

Article Title

## Juridical Analysis of Legal Certainty in the Resolution of Land Rights Disputes in Makassar City

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## ABSTRACT

This study analyzes legal certainty in the resolution of land rights disputes in Makassar City and identifies factors affecting the effectiveness of non-litigation dispute settlement. Land disputes remain a significant legal issue in Indonesia, particularly in rapidly developing urban areas. This research applies a combined normative and empirical legal approach with qualitative analysis. Normative research examines legal norms and regulations governing land dispute resolution, while empirical research explores their implementation in practice. Data were collected through literature review, interviews, and field observations involving judges, officials of the National Land Agency (BPN), and legal practitioners in Makassar. The findings indicate that although mediation and other non-litigation mechanisms offer faster and less costly solutions, their implementation remains suboptimal. The effectiveness of legal certainty is influenced by several factors, including community culture, legal knowledge, legal structure, legal awareness, and supporting facilities and infrastructure. Among these, facilities and infrastructure as well as community culture are the most dominant factors. Strengthening institutional capacity, improving mediator competence, and enhancing legal literacy are essential to improve non-litigation land dispute resolution in Makassar City.

**Keywords:** Legal Certainty, Land Rights Disputes, Non-Litigation Settlement, Mediation

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## INTRODUCTION

Law in modern society functions as a fundamental instrument to create justice, legal certainty, and social benefit. These three values are often regarded as the primary objectives of law that must be realized in the practice of state governance (Azharie, 2023). Law does not merely function as a set of norms regulating human behavior but also as a mechanism for controlling conflicts that arise in social life. In the context of national development, law plays an important role in maintaining social stability and ensuring the protection of citizens' rights (Yudhayana & Aziz, 2024). Therefore, the existence of an effective legal system becomes an essential prerequisite for the creation of an orderly and just society.

Although normatively law is designed to guarantee justice and certainty, in practice the implementation of law often faces various challenges. One of the common problems is the gap between written law (*law in books*) and its implementation in practice (*law in action*) (Makruf, *et al*, 2025). This gap may be caused by several factors, such as weak law enforcement, low integrity of law enforcement officials, and the influence of political and economic interests. Such conditions often lead to legal uncertainty and reduce public trust in the legal system (Karyudi & Firdausiah, 2024). Therefore, efforts are needed to reform the legal system so that legal norms can be implemented consistently and effectively.

From a theological perspective, land has a very important meaning in human life. In Islamic teachings, it is mentioned that humans originate from the earth and will return to the earth after their life ends. The Qur'an contains many verses that describe the relationship between humans and the earth along with the resources contained

within it. Land is viewed as a trust from God that must be managed wisely for the welfare of humankind (Apriliani, Sulthoni & Astuti, 2026). Therefore, land management does not only have economic dimensions but also moral and spiritual dimensions.

The Qur'an also emphasizes that the damage occurring on earth is largely caused by human actions. This is stated in Surah Ar-Rum verse 41 which explains that corruption on land and sea occurs because of what human hands have done (Mubarok, 2022). The verse conveys a moral message that humans must be responsible in managing natural resources, including land. In the legal context, this message can be interpreted as an obligation to manage land fairly and without harming others. Therefore, every conflict related to land must be resolved fairly while ensuring legal certainty.

The state has the obligation to protect the rights of the people in the ownership and utilization of land. The government, as the organizer of the state, must implement the law fairly and ensure that every citizen obtains equal legal protection. In the Qur'an, Surah Al-Maidah verse 8 emphasizes that humans are commanded to uphold justice without being influenced by hatred or particular interests (Budiywono, 2025). This principle aligns with the concept of the rule of law which places justice as the foundation of governance. Therefore, the state is responsible for ensuring that land disputes are resolved fairly and transparently.

Land is one of the resources that holds strategic value in human life. Besides having high economic value, land also carries social, cultural, and political significance. In the context of national development, land becomes a crucial factor determining the success of development in various sectors (Mubarok, 2022). Therefore, land management must be conducted wisely and oriented toward the interests of the wider community. Uncertainty in land management may lead to conflicts that potentially disrupt social stability.

