



Reconstructing a Land Rights Conflict Resolution Model Based on Local Wisdom and Legal Literacy in Kulim Subdistrict

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Abstract

Land rights conflict constitutes a recurring structural problem in adat-urban transition areas experiencing rapid land-use conversion, including Kulim Subdistrict, Pekanbaru City, where settlement and industrial expansion frequently collides with customary land tenure claims, while litigation is widely regarded as slow, costly, and inattentive to social cohesion. Rather than assuming that any single resolution mechanism already works well, this study aims to identify the structural weaknesses of existing land conflict resolution mechanisms in such areas and, on that basis, to construct a normative model that integrates local wisdom with the strengthening of community legal literacy. A normative-empirical legal method was applied through a literature-based approach and comparative analysis of customary land dispute cases in Riau Province. The analysis identifies two principal weaknesses of the existing mechanism: customary deliberation carries limited executory force when confronted with parties holding formal legal standing, and the community's legal literacy regarding land status, evidentiary procedures, and registration remains inadequate to support its bargaining position. In response to these weaknesses, this study constructs a three-tiered resolution model consisting of the strengthening of customary institutions as first-tier mediators, the integration of customary procedures into the formal mediation framework under Supreme Court Regulation Number 1 of 2016, and a sustained legal literacy program for the community. As a normative construction derived from secondary data and comparative analysis, this model is offered as a conceptual proposition for Kulim Subdistrict and comparable adat-urban transition areas, whose effectiveness requires further empirical testing.

Keywords: Customary Mediation; Land Conflict; Legal Literacy; Local Wisdom; Ulayat Rights.

A. Introduction

Land occupies a fundamental position in the social, economic, and cultural life of Indonesian society, functioning not only as an economic resource but also as a pillar of the collective identity of customary (*adat*) communities. Kulim Subdistrict, an administrative area formed through territorial expansion in Pekanbaru City that was previously agrarian in character and controlled for generations under customary land-tenure patterns, is now undergoing rapid transformation into a settlement and industrial zone. The pressure of land-use conversion in such adat-urban transition areas frequently gives rise to overlapping claims, both among residents over boundaries and inheritance, and between residents and corporations or government agencies over land tenure status, as reflected in the land conflict between a farmers' group and a plantation company in Pelalawan Regency (Yunus, n.d.) and the ulayat land conflict between the Pantai Raja customary community and a state-owned plantation company in Kampar Regency, which has persisted for more than two decades (Santoso et al., 2023).

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Resolving land disputes through litigation is often considered inadequate because it demands significant time and cost, follows a win-lose logic, and disregards long-term social relations (Mudjiono, 2007). This condition has spurred the development of local-wisdom-based resolution that prioritizes deliberation and the restoration of social relations, as various studies show that customary leaders' deliberation forums remain the community's primary reference because they are regarded as faster, cheaper, and more consistent with collective values (Manafe et al., 2023; Maharani, 2024). A comparative study of Tolaki customary law further shows that customary deliberation is superior in terms of cost, time, and social harmony, whereas the formal legal pathway is superior in terms of legal certainty and enforceability, so that the two systems essentially complement one another within a legal pluralism framework (Adila & Alexandra, 2025). Constitutional recognition of ulayat rights under Article 18B(2) and Article 28I(3) of the 1945 Constitution, reinforced by Law Number 5 of 1960 and the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020, provides a foundation for integrating customary law into the national agrarian legal system, although its implementation still faces obstacles in evidentiary matters and the synchronization of land data (Lubis et al., 2025).

Nevertheless, local-wisdom-based resolution has its limitations, since the outcomes of customary deliberation do not always carry executory force equivalent to a court ruling, making them vulnerable to repudiation by parties with greater capital strength and access to formal legal channels (Pratiwi et al., 2024). The community's low legal literacy regarding ownership status, evidentiary procedures, and land registration mechanisms further heightens the vulnerability of customary communities to unilateral land acquisition practices, as seen in various cases of ulayat land transfers without the full consent of customary landholders. This condition confirms that strengthening customary institutions alone is insufficient unless accompanied by a systematic improvement in the community's legal literacy.

