

# Implementation of Resolution of Disputing Batas Batik Village in Bengkalis District Based on the Regulation of the Minister of Home Affairs No. 45 Year 2016

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## ABSTRACT

Regional expansion in the provincial, district, municipal, sub-district and even village level in addition to the positive impacts of course there are also negative impacts caused. One of the negative impacts is due to the division of the area on the level of villages regarding the establishment of village boundaries after the division which eventually became a senketa between the village of origin and the village that was divided.

Disputes are social phenomena that are completely present in social life so that disputes will always exist in every space and time anywhere and anytime. In this view the community is an arena of dispute or an arena of ongoing conflict and integration. Therefore, disputes and social integration are symptoms that always fill every social life. The things that encourage disputes and integration are the similarities and differences in social interests.

Regional autonomy that is highly developed after the reform, such as the number of regional expansion in various levels, starting from the division of the province, district, city and even to the village. Aside from the positive impact of pemekaran, it also has negative impacts such as the dispute over boundary determination due to the division, this also occurs in the division of villages.

**KEYWORDS:** *Implementation of Dispute Resolution and Expansion*

## A. Background.

The Republic of Indonesia (NKRI) is an archipelagic country characterized by the archipelago with boundaries and rights set by law. This relates to the area of the Village which is a village and a customary village or what is referred to by another name, hereinafter referred to as Village is a legal community unit that has territorial boundaries authorized to regulate and administer government affairs, original rights, and / or recognized traditional rights and respected in the system of the Government of the Unitary Republic of Indonesia.

In accordance with the mandate of the 1945 Constitution of the Republic of Indonesia, the territory of the Unitary State of the Republic of Indonesia is divided into regencies / cities, each of which has regional governments as wide as possible. The concept of autonomy and regional expansion arises in a euphoria that wants to reflect nationalism, the excess that arises is the emergence of two trends in giving a form of state existence. First, the people's spirit is marked by absorbing the idea of the welfare state. Secondly, the spirit of nationalism which is manifested in the form of the Unitary State of the Republic of Indonesia in the context of the country's moralism aims at creating justice in society. The state in the concept of a welfare state must play an active

role in creating prosperity for the community. Justice is a balance in many ways, including in the state Regional expansion in the provincial, district, municipal, sub-district and even village level in addition to the positive impacts of course there are also negative impacts caused. One of the negative impacts is due to the division of the area on the level of villages regarding the establishment of village boundaries after the division which eventually became a senketa between the village of origin and the village that was divided.

Based on preliminary information that can be found in the settlement of disputed village boundaries in Bengkalis Regency based on the Regulation of the Minister of Home Affairs (Permendagri) Number 45 of 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries that cannot be resolved properly due to the failure of the minutes in the settlement and confirmation of marriages the village boundary is scattered so that it is not in accordance with the rules of implementing Article 18 paragraph (2) in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 45 of 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries. This can be proven by the attitude of

**How to cite this paper:** Suhadi Sukendar Situmorang | Asrizal "Implementation of Resolution of Disputing Batas Batik Village in Bengkalis District Based on the Regulation of the Minister of Home Affairs No. 45 Year 2016" Published in International Journal of Trend in Scientific Research and Development (ijtsrd), ISSN: 2456-6470, Volume-3 | Issue-6, October 2019, pp.1228-1232, URL: <https://www.ijtsrd.com/papers/ijtsrd29272.pdf>



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one of the Village Head regions that is still PJ Village status, where in the distribution of village boundaries in Article 10 letter (a) to letter (c) Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 45 of 2016 concerning Guidelines Determination and Affirmation and Confirmation of Village Boundaries. Village boundary determination as referred to in Article 3 letter a through stages:

- A. Document collection and research.
- B. Selection of base map.
- C. Draw a boundary line on the map.

The ambiguity of regional boundaries can lead to wider negative impacts than just the potential for conflict between regions because the potential for strategy and the economy or parts of the region such as impacts on social life and the administration of the administration can even cause political impacts especially in the border areas. Therefore, in the administration of government administration, assertion of regional boundaries becomes important to be implemented.

However, setting boundaries physically and surely in the field is not an easy thing, even though the administration of regional government has been running and developing since the birth of the Republic of Indonesia and juridical boundaries have been established by the laws of the formation of each region.