The Indonesian Constitution has provided a strong legal foundation regarding the control and utilization of land. Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the earth, water, and natural resources contained therein are controlled by the state and utilized for the greatest prosperity of the people (Farhani & Chandranegara, 2019). This provision affirms that the state has the authority to regulate the utilization of natural resources, including land. Further regulations regarding land are stipulated in Law Number 5 of 1960 concerning Basic Agrarian Principles. This law serves as the main legal basis of the land law system in Indonesia (Wangi, Dantes & Sudiarmaka, 2023).

Despite comprehensive regulations in the land sector, land disputes still frequently occur in practice. Land disputes usually arise due to differences in claims of ownership or control over a particular piece of land (Astriani & Indrawati, 2024). These

conflicts may involve individuals, community groups, or legal entities. Land disputes are also often triggered by disorderly land administration and weaknesses in the land registration system (Nathania, *et al*, 2024). These conditions indicate that legal certainty in the land sector remains an issue that requires serious attention.

Rapid population growth also contributes to the increasing potential for land disputes. The demand for land for housing, industry, and infrastructure continues to rise over time. Meanwhile, the availability of land is limited, leading to competition in its utilization. This situation often triggers conflicts of interest among communities, the government, and private entities (Wicaksono, Bagas & Reyhansyah, 2024). Therefore, a land management system that guarantees legal certainty and justice for all parties is necessary.

Land disputes generally begin with complaints or objections from a party who claims rights over a certain parcel of land. These complaints usually relate to land status, priority of ownership, or land boundaries. In many cases, land disputes may last for a long period and involve multiple parties (Pangidoan, Franciska & Hutomo, 2022). This situation indicates that the settlement of land disputes is often complex and requires effective mechanisms. Therefore, land disputes must be resolved through clear and transparent legal procedures.

The judiciary plays an important role in resolving land disputes that cannot be settled administratively. Through court decisions, the rights and obligations of the disputing parties can be determined with certainty. Court decisions are expected to provide legal certainty and a sense of justice for the parties involved (Wiguna, 2018). In practice, judges must consider various pieces of evidence submitted by the parties. One of the most important evidentiary instruments in land disputes is the certificate of land ownership.

A land certificate constitutes a proof of ownership that has strong legal validity within the Indonesian land law system. Provisions regarding land certificates are regulated in Article 19 of the Basic Agrarian Law and Government Regulation Number 24 of 1997 concerning Land Registration (Shella & Ramasari, 2022). Certificates function as evidence that provides certainty regarding the legal status of land ownership. However, in practice there are still many cases of overlapping certificates or the use of fraudulent documents. These conditions indicate that the land administration system still has several weaknesses that must be improved.

Besides litigation through the courts, land disputes may also be resolved through non-litigation mechanisms. One mechanism that has developed significantly is Alternative Dispute Resolution (ADR), which includes mediation, negotiation, and arbitration. This mechanism is considered more efficient because it can save time and reduce the costs of dispute resolution. ADR also provides an opportunity for the

parties to reach mutually beneficial agreements. Therefore, ADR is increasingly considered as an alternative mechanism for resolving civil disputes.

Nevertheless, in practice dispute resolution through ADR has not yet functioned optimally. This can be seen from the low success rate of mediation in resolving cases in the courts. Data from the Makassar District Court indicate that the success rate of mediation remains very low compared to the number of cases mediated. This condition suggests that alternative dispute resolution mechanisms still face several challenges. Therefore, a deeper study regarding the effectiveness of these mechanisms is necessary.

The increasing phenomenon of land disputes can also be observed from data compiled by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). The data indicate that the number of complaints related to land disputes continues to increase each year. This situation demonstrates that land conflicts remain a serious issue in Indonesia. Land disputes not only affect the individuals involved but may also disrupt social stability and development. Therefore, land dispute resolution must be conducted effectively and guarantee legal certainty.

