

## The Role of The National Land Agency (BPN) In Resolving Land Disputes In Indonesia

<sup>1</sup>Syamsuddin Pasamai, <sup>2</sup>Salle

<sup>1</sup>Universitas Bandar Lampung, Indonesia, <sup>2</sup>Universitas Muslim Indonesia Makassar,  
Indonesia

E-mail: [syamsuddin.pasamai@ubl.ac.id](mailto:syamsuddin.pasamai@ubl.ac.id), [salle.salle@umi.ac.id](mailto:salle.salle@umi.ac.id)

\*Correspondence: [syamsuddin.pasamai@ubl.ac.id](mailto:syamsuddin.pasamai@ubl.ac.id)

---

### KEYWORDS

national land agency;  
dispute resolution; land  
disputes

---

### ABSTRACT

Land disputes are one of the complex and frequent agrarian problems in Indonesia. Therefore, systematic and targeted efforts are needed to resolve land disputes in Indonesia. The National Land Agency (BPN) as a government agency tasked with managing land has an important role in resolving land disputes. This research aims to examine the role of BPN in resolving land disputes in Indonesia. The research method used in this study is a qualitative method. The data collection technique in this research is literature study. The data that has been collected is then analyzed in three stages, namely data reduction, data presentation and drawing conclusions. The research results show that BPN has a central role in resolving land disputes in Indonesia. As an institution responsible for land administration and management, BPN plays a role in facilitating legal and administrative processes related to ownership, utilization and resolution of land disputes. BPN is tasked with providing legal certainty regarding land status, verifying ownership claims, and providing land certificates to the legal owners. Apart from that, BPN also plays a role in mediating and resolving conflicts between parties involved in land disputes, whether between individuals, traditional communities, or private parties. BPN's role is not only limited to administrative aspects, but also includes efforts to create fair and sustainable solutions, taking into account various social, economic and environmental aspects.

---

Attribution- ShareAlike 4.0 International (CC BY-SA 4.0)



### Introduction

In Indonesia, the land tenure system through certificates is a necessary mechanism to provide legal security over land ownership to individuals or legal entities. Through the National Land Agency (BPN) or local land office, the land registration process involves measurement, mapping and document verification. The issued land certificate lists important information such as the name of the owner, the boundaries of the land, and the rights held. This provides landowners with strong legal evidence in various transactions.

Despite providing legal certainty, challenges such as multiple certificates and administrative complexities still need to be addressed to improve efficiency and fairness in the land registration system. In principle, the data and information in a certificate are considered correct until a party challenges the certificate. This system opens up the possibility of disputes in terms of land tenure (Nadida & Tanawijaya, 2023).

The Minister of Agrarian and Spatial Planning (ATR)/Head of the National Land Agency (BPN), Sofyan Jalil, stated that the number of land dispute cases handled by BPN was not large, only around 8,900 cases. In detail, there are 8,959 cases recorded, of which some have been resolved, while others have just been submitted. Of the 8,959 cases, 56% were disputes between communities, such as conflicts between neighbors and land boundary disputes. Then, 15% are disputes between individuals and legal entities, including disputes between individual citizens and companies, owners of Business Use Rights (HGU), and State-Owned Enterprises (BUMN). In addition, 0.1% of these cases, which involve disputes between legal entities, according to the Minister of ATR/Head of BPN, are easier to resolve, such as disputes between companies. Then, there are also disputes between the community and the government, which involve conflicts between the community and the TNI, PT railways, and others (Setkab, 2019).

As the government agency responsible for land affairs, the National Land Agency (BPN) has a very important task in resolving land disputes in Indonesia. Through its role in land management and administration, BPN acts as a mediator and facilitator to facilitate dialogue between disputing parties, verify and analyze relevant documents, and conduct measurements and remapping of disputed land. In addition, BPN also provides legal assistance, counseling, and education to the community on land rights and land dispute resolution procedures. With these efforts, BPN is committed to ensuring justice, legal certainty and peace in land ownership and use in Indonesia (Fatullatifah, 2022).

Another study by (Wowor, 2014) found that the National Land Agency (BPN) is a Non-Departmental Organization that has a very important role in land affairs in Indonesia. As an institution responsible for land management and administration throughout the country, BPN has the main function to help resolve land disputes. In addition, BPN also plays a role in formulating policies and regulations governing the land sector, such as Presidential Regulation of the Republic of Indonesia Number 85 of 2009 concerning the National Land Agency. Through this policy, BPN has a clear legal basis to carry out its duties and functions in resolving land disputes and overall land management.

