

Settlement of Community Land Disputes Around The Dam Through Legal Approach and Local Wisdom

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Abstract: The construction of Bulango Ulu Dam in Gorontalo province is a national strategic project aimed at raw water supply, irrigation, and flood control. However, in the process of construction, land rights disputes arose between the government and local communities. This dispute is triggered by differences in perceptions about the value of compensation, as well as the limited information received by the community regarding the status and boundaries of land affected by development, so that a comprehensive study of the appropriate dispute resolution mechanism is needed. This study aims to examine the concept of land dispute resolution in general and analyze the process of land dispute resolution that occurs around the construction of the Bulango Ulu Dam. This study uses the method of Empirical Legal Research (socio-legal research), which is a method that combines normative study of legislation with factual data obtained in the field. Data collection was carried out through direct observation at affected dam construction sites, in-depth interviews with land owners or tenants, as well as agencies related to the land acquisition process, then analyzed in a descriptive qualitative manner. The results showed that the concept of land dispute resolution emphasizes a multidimensional approach that integrates legal certainty, community participation, and social justice principles. Settlement is carried out through comprehensive legal mechanisms, both non-litigation such as mediation and deliberation, as well as litigation through courts or arbitration, with the strategic role of the National Land Agency (BPN) in the prevention and handling of cases. In this Bulango Ulu Dam conflict, the settlement steps include inventory and identification of land by BPN to determine the legal status and basis for compensation, socialization to explain the rights, obligations, and procedures for land acquisition, as well as deliberation to reach a fair agreement and accepted by all parties. This deliberative approach reflects the values of local wisdom such as togetherness, consensus, and respect for the rights of indigenous peoples, so as to provide a more participatory solution, and accepted by the community.

Keywords: local wisdom, dam construction; land dispute.

A. Introduction

Land acquisition is a government action in obtaining land for various development interests,¹ including the construction of dams as part of the National Strategic Project (PSN). This PSN emphasizes on the study of development or infrastructure development throughout Indonesia.² Land acquisition is often a source of problems because it involves changes in social, economic, and legal relations between the government and the community of land owners or tenants. In the context of dam construction, communities in the project area generally depend on agricultural land or the use of certain spaces, so that land expropriation has the potential to cause conflict and uncertainty about land rights.

Normatively, the settlement of land rights disputes is regulated through formal legal mechanisms, starting from Law No. 5 of 1960 on agrarian principles, Law No. 2 of 2012 on Land Acquisition for development in the public interest, as well as other technical regulations. The mechanism in Article 27 of Law No. 2 of 2012 on Land Acquisition for development in the public interest emphasizes the importance of compensation, where the assessment and provision of compensation must be part of the land acquisition process.³ However, in a society that has a long history of land tenure and customary relations with the territory, the formal legal approach is not always able to answer all the problems. In various cases, communities have customary legal systems⁴, local institutional structures, as well as local wisdom in resolving conflicts and maintaining land ownership, such as deliberations, collective agreements, or customary rules regarding land boundaries. Unfortunately, these local wisdom mechanisms are often not integrated in the land acquisition process, creating tension between the government's positivistic legal principles and the socio-cultural values of the community, as happened at the Bulango Ulu dam. Bulango Ulu dam is a National Strategic Project⁵ (PSN). Bulango Ulu dam is located in Tuloa Village (North Bulango District) and Mongolingo and Owata villages (Ulu Bulango District), Bone Bolango Regency.⁶ The construction of the dam, built since 2019, aims to improve food security, Flood Control, and raw water supply. Despite the benefits, the project raises issues, especially the issue of land rights.⁷ Based on agrarian conflict data from 2020 to July 2024, there were 134

¹ Muhammad Zaky Adriansa, Nur Adhim, Ana Silviana, 2020, Land Procurement For The Construction Of Bener Dam In Wadas Village, Purworejo Regency (Phase I) (Case Study Of Obstacles In Land Procurement In Wadas Village), Diponegoro Law Journal, Vol.9 No.1, p.140..

² Rahman, H. B. B., & Najicha, F. U. (2023). Juridical review of the construction of the Mbay Dam in East Nusa Tenggara province in the perspective of the UUPA on the dispute over the right to control the country with customary rights. RECHTENS JOURNAL, 12 (1), 1-18.

³ Paputungan, M., Kasim, N. M., & Kamba, S. N. M. (2024). Indemnity In Land Acquisition Due To Dam Reservoir Construction: A Case In Bolaang Mongondow District. Innovative Law: Journal of Social Legal Sciences and Humanities, 1(2), 22-33.

⁴ Guntur, I. G. N. (2023). Variety of formal recognition of customary land tenure in Indonesia. Tunas Agraria, 6 (2), 93-109.