Based on the foregoing explanation, it can be concluded that legal certainty in the resolution of land rights disputes constitutes a crucial issue in the Indonesian land law system. Legal uncertainty in land dispute resolution may lead to various negative consequences for society and national development. Therefore, a comprehensive analysis of the mechanisms for resolving land disputes and their effectiveness in ensuring legal certainty is required. This study aims to analyze legal certainty in the resolution of land rights disputes in Makassar City. The results of this research are expected to contribute to the development of land law policies that are more effective and equitable.

## METHOD

This study employs a combined research approach, integrating normative legal research and empirical legal research with a qualitative approach. Normative legal research is used to examine legal norms, legal principles, legal theories, statutory regulations, and legal doctrines related to the resolution of land rights disputes. Meanwhile, empirical legal research is conducted to analyze the reality of law enforcement in practice, particularly the gap between *das sollen* (what the law ought to be) and *das sein* (what the law actually is). The research was conducted in South Sulawesi Province, specifically at the Makassar High Court and the Makassar District Court. The types of data used in this research consist of primary data, namely data obtained directly through interviews with informants; secondary data, which includes data derived from statutory regulations, official documents, books, and relevant scientific literature; and tertiary data, which consists of supporting materials such as legal dictionaries and the Indonesian Dictionary (Kamus Besar Bahasa Indonesia). The

research population includes institutions related to the research object, while the sample was determined using a non-probability sampling technique, particularly purposive sampling, based on certain considerations relevant to the needs of the research. The respondents in this study consist of 5 High Court judges at the Makassar High Court, 10 judges at the Makassar District Court, 5 employees of the National Land Agency (BPN) of Makassar City, and 5 advocates, resulting in a total of 25 respondents.

The data collection techniques employed in this study include literature review, interviews, and observation. The literature review was conducted to examine various legal materials and literature related to the research object, while interviews were carried out directly with respondents to obtain in-depth information concerning the issues being studied. Observation was conducted through direct monitoring of objects related to the research. The collected data were subsequently analyzed using two approaches, namely qualitative analysis and quantitative analysis. Qualitative analysis was conducted deductively by drawing conclusions from general legal provisions to more concrete problems and describing them in accordance with applicable legal regulations. Meanwhile, quantitative analysis was applied to data that could be measured numerically and presented in the form of frequency distribution tables to support the formulation of conclusions. Thus, both analytical techniques complement each other in providing a comprehensive overview of legal certainty in the resolution of land rights disputes in Makassar City.

## RESULT AND DISCUSSION

### A. Legal Certainty in the Resolution of Land Rights Disputes in Makassar City

The resolution of land rights disputes in Makassar City can basically be pursued through two main channels, namely litigation through the courts and non-litigation outside the courts. This study focuses on the mechanism of dispute resolution through the non-litigation pathway as part of the concept of Alternative Dispute Resolution (ADR). This approach aims to achieve justice, utility, and legal certainty for the disputing parties. ADR emphasizes conflict resolution through dialogue, deliberation, and mutual agreement without going through lengthy judicial proceedings. Thus, this mechanism is expected to create fair and mutually beneficial solutions for all parties involved.

Normatively, dispute resolution through non-litigation channels has been regulated under Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. The regulation explains that disputes outside the courts may be resolved through negotiation, mediation, conciliation, and arbitration. In the context of land rights disputes, the mechanism most frequently used is mediation. Mediation is a dispute resolution process involving a neutral third party as mediator. The mediator is tasked with facilitating communication between the parties so that they may reach a mutually beneficial agreement.

In practice in Makassar City, the settlement of land disputes through non-litigation mechanisms is considered more relevant to the socio-cultural characteristics of the people of South Sulawesi. The people in this region still highly uphold local wisdom values such as *siri' na pacce*, *sipakatau*, and *sipakalebbi*. These values reflect respect for human dignity, social solidarity, and mutual respect. Therefore, peaceful dispute settlement through deliberation is often more easily accepted by the community. This approach not only resolves conflicts legally but also preserves social harmony within the community.

The mediation process in the settlement of land disputes often involves community leaders, religious leaders, and local government officials. The involvement of these parties provides social legitimacy to the dispute resolution process. Communities tend to show greater respect for decisions produced by figures who have social influence in their environment. In some cases, agreements reached through deliberation are even more likely to be complied with than court decisions. This shows that the non-litigation approach has considerable moral and social force within society.