Another study by (Sitohang & Siambaton, 2021) found that in resolving land ownership disputes, the National Land Agency (BPN) plays an important role by managing complaints received from the community. The process begins when the communities involved in the dispute submit their complaints to the BPN. Upon receiving the complaint, the BPN verifies the information submitted, including research of relevant documents and field surveys if necessary. In addition, the BPN also facilitates mediation between the disputing parties if the dispute allows for mediation. The disputing parties' response to the BPN's role in dispute resolution may be to agree or reject the mediation outcome. If the dispute settlement at the Land Office is unsuccessful and both parties do not reach an agreement, then the settlement is left to the disputing parties in accordance with statutory provisions.

This research contributes to enriching the literature on public administration and dispute resolution in the Indonesian context. So, by deepening understanding of the role of institutions such as BPN in social, economic and political contexts, this research can provide a theoretical basis for further studies on land administration and natural resource

management. These theoretical implications can also help in developing a more robust conceptual framework in explaining the dynamics of land dispute resolution and the role of Indonesian government institutions. This research aims to examine the role of BPN in resolving land disputes in Indonesia.

## Research Methods

The study employs a qualitative research approach, which prioritizes the observation and in-depth exploration of phenomena to understand their underlying meanings. Qualitative analysis relies heavily on the nuances of language and expressions used, as emphasized by Basri, leading to a focus on process and result interpretation (Wibisono, 2019). Data for this study are gathered through a literature review, involving the examination of journals, books, and other pertinent sources accessible via Google Scholar from 2014 to 2024. The collected data undergoes analysis in three sequential stages: data reduction, presentation, and conclusion drawing.

## Results and Discussions

Soil plays a vital role in human life. As an invaluable natural resource, soil supports various aspects of life, such as housing, agriculture, industry and other economic activities. In addition, soil also plays a role in maintaining ecosystem balance and providing habitat for biodiversity. The availability of fertile soil is crucial for food production and improving people's welfare. Therefore, many countries, including Indonesia, regulate land use and ownership in their constitutions and other laws and regulations (Sukmawati, 2022). Land is constitutionally regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which reads that "The land and water and the natural resources contained therein shall be under the control of the state and shall be used for the greatest prosperity of the people." This provision emphasizes that land, as part of natural resources, is controlled by the state to be used to the greatest extent for the prosperity of all Indonesian people. This principle provides a legal basis for the state to regulate, manage and distribute land in the public interest, ensuring that land management is carried out fairly and equitably to improve people's welfare and prevent inequality and misuse of natural resources (Laturette, 2016).

The increasing human need for land, especially in urban areas and areas of high economic value, causes land values and prices to continue to rise, triggering various land disputes. These price increases often lead to intense competition and conflicts of interest among interested parties. To address this problem, land administration needs to be improved through data digitization, strict law enforcement, promotion of mediation as an alternative dispute resolution, and strengthening of agrarian reform programs to ensure equitable land distribution and reduce land tenure inequality. This approach is expected to create a more equitable, transparent and sustainable land management system (Hasbi, 2019). Land disputes often arise due to various complex and interrelated factors. The following are some of the main factors that cause frequent land disputes:

1. Increase in Value and Price

Increased demand for land, especially in urban areas and high economic value areas, has led to a sharp rise in land values and prices, triggering competition and conflicts of interest among interested parties (Nugroho, 2022).

2. Multiple Ownership and Multiple Certificates

There are often cases where a single plot of land is claimed by more than one party with different proof of ownership, such as a certificate, girik letter, or proof of

inheritance. This can be caused by overlapping or inaccurate land administration (Marino & Arnanda, 2021).

3. Unclear Land Boundaries

Differences in interpretation of land boundaries between adjacent landowners are often a source of dispute. The lack of clear boundary markers and the absence of accurate measurements exacerbate this situation (Darman, 2020).

4. Agrarian Conflict

Conflicts between farmers and large companies or between indigenous peoples and the government or private parties seeking to develop land for commercial purposes can lead to land disputes (Sukmawati, 2022).

5. Eviction and Relocation

Evictions carried out without adequate compensation or without fair deliberation often lead to protests and legal disputes. Communities affected by evictions feel that their rights have been violated (Ningrum, 2014).

6. Abuse and Fraud

Fraudulent practices in land transactions, such as unauthorized land sales or manipulation of land ownership documents, can lead to disputes. This fraud often involves individuals who take advantage of legal loopholes.

7. Lack of Legal Certainty

The lack of strict law enforcement and the existence of legal loopholes in laws and regulations are often exploited by certain parties to take actions that harm other parties (Cahyaningtyas et al., 2022).

Addressing land disputes requires coordinated efforts from various parties, including the government, legal institutions and communities. Improving land administration, strict law enforcement, and increasing education and information on land rights are important steps to prevent and resolve land disputes fairly and effectively (Saly & Ekalia, 2023). The BPN can assist in resolving land disputes.