⁵ Eliana Renate Simanungkalit, Pitojo Tri Juwono, Evi Nur Cahya, 2024, Project Management Study Of Dam Construction At Bulango Ulu Dam With Fasttrack And Crashing Methods, Syntax Idea, Vol.6 No.July 7, 2024.p 2999

⁶ <https://www.mongabay.co.id/2021/12/21/pembangunan-bendungan-bulango-ulu-mulai-jalan-sebagian-lahan-masih-sengketa/> / retrieved October 10, 2025.

⁷ Dewi Sinta, Salsabila Amalia Putri Yoesvizar, 2024, knitting conflict: understanding the dynamics of development in Wadas through the perspective of Law and society, scientific journal Wahana Pendidikan, November 2024, 10 (22).

agrarian conflicts.⁸ Based on the progress of land procurement in the construction of the bulango Ulu dam in 2024, the number of land needs reached 1,723 fields with an area of 1,196 Ha. Of these, 1,161 fields or an area of 781 Ha have been paid and 562 fields or an area of 415 Ha⁹ have not yet been paid. areas of land that are still in the process of settlement. This condition shows that most land plots do not have a certain status or agreement on the value of compensation. The problem is increasingly complex because some people who have controlled or worked on land for decades have not had an official certificate, so their legal status of ownership is weak when dealing with land acquisition procedures that require formal proof. On the other hand, there are discrepancies in physical and juridical data, differences in the assessment of the value of compensation, and lack of communication and transparency from related parties. These factors eventually lead to disputes between the community and the government¹⁰ and the project implementers.

Seeing the complexity of this problem, it is important to examine how the process of resolving land rights disputes around the Bulango Ulu Dam is carried out, both through positive legal mechanisms regulated by the state and through local wisdom approaches that live in the community. This analysis is expected to provide a more comprehensive picture of the interaction between state law and customary law, and offer a more fair, sustainable, and acceptable dispute resolution model for all parties.

Research Method

This study uses the type of Empirical Legal Research. Empirical Legal Research is data obtained directly from the public that is carried out directly by looking at reality in the field. This empirical research is information obtained directly from the community.¹¹ According to Ronny Hanitijo soemitro, Empirical Legal Research is a legal research whose data or information is obtained from primary data, in this case data obtained directly from the community.¹² The approach used in this study is based on a sociological approach, since it focuses on the behavior of individuals or groups in relation to the law.¹³ This approach will see and describe the social phenomena that arise in the community in relation to the process of resolving land rights disputes around the Bulango Ulu Dam. The source of data in this study is divided into two, namely primary data is data or information obtained directly from the subjects studied by using measuring instruments or carried out through direct data collection on the subject of the information sought.¹⁴ Secondary Data in this study as supporting data obtained through the study of literature. The secondary Data in question is Law No. 5 of 1960 on UUPA; law (UU) No. 2 of 2012 on Land Acquisition for development for the public interest as well as literature books. Data collection

⁸ <https://www.mongabay.co.id/2024/12/31/menakar-dampak-proyek-bendungan-bulango-ulu-2/> retrieved October 10, 2025.

⁹ <https://berita.gorontaloprov.go.id/2024/03/16/pembangunan-bendungan-bulango-ulu-ditargetkan-selesai-akhir-tahun-ini/> / retrieved October 10, 2025.

¹⁰ Santo, U. (2016). Settlement Of Disputes In The Acquisition Of Land For Public Use. Perspectives, 21 (3), 188-198.

¹¹ Bambang Sunggono, 2012, Legal Research Methods, Jakarta: Rajawali Press Publishers, P. 42

¹² Mukti Fajar and Yulianto Ahmad, 2010, dualism of Legal Research : Normative and empirical, Yogyakarta: Pustaka Pelajar, P. 154.

¹³ Suratman and Philips Dillah, 2014, Legal Research Methods, (2nd printing, Bandung: Alfabeta), P.88.

¹⁴ Saifuddin Azwar, 2001, Metode Penelitian, Yogyakarta: Pustaka Pelajar, hlm.91

techniques through observation and interviews, then analyzed in a descriptive qualitative data that has been obtained by the author will be presented in a complete and systematic.

