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MEDIATION OF LAND DISPUTES BETWEEN PT PERKEBUNAN NUSANTARA (PTPN) VII CINTA MANIS AND RENGAS VILLAGE FARMERS, OGAN ILIR REGENCY SUMATERA SELATAN PROVINCE

Ellyza Octaleny

Universitas Diponegoro

Semarang, Indonesia

ORCID ID: 0000-0003-0605-6665

Endang Larasati

Universitas Diponegoro

Semarang, Indonesia

ORCID ID: 0000-0001-8412-1827

Sri Suwitri

Universitas Diponegoro

Semarang, Indonesia

ORCID ID: 0000-0001-8840-2837

Kismartini

Universitas Diponegoro

Semarang, Indonesia

ORCID ID: 0000-0003-3512-3679

**Corresponding author email: ellyzaoctaleny@gmail.com*

Abstract. Dispute resolution is indeed difficult to do, but that does not mean that it is impossible to materialize. The main capital of settlement through mediation is the willingness and good faith of the disputing parties to end the dispute that occurs between the two disputing parties. The purpose of this study was to analyze the mediation of land disputes between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and Rengas Village Farmers, Ogan Ilir Regency, Sumatera Selatan Province. The research method used in this research is descriptive qualitative method. Data collection techniques are by means of interviews, observation and documentation. The findings in this study are that there is no neutrality of the mediator in resolving land disputes so that the mediation fails to reconcile the two parties to the dispute. The factors that determine the success of the mediation process are volunteerism to carry out mediation, confidentiality, and neutrality of the mediator. The conclusion in this study is that mediation will work well if the parties voluntarily agree to mediate and the mediator can be neutral in resolving land disputes.

Keywords: mediation, disputes, land, plantation companies, Rengas Farmers.

JEL Classification: D74, Q24.

INTRODUCTION

Land management in Indonesia is not good enough and often causes social upheaval in the community. Social turmoil that arises in the land sector is due to the amount of land that is not balanced with the size of the community's needs, such as houses, agricultural land, mining land, industrial land and road construction as an access to distribution of community needs. According to Astuti (2011), almost all regions of Indonesia, both in Java, Sumatra, Kalimantan and Papua, have land disputes. The land dispute is in the form of reclaiming or control and taking back land by

issuing a right to cultivate (HGU) for entrepreneurs on land controlled by the people from generation to generation. A similar problem was raised by Larson (2012). Overlapping land tenure in Indonesia occurs due to legal pluralism. Legal pluralism is a situation in which two or more legal systems interact in one social life (Hooker, 1975). This situation resulted in mutual claims of land rights. According to data published by Kompas.com, land disputes in Indonesia in 2018 totaled 10802 cases, with details shown in Table 1 below:

Table 1

Number of Land Disputes in Indonesia in 2018

Types of Land Disputes	Total	
	Land dispute	Percentage
Individuals	6071	56.2
Community - Government	2866	26.53
Individual - Legal Entity	1668	15.44
Legal Entity - Legal Entity	131	1.21
Community Groups - Community Groups	66	0.61
Total	10802	99.99

Source: Kompas.com

The data published by Kompas.com shows that the most disputed individuals are 56.2% of the individuals. The dispute data is also supported by data issued by the Consortium for Agrarian Reform. According to data from the Consortium for Agrarian Reform (2018: 17) the plantation sector occupies the highest position as a contributor to agrarian conflicts by 60%. The high eruption of agrarian conflicts in the plantation sector indicates that there has been no serious effort by the government to resolve agrarian conflicts caused by policies and practices of development and expansion of plantations in Indonesia. According to the Consortium for Agrarian Reform (2018: 20), conflicts in plantation areas occur due to decisions of public officials relating to state HGU (BUMN or Pemprov assets), private HGU, due to the failure of the transmigration, HGB, HPL and so on programs that violate procedures and to date, these areas have not received full recognition from the government, and are left in a status of conflict with private and state plantation companies. Based on these data, it can be interpreted that plantation conflicts that often occur are land disputes in plantation areas between communities and plantation companies. According to the Consortium for Agrarian Reform (2018: 20), conflicts in plantation areas occur due to decisions of public officials regarding state HGU (BUMN or Provincial Government assets), private HGUs, due to failed transmigration, HGB, HPL and similar programs. violated procedures and until now the area has not received full recognition from the government, and has been left in the status of a conflict with the private sector and state plantation companies. Based on these data, it can be interpreted that plantation conflicts that often occur are land disputes in plantation areas between communities and plantation companies.

