

ABSTRACT

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JURIDICIAL REVIEW OF LAND SETTLEMENT OF DISPUTES THROUGH MEDIATION BY MINISTER OF AGRARIAN AND SPATIAL / HEAD OF THE LAND (ATR / BPN) NATIONAL NUMBER 11 OF 2016 CONCERNING THE CASE OF LAND SETTLEMENT

(xi + 89 Pages : 3 pictures + 2 attachments)

Accordingly to the fact that land is the main resources that is rare and needed by human lives such as housings, farmings, gardening, and industrial activities that needed wide land areas. As a evolving country, Indonesia has a lot of citizens that also have problems with lands that causes land dispute. Because land is a natural resources that can't be added but have to be used by people, there's a rule that is PERMEN Agraria Tata Ruang and Badan Pertahanan Nasional 11/2016. One of the alternative for the solution on land dispute, is mediation. Mediation as an alternative solution to land dispute offers a way to solve the dispute in a special way. Because the process is relatively simple, the time is short and costs can be minimalized. The main purpose to this research is to know the role of Badan Pertahanan Nasional (BPN) in solving the land dispute through mediation according to the rule by Menteri Agraria dan Tata Ruang/Kepala Badan Pertahanan (ATR/BPN) National number 11 year 2016 about solving land cases and to know about effectiveness/impact from the rule of Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan 11/2016 solving dispute through mediation in Badan Pertahanan Nasional in South Jakarta The method that has been used in this research is "Penelitian Hukum Normatif", is a research that is done to collect and analyze secondary data. Penelitian Hukum Normatif already filled up the scientific criteria and can be held responsible scientifically. Penelitian Hukum Normatif also can be used to collect primary data, but the use is only to strengthen the secondary data. According to the research, the results are : 1) as a mediator, Kantor Pertanahan Jakarta selatan has a role to help every sides in understanding their own point of views and help to seek things that can be important to them. Mediator makes it easy to swap informations, supporting discussions in differences of importance, perceptions, definition to situations and problems that are occurred. 2) Dispute resolution through mediation by the Peraturan menteri No. 11 2016 not everything can be resolved through mediation. Only the land disputes that the full authority of the holder of the rights that can be resolved through mediation institution. procedures for settling disputes through mediation conducted by both parties to the dispute is by way of pointing BPN as mediator and witnessed by witnesses Therefore, if there is a case that has not been up to the courts, then the case is a land dispute can be resolved by complained to the Head of South Jakarta Land Office in writing, through the counter complaint, mailbox or the website of the Ministry

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