Discussion and Analysis

A. The Concept Of Land Dispute Settlement

Land disputes are one of the most frequent land issues in various regions,¹⁵ especially in countries with high population growth and increasing space requirements. Discrepancies in administrative data, overlapping land rights, infrastructure development, and spatial changes are often the main triggers for conflicts. In addition, weak supervision and management of land often causes legal uncertainty, thus opening up space for double claims and unilateral expropriation of rights. On the other hand, land disputes are not only related to aspects of legality, but also closely related to social and economic factors of society.¹⁶ Land has strategic value not only as a physical asset, but also as a source of livelihood, identity, and a symbol of social status.¹⁷ Therefore, any land-related issue usually elicits a strong emotional response and interest from the parties involved, so its resolution requires a comprehensive approach that takes into account these various dimensions. Land disputes are problems of a complex and multidimensional nature.¹⁸ Therefore, a dispute is generally a fundamental difference regarding a perception or concept that makes both parties correct when viewed from different points of view.¹⁹ Where land disputes are closely related to the legal, social, economic, political, and cultural dimensions of society. In conflict theory, disputes are often rooted in differences in perceptions, interests, access, and control of resources. As stated by Mahruddin, disputes are not always understood as negative relations; in modern society, the dispute is precisely an indicator of the social dynamics that arose as a result of the growing strength of civil society in the fight for its rights.²⁰

Generally, conflicts over land that occur in Indonesia can be divided into 4 categories, among others:²¹

- 1) disputes related to recognition of ownership of land, such as overlapping certificates, customary rights claims, or customary land;
- 2) disputes regarding the transfer of land rights, either through sale and purchase, grants, inheritance, or transitions due to government policies;
- 3) disputes related to the imposition of rights, such as building rights, mortgage rights, or usage rights; and

¹⁵ Sukmawati, P. D. (2022). Agrarian Law In The Settlement Of Land Disputes In Indonesia. *Journal Of Legal Science Sui Generis*, 2 (2), 89-102.

¹⁶ Ibid

¹⁷ Junus, N., & Mamu, K. Z. (2019). Policy of arrangement and regulation of the lake area. *Juridical Journal*, 6(2), 135-156.

¹⁸ Sumarto. Handling and settlement of land conflicts with the principle of Win-win Solution by the National Land Agency of the Republic of Indonesia, (presented at the Directorate of Land Conflict training of the Ministry of Home Affairs of the Republic of Indonesia on September 19, 2012), 2

¹⁹ Priyatna Abdulrasyid, *Settlement Of Legal Disputes Over Land*, (Jakarta: Fika Hati Aneska, 2002), 6.

²⁰ Ibid

²¹ Abdurrahman. 1995. *The Idea Of Agrarian Law*, Bandung. Alumni, Hlm. 85.

- 4) the dispute over the occupation of ex-partikelir land, whose history comes from colonial heritage.

The division of land conflicts into four categories shows that land disputes in Indonesia stem not only from administrative technical issues, but also from long historical and social dynamics. The first category of disputes related to the recognition of ownership reflects the fundamental issue of the legitimacy of land rights that are still not fully resolved, especially in areas that have traditional customary rights or customary land. Discrepancies between the National Agrarian system and the customary system often lead to dualism of authority, thus opening up space for overlapping certificates and dual claims. This category is an indication that agrarian legal certainty still faces major challenges, even though the national regulatory framework has tried to harmonize. Meanwhile, the second, third, and fourth categories indicate that land disputes can arise due to growing socio-economic dynamics. Disputes resulting from the transfer of rights and encumbrance of rights indicate that land transactions and development activities are often not balanced by Transparency, good documentation, and adequate legal understanding of the parties. The dispute over the former occupation of particleboard Land shows the colonial heritage that is still imprinted, where the ownership structure of the past causes the unclear status of the land to the present day. Thus, land disputes are the result of the interaction of historical factors, institutions and social practices that run simultaneously, so their resolution requires a multidisciplinary approach and continuous reform of the land system.

In terms of disputed subjects, land disputes can be grouped into 3 types, namely :²²

- 1) Land disputes between citizens Land disputes between citizens are conflicts that occur between individuals or groups of people without involving the government as a party to the dispute. Its characteristic is a horizontal relationship, in which both parties have a relatively equal legal position, for example, disputes over the sale and purchase of land due to a double certificate, as well as the possession of land without permission by another person;
- 2) Land disputes between local governments and local residents, and These disputes arise when there is a difference of interest, claim of rights, or disagreement between the local government (or government agency) and the community owner or ruler of the land. The relationship of the parties is vertical, since the government is in a position as the holder of administrative powers, for example, the acquisition of land for the construction of dams, roads or other public facilities.
- 3) Disputes related to the management of Natural Resources. These disputes usually involve the community with companies or governments, related to the use and management of natural resources such as forests, mines, plantations, coastal areas, and protected areas. The pattern is more complex because it involves access, customary rights, sustainability, and the environment, for example conflicts between communities and companies.