In addition to having social legitimacy, non-litigation dispute settlement also offers efficiency in terms of time and cost. Litigation in court often takes a long time and requires considerable expense. By contrast, mediation allows the parties to reach an agreement within a relatively shorter period. This mechanism can also reduce emotional tension between the disputing parties. Therefore, dispute resolution through ADR becomes a more effective alternative in many land dispute cases.

The essence of non-litigation dispute resolution is not only oriented toward ending conflict but also toward achieving substantive justice. In land disputes, there are often discrepancies between administrative conditions and social realities in the field. Land certificates or administrative documents do not necessarily reflect the factual history of land control. Through mediation, the parties can present various social and historical facts that are not accommodated in formal litigation. Thus, dispute resolution through deliberation makes it possible to achieve a more contextual and humane form of justice.

Nevertheless, the research findings indicate that the implementation of non-litigation mechanisms in resolving land disputes in Makassar City still faces various obstacles. One of the main constraints is the low level of public understanding regarding ADR mechanisms. Many people still regard the courts as the only means of obtaining legal certainty. In addition, the number of officially certified mediators remains limited. This condition has caused the mediation process not to function optimally.

Another challenge encountered is the lack of institutional support for non-litigation dispute resolution. Coordination among the National Land Agency (BPN),

local government, and judicial institutions has not yet functioned optimally. In some cases, the results of mediation do not possess strong legal force because they are not set out in written agreements. As a result, agreements that have been reached may potentially be violated by one of the parties. This certainly reduces the effectiveness of peaceful dispute resolution mechanisms.

Even so, the potential for implementing non-litigation dispute resolution in Makassar City remains very significant. This is evident from the tendency of communities to resolve conflicts through deliberation before bringing cases to court. A local-wisdom-based approach is also an important factor in maintaining social stability. If supported by stronger regulations, ADR mechanisms can become the main instrument for resolving land disputes. In this way, dispute resolution may be carried out more effectively and more justly.

In the context of legal certainty, dispute resolution through mediation may acquire legal force if the parties' agreement is embodied in a written contract. Such an agreement may be legalized by a notary or registered with the competent authority. Accordingly, the results of mediation become legally binding upon the parties. This is important to ensure that the agreement reached can be implemented consistently. Therefore, legal formalization remains necessary to strengthen the legitimacy of mediation outcomes.

Based on the field research findings, it is known that the effectiveness of non-litigation settlement of land disputes in Makassar City is still not optimal. Of the total 25 respondents consisting of judges, BPN officials, and advocates, the majority stated that the non-litigation mechanism had not operated effectively. As many as 48% of respondents considered the mechanism less effective, while 32% regarded it as effective and 20% considered it ineffective. These data indicate that various obstacles still exist in the implementation of ADR. These obstacles relate to institutional aspects, human resources, and the legal culture of society.

Institutional factors constitute one of the primary constraints in the implementation of non-litigation dispute resolution. Institutions involved in the settlement of land disputes, such as BPN and mediation bodies, do not yet possess a strong institutional structure. The mediation process carried out is often administrative in nature and has not deeply addressed the substance of the dispute. In addition, the number of mediators with special expertise in land law remains very limited. This condition has made the effectiveness of the mediation process less than optimal.

Another factor affecting the effectiveness of land dispute resolution is the level of public legal awareness. Many people still do not understand the difference between conflict, dispute, and land case proceedings. This lack of understanding causes people to prefer litigation because it is perceived as providing greater legal certainty. In fact,

resolution through mediation can provide a faster and more efficient solution. Therefore, improving public legal literacy is extremely important.

The legal culture of society also influences the success of non-litigation dispute settlement. The people of South Sulawesi possess a strong tradition of deliberation in resolving social conflict. The values of *siri' na pacce* can in fact serve as an important foundation for peaceful dispute settlement. However, in some cases, these same values become obstacles when disputing parties are reluctant to admit fault. Therefore, an approach is needed that can integrate cultural values with formal legal mechanisms.