One of the dispute cases in the plantation area that has not been resolved until now is the case between PT Perkebunan Nusantara (PTPN) VII Cinta Manis Unit which manages sugar cane plantations and Rengas Village Farmers, Ogan Ilir Regency, Sumatera Selatan Province. According to the Chairman of Komnas HAM, Ihdhal Kasim (Vivanew, 2012), the clash between residents and Brimob in Ogan Komering Ilir Regency started with the construction of PT. Perkebunan Nusantara (PTPN) VII Cinta Manis Unit which forced farmers in 20 (twenty) villages from 6 (six) sub-districts in Ogan Ilir Regency to have to give up their land to be used as sugar cane plantations. The sugar cane plantation was built on community agricultural land, PT. Perkebunan Nusantara (PTPN) VII Cinta Manis evicted community plantations without adequate compensation. The eviction involved the local Brimob apparatus so that it was marked by intimidation and repressive behavior by the security forces which led to a physical clash on 27 July 2012. Land conflict between Rengas farmers and PT. Perkebunan Nusantara (PTPN) VII Cinta Manis in Ogan Ilir District, South Sumatra Province, starting in 1981. The root of the conflict was land that had been managed from generation to generation as a land preparation area by the local government at that time limiting local people's access to the land.

Conflict conditions fluctuate and there has been no resolution until now. According to Kholek's (2011) study in studying the dynamics of conflict between residents and PT Perkebunan Nusantara (PTPN) VII Cinta Manis in Ogan Ilir, it is indicated that recurring land conflicts have led to violence caused by the absence of comprehensive conflict resolution. The findings in research conducted by Kholek (2011) state that the cycle of conflict occurs when violence appears and peaks, the government handles these conflicts as a formality, then in the end the conflict is eliminated. This condition caused the conflict to become more massive and increase significantly. Conflicts between farmers and PT Perkebunan Nusantara (PTPN) VII Cinta Manis were not only in Rengas village, but also in other villages such as Betung and Seri Bandung villages. The conflict involving PT Perkebunan Nusantara (PTPN) VII Cinta Manis has been going on for a long time starting from the New Order era to the reform era, this conflict has never been resolved and seems to have been ignored without any permanent resolution. In 2019, to be precise, in March, dozens of farm workers from PT Perkebunan Nusantara (PTPN) VII Cinta Manis held a demonstration at the office of the Governor of South Sumatra Province, they demanded that the local government help resolve land dispute problems as well as farm labor wages that have not been paid by the company.

According to the head of the Ogan Ilir Peasant Movement, said that this land dispute has been going on for a long time. His party has also attempted joint mediation with the district government, but has not yet received confirmation of the dispute. Therefore, the community hopes that the government can immediately mediate and re-measure the land claimed by PT Perkebunan Nusantara (PTPN) VII Cinta Manis. Based on this description, this research will discuss how to mediate land disputes between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and farmers in Rengas Village, Ogan Ilir Regency, Sumatera Selatan Province.

LITERATUR REVIEW

Disputes are defined by The Permanent Court of International Justice (PCIJ) and International Court of Justice (ICJ) as disagreements in law or facts, views of conflict, or differences in interests between the disputing parties. The definition of this dispute was put forward in the case of the Mavrommatis Palestine Concessions. J.G Merrills has almost the same definition. J.G Merrills states that a dispute is a special disagreement regarding facts, laws or policies in which a claim or statement from one party is responded to with rejection, counter-claim or rejection by another party. Based on these two definitions, it can be interpreted that a dispute is an issue regarding a matter of fact, law or politics in which a party's claims or statements are rejected, countered or denied by the other party. An dispute will become a dispute if the party who feels aggrieved has expressed his dissatisfaction in concrete actions such as making complaints and lawsuits to the authorities. To

prevent this, an effective dispute resolution pattern is needed.

