

THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

The Model for Resolution of Land Conflict through the Mediation Integrating Legal Aid Based on College in South East Sulawesi Province, Indonesia

Muh. Sjaiful dan Jumiaty Ukkas

Lecturer, Faculty of Law, Halu Oleo University Kendari, Indonesia

Abstract:

Problem of land conflict in Southeast Sulawesi, Indonesia during 2015 until now, has become a phenomenon which has the potential to threaten the stability of social interaction among citizens. During this time, the handling of land conflict has been pursued, among others through mediation, complaints to ministries, demonstration and court. The handling of land conflict, however, it does not seem to provide satisfaction for the parties which in conflict. The aim of this research is to create a new model for resolution of land conflict through mediation integrating legal aid based on college in South East Province, Indonesia. This research uses normative legal research based empirical social. The result of research shows that resolution for land conflict through the court, is less effective considering the culture of the people of Southeast Sulawesi in a primordialistic society which still holds the values of kinship and so tight social relation. In author's opinion that the mediation integrating legal aid based college, is appropriate resolution for land conflict, since it could yield win-win solution for the parties.

Keywords: *Land conflict, mediation, legal aid, and college*

1. Introduction

Conflict of land which has caused horizontal conflict, it is more increasing in Indonesia, particularly in the Province of Southeast Sulawesi, one of the provinces in the southeastern part of Sulawesi Island. It has also become a reality in the social life of its citizens. Increased land conflict, it is showed by data collecting of author, since 2015, among others Konawe Utara Regency and Kendari City. These regions located in the Province of Southeast Sulawesi. They have land conflict about 21%. Then, Regency of Konawe Selatan, about 18% and Regency of Bombana about 14%. There are various land conflicts which can be found in the Province of Southeast Sulawesi, among others land use conflict, abandonment of land rights, and land grabbing citizens. According to data, there are land grabbing citizens, such as: First, abandonment of citizens' rights on plantation land, about 35%, especially oil palm plantations, sugar cane plantations, and cotton plantations. Second, mining land conflict which reaches 25%, especially nickel mining land, gold mining land, and sand mining. Third, land conflict between citizen and the land mafia. This conflict is often found in Kendari City, since land price, is very expensive. Fourth, customary land conflict or known as conflict of *tanah adat*. Conflict of *tanah adat* often occurs because it is converted into the area of protected forest (known as *kawasan hutan lindung*).

There are some companies which often clash with citizens in land conflict. Based on data search conducted by the author during 2015, could be identified the list of companies involved in land conflict, namely (1) Company engaged in Oil Palm Plantation, Plantation of Sugar Cane and Other Plantations, among others: PT Selaras Andalan Jaya (SAJ), PT Damai Jaya Lestari (DJL), PT Surya Prima Lestari (SPL), PT Sarana Andalan Jaya (SAJ), PTPN, PT Sultra Prima Lestari (SPL), PT Merbau, PT Kapas Indah Indonesia, PT Bintang Nusa Pertiwi (BNP), PT Kilau Indah Cemerlang which is a subsidiary of PT Tiram Group, PT. Bintang Nusa Pertiwi, PT. Marketinda Selaras, PT. Merbau Indah Raya, PT Cipta Agung Manis (CAM), Sugar Cane Plantation of PT Tiram Group, PT Sumagro Sawitara, Oil Plantation Company In Wonggeduku, Konawe; (2) Company engaged in the Mining Sector of PT Sriwijaya, C Unahaa Bakti, CV Wulan, PT Ifish Deco, PT Panca Logam, PT Sultra Utama Nickel (SUN), PT Konawe Putra Propertindo (KPP), PT Ganesha, PT Utama Sultra (PUS), PT Derawan Berjaya Mining (DBM), PT Pertambangan Bumi Indonesia (PBI), PT Sumber Alam Megakarya (SAM), PT Trias Jaya Agung (TJA) and PT Timah Investasi Mineral (TIM); (3) Government Company, such as SOE and Contractor: PT Manuggal, PT Sumber Hasil Utara (SHU), Kendari City Government, Baubau Municipal Government, Konawe Forestry Service, North Kolaka District Government, Bombana District Government, Kendari City Forestry Office, Baubau City Forestry Office, Provincial Government of Southeast Sulawesi, BTN, Telkomsel, and Ministry of Forestry. In the Figure below, authors present the data of land conflict in Province of Southeast Sulawesi, Indonesia, as follows:

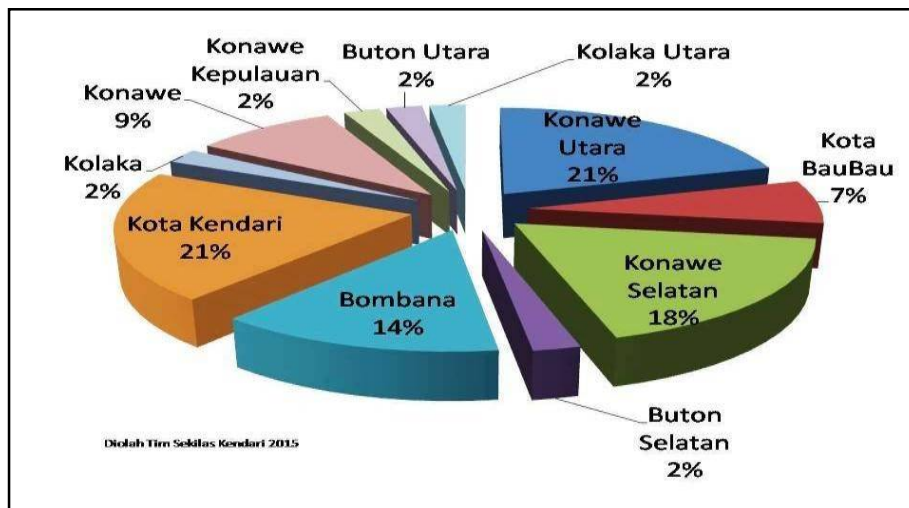


Figure 1: The Description of Land Conflict in Some Areas of Province of Southeast Sulawesi, Indonesia

In the fact, the ways in which citizen of the land conflict resolving, it seems to have not satisfied the parties. Based on that reason, to observe the increasing land conflict in the social reality of Southeast Sulawesi citizen, especially with the point of dispute resolution mechanism which has not provided a solution in ensuring of a sense of justice and legal certainty for the parties in the land conflict, and there is no strategic mechanism to monitor and control effectively to the outcome of the dispute, both of court and outside of the court, which should be obeyed by the parties in the dispute. The issue of land dispute resolution which has not provided effective measures to prevent prolonged land conflict, ultimately led to protests of various elements of society in Southeast Sulawesi, such as: a community group known as The Coalition for the People of Southeast Sulawesi demanding the settlement of agrarian conflict in favor of the people. Today, the way of resolution for land dispute which has triggered land conflict in Southeast Sulawesi, it is very rarely or never to involve the Institution of Legal Aid affiliated under the college (both of public and private). Whereas the role of Legal Aid Institute based on college, it will very effectively provide solution in controlling the land conflict resolution. However, this conflict is very prone to trigger prolonged land conflict for the People of Southeast Sulawesi. Moreover, the existence of Legal Aid Institute based on college is still firmly maintaining the loyalty of legal authority which can guarantee justice and legal certainty.



Figure 2: Demonstration of the Coalition for the People of Southeast Sulawesi demanding the settlement of agrarian conflict in favor of the people

This research focuses on topic of the model for mediation as instrument integrating legal aid based on college to resolve land conflict in the Province of Southeast Sulawesi of Indonesia. The method of research in use as an analysis is normative based empirical-social.

2. Method of Research

This research is a legal research based empirical-social. Authors start to research by doing of observation in some areas of land conflict. However, authors should do to interview some respondents for receiving data which is needed to analyze the substance of this research.

The next procedure taken by authors are to collect primary legal materials and secondary legal materials in the form of tracking legal materials and literature materials which include books and articles of other scientific journals related to the relevant theoretical foundation. Based on those primary and secondary legal materials, authors want to explore the arguments and legal norms in order to strengthen the argument of the scientific thinking which is built related to of the main problem in the research. In the context of empirical research procedures, this research will select the location of some areas in Southeast Sulawesi province where the land conflict often occurs. All collected data will be analyzed descriptively in qualitative.

