resources may gain institutional advantages even where community recognition is weak.

The Bongkoran conflict provides a clear illustration. Sholahudin, Siahaan, and Wiratraman (2020) identify a contrast between formal state-law claims and community claims grounded in socio-historical occupation. The significance of the conflict is not simply that two parties claim the same land. Rather, each side constructs the meaning of ownership through a different legal vocabulary. This demonstrates why the transition toward formal institutions can be understood as a change in the epistemic structure of the dispute. The issue is not only where the dispute is heard but what kinds of knowledge are considered authoritative within that forum.

3. Institutional Escalation as a Change in Legal Strategy

The movement toward formal institutions should therefore be understood as a strategic response to the changing structure of the dispute. When parties believe that village mediation cannot produce a sufficiently authoritative result, they seek

institutions capable of generating stronger legal consequences. This does not mean that communities necessarily prefer litigation. Litigation may be costly, time-consuming, and socially disruptive. Instead, parties may escalate because the dispute itself has become more consequential. When land is connected to plantation rights, spatial planning, investment, infrastructure, or formal registration, a socially negotiated settlement may no longer provide adequate protection.

The Pakel case illustrates this process. Setiawati et al. (2025) demonstrate that transformations in agrarian policy altered patterns of land control and contributed to a conflict involving the community and PT Bumi Sari. The historical character of the dispute demonstrates why contemporary formal documents cannot be examined independently of earlier processes of land allocation and community occupation. Institutional escalation is consequently not simply a measure of the failure of informal dispute resolution. It is also a measure of the growing institutional complexity of the claim. As the stakes rise, parties require institutions capable of addressing questions that village mediation cannot conclusively determine.

4. The Documentary Turn in Rural Land Disputes

The movement toward formal institutions produces a documentary turn in which evidence increasingly becomes central to the dispute. Government Regulation No. 24 of 1997 explicitly frames land registration as a mechanism for establishing legal certainty. This legal objective is understandable because land rights require a system through which competing claims can be identified and evaluated. However, legal certainty generated through documentation has distributive consequences. The capacity to produce documentation is unevenly distributed. Government agencies, corporations, and individuals with greater financial or legal resources may possess greater ability to obtain, preserve, and interpret formal documents. Rural communities may possess extensive historical knowledge but comparatively limited documentary capacity.

The result is a potential mismatch between historical legitimacy and documentary legitimacy. The two forms of legitimacy may coincide, but they may also diverge. When they diverge, formal institutions tend to privilege evidence that can be incorporated into legally established procedures. This is not necessarily evidence that formal law is unjust. Documentary evidence serves an important function in preventing arbitrary claims and establishing predictable standards. The problem arises when the transition to documentary legitimacy occurs without mechanisms for assisting communities in translating historical claims into legally meaningful evidence. The policy implication is therefore not to reject formalization but to make formalization more participatory and institutionally accessible.

5. Formal Mediation as a Transitional Space

Formal mediation provides an important response to the limitations of both village settlement and immediate adjudication. Supreme Court Regulation No. 1 of 2016 defines mediation as a mechanism for peaceful dispute resolution and

connects it with access to justice and the principles of simple, speedy, and low-cost adjudication. Its importance lies in the fact that it creates a transitional space between relational settlement and authoritative adjudication. Parties who have already attempted village mediation may enter formal mediation without necessarily abandoning the possibility of compromise. At the same time, the process operates within an institution capable of producing legally recognized outcomes.

This suggests that mediation should be understood as an institutional continuum rather than a single procedure. Village mediation emphasizes social proximity; formal mediation emphasizes procedural recognition. The two can complement one another if information and agreements are properly documented and transferred. The absence of such continuity, however, creates institutional fragmentation. Parties may be required to repeat their narratives at each stage, and locally generated evidence may not be effectively incorporated into subsequent proceedings. An integrated system should therefore treat the village record as an institutional resource rather than as an informal document with no further significance.

6. The Access-to-Justice Paradox

The movement toward formal legal institutions creates a paradox. Formal institutions can strengthen legal certainty because their decisions carry greater institutional authority. Yet the same institutions can be difficult for rural communities to access because of cost, distance, procedural complexity, legal representation, and documentary requirements.

This paradox demonstrates why access to justice cannot be reduced to physical access to courts. A community may technically possess the right to file a case while lacking the financial or informational capacity to pursue it effectively. The implication is especially important for land disputes because the value of the disputed asset can be high while the disputants' available resources are low. A farmer may possess a potentially valuable historical claim but be unable to sustain prolonged litigation. The resulting inequality does not necessarily originate from the substantive land law itself; it can emerge from the procedural conditions through which rights are asserted. This is why village mediation remains important even in an increasingly formalized legal environment. Its value is not that it can replace the court, but that it can prevent disputes from entering costly formal processes when a fair settlement remains possible.