Based on this classification, land disputes that occur in Bulang Ulu Regency are included in the category of disputes between local governments and local residents (vertical disputes). This

²² Chomzah, Ali Achmad. 2002. The U Of Guidance.U.P.A and procedures for acting land deed maker, Bandung, Alumni. P. 64

happened because the government needed community land for the construction of the dam, while some residents did not agree on the form or amount of compensation offered by the government. It was this lack of consensus that led to the dispute.

In the context of Indonesian positive law, the settlement of land acquisition disputes for the construction of the dam is guided by:

- a) Law No. 2 of 2012 on Land Acquisition for development for Public Interest, This law regulates land acquisition procedures, including deliberations, compensation assessments, to objection mechanisms in court.²³ UU No. 2 of 2012 is the main legal framework that regulates the process of land acquisition, from planning to delivery of results. This law emphasizes the principles of Justice, certainty, and participation, so that the community as rights holders have the space to engage in deliberations on the determination of the form and amount of compensation. The compensation assessment process is carried out by an independent appraiser so that the calculation results are not biased or benefit only one party. These principles aim to ensure that development in the public interest respects the rights of communities. This law also provides an objection mechanism if the landowner does not agree to the determination of compensation or the land acquisition process itself. Objections can be submitted through continued deliberation, reassessment by appraisal, to a lawsuit to court. Thus, law 2 of 2012 not only regulates administrative procedures, but also provides for a structured dispute resolution path. The presence of this mechanism confirms that land acquisition should not be carried out unilaterally, and any conflicts that arise should be resolved through transparent and accountable means. In the conflict at the Bulango Ulu dam, some residents rejected the amount of compensation and land acquisition procedures because they considered the compensation too low compared to the real value of the land.
- b) PP No. 48 of 2020 concerning BPN which delegates the handling and Prevention of disputes and conflicts as well as the handling of land cases to bpn. PP No. 48 of 2020 regulates the position, duties and functions of the National Land Agency as an institution that has authority in the implementation of land affairs nationally. In the context of disputes, this regulation confirms the authority of BPN in preventing and handling conflicts and land cases through administrative mechanisms. The authority includes the preparation of policies, supervision, and Land Services that ensure that Land Management takes place in an orderly manner and based on legal certainty. On the other hand, this PP strengthens the role of BPN as an institution responsible for maintaining the integrity of land data so that there is no overlap or manipulation of land rights. Dispute handling by BPN is preventive and curative, for example by providing Cross-Sector Coordination, mediation, or providing technical recommendations on land cases. With the strengthening of this authority, PP No.48 of 2020 seeks to reduce the structural roots of land conflicts, such as weak

²³ Isnaeni, D. (2020). The Concept Of Land Acquisition Law For The Construction Of Toll Roads In The Perspective Of State Control Rights. *Jurisprudence: Journal Of The Faculty Of Law, Islamic University Of Malang*, 3 (1), 93-105.

administration or uncertain rights status, so that disputes can be minimized before entering the realm of litigation.

- c) Regulation of the head of BPN number 21 of 2020 concerning the handling and settlement of land cases.²⁴ This regulation regulates the procedures for handling and resolving land cases ranging from verification, clarification, investigation, to settlement recommendations..

Regulation of the head of BPN No. 21 of 2020 provides more technical operational guidelines related to how BPN handles land cases. Starting from the stage of receiving reports, document verification, clarification to the parties, to the field investigation process, each stage is designed to ensure that dispute handling is carried out in an objective and data-based manner. This regulation also provides that the results of the investigation must be set forth in the form of a comprehensive case analysis, so that the resolution recommendations can be accounted for.

Related to the dispute over the construction of the Bulango Ulu dam, that in PP No. 48 of 2020 and Perka BPN No.21 of 2020 provides technical and administrative mechanisms for BPN to objectively prevent, handle and resolve land disputes. In the case of the Bulango Ulu dam, the conflict that arose due to the overlap of ownership documents and the vagueness of land boundaries, this is based on the results of an interview with the Tuloa village government, Mr. Marwan D, that in the process of implementing compensation faced various obstacles, such as validation and verification of land data which was often constrained by the discrepancy of ownership documents and land boundary disputes, ownership disputes due to overlapping or not certified documents, and the assessment of the value of land and assets that are often considered too low by the community. Besides. Protests and rejections from some communities, especially those who consider the land to have cultural or spiritual value, further complicate the situation, in addition to the constraints of legal aspects that require a long time for the completion of legality and budget constraints that cause delays in the payment of compensation. All of this shows the need for a transparent, fair, and dialogue-oriented approach to solving problems as a whole.