## B. Problem Formulation.

Based on the description above, then the problem can be formulated as follows:

1. How is the implementation of village boundary dispute resolution in Bengkalis Regency based on the Minister of Home Affairs Regulation No. 45 of 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries?
2. How to overcome obstacles in resolving village boundary disputes in Bengkalis Regency based on Minister of Home Affairs Regulation Number 45 Year 2016 Regarding Guidelines for Determination and Confirmation of Village Boundaries?

## C. Purpose and Use of Research.

### 1. Research Objectives.

Based on the subject matter, the objectives of this study are as follows:

- a. To analyze how the village boundary dispute resolution should be in Bengkalis Regency based on the Ministerial Regulation in the Village Boundary Confirmation.
- b. To analyze efforts in resolving village boundary disputes in Bengkalis Regency based on the Republic of Indonesia Dlam Ministerial Regulation Number 45 of 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries.

### 2. Usefulness of Research.

As for what the research uses are as follows:

- a. Add reference materials for the Academic Community in general and for the writer himself in particular the problem in the determination of village boundaries.
- b. As a contribution of ideas to the Regency and District Governments to be able to implement the Statutory Regulations and Regional Regulations, specifically in the determination of village boundaries.

- c. As a contribution of ideas for the development of the Law on State Administration, specifically regarding the placement, implementation and supervision of laws and regional regulations, especially in the determination of regional boundaries.

## D. Overview of the Pemekaran Village Border Dispute.

### 1. Definition of Dispute.

In the sociological perspective the equivalent of the word meaning is almost the same as the dispute, but in this study the term dispute will be used because the use of the word dispute is more appropriate to be used in the social science approach. Whereas the term dispute is appropriately used in the legal science approach. Epitymologically the word dispute means according to which causes differences of opinion, quarrels, disputes, small cases which can also lead to large, areas that are contested (quarrels, or can also mean disputes, disputes, and can also be related to court cases.

Disputes are social phenomena that are completely present in social life so that disputes will always exist in every space and time anywhere and anytime. In this view the community is an arena of dispute or an arena of ongoing conflict and integration. Therefore, disputes and social integration are symptoms that always fill every social life. The things that encourage disputes and integration are the similarities and differences in social interests.

In every social life there is not a single human who has the exact same similarity, both from ethnic elements, interests, wishes, wills, goals and so on. From each dispute there are a number of them that can be resolved, but there are also some that cannot be resolved causing several acts of violence. Violence is a symptom that cannot overcome the root of the dispute, causing violence from the smallest model of violence to war.

The term "dispute" is etymologically derived from the Latin "con" which means joint and "fligere" which means collision or collision in general the term social dispute contains a series of phenomena of disagreement and disputes between individuals through from class disputes to international disputes and conflicts. Coser defines social disputes as a struggle for values and recognition of a rare status, then power and sources of contention are neutralized or carried out or eliminated by rivals. Senketa means disputes, disputes and disagreements, whereas social disputes are conflicts between members or the community that are holistic in life.

In another sense, Dispute is a social process that takes place involving people or groups who are always challenged with the threat of violence. According to the law Dispute is defined as a struggle to obtain rare things such as values, status, power and so on where their purpose in the dispute is not only to gain profits but also to position their competitors. Disputes can be interpreted as a clash of strengths and interests between one group and other groups in the process of doing relatively limited social resources (economic, political, social and cultural).

### 2. Regional Border Disputes.

In essence, the meaning of the dispute is created from the competence to win access to authority (power) and economic resources / prosperity from the actors concerned. An area will react to maintain its resources, even more so

that it can increase regional income. This kind of feeling is also what makes the dispute vulnerable. At a certain level, the emergence of disputes or conflicts of interests between regions is basically a reflection of misunderstanding, uncertainty, and regional selfishness in implementing autonomy.

In his research, Nurbadari stated 4 capital causes of dispute over territorial boundaries namely (1). Different perceptions regarding legislation, (2). Regional differences, (3). Difference in resource assets, and (4). Potential constituencies or potential votes in general elections. Furthermore according to Nurbadri, efforts to resolve territorial disputes can be done with a legal approach.