3. Result and Discussion

3.1. The History of Land Conflict of Indonesia

The term conflict is etymologically derived from Latin, the word *con* meaning “together”, and the word *fligere* which means “collision” or also taken from the term *configere* meaning *to hit* (Elly M Setiadi dan Usman Kolip, 2011:345). In the context of social meaning, the definition of conflict can mean a series of spontaneous disagreements and disputes involving both individuals and groups. Thus, the meaning of the conflict according to the sociologist's view, is a social process involving two or more persons or between groups, each of which seeks to overcome or defeat each other (Danny Hariyanto dan Edwi Nugroho, 2011:113). Conflict is motivated by differences in the characteristics which individuals bring in an interaction. These differences include the physical characteristics, intelligence, knowledge, customs, beliefs and so forth. The existence of individual traits in social interaction, the conflict is a normal situation occurs in every society and no society which never gotten conflict among their members. Conflict will only disappear along with the loss of society. Conflict is an unavoidable and often creative reality. Conflict occurs when community goals are not aligned. Disagreements are usually resolved non-violently and often result in better situations for most or all parties involved. Therefore, the conflict remains useful, especially since the conflict is indeed part of our being. From the micro, interpersonal, group-level, organizational, community, country and all about social relationships will always be in conflict. Conflict arises because of the imbalance between that relationship. It also is caused by elements, namely, social status gaps, lack of prosperity, unequal access to resources, and unequal power (Muhammad Iskandar, 213: 7).

According to Hayat (2013:270) that the conflict is always a necessity in the life of society, because it involves a variety of conflicts of interest that lead to misunderstanding and conflict among individuals. The conflict according to Narwoko in Defi Arini Rahayuningtias and Arif Sudrajat (2013: 5-6), since there are parties who feel depressed or oppressed for the actions or policies of other parties. That is, there are parties who feel their rights deprived by other parties. Thus, the theory of conflict, always discuss about the issue of disputes both individuals and groups of people with various motives and interests which lie behind them. The emergence of a conflict due to differences and diversity. Based on that statement, for example Indonesia, which shows longer conflict among any actions. Actually, the conflict is divided in two forms, namely horizontal conflict and vertical conflict. Horizontal conflict is a growing conflict among group members, it seems to be a conflict between ethnic, religious, racial, and intergroup. While the vertical conflict is a conflict that occurs between the community and the state or government. Generally, these conflicts arise because people are dissatisfied with the performance of the government, such as the recent conflicts that demand a policy of government to raise the salaries of workers. Indeed, in the conflict, which marks the reality of Indonesian society, there are various patterns and varieties. The most common ones are labor conflict, group conflict, and land conflict. In the discussion on land conflict by taking a case study of Indonesian society, as described by Puji Astuti (2008: 53), the most prominent is the conflict related to the control of agrarian resources. Agrarian conflict according to Christoulou usually involves society, government, and business all fighting for agrarian resources. People are fighting against the state and business to demand what they think is their right. While the state and businessmen also seek to resist and emphasize the people to defend their rights over agrarian resources, both of which generally have juridical evidence.

Endang Suhendar (1996) reveals that land conflict of Indonesia in at least four periods: The period of 1870, this period is marked by the issuance of the Agrarian Law of 1870 by the Dutch East Indies government which explicitly seeks to attract foreign investment by facilitating access to land by *erfpacht* facility for 75 years to private investors. This triggered a wave of rejection from the public including the elite (noble class) or the ordinary people. Land conflict at this time, according to James Scott, ultimately evolved from a mere public response to the forcible land acquisition by the government of the Netherlands East Indies, to the deep psychological and sociological areas of the existence of society to various extortion and exploitation excessive whether done by the apparatus of The Dutch Colonial, the owner of capital, and cooperation between of them. This resistance rests on the life of peasants who are disturbed by the burdensome colonial rule.

Period 1967 - 1973. This period is a period of exploitation. It is marked by the enactment of the Agrarian Law of Number of 5 of 1960. There are two factors which become the main cause of the enactment of the Agrarian Law of Number of 5 of 1960. First, the objective condition in the form of a vulnerable situation (in the political and security aspect) in the aftermath of political events in 1965. Second, the shift of policy development approach after the collapse of the Old Order, which known as *Orde Lama* and the birth of the New Order government, which known as *orde baru* in a populist policy (Iswantoro, 2009: 846-848), since Soeharto and the New Order (1966) came to power, there were so many products of the law which in contrary to the basic agrarian laws and even the 1945 Constitution as the state constitution. There were regulations which ignored The Basic Agrarian Law of Number of 5 of 1960, for example the government, under Soeharto, authorized foreign and domestic companies to exploit Indonesia's natural resources, and to support these large capital businesses to deprive farmers from the land, by utilizing the absence of positive legal guarantees to the peasants over the lands where they controlled. The groups who opposed the policy were labeled as a group of subversives, neo communism, and they were criminalized or imprisoned by the New Order Government under Soeharto (Mappatoba: 2014).