Settlement of land disputes that often occurs in Indonesia tends to use a litigation mechanism, namely settlement through courts, so that the end result of these disputes is often in favor of companies and people who have legal documents in the form of land certificates. This legal document proves ownership or rights to management over land areas. This often disadvantages the people and farmers who generally do not and do not have a certificate for the land. The people and farmers only have customary evidence such as stories or testimonies which are not recognized by the court. Based on this incident, according to Sudrajat in the journal entitled *Aspirasi Reformasi Hukum dan Penegakan Hukum Progresif Melalui Media Hakim Perdamaian Desa (Aspirations of Legal Reform and Progressive Law Enforcement through the Media of Village Peace Judges)* stated that dispute resolution is not always measured through a normative perspective, but it requires consideration and wisdom, so a persuasive and accommodative media is needed.

Based on the description above, according to Alting (2013), land dispute resolution is adjusted to the style and characteristics of the dispute itself. According to him, the original cultural view of the Indonesian people prioritizes peace, harmony, mutual cooperation, mutual assistance and tolerance, is a basic concept in dealing with a dispute, the settlement is not directly to court (litigation) but usually takes a family way outside the court, namely mediation. The mediator assists the parties in reaching consensus. It is the parties who form their agreement. The mediation process is categorized by Riskin (1987) as an informal process. According to Riskin (1987) mediation is an informal process in which a neutral third party helps others resolve their problems but does not have the power to force a solution.

Mediation is a form of dispute settlement that is held outside the court, where the disputing parties request or use assistance from a neutral third party to help resolve disputes between them. This statement is almost the same as that put forward by Fuady. According to Fuady (2003) mediation is a process of dispute resolution in the form of negotiations to solve problems through a neutral and impartial external (third) party, to help find a solution in resolving the dispute satisfactorily both parties. This mediation is different from other alternative forms of dispute resolution such as negotiation or arbitration, because in this mediation apart from presenting a neutral mediator, in theory it is built on several philosophical foundations such as:

1. *Confidentiality*

Confidentiality, namely: Insights into everything that occurs in meetings organized by mediators and disputants (warring parties) is confidential and may not be broadcast to the public or the press by either party.

2. *Voluntariness*

Voluntariness, namely: each disputing party (disputants) comes to mediation on their own accord voluntarily and there is no coercion from outside parties.

3. *Empowerment*

Empowerment, namely: the assumption that people who want to come to mediation actually have the ability to negotiate their own problems and can reach the agreement they want.

4. *Neutrality*

Neutrality, namely: the role of the mediator is only to facilitate the process and its contents remain the property of the disputants (warring parties), while the mediator only controls the process. In mediation, a mediator does not act like a judge and jury who decides whether one party is right or supports the opinion of one of them, or imposes an opinion and resolution on both parties.

5. *Unique Solution*

Unique solution, namely: the solution generated from the mediation process does not have to comply with legal standards, but is produced from a creative process and therefore the results may be more.

The above statement was made by Ruth Charlton, quoted by Spence and Brogan (2006: 84-85). This opinion was also expressed by Goodfaster (1997), which defines mediation as a process of

negotiating a problem-solving in which outside, impartial, neutral parties work with disputing parties to help them reach a satisfactory negotiation agreement. This opinion is corroborated by the statement of Faulkes (1999) which defines mediation as follows: Mediation involves a third party intervening in a dispute to assist the parties in reaching an agreement. Both parties must agree to the mediator's intervention, which can be appointed by the authorities, or approached by the parties.