This condition reinforces the importance of dispute resolution mechanisms available in the Indonesian legal system. Settlement of land disputes can be done through two main channels, namely:

- a) non-litigation settlement such as consultation, conciliation facilitation; and mediation. This path puts forward the principle of deliberation and protection of people's rights.
- b) adjudication settlement through the judiciary is further divided into 2 (two) namely litigation and non-litigation. For litigation if the dispute regarding ownership is resolved in the District Court, and if the dispute regarding the object of the certificate can be resolved in the Administrative Court. While non-litigation settlement through the Indonesian Arbitration Board (BANI).²⁵

²⁴ Hendri Jayadi, et al, 2023, Land Dispute Resolution based on positive legal rules and legal doctrine on Dispute Resolution in Indonesia, Journal Comunita Servizio, Vol. 5 No. 1 year 2023, 1055.

²⁵ Ibid

The concept of land dispute resolution in the context of dam construction requires an approach that is not only formal legal, but also considers the social, economic, and cultural dimensions of the affected communities. In the social dimension the dispute is not only rooted in differences in ownership claims but also the perception of injustice in the determination of damages. While in the economic dimension, land in the local context is often a source of livelihood for the community. Thus, the dispute resolution approach must be multidimensional, integrative, and participatory to ensure development runs without neglecting the rights of the community.

B. Settlement of community land rights dispute around Bulango Ulu dam

Land as one of the natural resources that is an essential need for humans and serves very essential for human life, even determining the civilization of a nation.²⁶ On the other hand, land is the basic capital for development. Currently the development continues to increase while the land does not change. Therefore, government intervention in Land Management is needed in order to achieve a balance between utilization and sustainability.²⁷ The right to control the state on land law is regulated in law No. 5 of 1960 which is the elaboration of Article 33 (3) UUD 1945 which reads that the earth, water and Natural Resources contained therein are controlled by the state and used for the greatest prosperity of the people, meaning that the state has the power to make agrarian-related policies for the benefit of its people.²⁸ This is in line with Article 6 of the UUPA, namely all land rights have a social function. This means that the holder of land rights does not have absolute power over the land if the state wishes for the public interest.

The concept of land acquisition is based on principles that are divided into two, namely: land acquisition by the government due to public interest, namely land that is needed for projects or activities that provide benefits to the wider community, such as the construction of dams, roads, irrigation, public facilities, and other strategic infrastructure, and land acquisition by the government not for the public, however, it still has to go through legal mechanisms and procedures regulated by law so as not to cause conflicts.²⁹ These two principles are the foundation for the government in taking over land legally and structurally, while still paying attention to the rights of affected communities. In line with the principle of land acquisition for the public interest, Article 18 of the agrarian Basic Law (UUPA) states that the right to land can be revoked for public interests, including the interests of the nation and the state or the common interests of the people, provided that appropriate compensation is provided in accordance with the provisions of the law. This article affirms that the acquisition of land must be carried out legally and fairly, so that the state does not act arbitrarily against landowners. This concept confirms the social function of land

²⁶ M. R. Ramli, K Karim, and M. A. F. Syahril, "disputed disputes over land," litigation, vol. 9, no. 1, pp. 1-9, 2021, [Online]. Available: <https://journalstih.amsir.ac.id/index.php/julia/article/view/53>.

²⁷ Caecelia Yasinta Daki's Daughter, Yossie M. Y. Jacob, and Rini Marselin Kaesmetan " "juridical review of Lambo reservoir construction on customary land in Rendubutowe Village, Nagekeo Regency," J. Ris. The Science Of Sos. Polit. and Hum., vol. 4, no. 1, pp. 193-203, 2025, doi: 10.55606/jurrisch.v4i1. 5026.

²⁸ M. D. Adriansa, N. Adam, and a. Silvia " "Land Acquisition for the construction of Bener Dam in Wadas Village, Purworejo Regency (Phase I) (Case Study of obstacles in land acquisition in Wadas Village)," Diponegoro Law J., vol. 9, no. 1, pp. 138–154, 2020.

²⁹ H. Blix Baarixur Rahman and F. Ulfatun Najicha " "juridical review of the construction of Mbay Dam in East Nusa Tenggara province in the perspective of the UUPA on the dispute over the right to control the country with customary rights"" J. Rechtens, vol. 12, no. 1, pp. 1-18, 2023, doi: 10.56013/rechtens.v12i1. 1717.

as stipulated in the Constitution, that is, land not only belongs to individuals, but also has a role in the interests of society at large. As the executor of the UUPA, technical arrangements regarding land acquisition for public use are regulated in law No. 2 of 2012 on Land Acquisition for public use.³⁰ This law is the main legal basis for the government in carrying out land acquisition in a legal, structured, and transparent manner. Regulated procedures include land identification, determination of Compensation Value, socialization to the community, deliberation, and dispute resolution mechanisms.