The period 1973-1983. This period is called the period of productivity improvement without structuring of the land ownership structure. To achieve food self-sufficiency in the period 1973-1983, the Indonesian government pursued a policy of green revolution, but it was not followed by the reconstruction of land ownership as mandated by the Basic Agrarian Law of Number of 5 of 1960 resulting in the accumulation of rural agricultural land holders. Endang Suhendar stated that according to Joyo Winoto, the concentration of land ownership in a handful of people had an impact on the increasingly massive potential of land conflict. Joyo said, within 50 years after the legislation of The Act of Agrarian Land, the National Land Agency (*Badan Pertanahan Nasional* in

Indonesia language) received more than 7,491 land disputes in Indonesia. The same thing was revealed by the Agrarian Reform Consortium of Indonesia that agrarian conflicts in 2001, it reached 1753 and occurred in 2834 villages, 1355 sub-districts in 286 districts and municipalities, by disputing 10.892.203 of land resulting 1.189.482 families were victims. Author describe the outline of land conflict of Indonesia, namely: 344 cases (19.6%) occurred due to the issuance of the extension of the Right of Cultivation (*Hak Guna Usaha* in Indonesia language) or the issuance of the Right of Cultivation for large plantations by Indonesia Plantation Company. 243 cases (13.9%) of the total cases were disputes resulting from the development of public facilities and urban facilities; 232 cases (13.2%) due to new housing and city development; 141 cases (8.0%) constitute land conflicts within areas designated as production forests; 115 cases (6.6%) were conflicts resulting from the development of factories and industrial estates; 77 cases (4.4%) conflicts resulting from the construction of dams (large dams) and irrigation facilities; and 73 cases (4.2%) were conflicts caused by the development of tourism facilities, hotels and resorts, including the making of golf courses. Period 1983-2000, the period in which the government deregulated against legislation that was considered to inhibit the acquisition of land for investment purposes. Of course, it caused land conflict between Indonesia government and citizen.

3.2. *The Existence of Mediation in Characteristic Non-Litigation*

The term of mediation etymologically comes from the Latin *mediare* which means to be in the middle. This indicates that the role of third party performs as a mediator in performing its duties which mediates and resolves dispute between the parties. The word "in the middle" also means that the mediator must be in a neutral and impartial position in resolving the dispute. In mediation, the mediator shall be able to safeguard the interest of the parties in the dispute fairly, thereby fostering the trust of the parties to the dispute. In Laurence Bolle's opinion, Mediation is a decision-making process in which parties are assisted by mediator, in this case mediator efforts to improve the decision-making process and to help the parties achieve their desired outcomes together (Syahrial Abbas, 2009). The Regulation of Indonesia Supreme Court of Number of 2 of 2003 says that the mediation is resolution for dispute by the negotiating process of parties with the use of mediator. While, definition of mediator in this regulation, is a neutral and impartial party, which serves to assist the parties in finding solutions for dispute resolution. Definition of mediation in this The Regulation of Indonesia Supreme Court, is emphasizing on one aspect which mediator must be proactive in the settlement of dispute that satisfy the parties. It means that, mediator must be find an alternative dispute resolution. Mediator is not merely bound and focused on what is owned by the parties in the settlement of disputes between them. In this case, the mediator must be able to offer a solution or another way, when the parties no longer have an alternative dispute resolution them. This is where the mediator's role as a neutral third party. This is important in helping dispute resolution. Therefore, the mediator should have a number of expertise, which can facilitate and assist the parties in their dispute settlement.

Based on that argument, it can be said that the mediation is a dispute resolution through the mechanism of dispute resolution outside the court, known as non-litigation. The characteristic of mediation as a resolution of disputes outside the court, is evident from the dispute resolution process between the parties conducted with the help of neutral and impartial mediator as facilitator, whereas the decision to reach an agreement is still taken by the parties themselves. Mediation is a peaceful process by which the disputing parties hand over their settlement to a mediator to achieve a fair outcome, without wasting too much money, it is effectively and fully accepted by both parties in a resolution of dispute (Asmawati, 2014: 58).