Broadly speaking, the two experts have the same understanding of the concept of mediation, therefore it can be said that mediation is a problem-solving process that uses an impartial and neutral third party to work to assist the disputing parties in reaching a mutual agreement that satisfies all parties. Neutrality in dispute resolution is also contained in the definition of mediation put forward by Folberg and Taylor as follows: a process whereby participants, together with the help of a neutral person or persons, systematically isolate dispute issues in order to develop options, consider alternatives, and reach a consensual resolution that will accommodate their needs. Mediation was also formulated by Moore under the title *The Mediation Process Strategic for Resolving Conflict*, as an intervention in a dispute or negotiation by an acceptable, impartial and neutral third party who does not have the authority to make decisions in helping the disputing parties in an effort to achieve voluntary agreement in resolving the disputed problem. Acceptability means that the disputing parties allow the third party to be involved in the dispute and assist the parties to reach a settlement. This acceptability does not mean that the parties always wish to do or fully accept what is stated by the third party. This definition of Mediation was strengthened by Boulle who said that the decision-making process of the disputing parties would be assisted by a third party, namely the mediator. The mediator only assists the disputing parties to reach a decision agreed upon by the disputing parties but does not have the authority to make decisions about the contents of the agreement.

The ideal mediation process must meet several parameters as a reference. These parameters according to Bretherton are as follows:

- a. The mediator does not have the authority to make decisions about the contents of the agreement, but only on the process.
- b. The mediator makes no recommendations about the results
- c. Evidence rules do not apply
- d. Decision-making rest with principals (or their representatives in special circumstances)
- e. Its main objective is an honest and thorough discussion of issues, and the principles of negotiation.
- f. The mediator, whatever conclusions mediator may reach or reach about the dispute, must avoid taking sides.

Based on the parameters put forward by Bretherton, the mediator does not have the authority to make decisions about content, only in the mediation process. A mediator does not provide recommendations on the results achieved by the disputing parties. Provisions and regulations relating to evidence cannot be used. The final decision depends entirely on the disputing parties. Finally, and most importantly, a mediator must be neutral and not take sides in any conclusions that the disputing parties will reach.

METHODOLOGY

The method used in this research is a descriptive qualitative method. According to Bogdan and Taylor, qualitative research is a research procedure that produces descriptive data in the form of written or oral words from people and observable behavior directed at the background and individual holistically (whole). The analysis technique used in this study is a qualitative method with descriptive research techniques. Miles and Huberman (1984) in Sugiyono argued that data analysis in qualitative research carried out interactive activities and continued until complete. Data analysis is very important in a study in order to provide answers to the problems studied, before

data analysis is performed, data collection is first carried out, then analyzed qualitatively and interpreted logically and systematically. This research uses descriptive research to examine how the mediation of land disputes between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and farmers in Rengas Village, Ogan Ilir Regency and the factors that contribute to the mediation process. This descriptive research was conducted to describe these phenomena. The data collection technique used to analyze the mediation of land disputes between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and Rengas Village Farmers in Ogan Ilir Regency used interviews, observation, and documentation.

RESULT AND DISCUSSION

Mediating land disputes between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and farmers in Rengas Village, Ogan Ilir Regency, Sumatera Selatan Province.

Disputes can happen to anyone and anywhere. Disputes can occur between individuals and individuals, between individuals and groups, between groups and groups, between companies and companies, between companies and countries, between countries. Disputes can be public or civil in nature and can occur either locally, nationally or internationally. To resolve these dispute cases, it is carried out through mediation.

Based on the Regulation of the Minister of Agrarian and Spatial Planning / National Land Agency Number 11 of 2016 concerning Settlement of Land Cases, the dispute resolution process begins with a public complaint report in the form of a mediation request submitted to the Regency Land Office where the dispute occurs. Furthermore, the request for mediation is forwarded to the subsection of Dispute, Conflict and Land Case Handlers with Disposition from the Head of the Land Office to settle the complained case. Mediation activities are carried out based on the agreement of the disputing parties in accordance with Article 38 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia No.11 of 2016 which reads: If the parties are willing to carry out the mediation as referred to in Article 37 paragraph (1), then the mediation shall be carried out based on the principle of deliberation to reach a consensus for the benefit of all parties.