**a. The 1945 Constitution of the Republic of Indonesia**  
C.F. Strong is there is no state that we know today which has not been built into its existing by a process of integration or knitting together. All countries that are known today are formed into their present form through a process of integration or joint merging. Departing from the understanding *regeringvorm* which is translated as a form of government and *staatvrom* which means as a form of state. To harmonize with a formal object, legally, the form of the 1945 Constitution Article 1 paragraph 1 which reads "The State of Indonesia is a unitary state in the form of a republic.

The unitary state can be called a unitary state. This country in terms of its structure is single but only stands on one country. In terms of the history of state administration and state science at the beginning of its development, namely ancient times, ancient times, renaissance times, then entered the age of natural law both XVII and XVIII centuries, the power of these rulers was generally absolute and the principle of centralization and concentration and second the principle can be briefly explained as follows: The principle of centralization is carried out by the central government both in the center and in the regions.

Thus in a unitary state based on the principle of centralization and concentration and absolute authority, there is only one government, that is, the central government has high power and authority in the field of state government to determine government policy and implement state government both at the center and in the regions.

Dasa boundaries are a sign of separation between neighboring villages in the form of natural and man-made boundaries. Even though the village boundaries have been determined, starting from claims to boundaries to the actions of strategic places in the border areas. This is due to unclear boundaries both in physical form and in terms of regulations that are less socialized to the public.

Village is a customary village or what is referred to by another name, hereinafter referred to as village, is a legal community unit that has territorial boundaries authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, original rights, and / or recognized traditional rights and respected in the system of government of the Unitary Republic of Indonesia (Article 1 number 1 of Law Number 6 of 2014 concerning Villages). Based on this understanding it is stated that the village is a legal community unit that has territorial boundaries, the consequence is that the government must

confirm the village boundaries clearly and systematically to avoid disputes over territorial boundaries.

### **E. Settlement of the Boundary Village Border Disputes in Bengkalis District Based on the Minister of Home Affairs Regulation Number 45 of 2016 concerning Guidelines for the Determination of Village Boundaries**

A boundary is a sign of separation between neighboring villages in the form of natural and artificial boundaries. Unclear village boundaries will lead to conflict between villages even more because village boundaries are the initial boundaries of an area that will affect boundaries between sub-districts, districts and between provinces. The case regarding boundary disputes between villages occurred in Bengkalis District, one of which was the settlement of disputed village boundaries in Bengkalis District based on Minister of Home Affairs Regulation Number 45 Year 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries which could not be resolved properly due to the failure of news events in the settlement and affirmation of the village border. So it is not in accordance with the rules of implementing Article 18 paragraph (2) in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 45 of 2016 concerning Guidelines for Confirmation of Village Boundaries. This can be proven by the attitude of one of the Village Head areas that is still a PJ Village in which the distribution of village boundaries does not follow the rules for implementing procedures for determining village boundaries in article (10) letter (a) to letter (c) Regulation Minister of Home Affairs of the Republic of Indonesia Number 45 of 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries

The problem is the emergence of land disputes between residents in Simpang Padang Village and Koto Pais Village residents Talang Muandau District and Tasyik Serai Village with Koto Pais Village Talang Muandau District Bengkalis Regency, the unclear boundary between Simpang Padang Village and the residents of Petani Village Bathin Solapan District, Buluh Manis Village with Pudu Village Muandau District and Tasyik Serai Village with Koto Pais Village Talang Mandau District Bengkalis Regency, the boundary line is unclear between Simpang Padang Village and the residents of the Farming Village of Bathin Solapan District, Buluh Manis Village with Pematang Pudu Village Mandau District and Desa Tasyik Serai with Koto Pais Village Talang Mandau District Bengkalis Regency and the lack of proactivity of the Bengkalis Regional Government apparatus starting from the National Land Agency, Bhatin Sholapan District, Mandau District and Talang Mandau District to Simpang Padang Village and the residents of Petani Village, Buluh Manis Village with Kelur Pematang Pudu and Desa Serasy Tasyik Serai and Desa Koto Pais which caused problems became protracted in determining boundaries that did not follow the rules of implementing the law.