Based on the foregoing discussion, it may be concluded that legal certainty in the resolution of land rights disputes in Makassar City still requires strengthening from various aspects. Such strengthening includes regulatory aspects, institutional capacity, human resources, and the legal culture of society. Non-litigation dispute resolution mechanisms have considerable potential to be developed as the main alternative for resolving land disputes. With clear regulatory support and increased capacity of mediation institutions, this mechanism can provide a more effective and sustainable form of justice. Ultimately, land dispute resolution oriented toward deliberation can create social stability and strengthen legal certainty in society.

## **B. Factors Affecting the Effectiveness of Legal Certainty in the Resolution of Land Rights Disputes in Makassar City**

The effectiveness of legal certainty in the resolution of land rights disputes in Makassar City is determined not only by the existence of legal rules, but also by social and institutional factors operating in practice. The research findings indicate that non-litigation dispute resolution mechanisms still face fairly complex obstacles. These obstacles are related to community culture, legal knowledge, legal structure, legal awareness, as well as supporting facilities and infrastructure. These five factors are interrelated and determine whether the peaceful settlement of land disputes succeeds or fails. Therefore, an analysis of these factors is important in explaining the level of effectiveness of legal certainty in the land sector.

The first factor affecting the effectiveness of land dispute resolution is community culture. Based on interviews with key informants, the culture of South Sulawesi society has strong characteristics, especially regarding a sense of ownership over inherited land and strong kinship ties. On the one hand, local values such as *siri' na pacce*, *sipakatau*, and *sipakalebbi* can serve as a foundation for peaceful settlement. On the other hand, these cultural values sometimes give rise to social prestige, shame, and reluctance to compromise. As a result, mediation is often perceived as a sign of weakness rather than as a dignified dispute resolution mechanism.

This condition indicates that the legal culture of the community does not yet fully support non-litigation dispute resolution. Some members of society still place greater trust in settlement based on custom or local social authority than in formal

procedures provided by the state. Such a choice is not always wrong, but it often results in agreements that are weak from a juridical perspective. When customary agreements are not embodied in legally valid form, the potential for future disputes remains open. Thus, community culture has a significant influence on the effectiveness of legal certainty in land dispute resolution.

Based on respondent data, the community culture factor is considered one of the strongest variables after facilities and infrastructure. A total of 19 out of 25 respondents, or 76%, stated that community culture affects the effectiveness of legal certainty in the resolution of land rights disputes. Four respondents, or 16%, stated that it is less influential, while two respondents, or 8%, stated that it has no influence. These data confirm that legal culture is an important element as stated by Lawrence M. Friedman in legal system theory. The more conducive community culture is toward dialogue and deliberation, the greater the opportunity for successful peaceful dispute resolution.

**Table 1. Influence of Community Culture Factors**

Statement	Number	Percentage
Influential	19	76%
Less influential	4	16%
Not influential	2	8%
<b>Total Respondents</b>	<b>25</b>	<b>100%</b>

*Source: Processed primary data, 2025.*

The second factor is the legal knowledge of the community and the disputing parties. Based on interview results, the low level of legal knowledge causes many people not to understand land procedures and dispute resolution mechanisms outside the courts. Many citizens know only litigation as the sole way to obtain justice. In fact, mediation at the National Land Agency (BPN) or deliberation facilitated by competent authorities can be a faster and less costly option. The lack of legal socialization by relevant institutions reinforces the assumption that non-litigation settlement does not provide certainty of outcome.

Legal knowledge is basically the foundation of public legal awareness. People who understand their rights, obligations, and dispute resolution procedures tend to be more open to mediation, negotiation, and deliberation. Conversely, people who do not understand the law tend to choose formalistic avenues because they are considered more certain. This condition is in line with Soerjono Soekanto's view, which places legal knowledge as an important part of legal effectiveness. Therefore, land law literacy has a real influence on the success of peaceful land dispute resolution.

Research data show that the influence of the legal knowledge factor falls into the category of relatively influential. A total of 12 respondents, or 48%, stated that legal knowledge affects the effectiveness of legal certainty. Nine respondents, or 36%, stated that it is less influential, while four respondents, or 16%, stated that it is not influential.