After a request for mediation comes into the Land Office. The Land Office collects data and information regarding the land dispute that is being filed so that the case can be identified whether the dispute case is under the authority of the National Land Agency or the authority of the Regency Government or other ministries. Once identified, the National Land Agency will summon the disputing parties. Summoning of the two disputing parties is useful for assessing the roots and history of the dispute; this is done to determine the factors of a dispute. Summons to the two disputing parties must be scheduled so that both parties meet and show each other evidence that the disputed land belongs to them. This evidence is in the form of documents, certificates, measuring letters, and hereditary mastery, as well as oral complaints made by the public.

Disputes related to land, especially in the plantation sector on the island of Sumatra, have never subsided. The results of a study conducted by CARE LPPM IPB (Sumardjo, 2008) in several plantation company locations in Sumatra show that the current conflicts in plantation areas are the result of previous conflicts that have not been resolved. This dispute has roots in land ownership rights. The dispute cannot be resolved because the parties in charge of resolving it do not start from the root of the land dispute problem.

In the land dispute case between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and residents of Ogan Ilir Regency based on evidence that on December 29, 2009, the South Sumatra Land Agency issued a letter stating that the area of PT Perkebunan Nusantara (PTPN) VII Cinta Manis in Ogan Ilir who has the right to cultivate (HGU) is only 4,881.24 hectares (ha). Their principle permit covers an area of 20 thousand ha. Based on this evidence, the Land Agency as the

mediator only provides a recommendation that the right to cultivate must be resolved first with the community. This recommendation was not accepted by PT Perkebunan Nusantara (PTPN) VII Cinta Manis because the company felt that they owned the land from 1981.

The land dispute between PT Perkebunan Nusantara (PTPN) VII Cinta Manis versus farmers in Rengas village, Ogan Ilir Regency, South Sumatra Province is not only part of a structural conflict stemming from economic and development interests but about an imbalance of sense of justice. Inequality in the sense of justice in society is one of the causes of disputes. A dispute that is not resolved will lead to contention. The dispute resolution that has recently been used in various fields is mediation. Mediation is basically an effort to resolve disputes between the parties by mutual agreement through a mediator who is neutral, and does not make decisions or conclusions for the disputing parties, but supports the facilitator to carry out dialogue between the disputing parties to reach a consensus.

In the land dispute case between PT Perkebunan Nusantara (PTPN) VII Cinta Manis, the mediation had a long process. This long settlement process is because the disputing parties do not want to give way to one another. Land dispute resolution in Ogan Ilir Regency will generally be processed through court channels; this is because the two parties have never agreed to take the mediation. The land dispute case between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and farmers in Rengas Village, Ogan Ilir District, South Sumatra Province has experienced ups and downs of disputes. The community had stopped fighting or fighting for their land. However, in 2009, the people of Rengas Village again organized themselves to reclaim their land. This dispute happened again because there was no agreement to take mediation.

Mediation is the settlement of land disputes through peaceful means in the form of deliberation and consensus carried out by mediators, namely the government through the National Land Agency and the Provincial Government of Sumatera Selatan. Based on the concept of mediation, the farmers in Ogan Ilir took the right action by asking the Sumatera Selatan Provincial Government to mediate the dispute that occurred between the farmers and PT Perkebunan Nusantara (PTPN) VII Cinta Manis. However, the dispute between the residents of Rengas Village and PT Perkebunan Nusantara (PTPN) VII Cinta Manis has not been resolved until now. This needs to be studied further regarding the resolution of disputes which even though it has been mediated, there are still further conflicts. The dispute mediation analysis between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and residents of Rengas Village was carried out by examining the Volunteerism of the disputing parties, empowerment in determining agreement options, mediator neutrality, confidentiality of information related to disputes and solutions offered by the mediator so that the parties those who dispute reconcile. The following is the discussion:

1. Volunteer

Conciliation made in the mediation process is very difficult to do because the mediation process will work if the disputing parties are willing to do so voluntarily. Dispute resolution is indeed difficult to do, but that does not mean that it is impossible to materialize. The main asset of settlement through mediation is the willingness and good faith of the disputing parties to end the dispute between the two disputing parties. This good faith in the mediation process is considered important because mediation will be carried out if the disputing parties voluntarily ask a third party to mediate the dispute.