Different perceptions and lack of community will be the importance of setting and affirming village boundaries. Differences in views between the communities present a problem for the government and the technical team so that more time and effort is needed to resolve this. The lack of complete authentic evidence about village boundaries certainly complicates the lack of evidence on the basic map



of the village, of course, complicating the government and the technical team so that the government cooperates with the Topographic Office of Kodam V Brawijaya which has copies of maps since the Dutch era.

Determination and affirmation of the territorial boundaries of an area of a village must be a priority of the government because if the boundaries are unclear, it could otherwise hinder the development process in the village and the potential for conflict between villagers. Based on Law No. 6 of 2014 concerning Villages, it is defined that Villages are a legal community unit that has territorial boundaries that are authorized to regulate and administer government affairs, the interests of local communities based on community matters, original rights, and / or traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia.

Among the many regional boundary conflicts, some of them have an impact on the emergence of other conflicts such as social conflicts and conflicts over natural resources. Ironically, until now the desire to split the region, starting from the village / sub-district, district, district and provincial levels, continues to lay. The reason is the same, namely to improve people's welfare and shorten the bureaucratic rope.

#### **F. Efforts in Settling Disputes on the Expansion of Village Boundaries in the Bengaklis Regency Based on Minister Regulation Dlam 4 Number 45 of 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries**

Regional autonomy that is highly developed after the reform, such as the number of regional expansion in various levels, starting from the division of the province, district, city and even to the village. Aside from the positive impact of pemekaran, it also has negative impacts such as the dispute over boundary determination due to the division, this also occurs in the division of villages.

In addition, regencies / cities often translate this autonomy as the authority to extract as much regional revenue as possible through taxes and levies and the exploitation of natural resources by ignoring the long-term interests and future generations.

If the boundary of the area is not clear, it will cause two negative consequences, firstly, a region can be ignored by each region because they feel it is not the region in other words each region throws responsibility for organizing government, community service and development in that region. . Second, one region can be considered to exceed the authority of other regions so that there is the potential for conflict between regions.

Among the village boundary conflicts, some of them have an impact on the emergence of other conflicts such as social conflicts and natural resource conflicts. The irony is that until now the desire to split regions, starting from the village / sub-district, sub-district, district and provincial levels, continues to roll. The reason is the same, namely to improve people's welfare and shorten the bureaucratic rope.

Determination of village boundaries is very important because according to Article 2 of the Ministry of Home Affairs, it provides a sense of security, orderly and

coordinated and as a basic pattern of legal certainty in the determination and confirmation of village boundaries. Forming a village must meet the conditions. The requirements for village formation include: working area, facilities and infrastructure, population, area and area. The village government consists of the village head, the village secretary, the village apparatus, the implementation of work, field technical, and regional elements.

#### **G. Conclusion.**

Based on the previous description, it can be concluded as follows:

1. Settlement of disputed village boundary disputes in Bengkalis Regency based on Regulation of the Minister of Home Affairs Number 45 of 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries, is still not done properly in accordance with what is ordered by the Minister of Home Affairs Regulation, such as in resolving disputes over village boundaries. the absence of Minutes, in accordance with the mandate of Article 18 paragraph (3) which reads "Settlement of disputes over village boundaries between villages in different sub-districts within one regency / city area resolved by deliberation / consensus facilitated by the Regent / Mayor set forth in the Minutes".
2. Efforts to overcome obstacles in resolving disputed village boundary disputes in Bengkalis Regency based on the Minister of Home Affairs Regulation No. 45 of 2016 concerning Guidelines for Determination and Confirmation of Village Boundaries by means of all technical aspects can be carried out such as an official report on the outcome of the agreement facilitated by the regent / mayor in terms of resolving the village boundary dispute. In addition, the procedure for determining and establishing boundaries technically starts from the collection and examination of documents, installation of village boundary pillars to the making of village boundary maps. Non-technical aspects include agreements between parties / villages that border.

#### **H. Suggestions.**

1. Increasing the importance of the boundaries of a village as a symbol of authority on the basis of these regions, it is necessary to establish legal rules governing the mechanism for resolving disputes over regional borders that have more legal certainty.
2. Increasing the issue of village boundaries is a constitutional issue deemed necessary to renew the law involving the Constitutional Court as a court capable of providing legal certainty in the resolution of regional border disputes.

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