3.3. *The Role of College's Legal Aid as an Institution for Law Enforcement in Indonesia*

Farida Kurniawati (2012:226) in her research, says that the fulfillment of human rights becomes one of the parameters in determining the progress of a country in the aspect of social welfare, which is the goal of the State of Indonesia. Fulfillment of Human Rights includes the citizens affected by the legal process, and this is the consequence of a law state. It means that, legal aid is one of manifestation of guarantee and protection of human right, especially for suspect or defendant to get proper treatment by law enforcement in accordance with its dignity as human being, the rule of law is esoteric, for people not easy to understand and comprehend. Legal aid becomes one of the tools to achieve the fulfillment of human rights as stated in Article 54 of Act of Number of 8 of 1981.

The existence of Legal Aid Institutions, as regulated in the Letter of Indonesia Supreme Court Number of 10 of 2010 on Guidelines for Providing Legal Aid in the General Courts in Chapter 1 point 5 stipulates that the Legal Aid Institute is a civil society institution legal aid providers or legal aid work units of professional advocate organizations, or lawyers' consulting and advisory bodies in Higher Education ". This provision also provides confirmation of the role of Indonesia College especially faculty of law, as the institution that provide a new paradigm for as much as possible to provide assistance to people who involved in the problem of law. This role, also to provide legal assistance in fulfillment of the human rights in the frame work of legal protection (Farida Kurniawati, 2012: 224).

Based on such explanation, actually, the role of legal aid is one of the institutions which actualize to fight for the rights of the people, especially the poor of Indonesia, to obtain justice and legal certainty from the act of injustice. The position of the University/College-based Legal Aid Institute, which involves lecturers and students, is expected to provide an active role within the framework of supporting the rule of law in Indonesia that is more justice and legal certainty. The Position of the University/College-based Legal Aid based on the Letter of Indonesia Supreme Court Number of 10 of 2010, has established the role of an University/College-based Legal Aid, not only as a partner working for the rights of the community, but also as a legal aid provider working directly with the courts and other law enforcement agencies in Indonesia.

3.4. The existence of the Legal Aid Based on College as Mediator According to The Regulation of the Supreme Court of the Republic of Indonesia of Number 1 of 2016

In the context of carrying out the main duties and functions of a mediation for non-litigation dispute settlement, the Supreme Court of the Republic of Indonesia, as the last bastion of the judiciary in the Indonesia legal system, has established a normative reference to anyone want to play the role of the mediator. The reference is the Regulation of the Supreme Court of the Republic of Indonesia of Number 1 of 2016 on Mediation Procedures in the Court. The presence of this regulation is also an instrument in the legal system of Indonesia for mediator to carry out the main duty and function professionally, proportionally, and put forward the value of deliberation rather than precisely add new conflicts, especially in the settlement of a conflict. This regulation requires that each mediator be required to have a certificate as a mediator established by the Supreme Court of the Republic of Indonesia. Article 1 Chapter I General Provisions, clearly stipulates: A Mediator is a Judge or any other party who has a Mediator Certificate as a neutral party assisting Parties in the negotiation process to seek possible dispute resolution without resorting to the disconnection or enforcement of a settlement. Under the general provision of the Regulation of the Republic of Indonesia of Number 1 of 2016 provides that a mediator certificate is a document issued by the Supreme Court or an accredited institution of the Supreme Court stating that a person has passed the mediation training. Based on such regulation, says that mediator is someone who have passed mediation training. This rule is a provision for a person or institution to be able to act as a mediator.

Based on the provision, the existence of the Legal Aid Based on the College in Southeast Sulawesi, is given the opportunity to become a mediator in every land conflict in Southeast Sulawesi, a sentence that mentions the words "... Mediator is a Judge or any other party who has Certificate of Mediator as a neutral party assisting Parties ..." has become the juridical foundation to enable the Legal Aid Based on College to play its role as a mediator for land conflicts taking place in the Southeast Sulawesi Region. However, the professionalism of the Legal Aid Based on College, should be supported by certification documents issued by the appropriate institutions for it, whether by the Supreme Court or by accredited institutions of the Supreme Court of the Republic of Indonesia.