Based on the foregoing, this study seeks to answer three main questions: the characteristics and patterns of land rights conflict in adat-urban transition areas such as Kulim Subdistrict; the role of local wisdom and community legal literacy in resolving such conflicts; and how a conflict resolution model integrating both aspects can be reconstructed to be more responsive. A review of the existing literature indicates that these two strands of study have largely developed in isolation from one another. One strand concentrates on strengthening customary institutions and adat adjudication as the principal instrument for resolving land disputes, without positioning the community's legal literacy as an integral component of the resolution design (Manafe et al., 2023; Bangol et al., 2024). A second strand addresses legal literacy improvement through outreach, education, and paralegal assistance as a stand-alone community-empowerment activity, without linking it structurally to the strengthening of customary institutions or to the formal mediation pathway (Situmeang et al., 2025). This study departs from that gap by positioning customary-institution strengthening and legal literacy as two integral pillars of a single tiered model rather than as separate interventions, so that both operate simultaneously within one resolution pathway. The novelty of this study therefore lies in this tiered integration, offered as an alternative to approaches that have tended to treat the two aspects separately.

B. Research Methodology

This study employs a normative-empirical legal research method with a descriptive-analytical approach. The normative component examines relevant laws and regulations,

including the 1945 Constitution, Law Number 5 of 1960 on the Basic Agrarian Principles, Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Courts, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020.

The empirical component is undertaken through a literature review and comparative analysis of customary land dispute cases documented in previous studies, particularly those concerning Riau Province. These cases serve as comparative material for identifying patterns of conflict and resolution mechanisms in areas with socio-customary characteristics comparable to those of Kulim Subdistrict.

Because case-specific primary data from Kulim Subdistrict, such as semi-structured interviews or focus group discussions with customary leaders, subdistrict officials, and residents, were not collected within the timeframe of this study, the analysis is positioned as an instrumental case study. Accordingly, Kulim Subdistrict is examined using the closest available secondary evidence, particularly documented customary land dispute cases from comparable adat-urban transition areas in Riau Province, rather than case-specific primary data. This methodological choice is intended to narrow, rather than eliminate, the gap between the study's specific focus on Kulim Subdistrict and the literature-based scope of its method. It therefore does not substitute for direct empirical verification in Kulim Subdistrict.

The secondary data comprise primary legal materials; secondary legal materials, including research findings and scholarly journal articles published within the last five years; and administrative data concerning Kulim Subdistrict. The data are analyzed qualitatively through conceptual synthesis to formulate a reconstructed conflict-resolution model. Accordingly, the resulting model is presented as a normative construction rather than an empirically validated outcome.

A limitation of this study is its reliance on secondary data and comparative analysis rather than primary data specific to Kulim Subdistrict. Two follow-up research agendas are therefore recommended. First, future research should conduct 5–10 semi-structured interviews with customary leaders, Kulim subdistrict officials, and resident representatives, complemented by at least three small focus group discussions, to empirically measure the community's level of legal literacy. Second, where time constraints preclude primary data collection, the secondary-data approach should be developed into a more focused extreme/instrumental case study drawing specifically on Pekanbaru court decisions and news coverage of land disputes in and around Kulim Subdistrict. This approach would strengthen the case-specific evidentiary basis without requiring a full field survey.

C. Results

C.1 Characteristics of Land Rights Conflict in Kulim Subdistrict

Kulim Subdistrict has experienced rapid development alongside the expansion of settlement and industrial areas in Pekanbaru City. This area, previously agrarian in character and inherited across generations, now faces two main patterns of conflict: horizontal conflict among residents arising from unclear inheritance boundaries and land transfers without adequate administrative recording, and vertical conflict between residents and developers or government agencies arising from overlapping customary tenure claims and formal land-use permits. This pattern of vertical conflict is consistent with findings in various parts of Riau, such as the land dispute between a farmers' group and a plantation company in Pelalawan

Regency (Yunus, n.d.) and the ulayat land dispute between a customary community and a state-owned plantation company in Kampar Regency (Santoso et al., 2023), which, although located outside Kulim, remain relevant as a general illustration of conflict characteristics in areas transitioning from customary tenure toward formally licensed land use.

C.2 Local Wisdom as a Basis for Conflict Resolution

The local wisdom of the Riau Malay community places deliberation (*musyawarah*) at the center of dispute resolution, involving customary leaders, *ninik mamak*, and the Riau Malay Customary Institution (*Lembaga Adat Melayu Riau*) as intermediaries that receive community complaints, facilitate the verification of territorial boundaries, and coordinate resolution with relevant agencies. This approach is relatively fast, low-cost, and oriented toward restoring social relations, consistent with the Kalosara customary deliberation practice among the Tolaki community, which has been shown to be superior in terms of cost, time, and social harmony (Adila & Alexandra, 2025). However, the Pantai Raja case shows that customary deliberation is often not sufficiently binding on corporate parties holding formal legal grounds, so that resolution ultimately had to be pursued through legal channels (Santoso et al., 2023). This finding indicates that local wisdom is most effective for horizontal disputes among residents, but requires institutional strengthening and integration with formal mechanisms when confronted with parties possessing greater legal and financial power (Pratiwi et al., 2024).