BPN stands for National Land Agency, which is a government agency in Indonesia responsible for land management and administration throughout the country. BPN has a variety of tasks, including land registration, mapping, land measurement, issuing land certificates, and resolving land disputes. As an institution with a central role in land, BPN plays an important role in ensuring legal certainty, protection of land rights, and sustainable development (Orlando, 2017). The National Land Agency (BPN) is regulated by Presidential Regulation of the Republic of Indonesia Number 85 of 2009 concerning the National Land Agency. This regulation regulates the organizational structure, duties, and functions of BPN as a government agency responsible for land management and administration in Indonesia. One of its objectives is to improve services and effectiveness in land management as well as provide legal protection for the community regarding their rights to land. This Perpres serves as the legal basis for BPN in carrying out its role in managing and resolving land disputes in Indonesia (Achmad, 2024).

In addition, the BPN regulates spatial planning and land use in accordance with established spatial plans, supports agrarian reform programs through land redistribution to people in need, and assists in resolving land disputes through mediation and legal channels (Wismaya, M. Y., & Purwanto, 2022). BPN also manages land data and information in an integrated manner with information technology to improve the efficiency and transparency of land management. As part of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), BPN plays a vital role

in ensuring sustainable land management in favor of the interests of the people, supporting national development (Deng, 2019). The role of the National Land Agency (BPN) in resolving land disputes in Indonesia is very important. Here are some of the main roles of BPN in resolving land disputes:

1. Mediator and Facilitator

BPN acts as a mediator and facilitator in land dispute resolution, facilitating meetings between disputing parties and helping them reach an amicable agreement (Kurniati & Fakhriah, 2017).

2. Research and Verification

The BPN conducts research and verification on documents related to the disputed land, such as land certificates, proof of ownership, and other documents. This helps ensure the validity and authenticity of these documents (Adinegoro, 2023).

3. Re-measurement and Mapping

The BPN can conduct measurement and remapping of disputed land to determine clear and accurate land boundaries (MANDOYO, 2020).

4. Issuance of a New or Revised Certificate

If necessary, the BPN can issue a new land certificate or revise the existing certificate in accordance with the results of the dispute settlement (Masriani, 2022).

5. Counseling and Education

The BPN provides counseling and education to the community on land rights, the importance of land registration, and correct legal procedures. This aims to prevent land disputes from occurring in the future.

6. Legal Assistance

BPN can provide legal assistance and mentoring to parties experiencing land disputes to file a lawsuit or resolve disputes through appropriate legal channels (Fitri, 2021).

7. Coordination with Related Agencies

BPN cooperates with various related agencies, such as the police, prosecutors, and judicial institutions, in handling land disputes to ensure an effective and fair settlement process.

8. Policy Development

Based on its experience in resolving land disputes, BPN also plays a role in formulating and developing land-related policies and regulations to improve the effectiveness of dispute resolution in the future.

The National Land Agency (BPN) has a very important role in resolving land disputes in Indonesia. With its various roles, BPN strives to be at the forefront of creating peace and stability in land ownership and use in Indonesia.

## Conclusion

The National Land Agency (BPN) plays a central role in resolving land disputes in Indonesia. As an institution that has primary responsibility for the administration and management of land, BPN is tasked with facilitating legal and administrative processes related to ownership, utilization and resolution of land-related conflicts. BPN's main duties include providing legal certainty regarding land status, verifying ownership claims, and providing land certificates to legal owners. Apart from that, BPN also plays a role in mediating and resolving disputes between various parties involved, such as individuals, traditional communities or private companies. BPN's role is not only limited to administrative aspects, but also includes efforts to create fair and sustainable solutions,

taking into account various social, economic and environmental dimensions. Therefore, the existence of BPN is very important in maintaining legal stability, encouraging sustainable development, and promoting social peace in Indonesia through effective and fair resolution of land disputes.