Ratio Legis (the legal rationale) of The Regulation of the Supreme Court of the Republic of Indonesia of Number 1 of 2016, which is to be an absolute requirement for a person or a group to be a mediator, is to safeguard the neutrality of the mediator and to provide hope for satisfactory dispute resolution for the parties while maintaining the values of justice as "... Mediation is a peaceful, effective and equitable means of dispute resolution to the Parties to obtain a satisfactory solution to the satisfaction of the Parties to the Constitution of the Republic of Indonesia. and justice ... ". That is, the mediator in carrying out the action should not deny the values of justice that can satisfy the parties in the dispute. These values of justice, in the context of non-litigation dispute settlement using a mediation model, must be in a peace framework that puts a win-win solution instead of a win or lose. That is, the parties will accept what is the agreement of the parties through mediation from the mediator who acts as mediator. The characteristic of the mediator is not a judge like the court which decides in a win or lose.

3.5. The Characteristic of Southeast Sulawesi Society in Land Conflict

According to authors' observation including interview with respondents, that the characteristics of Southeast Sulawesi society in dealing with land conflict, tend to be influenced by provocations that can trigger prolonged conflict, resulting in physical fights or threats among the parties involved in the land conflict. Based on the observation of authors during August 2017 showed that land conflict was actually triggered by third parties, who wanted to take advantage amid conflict. In authors' observation, there were parties NGOs or third parties which provoked the people to always get caught in a land conflict, especially if the conflict was related to the interest of the government and the mining companies which in the view of environmental groups of NGOs, must be done resistance. This is the specific problem faced by the legal institution, especially in judiciary institution of Southeast Sulawesi when offering mediation to resolve land conflict arising.

That argument, also was put forward by Bambang Kusmunandar, a judge in the High Court of Southeast Sulawesi Province, said "The most crucial problematic that has been faced by the people of Southeast Sulawesi in land conflict, namely the people of Southeast Sulawesi easily provoked by certain parties, resulting in people who were in conflict situations and preferred to resolve the conflict at a level in lose or win. That was, third party provocation tended to divert the disputing parties to reluctance in choosing of a peace or non-litigation, so that most of the people of land conflict preferred the court than mediation"

Based on respondent's argument, it shows that the characteristics of Southeast Sulawesi society in land conflict, tends to be emotionally. It does not consider carefully on the impact of social relations and kinship which can cause the fracture of social relations among the people of Southeast Sulawesi, which is still thick in the bonds of kinship and values of primordialism.

3.6. The Model for Resolution of Land Conflict through the Mediation Integrating Legal Aid Based on College

In this discussion, authors offer a model of land conflict resolution in Southeast Sulawesi province integrating the role of universities/college. This model, can be designed in two forms: First Model, mediation by not involving the court. This model is suitable if the parties really do not involve the court. Through this model, the parties can appoint themselves or through community leaders, using the services of The Legal Aid Based on College to resolve the land conflict which is being proposed by the parties. The idea of this model is as follows: After the Legal Aid Based on College is agreed by the parties to become mediator in the settlement of land dispute, then The Legal Aid Based on College will bring the disputing parties in a certain forum by using the room or place that has been agreed.

The design for this model, authors divide it into three stages of the process, as follows: The first stage, called the stage of assessment or verification. At this stage, The Legal Aid explains the objectives of the mediation to be implemented. This stage, at the very least, can also present community leaders or religious leaders who have a position to be heard by the parties in the resolution of dispute, if

there is a mutual agreement. This first stage, the mediator introduces himself including the parties in the mediation process. If accompanied by legal counsel, it also is introduced by including the completeness of a special power whom it represents. Community leaders or religious leaders which present in the mediation process, of course, are asked to introduce themselves. The first stage of the continuation of this mediation, the mediator asking chronological dispute and to verify the land conflict that is disputed by the parties. Mediator as listens to the form of mutual agreement which is the best solution for the settlement of land conflict facing the parties.

The second stage is a discussion or deliberation of the parties, as well as dialogue, the aim is to seek common understanding as a mutual agreement to create decision which can be implemented by the parties based on the concept of win-win solution. If deemed necessary, the process of discussion, asking for advice or consideration from legal counsel or community leaders or religious leaders in attendance. This second stage is the entry point of the entire series of mediation processes, so it can be ascertained that the process runs long time.