These findings show that legal knowledge is not evenly distributed throughout society, especially among groups with limited access to information. Accordingly, increased legal counseling and legal education have become urgent needs in the context of land dispute resolution.

**Table 2. Influence of Legal Knowledge Factors**

Statement	Number	Percentage
Influential	12	48%
Less influential	9	36%
Not influential	4	16%
<b>Total Respondents</b>	<b>25</b>	<b>100%</b>

*Source: Processed primary data, 2025.*

The third factor is legal structure, namely the quality of institutions, officials, and mechanisms implementing dispute resolution. Based on interviews with informants, the integrity and professionalism of land officers, mediators, and related institutions remain problematic. In several cases, officials were perceived as not fully neutral or not yet able to build the parties' trust. In addition, mediator competence in agrarian law and mediation techniques is still uneven. These weaknesses in the legal structure directly affect the declining effectiveness of non-litigation dispute resolution.

A weak legal structure is also reflected in the lack of optimal coordination among institutions. The National Land Agency, local government, and the courts have not yet fully established an integrated working system in handling land disputes. As a result, mediation outcomes are often not properly documented and do not become a strong reference if the dispute continues. This situation indicates that non-litigation mechanisms have not yet been supported by adequate institutional governance. In other words, legal certainty depends not only on norms but also on the quality of its implementing structure.

Based on respondent data, legal structure is considered to have a fairly significant effect on the effectiveness of legal certainty. A total of 15 respondents, or 60%, stated that the legal structure factor is influential. Six respondents, or 24%, stated that it is less influential, while four respondents, or 16%, stated that it is not influential. These findings show that strengthening implementing institutions, improving mediator professionalism, and enhancing inter-institutional coordination are highly important agendas. Without a strong legal structure, non-litigation dispute resolution will find it difficult to achieve fair and binding results.

**Table 3. Influence of Legal Structure Factors**

Statement	Number	Percentage
Influential	15	60%
Less influential	6	24%
Not influential	4	16%
<b>Total Respondents</b>	<b>25</b>	<b>100%</b>

*Source: Processed primary data, 2025.*

The fourth factor is public legal awareness. Legal awareness reflects the extent to which society understands, respects, and is willing to comply with the law in resolving conflicts. In the context of land disputes, low legal awareness causes people to prefer

confrontational or litigious paths, or even unilateral actions. In fact, peaceful settlement through mediation requires good faith and recognition that law also works through mutual agreement. Therefore, legal awareness is an essential requirement for the effectiveness of non-litigation dispute resolution.

Research findings indicate that there is still a gap between legal knowledge and people's legal behavior. Some people may know of the existence of mediation, but they do not yet have the willingness to make it their primary choice. This indicates that legal awareness remains formalistic rather than substantive. People still consider only judges' decisions as strong decisions, not settlement agreements. Such a view prevents mediation from developing optimally as an instrument of legal certainty.

Based on respondents' responses, the legal awareness factor falls into the category of relatively influential. A total of 14 respondents, or 56%, stated that legal awareness affects the effectiveness of legal certainty in land dispute resolution. Six respondents, or 24%, stated that it is less influential, while five respondents, or 20%, stated that it is not influential. These figures show that the success of mediation is strongly influenced by the willingness of society to resolve conflicts through lawful and peaceful procedures. Therefore, strengthening a legal culture of deliberation must be accompanied by continuous development of the community's legal attitudes.

**Table 4. Influence of Legal Awareness Factors**

Statement	Number	Percentage
Influential	14	56%
Less influential	6	24%
Not influential	5	20%
<b>Total Respondents</b>	<b>25</b>	<b>100%</b>

*Source: Processed primary data, 2025.*

The fifth factor is the facilities and infrastructure supporting the dispute resolution process. Research findings indicate that the availability of facilities greatly affects the smooth running of mediation and negotiation. Mediation rooms, documentation systems, accurate land data, and access to information technology are all highly determining elements. Without adequate facilities, mediation processes tend to be slow, poorly documented, and difficult to follow up. Therefore, facilities and infrastructure are crucial factors in determining the effectiveness of legal certainty in the land sector.