## References

- (Setkab), S. K. (2019). *Menteri ATR/Kepala BPN: Hanya Ada 8.959 Sengketa Kasus Tanah*. <https://setkab.go.id/menteri-atrkepala-bpn-hanya-ada-8-959-sengketa-kasus-tanah/>. Diakses pada 13 Juni 2024.
- Achmad, W. (2024). Konflik Sengketa Lahan Dan Strategi Penyelesaian Di Indonesia. *Jurnal Kolaborasi Resolusi Konflik*, 6(1), 8–18.
- Adinegoro, K. R. R. (2023). Analisis Transformasi Digital Layanan Publik Pertanahan: Hak Tanggungan Elektronik pada Kementerian Agraria dan Tata Ruang. *Jurnal Administrasi Publik*, 19(1), 26–49.
- Cahyaningtyas, K., Sudarwanto, A. S., & Subekti, R. (2022). Analisis Penyelesaian Sengketa Jual Beli Tanah Berasal dari Warisan. *Prosiding Seminar Nasional Program Doktor Ilmu Hukum*, 204–216.
- Darman, I. K. (2020). Peranan Kepala Adat Dalam Penyelesaian Sengketa Tanah Melalui Mediasi Pada Masyarakat Di Kabupaten Kotawaringin Timur. *Satya Dharma: Jurnal Ilmu Hukum*, 3(2), 72–93.
- Deng, E. (2019). Kewenangan Badan Pertanahan Nasional Dibawah Kementerian Agraria dan Tata Ruang Badan Pertanahan Nasional Kabupaten Karawang. *Jurnal Hukum Positum*, 4(1), 116–134.
- Fatullatifah, L. (2022). Penerapan Anggaran Berbasis Kinerja pada Badan Pertanahan Nasional Kabupaten Ponorogo. *SEMINAR NASIONAL POTENSI DAN KEMANDIRIAN DAERAH*.
- Fitri, M. S. (2021). Pendampingan Masyarakat Dalam Upaya Meningkatkan Kesadaran Hukum Tentang Hak Milik Atas Tanah Melalui Sistem Pendaftaran Tanah Di Desa Andaman Kecamatan Anjir Pasar Kabupaten Barito Kuala. *Jurnal Pengabdian Sumber Daya Manusia*, 1(2), 10–18.
- Hasbi, H. (2019). Penyelesaian Sengketa Pertanahan Melalui Lembaga Arbitrase. *Al-Ishlah: Jurnal Ilmiah Hukum*, 22(1), 16–31.
- Kurniati, N., & Fakhriah, E. L. (2017). BPN Sebagai Mediator Dalam Penyelesaian Sengketa Tanah Di Indonesia Pasca Perkaban No. 11 Tahun 2016. *Sosiohumaniora*, 19(2), 95–105.
- Laturette, A. I. (2016). Penyelesaian Sengketa Hak Atas Tanah Masyarakat Hukum Adat. *Sasi*, 22(2), 52–66.
- MANDOYO, T. H. (2020). PELAKSANAAN PENGUKURAN ULANG BATAS KEPEMILIKAN TANAH DALAM RANGKA PENGEMBALIAN BATAS BIDANG TANAH:(Studi Kasus Di Kantor Pertanahan Kota Salatiga). *Dinamika Hukum*, 11(3).
- Marino, E. F., & Arnanda, R. (2021). Penyelesaian Sengketa Sertitikat Tanah Ganda Serta Bentuk Kepastian Hukumnya. *Jentera: Jurnal Hukum*, 4(2), 555–573.
- Masriani, Y. T. (2022). Pentingnya Kepemilikan Sertifikat Tanah Melalui Pendaftaran Tanah Sebagai Bukti Hak. *Jurnal USM Law Review*, 5(2), 539–552.
- Nadida, C. T., & Tanawijaya, H. (2023). Peran badan pertanahan nasional dalam menghadapi sengketa penguasaan tanah. *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial*, 10(1), 358–364.
- Ningrum, H. R. S. (2014). Analisis hukum sistem penyelesaian sengketa atas tanah berbasis keadilan. *Jurnal Pembaharuan Hukum*, 1(2), 219–227.
- Nugroho, A. S. S. M. A. (2022). Penyelesaian Sengketa Ganti Rugi Dalam Pengadaan Tanah Untuk Kepentingan Umum. *Jurnal Kewarganegaraan*, 6(2).
- Orlando, G. (2017). Kewenangan Badan Pertanahan Nasional Dalam Menangani

- Sengketa Pertanahan. *Jurnal Notarius*, 3(2), 47–60.
- Saly, J. N., & Ekalia, E. (2023). Status perlindungan hukum kepada masyarakat setempat terkait relokasi Pulau Rempang. *Jurnal Kewarganegaraan*, 7(2), 1668–1676.
- Sitohang, E., & Siambaton, T. (2021). Peran badan pertanahan nasional dalam penyelesaian sengketa kepemilikan tanah. *Jurnal Hukum PATIK*, 10(1), 61–68.
- Sukmawati, P. D. (2022). Hukum Agraria Dalam Penyelesaian Sengketa Tanah Di Indonesia. *Jurnal Ilmu Hukum Sui Generis*, 2(2), 89–102.
- Wibisono, A. (2019). *Memahami Metode Penelitian Kualitatif*. <https://www.djkn.kemenkeu.go.id/artikel/baca/12773/memahami-metode-penelitian-kualitatif>. Diakses pada 13 Juni 2024.
- Wismaya, M. Y., & Purwanto, I. W. N. (2022). Peran Badan Pertanahan Nasional Dalam Penyelesaian Sengketa Pertanahan Melalui Mekanisme Mediasi. *Jurnal Pengetahuan Ilmu Sosial*, 10(1), 1–6.
- Wowor, F. (2014). Fungsi badan pertanahan nasional terhadap penyelesaian sengketa tanah. *Lex Privatum*, 2(2).