Discussion

1. The Village Hall and the Courtroom as Connected Legal Spaces

The central argument of this article is that the village hall and the courtroom should not be conceptualized as opposing institutional worlds. They represent different configurations of legal authority within a plural legal environment.

The village hall derives much of its authority from social proximity, local knowledge, deliberation, and community recognition. The courtroom derives its authority from formal jurisdiction, procedural rules, evidentiary standards, and the coercive capacity of the state. Neither form of authority is sufficient for every dispute.

The legal transformation observed in Banyuwangi occurs when the relationship between these forms of authority changes. Local mechanisms remain relevant, but their function shifts as disputes become more formalized. A village agreement may become evidence of the parties' conduct. A community narrative may become historical evidence. A village map may become a basis for administrative verification. A failed mediation may explain why formal adjudication became necessary. The village therefore remains part of the legal trajectory even when the dispute reaches court. This is precisely why the concept of legal pluralism is more analytically useful than a binary distinction between customary and state law. The issue is not whether one legal system survives while another disappears. The issue is how different normative orders interact and how institutional power is distributed among them.

2. Legal Formalization as Both Protection and Exclusion

Formalization should also be treated ambivalently. It provides an important mechanism for protecting rights because registered and documented claims can be enforced against competing claims. Without documentary systems, land ownership could become excessively dependent on social power or physical possession. Yet formalization can become exclusionary when communities are unable to participate effectively in the production of the documents that determine legal recognition. The documentary turn therefore has two possible consequences. It can convert uncertain possession into legally protected ownership, or it can marginalize historical claims that were never adequately documented.

The difference depends partly on institutional design. A participatory registration system that allows communities to verify boundaries, present historical evidence, challenge competing claims, and obtain legal assistance can use formalization to strengthen justice. A purely administrative process that treats documentation as self-evidently authoritative can reproduce existing inequalities. The policy objective should therefore be inclusive formalization, not formalization for its own sake.

3. Reinterpreting Local Law

The findings also suggest that local law should not be romanticized. Village-based settlement can be accessible and socially legitimate, but it may also reproduce local hierarchies. Social pressure can make genuine consent difficult, particularly when disputants possess unequal economic or political power.

For this reason, integrating local dispute resolution into the broader legal system requires procedural safeguards. Mediation should remain voluntary and impartial, parties should be able to obtain information about their legal rights, agreements should be documented, and matters beyond village authority should be referred to competent institutions.

This approach corresponds with the responsive-law perspective identified by Winarsih (2017), in which legal institutions become more legitimate when they respond to social realities while remaining compatible with fundamental legal principles. The objective is consequently not to preserve every local practice. Rather, it is to preserve the socially valuable elements of local dispute resolution—accessibility, participation, relational knowledge, and deliberation—while introducing safeguards against exclusion and unequal power.

4. Toward Institutional Articulation

The analysis suggests that the principal weakness of existing dispute-resolution arrangements is not the existence of multiple institutions but the insufficient articulation between them. A dispute may begin in the village, move to a land office, enter mediation, and ultimately reach court, but the information produced at one stage may not be systematically transmitted to the next. This fragmentation increases costs for disputants and creates the possibility that historically important evidence will be lost. An integrated model should therefore connect the institutions through four principles: early settlement, documentary continuity, institutional referral, and formal oversight.

Early settlement gives communities an opportunity to resolve disputes before costs escalate. Documentary continuity ensures that the history of the dispute is not reconstructed from zero at every institutional stage. Institutional referral recognizes that different institutions possess different areas of authority. Formal oversight ensures that local settlements remain compatible with legal rights and procedural fairness. This model does not require every dispute to proceed through every stage. Its purpose is to establish a pathway through which disputes can move proportionately according to their complexity.

5. An Integrated Model of Rural Land Dispute Resolution

The analysis leads to an Integrated Rural Land Dispute Resolution Model (IRLDRM). The model begins from the premise that effective justice requires both social accessibility and formal enforceability. At the first stage, the village functions as an early-resolution institution. The objective is not to make the village a substitute for the land office or court but to provide a first opportunity for dialogue. At this stage, the parties can clarify the factual basis of their disagreement, identify documents, and explore settlement.

The second stage is documentary consolidation. Where a dispute cannot immediately be resolved, the village should create a structured record containing the identity of the parties, the history of the disputed land, documents presented,

areas of agreement, areas of disagreement, and the outcome of mediation. The purpose is to transform local knowledge into a form that can travel across institutional boundaries.