The willingness of the parties to meet in a mediation process shows that both parties are in good faith to resolve the dispute amicably. In the case between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and farmers in Rengas Village, Ogan Ilir Regency, only one party wanted peace. Therefore, land dispute resolution cannot be resolved completely, this is because many parties are authorized to carry out their respective duties and functions so that good faith from all parties is needed to resolve them peacefully. All parties involved in the PT Perkebunan Nusantara (PTPN)

VII Cinta Manis case should voluntarily agree to a mediation process that will be carried out so that all parties' wishes are fulfilled fairly.

2. Empowerment

The position of the parties in the mediation, is placed as an active participation in the decision-making process and allows them to participate directly in resolving their disputes for their interests in the future. In informal mediation, the parties are given the opportunity to express their emotions by trying to find the identity of their fundamental interests, to then simplify their emotional confusion. The principle of empowerment is based on the assumption that people who are willing to come to mediation actually have the ability to negotiate their own problems and can reach the agreements they want. The ability of the disputing parties must be recognized and respected, therefore the solution or solution should not be forced from outside. Dispute resolution must arise from empowerment of each party, because it will make it more possible for the parties to accept the solution.

Before a mediator is appointed and processes the mediation, the mediator needs to ensure that the parties have met the predetermined requirements. The parties to a dispute must be involved in mediation. Involvement of the disputing parties in the mediation process is being able to negotiate independently to bring up the roots of the dispute they are experiencing and submit ideas or options for a way out of solving their case. The parties must be able to make their own bids according to the expectations of each of the parties to the dispute.

In the land dispute case between PT Perkebunan Nusantara (PTPN) VII Cinta Manis, the disputing parties were empowered by the Regional Office of the National Land Agency of Sumatera Selatan Province. The disputing parties were given the opportunity to negotiate and offer offers to resolve the land dispute case between PT Perkebunan Nusantara (PTPN) VII Cinta Manis and residents of Rengas Village. The bid ideas were expressed by the residents of Rengas Village regarding the return of their land from PT Perkebunan Nusantara (PTPN) VII Cinta Manis. This option was also brought by the community to Jakarta. On July 16, 2012, at the Ministry of BUMN, a discussion was also held. The meeting was attended by the Secretary of the Ministry of BUMN and Deputy Minister for Primary Business. Empowerment to submit bids made by both sides did not find common ground. This is because there is no agreement between the two parties so that even though the offers have been submitted, the results of the mediation failed to reach an agreement and this dispute case continues until now.

3. Neutrality

Land dispute resolution through mediation is very dependent on the neutrality of the mediator. Mediation provides an opportunity for the parties to take the role of taking the initiative, in order to resolve disputes that arise assisted by third parties. The principle of mediation must share a win-win solution so that the disputing parties feel that there are no winners and losers. Based on this, the mediator must have neutrality so that the mediator does not take sides or does not interfere in any decisions made by the disputing parties. The mediator can develop and offer dispute resolution options. These dispute resolution options are considered by the disputing parties as an alternative dispute resolution that will be a solution taken by both parties. The alternative settlement options offered by the mediator are expected to be able to accommodate the interests of the disputing parties so that the disputing parties can reach an agreement without either party feeling victorious or party feeling lost.