Limitations in facilities also affect the accessibility of legal services for society. People in peripheral areas or those located far from service centers often face distance and cost constraints in accessing land mediation services. In addition, the absence of an integrated land database makes it difficult to quickly verify overlapping disputes. This situation shows that legal infrastructure should not be seen as merely a technical factor. In practice, the quality of facilities and infrastructure strongly determines the quality of dispute resolution outcomes.

Based on respondent data, facilities and infrastructure constitute the most dominant factor affecting the effectiveness of legal certainty. A total of 20 respondents, or 80%, stated that facilities and infrastructure are influential. Four respondents, or 16%, stated that they are less influential, while one respondent, or 4%, stated that they are not influential. These findings indicate that improving mediation infrastructure,

digitizing land data, and ensuring equal access to services are highly urgent needs. With adequate facilities, the chances of achieving lawful and enforceable peaceful agreements become even greater.

**Table 5. Influence of Facilities and Infrastructure Factors**

Statement	Number	Percentage
Influential	20	80%
Less influential	4	16%
Not influential	1	4%
<b>Total Respondents</b>	<b>25</b>	<b>100%</b>

Source: Processed primary data, 2025.

When compared as a whole, it appears that the five factors have different levels of influence. Facilities and infrastructure occupy the highest position with a percentage of 80%, followed by community culture at 76%, legal structure at 60%, legal awareness at 56%, and legal knowledge at 48%. This order shows that the effectiveness of legal certainty is not merely influenced by normative aspects, but is also strongly determined by actual support in practice. Thus, institutional and infrastructure reform must go hand in hand with the strengthening of culture and legal literacy in society. This analysis confirms that the problem of land disputes in Makassar City is multidimensional and cannot be resolved solely through a formal legal approach.

**Table 6. Recapitulation of Factors Affecting the Effectiveness of Legal Certainty**

Factor	Influential	Percentage
Community culture	19	76%
Legal knowledge	12	48%
Legal structure	15	60%
Legal awareness	14	56%
Facilities and infrastructure	20	80%

Source: Recapitulation of processed primary data, 2025.

Based on the overall interview results and respondent data, it can be concluded that the effectiveness of legal certainty in resolving land rights disputes in Makassar City has not yet been fully optimal. The most dominant influencing factor is facilities and infrastructure, followed by community culture and legal structure. Meanwhile, legal knowledge and legal awareness still have important influence, although at a relatively more moderate level. All of these factors are interrelated and shape the actual condition of land dispute resolution in practice. Therefore, improvement strategies must be carried out in an integrated, non-partial, and sustainable manner.

As an improvement measure, local government, the National Land Agency, and judicial institutions need to strengthen institutional capacity and build a more professional land mediation system. In addition, legal counseling, public education, and revitalization of local wisdom values need to be undertaken in order to build a legal culture that supports deliberation. Digitization of land data and the provision of proper mediation rooms should also become policy priorities. In this way, the outcomes of non-litigation dispute resolution will not only be socially accepted, but will also possess clear legal force. Ultimately, strengthening all of these factors will

enhance the effectiveness of legal certainty and support the realization of fair, peaceful, and sustainable land dispute resolution in Makassar City.

### CONCLUSION AND SUGGESTIONS

Based on the results of the study, it can be concluded that legal certainty in the resolution of land rights disputes in Makassar City through non-litigation mechanisms has not yet operated optimally. Although normatively it already has a sufficiently strong legal basis and sociologically is supported by local values such as *siri' na pacce*, *sipakatau*, and *sipakalebbi*, its effectiveness is still influenced by several key factors, namely community culture, legal knowledge, legal structure, legal awareness, as well as facilities and infrastructure, with facilities and infrastructure and community culture being the most dominant variables. Therefore, it is recommended that the local government, the National Land Agency (BPN), and judicial institutions strengthen the land mediation system through improving mediator capacity, strengthening inter-institutional coordination, digitizing land data, providing adequate mediation facilities, and conducting continuous legal education for the community so that the non-litigation resolution of land rights disputes can be carried out more effectively, provide stronger legal certainty, and realize peaceful, prompt, and sustainable justice in Makassar City.

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