The procurement of land for public use has a vital role in supporting the smooth implementation of the National Strategic Project (PSN), which is stipulated through Presidential Regulation No. 3 of 2016 on the acceleration of the implementation of the PSN and its changes, which states that one of the list of national strategic projects is related to the construction of dams. Dam construction as a national strategic infrastructure project is an important requirement to support food security, water supply, and energy. However, the implementation of this development is not uncommon to cause land rights disputes with local communities around the dam site, as happened at the Bulango Ulu dam.

Bulango Ulu dam is a National Strategic Project (PSN) built since 2019 in Tulaa Village, North Bulango District, and Mongolingo and Owata villages in Bulango Ulu District, Bone Bolango Regency, Gorontalo. The project aims to improve food security, Flood Control, and raw water supply. With a capacity of 84.10 million cubic meters and a pool area of 483.05 hectares, the dam is designed to supply irrigation water to 4,950 hectares and produce raw water at 2.2 cubic meters per second. In the development process, land acquisition becomes a major challenge. Of the total 1,723 plots of land required covering an area of 1,196 hectares, 1,161 plots or 781 hectares have been released. And 562 fields or an area of 415 hectares of land that has not been completed, caused by people who occupy or work on land for decades have not had official certificates, resulting in legal uncertainty when land acquisition is carried out, in addition to disagreements over the value of compensation causing the dispute. The mechanism in dispute resolution is the determination of land value, physical data and juridical data collected by the Task Force as a basis for calculating compensation. In resolving this dispute, strategic steps are needed between the government, the community, and related parties. The steps in the process of resolving disputes over community land rights around the Bulango Ulu dam are as follows:

- 1) Inventory and identification of land by the National Land Agency (BPN). BPN has a central role in Land Management for strategic projects, including the construction of the Bulango Ulu Dam, where the total land needs reached 1,723 plots or about 60% of the total land affected. This inventory aims to map the land affected by the project, identify landowners through official documents such as certificates or certificates of land tenure, as well as real evidence of physical ownership such as inheritance or cultivation for decades. In addition, BPN determines the legal status of the land (property rights, use rights, or other rights). This identification Data is the basis for determining the value of fair compensation in accordance with Article 18 of the UUPA and Law No. 2 of 2012 on Land

³⁰ Rofi Wahansisa. The land and the things on it: between existing and nonexistent. Journal Of Rechtsvinding. Volume 8 Number 3. December 2019. Page 451.

Acquisition for public use. Thus, the inventory is not only an administrative measure, but also a legal means to provide certainty and justice to affected communities.

2) Socialization to the community

Socialization is an important step in the process of resolving land disputes,³¹ especially in the procurement of land for national strategic projects. Socialization serves as a means of delivering official information from the government to the affected communities regarding development plans, boundaries of areas to be released, forms of compensation, as well as the rights and obligations of each party. In the case of the Bulangu Ulu dam, the socialization activities carried out by the BPN Bone Bolango are very important considering that there are still many residents who do not have formal legality on the land they occupy or work on. It aims to build common understanding, minimize resistance, and encourage people to actively participate in the settlement process. The information submitted in the socialization must also include documents that need to be prepared, deadlines, and complaint or objection procedures, so that the process runs transparently and fairly.

3) Negotiation

Deliberation or negotiation is a form of dispute resolution outside the court (non-litigation) which is widely used in the settlement of land conflicts. as mentioned in Article 6 paragraph (2) of Law Number 30 of 1999 concerning arbitration and Alternative Dispute Resolution. In the legal context, this approach is also known as a bipartite settlement, which is a settlement made directly by the parties without involving a third party. The result of this process is usually a collective agreement or compromise solution, which although not legally binding like a court decision, but becomes valid and binding when set forth in a written agreement. In practice, especially in the local community, this approach cannot be separated from the values of local wisdom that live in the culture of the community. Local wisdom emphasizes principles such as deliberation, consensus, social justice, and respect for inter-community relations, which strengthen the legitimacy of the dispute resolution process in Bulango Ulu.

The deliberative approach is a top choice given that most of the land in dispute has not been certified, and many communities are old tenants who are not formally registered. This approach reflects the values of local wisdom, where open dialogue, mutual listening, and the search for collective solutions are the basis for resolving disputes. Based on the results of the interview with Mr. Pratno, the deliberation was carried out so that the parties to the dispute could understand each other's rights and obligations, as well as know the form of compensation and the mechanism for its implementation.³² On the other hand, affected communities are also given space to express aspirations, including objections to the value of compensation for land and buildings. Thus, deliberation rooted in local wisdom is not only an effective and efficient settlement mechanism,

³¹ Junus, N., Mamu, K. Z., Ismail, D. E., Wantu, F. M., Puluhulawa, M. R. U., Daffodil, D. A., ... & Imran, S. Y. (2022). Assistance to The Village Community in building awareness of Registering Property Rights Land (legal counseling in North Buntulia Village, Kec. Buntulia District. Pohuwato). *NUSANTARA Journal of Community Service*, 2 (1), 30-39.