In the case of PT Perkebunan Nusantara (PTPN) VII Cinta Manis with residents of Rengas Village, the neutrality of the officials who were requested to act as mediators needs to be questioned, this is due to the shooting of residents so that one victim died. The settlement of land

disputes in Rengas Village has experienced a lack of neutrality by the state apparatus, especially the Police, causing casualties. If the police are neutral in securing the condition of the village, the land dispute that occurs will not escalate into a new conflict so that the village conditions are increasingly not conducive to mediating between the disputing parties. The neutrality of government officials in resolving land disputes needs to be fostered because officials who do not take sides with any party will produce an agreement option that benefits all parties.

4. Confidentiality

Confidentiality is one of the principles applied in the implementation of mediation. Confidentiality is understood that everything that happens in the mediation process must not be broadcast to other publics who are not related to the dispute in other words that mediation is closed so that not everyone can participate in the negotiation process so that the bids recommended by the parties to the dispute can kept strictly confidential.

The principle of confidentiality in mediation is often a dilemma when it comes to land disputes. The principle of confidentiality is a principle that must be maintained in the mediation process in the business world and in the divorce process. Confidentiality of these two mediation processes is needed because it maintains a good name and a relationship that is likely to become bad if the disgrace of the disputing parties is brought up in public. Mediation in business disputes and divorce cases upholds the principle of confidentiality but is different from land dispute cases. The principle of confidentiality in the land dispute mediation process needs to be considered what information needs to be kept confidential. Confidentiality of information that PT Perkebunan Nusantara (PTPN) VII Cinta Manis' s permits for business use rights (HGU) are only 4,881.24 hectares (ha) may not occur because the community has the right to know whether their land is included in the area of PT Perkebunan Nusantara (PTPN) VII Cinta Manis or not. This information is very important for the public to know in order to guarantee their rights so that new conflicts do not occur.

5. Unique Solutions

Land dispute resolution through mediation has recently been used as a way out to reconcile the disputing parties, this is because mediation offers a unique solution to the disputing parties. A unique solution is understood as a solution that does not have to be in accordance with legal standards, but can be generated from the creative process of the mediator who concocts alternative solutions that have been negotiated by the two disputing parties to benefit both parties.

Settlement of land disputes through mediation in the Sumatera Selatan Province can not only be carried out by the Regional Office of the National Land Agency of Sumatera Selatan Province, it can also be carried out by the Regional Government where the land dispute is submitted. Based on this, farmers in Rengas Village, Ogan Ilir Regency can propose a mediation process to the Regional Office of the National Land Agency of Sumatera Selatan Province, the Land Office of Ogan Ilir Regency, or the Regional Government of Ogan Ilir Regency can even propose a mediation process to the Regional Government of Sumatera Selatan Province because Ogan Regency Ilir belongs to the Sumatera Selatan Province.

Based on the research results, the conflict between PT Perkebunan Nusantara (PTPN) VII Cinta Manis caused a lot of losses, both physical and material losses. The loss was due to clashes between residents and members of the Mobile Brigade. This conflict started with the police officers who guarded the disputed location. The Sumatera Selatan Regional Police Mobile Brigade personnel conducted an operation to residents' houses, resulting in clashes between residents and the Police. This incident resulted in the shooting of a 12 years old boy named Angga Darmawan. This incident did not make residents trust the police, so the community asked the Sumatera Selatan

Government for help to mediate the case. After a request for mediation from the farmers in Rengas Village, Ogan Ilir District, made the Regional Government of Sumatera Selatan Province as the mediator.

The mediation carried out by the Governor of Sumatera Selatan has produced a unique solution, namely that there is no partiality for the two disputing parties. The solution taken in this case is re-measurement by the National Land Agency. This measure is within the authority of the National Land Agency. This authority will decide whether the land in dispute belongs to PT Perkebunan Nusantara (PTPN) VII Cinta Manis or to residents of Rengas Village. This re-measurement process will produce a decision that will resolve the dispute case or add a new conflict, this depends on the agreement between the two parties to the dispute. The demands generated by a conflict are not all fulfilled. Sometimes the resulting demands are very difficult to fulfill, therefore there must be an agreement that binds both parties so that the disputed case does not lead to new conflicts.