The third stage is institutional referral. Where the dispute concerns matters beyond village authority, the case should be transferred to the competent administrative or judicial institution. Referral should be based on the nature of the legal question rather than merely on the failure of mediation. The fourth stage is formal mediation. Where litigation becomes necessary, the mediation framework established by Supreme Court Regulation No. 1 of 2016 provides another opportunity for consensual settlement. The fifth stage is authoritative adjudication. When mediation fails, the appropriate institution must determine the parties' rights according to applicable law. The existence of adjudication remains essential because some disputes cannot be fairly resolved through compromise, particularly where third-party rights, public interests, or fundamental legal questions are involved.

The model can therefore be conceptualized as a continuum:

social dispute → village mediation → documentary consolidation →
institutional referral → formal mediation → adjudication →
implementation and monitoring.

The significance of the model is not the number of stages but the principle of institutional articulation. Each stage performs a different function, and the system becomes more effective when the functions are connected rather than isolated.

Policy Implications

The proposed model has implications for village governance, land administration, legal assistance, and judicial policy. At the village level, dispute mediation should be institutionalized through clear procedures rather than depending entirely on the personal authority of the village head. This would increase consistency and reduce the possibility that outcomes depend excessively on informal relationships. Capacity building is equally important. Village officials do not need to become land lawyers, but they should understand the basic distinction between matters that can appropriately be mediated at village level and matters requiring referral to land-administration or judicial institutions. Such capacity would reduce the risk of village officials exceeding their authority while simultaneously strengthening their ability to assist residents.

Documentation should become a central component of village mediation. A written mediation record can preserve the history of the dispute, identify the evidence considered, and provide continuity if the dispute later moves to a formal institution. This is particularly important because the documentary turn identified in this study makes the ability to preserve evidence increasingly significant.

Institutional cooperation between village governments and land-administration institutions should also be strengthened. A referral mechanism that allows village records and community evidence to accompany a case would reduce duplication and lower the burden on disputants. It would also allow formal institutions to understand the social and historical context of claims without surrendering their responsibility to determine legal rights. Legal assistance represents another essential component. If formalization is to improve justice rather than merely increase procedural complexity, communities must have meaningful opportunities to understand the legal significance of documents and administrative decisions. Legal aid can therefore function not only as litigation support but as a mechanism for enabling communities to participate effectively in land formalization.

Finally, agrarian policy should recognize that land registration and dispute resolution are interconnected. Registration cannot be treated solely as a technical administrative exercise when the land being registered is already subject to competing historical claims. Participatory verification, accessible objection procedures, and early mediation should therefore accompany formalization initiatives.

Conclusion

The movement from the village hall to the courtroom captures a significant transformation in the resolution of rural land disputes in Banyuwangi Regency. Yet the transformation is not adequately explained as the replacement of local law by formal state law. The evidence instead points toward a more complex process in which different forms of legal authority coexist, interact, and change in relative importance as disputes move across institutional boundaries. At the village level, land disputes are often constructed through social relationships, historical occupation, inheritance, community recognition, and deliberation. These forms of legitimacy remain significant because they provide knowledge and social context that formal institutions may not possess. As disputes become more complex, however, these claims increasingly encounter a legal environment in which documentary evidence, administrative authority, procedural rules, and judicial enforceability become decisive.

The resulting transition can be described as a transformation from socially embedded legitimacy toward increasingly documentary and procedural legitimacy. This transformation can strengthen legal certainty, but it can also produce exclusion when rural communities lack the resources necessary to navigate formal institutions. The central challenge is therefore not whether rural disputes should be resolved locally or formally. It is how local and formal mechanisms can be institutionally connected. The Banyuwangi experience demonstrates that local law remains relevant even when disputes enter formal legal institutions. Its function, however, changes. Local knowledge can become evidence; village mediation can

become an early settlement mechanism; community narratives can provide historical context; and village documentation can facilitate institutional referral. The village hall therefore remains part of the legal trajectory even when the dispute ultimately reaches the courtroom.

This finding leads to a broader conception of access to justice. Access should not be understood as the availability of a single institution but as the capacity of disputants to move through an interconnected system in which each institution performs an appropriate function. Village mediation can provide accessibility and social legitimacy; land administration can provide documentary certainty; formal mediation can facilitate consensual settlement within the judicial system; and courts can provide authoritative adjudication when settlement is impossible. The article consequently argues for an integrated approach to rural land dispute resolution. Such an approach does not seek to preserve local mechanisms unchanged, nor does it assume that formalization is inherently progressive. Instead, it recognizes that justice in rural land governance requires an articulation of social legitimacy and legal certainty. The most effective system is therefore one in which the village hall and the courtroom are not competing destinations but connected institutional spaces within a broader continuum of rural justice.

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