The third stage, the last stage or conclusion. This stage is the finalization of the whole series of mediation processes. This is the final stage that will determine whether the parties accept or reject the decision for land dispute resolution. In case of rejection, then this mediation process is deemed unsuccessful, then it is submitted to the parties in the court process. If the concept is accepted by the parties, as a binding decision. Then its decision, by the mediator, is set forth in a written document, namely in a Memorandum of Understanding (MoU) document. To strengthen the legality of the MoU, the parties are required to sign the clauses contained therein, as a sign of consent which are then signed by the mediator, as well as lawyers and community leaders or religious leaders. Authors recommends that a written document of mutual agreement, set forth in the MoU, it should be authorized by a notary to strengthen legality and legally binding force which can be obeyed by the parties.

Second, model mediation involving the role of the court. This mediation model is a mediation model that refers to the Supreme Court Regulation Number of 1 of 2016 on Mediation Procedures in Courts. The stage of this mediation model is, in practice, the authors detailing them just like the first mediation model illustration. The difference, it involves a judge mediator appointed by the court. Its legal force has a very strong legality, because the final decision of mediation agreed by the parties is contained in a written document issued by a court, called the Deed of Peace (*Akta Perdamaian* in Indonesia Language). This document, has the legal power to be obeyed by the parties, so that its existence is the same as the court decision.

4. Closing

The existence of mediation as a non-litigation dispute settlement institution in the settlement of land conflict in Southeast Sulawesi, is currently considered highly relevant, especially considering the legal culture of the people of Southeast Sulawesi as a society which still holds kinship in the framework of primordial values. The authors recommend that a mediation model that integrates the role of the Legal Aid based College for immediate action is followed up by the provincial government by involving the High Court and the Regional Office of the Ministry of Law and Human Rights of Southeast Sulawesi, whose follow-up is set forth jointly in the form of a draft of local regulations, as the normative legitimacy. This will facilitate for the people of Southeast Sulawesi when takes place the mediation in settling the land conflict among them.

5. References

- i. Abbas, Syahrizal. (2009). *The Mediation In the Perspective of Sharia, Adat Law, dan Indonesia Legal System*. Penerbit Kencana Prenada Media Group, Jakarta, Indonesia.
- ii. Asmawati. (2014). "Mediation is A Way In The Resolution of Land Conflict, *Journal of Jurisprudence*, Vol. 1 (March Edition).
- iii. Dermatoto, Argyo. (2010). "Conflict Structuralism: Understanding Conflict in Industrial Communities According to Lewis Coser And Ralf Dahrendorf", *Journal of Sociology, Dilemma*, Vol. 24 (1).
- iv. Haryanto, Dany dan Edwi Nugroho. (2011). *Introduction to Sociology*. PT. Prestasi Pustakarya, Jakarta, Indonesia.
- v. Hayat. (2013). "Theory of Conflict In The Islamic Law Perspective: Interconnection Between Social and Islam", *Journal of Studia Islamica*, Vol. 10 (2), December Edition.
- vi. Iskandar, Muhammad. (2013). *People Conflict of Daengan Manguwoharjo, Depok, Sleman, Jogjakarta*, Thesis Faculty of Social Sciences and Humanities, Islam University of Sunan Kalijaga, Jogjakarta, Indonesia.
- vii. Kurniawati, Farida. September 2012. "The Role of Legal Aid Institutions of Higher Education in the Provision of Consultation Services and Legal Aid Case Criminal Case Studies on the Normative-Empirical Aspects of Surakarta", *Journal of Jurisprudence*, Vol. 15 (2).
- viii. Mappatoba, Mustainah. (February 2014). "Book Review for Frans Husken 1998; Villagers In The Changes Of The Age: The History Of Social Difrensiasi In Java". *Journal of Academica of Faculty of Social Science, Tadulako University*, Vol. 6 (01).
- ix. Poloma, Margaret. (2010). *Sosiology Modern*. PT. Raja Grafindo Persada, Jakarta, Indonesia.
- x. Raho, Bernard. (2007). *Teori Sosiologi Modern*. Prestasi Pustaka Publisher, Jakarta, Indonesia.
- xi. Rahayuningtias, Defi Arini dan Sudrajat, Arief. (2013). "Conflict and Pattern of Defiance of Officers in Military Complex", *Journal of Paradigm*, Vol. 01 (03).
- xii. Scott, James. (2000). *The Guns for the People Lose*. Yayasan Obor Indonesia, Jakarta, Indonesia.
- xiii. Setiadi, Elly M dan Kolip, Usman. (2014). *Introduction to Sosiologi*. Kencana, Jakarta, Indonesia.