CONCLUSION

In principle, any mediation process must first be based on volunteerism and the good faith of the parties, both the plaintiff and the defendant, to resolve disputes between them. The role of the mediator captures the wishes of the disputing parties. Mediation will work best if the mediator can build trust and be neutral in resolving land disputes. Suggestion to the disputing parties is to be actively involved in the mediation process. It is recommended that judges and mediators be optimized to realize mediation efforts that result in a peace agreement.

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**ПОСЕРЕДНИЦТВО У ЗЕМЕЛЬНИХ СУПЕРЕЧКАХ
МІЖ PT PERKEBUNAN NUSANTARA (PTPN) VII CINTA MANIS
TA RENGAS VILLAGE FARMERS, OGAN ILIR REGENCY У ПІВДЕННІЙ СУМАТРИ**

Ellyza Octaleny
Universitas Diponegoro
Semarang, Indonesia

Sri Suwitri
Universitas Diponegoro
Semarang, Indonesia

Endang Larasati
Universitas Diponegoro
Semarang, Indonesia

Kismartini
Universitas Diponegoro
Semarang, Indonesia

Вирішення суперечок між суб'єктами економічних відносин – актуальне питання, що потребує теоретичного вивчення та практичного досвіду. Основним капіталом врегулювання суперечок шляхом посередництва є добросовісність сторін та їх готовність припинити

суперечку. Метою цього дослідження є аналіз посередницьких дій щодо земельних суперечок між PT Perkebunan Nusantara (PTPN) VII Cinta Manis та Rengas Village Farmers, Ogan Ilir Regency, провінції Південна Суматра. Метод дослідження є описовим якісним методом. Використовувалися методи збору даних за допомогою співбесід, спостережень та документації. Висновки цього дослідження свідчать про те, що посередник не вирішує питання щодо земельних суперечок, а посередництво має незначні шанси примирити дві сторони в суперечці. Факторами, що визначають успіх процесу посередництва, є добровільність проведення посередництва, конфіденційність та нейтральність медіатора. Висновок з дослідження полягає в тому, що посередництво матиме успіх, якщо сторони добровільно погоджуються на посередництво, а медіатор може бути нейтральним у вирішенні суперечки.

Ключові слова: посередництво, суперечки, земля, плантаційні компанії.

**ПОСРЕДНИЧЕСТВО В ЗЕМЕЛЬНЫХ СПОРАХ
МЕЖДУ PT PERKEBUNAN NUSANTARA (PTPN) VII CINTA MANIS
И RENGAS VILLAGE FARMERS, OGAN ILIR REGENCY В ЮЖНОЙ СУМАТРЕ**

Ellyza Octaleny

*Universitas Diponegoro
Semarang, Indonesia*

Endang Larasati

*Universitas Diponegoro
Semarang, Indonesia*

Sri Suwitri

*Universitas Diponegoro
Semarang, Indonesia*

Kismartini

*Universitas Diponegoro
Semarang, Indonesia*

Решение споров между субъектами экономических отношений – актуальный вопрос, требующий теоретического изучения и практического опыта. Основным капиталом урегулирования споров путем посредничества является добросовестность сторон и их готовность прекратить спор. Целью настоящего исследования является анализ посреднических действий по земельным спорам между PT Perkebunan Nusantara (PTPN) VII Cinta Manis и Rengas Village Farmers, Ogan Ilir Regency, провинции Южная Суматра. Метод исследования является описательным качественным методом. Использовались методы сбора данных с помощью собеседований, наблюдений и документации. Выводы этого исследования свидетельствуют о том, что посредник не решает вопрос о земельных спорах, а посредничество имеет незначительные шансы примирить две стороны в споре. Факторами, определяющими успех процесса посредничества, является добровольность проведения посредничества, конфиденциальность и нейтральность медиатора. Вывод из исследования заключается в том, что посредничество будет иметь успех, если стороны добровольно соглашаются на посредничество, а медиатор может быть нейтральным в процессе разрешения спора.

Ключевые слова: посредничество, споры, земля, плантационные компании.