³² Interview with Mr. Pratno Kurniawan as a legal analyst for the land acquisition of the Bulangu Ulu BPN BPN Bone Bolango district, dated 08 August 2025.

but also provides a sense of justice to the community and minimizes the potential for prolonged social conflicts. This approach is in line with the principle of inclusive and equitable development, in which society is treated not only as an object of development, but also as a subject who has the right to determine the future over his living space.

Based on the description above, the dispute resolution model for land rights around the Bulango Ulu Dam must be able to integrate legal certainty, community participation, and social justice principles. The first step remains legally based through the inventory and identification of land by BPN, according to law No. 5 of 1960, article 18 of the Constitution, and Law No. 2 of 2012 on Land Acquisition for public use. This inventory ensures that the legal status of each land plot is clear, ownership documents are valid, and evidence of physical ownership is recognized, so that the basis for compensation and the land acquisition mechanism become transparent and acceptable to all parties. This legal certainty is the initial foundation for the procurement process to run fairly and reduce the potential for conflict. Furthermore, community participation should be increased through interactive socialization and structured deliberations that consider local wisdom. The community is given space to express aspirations, assess the value of compensation, and choose the most appropriate type of compensation, such as money or replacement land. This deliberation is carried out with a neutral mediator and is set forth in a written agreement so that it is valid administratively and morally. This approach not only reflects the principle of the social function of land (Article 6 of the UUPA) but also fosters a sense of community ownership of the decisions taken, so that the results of the agreement can be accepted by all parties. For dispute resolution to be sustainable, this model needs to include long-term compensation and monitoring mechanisms. The government together with BPN conduct periodic evaluations to ensure the agreement is well executed and deal with new complaints that arise. Thus, this model guarantees fair, inclusive, and sustainable dispute resolution, while supporting the smooth construction of the Bulango Ulu Dam as a national strategic project.

Conclusion

Land disputes are complex problems involving legal, social, economic, political, and cultural dimensions, which often arise due to overlapping rights, transfer or imposition of rights, unclear ownership, and historical heritage such as land particles. The concept of land dispute resolution emphasizes a multidimensional approach that integrates legal certainty, community participation, and social justice principles, by combining formal legal mechanisms and local wisdom-based deliberations. In the context of the Bulango Ulu Dam, the settlement is carried out through the inventory and identification of land by the BPN to establish the legal status and basis for compensation, socialization to explain the rights, obligations, and procedures for land acquisition, as well as deliberation to reach a fair and acceptable agreement for all parties. This Model is based on Law No. 2 year 2012, PP No. 48 of 2020, and BPN head Regulation No. 21 of 2020, and equipped with periodic monitoring and evaluation mechanisms to ensure effective implementation of the agreement. This integrative and participatory approach makes resolving land disputes not only support the smooth construction of the Bulango Ulu Dam as a national strategic project, but also respect the rights, interests and aspirations of the affected communities.

Bibliography

Books

Abdurrahman. 1995. The Idea Of Agrarian Law, Bandung. Alumni.

Bambang Sunggono, 2012, Legal Research Methods, Jakarta: Rajawali Press Publishers.

Chomzah, Ali Achmad. 2002. The U Of Guidance.U.P.A and procedures for acting land deed maker, Bandung, Alumni.

Mukti Fajar and Yulianto Ahmad, 2010, dualism of Legal Research : Normative and empirical, Yogyakarta: Pustaka Pelajar.

Priyatna Abdulrasyid, 2002, Settlement Of Legal Disputes Over Land, (Jakarta: Fika Hati Aneska.

Saifuddin Azwar, 2001, Metode Penelitian, Yogyakarta: Pustaka Pelajar.

Sumarto. Handling and settlement of land conflicts with the principle of Win-win Solution by the National Land Agency of the Republic of Indonesia, (presented at the Directorate of Land Conflict training of the Ministry of Home Affairs of the Republic of Indonesia on September 19, 2012

Suratman and Philips Dillah, 2014, Legal Research Methods, (2nd printing, Bandung: Alfabeta.

Journals

Caecelia Yasintha Daki's Daughter, Yossie M. Y. Jacob, and Rini Marselin Kaesmetan. (2025). "juridical review of Lambo reservoir construction on customary land in Rendubutowe Village, Nagekeo Regency," J. Ris. The Science Of Sos. Polit. and Hum., vol. 4, no. 1, pp. 193-203, 2025, doi: 10.55606/jurrihs.v4i1. 5026.

