

**AGRARIAN DISPUTE RESOLUTION RELATING TO COMMON
LAND USE NON-LITIGATION CHANNELS TO
REGISTER AREA 45 IN MESUJI**

**PENYELESAIAN SENGKETA AGRARIA TERKAIT
PENGUNAAN LAHAN BERSAMA MELALUI SALURAN
NON-LITIGASI UNTUK MENDAFTARKAN AREA 45 DI MESUJI**

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ABSTRACT

The agrarian dispute over customary land in the Register 45 Mesuji Forest Area is a structural conflict involving the state, corporations, and local communities. The verification of production forest areas and the issuance of management permits to private entities without taking into account the rights and existence of the communities that have long managed and used the land are the main causes of this dispute. The current settlement strategy, which has involved coercive measures and litigation, has not worked and has even prolonged the war and exacerbated human rights abuses. The objectives of this study are to evaluate the efficacy of non-litigation dispute settlement, analyze the features of agricultural conflicts in Register 45 Mesuji, and investigate how customary land disputes are resolved in other nations. Statutory, conceptual, and comparative legal techniques are all part of the normative juridical research methodology. The research results of the study demonstrate that agricultural conflicts in Register 45 are complex and cannot be adequately settled by a formal court system alone. Since non-litigation dispute resolution techniques like discussion and mediation promote inclusive discourse, lessen conflict escalation, and uphold community rights, they have a higher chance of achieving substantive justice. Studies comparing South Africa, Brazil, and the Philippines demonstrate that the state's active mediation role and acknowledgement of indigenous peoples' collective rights

are essential to the long-term settlement of agricultural disputes. This study suggests a Register 45 conflict resolution approach that uses multi-party mediation focused on restorative justice and human rights protection, temporary acknowledgment of community management rights, and participatory inventory.

Keywords : Agrarian Disputes, Customary Land, Non-Litigation.

ABSTRAK

Sengketa agraria atas tanah adat di Kawasan Hutan Mesuji Register 45 merupakan konflik struktural yang melibatkan negara, korporasi, dan masyarakat setempat. Verifikasi kawasan hutan produksi dan penerbitan izin pengelolaan kepada entitas swasta tanpa mempertimbangkan hak dan keberadaan masyarakat yang telah lama mengelola dan menggunakan lahan tersebut merupakan penyebab utama sengketa ini. Strategi penyelesaian saat ini, yang melibatkan tindakan paksaan dan litigasi, belum berhasil dan bahkan memperpanjang konflik serta memperburuk pelanggaran hak asasi manusia. Tujuan penelitian ini adalah untuk mengevaluasi efektivitas penyelesaian sengketa non-litigasi, menganalisis ciri-ciri konflik pertanian di Mesuji Register 45, dan menyelidiki bagaimana sengketa tanah adat diselesaikan di negara lain. Teknik hukum statutori, konseptual, dan komparatif merupakan bagian dari metodologi penelitian yuridik normatif. Hasil penelitian menunjukkan bahwa konflik pertanian di Register 45 bersifat kompleks dan tidak dapat diselesaikan secara memadai hanya dengan sistem pengadilan formal. Karena teknik penyelesaian sengketa non-litigasi seperti diskusi dan mediasi mendorong wacana inklusif, mengurangi eskalasi konflik, dan menjunjung tinggi hak-hak masyarakat, teknik ini memiliki peluang lebih tinggi untuk mencapai keadilan substantif. Studi yang membandingkan Afrika Selatan, Brasil, dan Filipina menunjukkan bahwa peran mediasi aktif negara dan pengakuan hak-hak kolektif masyarakat adat sangat penting untuk penyelesaian sengketa pertanian jangka panjang. Studi ini mengusulkan pendekatan penyelesaian konflik Register 45 yang menggunakan mediasi multi-pihak yang berfokus pada keadilan restoratif dan perlindungan hak asasi manusia, pengakuan sementara hak pengelolaan masyarakat, dan inventarisasi partisipatif.

Kata Kunci : Sengketa Agraria, Tanah Adat, Non-Litigasi.

I. INTRODUCTION

Human life has an unbreakable connection to land, which is a strategic resource with economic, social, political, and cultural aspects. Particularly for groups governed by customary law, property in Indonesia is not just viewed