Dewi Sinta, Salsabila Amalia Putri Yoesvizar, 2024, knitting conflict: understanding the dynamics of development in Wadas through the perspective of Law and society, scientific journal Wahana Pendidikan, November 2024, 10 (22).

Eliana Renate Simanungkalit, Pitojo Tri Juwono, Evi Nur Cahya. (2024). Project Management Study Of Dam Construction At Bulango Ulu Dam With Fasttrack And Crashing Methods, Syntax Idea, Vol.6 No.July 7, 2024.

Guntur, I. G. N. (2023). Variety of formal recognition of customary land tenure in Indonesia. Tunas Agraria, 6 (2).

H. Blix Baarixur Rahman and F. Ulfatun Najicha. (2023). "juridical review of the construction of Mbay Dam in East Nusa Tenggara province in the perspective of the UUPA on the dispute over the right to control the country with customary rights'" J. Rechtens, vol. 12, no. 1, pp. 1-18, 2023, doi: 10.56013/rechtens.v12i1. 1717.

Hendri Jayadi, et al. (2023). Land Dispute Resolution based on positive legal rules and legal doctrine on Dispute Resolution in Indonesia, Journal Comunita Servizio, Vol. 5 No. 1 year 2023.

Isnaeni, D. (2020). The Concept Of Land Acquisition Law For The Construction Of Toll Roads

In The Perspective Of State Control Rights. *Jurisprudence: Journal Of The Faculty Of Law, Islamic University Of Malang*, 3 (1).

Junus, N., & Mamu, K. Z. (2019). Policy of arrangement and regulation of the lake area. *Juridical Journal*, 6(2), 135-156.

Junus, N., Mamu, K. Z., Ismail, D. E., Wantu, F. M., Puluhulawa, M. R. U., Daffodil, D. A., ... & Imran, S. Y. (2022). Assistance to The Village Community in building awareness of Registering Property Rights Land (legal counseling in North Buntulia Village, Kec. Buntulia District. Pohuwato). *NUSANTARA Journal of Community Service*, 2 (1), 30-39.

M. D. Adriansa, N. Adam, and a. Silvia. (2020). "Land Acquisition for the construction of Bener Dam in Wadas Village, Purworejo Regency (Phase I) (Case Study of obstacles in land acquisition in Wadas Village)," *Diponegoro Law J.*, vol. 9, no. 1, pp. 138–154, 2020.

M. R. Ramli, K Karim, and M. A. F. Syahril. (2021). "disputed disputes over land," *litigation*, vol. 9, no. 1, pp. 1-9, 2021, [Online]. Available: <https://jurnalstih.amsir.ac.id/index.php/julia/article/view/53>.

Muhammad Zaky Adriansa, Nur Adhim, Ana Silviana. (2020). Land Procurement For The Construction Of Bener Dam In Wadas Village, Purworejo Regency (Phase I) (Case Study Of Obstacles In Land Procurement In Wadas Village), *Diponegoro Law Journal*, Vol.9 No.1.

Paputungan, M., Kasim, N. M., & Kamba, S. N. M. (2024). Indemnity In Land Acquisition Due To Dam Reservoir Construction: A Case In Bolaang Mongondow District. *Innovative Law: Journal of Social Legal Sciences and Humanities*, 1(2).

Rahman, H. B. B., & Najicha, F. U. (2023). Juridical review of the construction of the Mbay Dam in East Nusa Tenggara province in the perspective of the UUPA on the dispute over the right to control the country with customary rights. *Rechtens Journal*, 12 (1).

Rofi Wahanisa. (2019). The land and the things on it: between existing and nonexistent. *Journal Of Rechtsvinding*. Volume 8 Number 3. December 2019.

Santo, U. (2016). Settlement Of Disputes In The Acquisition Of Land For Public Use. *Perspectives*, 21 (3)

Sukmawati, P. D. (2022). Agrarian Law In The Settlement Of Land Disputes In Indonesia. *Journal Of Legal Science Sui Generis*, 2 (2).

Websites

<https://www.mongabay.co.id/2021/12/21/pembangunan-bendungan-bulango-ulu-mulai-jalan-sebagian-lahan-masih-sengketa/> / retrieved October 10, 2025.

<https://www.mongabay.co.id/2024/12/31/menakar-dampak-proyek-bendungan-bulango-ulu-2/> / retrieved October 10, 2025.

<https://berita.gorontaloprov.go.id/2024/03/16/pembangunan-bendungan-bulango-ulu-ditargetkan-selesai-akhir-tahun-ini/> / retrieved October 10, 2025.