C.3 The Community's Level of Legal Literacy and Its Vulnerability

The community's low legal literacy in adat-urban transition areas is reflected in a limited understanding of the difference between customary land status and formally registered land rights, evidentiary procedures, and the importance of administrative recording for every transfer of rights. This condition renders the community vulnerable to unlawful land acquisition by outside parties, as seen in various cases of ulayat land transfer without the full consent of customary landholders. A similar pattern is likely to occur in Kulim Subdistrict given the continually rising economic value of land alongside the expansion of settlement and industrial areas. Low legal literacy also weakens the community's bargaining position in both mediation and litigation processes, since a lack of awareness of procedural rights and obligations can undermine the arguments and evidence presented (Mudjiono, 2007).

D. Discussion

Based on these three findings, this study reconstructs a tiered dispute resolution model built on three pillars. The first pillar is strengthening customary institutions as first-tier mediators, by formalizing the role of customary leaders and institutions as an early-detection and first-stage mediation forum, including participatory mapping of customary territorial boundaries and documentation of land tenure history (Manafe et al., 2023; Maharani, 2024). The second pillar is integrating the customary pathway into the formal mediation framework, by directing the outcomes of customary deliberation to be reinforced through mediation mechanisms as regulated under Supreme Court Regulation Number 1 of 2016 or land mediation facilitated by the local land office, so that the binding force and enforceability of customary agreements are strengthened responding to the weakness identified in the Pantai Raja case (Santoso et al., 2023; Sumardjono, 2007). The third pillar is a sustained legal literacy program, encompassing regular land-law outreach, paralegal training at the village/sub-district level, assistance with land registration, and digitization of archival records on customary land tenure history.

These three pillars are arranged into a single tiered resolution pathway: every potential dispute is first addressed through customary deliberation whose capacity has been strengthened; if this does not produce an agreement accepted by all parties, the process proceeds to formal mediation integrated with the land office and/or the courts; and if formal mediation still fails to produce an agreement, litigation is positioned as the last resort (*ultimum remedium*). Strengthening legal literacy runs in parallel at every stage, rather than as a stand-alone program, so that the community is equipped with adequate knowledge from the prevention stage through to final resolution. This tiered model is relevant for Kulim Subdistrict given the area's characteristics as a region in transition from customary tenure toward formal urban land governance, in line with the concept of legal pluralism that positions state law and customary law as two mutually complementary systems (Adila & Alexandra, 2025; Lubis et al., 2025).

E. Conclusion

Land rights conflict in adat-urban transition areas such as Kulim Subdistrict generally originates from two sources: horizontal conflict among residents due to unclear boundaries and inheritance, and vertical conflict between residents and developers or government agencies due to overlapping customary claims and formal land-use permits. Local wisdom based on customary deliberation has proven effective in resolving horizontal disputes because it is low-cost, fast, and restorative of social relations, but it has limited binding force when confronted with parties holding strong formal legal grounds, while the community's low legal literacy heightens vulnerability to unlawful land acquisition and weakens the community's bargaining position. Based on these findings, this study reconstructs a tiered conflict resolution model that integrates three pillars: strengthening customary institutions as first-tier mediators, integrating customary agreements into the formal mediation framework, and a sustained legal literacy program that runs in parallel at every stage of resolution. This model is expected to serve as a reference for sub-district and village governments, customary institutions, and land offices in formulating more participatory and equitable land dispute resolution policies. Given that this study relies on a literature review and comparative analysis, further empirical research through surveys, in-depth interviews, and participatory mapping together with the community and customary institutions in Kulim Subdistrict is strongly recommended to test and refine the validity of this model.

References

- Adila, A., & Alexandra, S. (2025). Implementation of customary law in land dispute resolution in indigenous law communities. *Hakim: Jurnal Ilmu Hukum dan Sosial*, 3(1). <https://doi.org/10.51903/hakim.v3i1.2296>
- Bangol, D. W., Maramis, R. A., & Mamesah, E. L. (2024). Penyelesaian sengketa tanah melalui lembaga adat (Studi kasus di Desa Tanamon, Kecamatan Sinonsayang, Kabupaten Minahasa Selatan). *Lex Privatum*, 14(3).
- Lubis, I., Siregar, T., Lubis, D. I. S., Adawiyah, R., & Lubis, A. H. (2025). Integrasi hukum adat dalam sistem hukum agraria nasional: Tantangan dan solusi dalam pengakuan hak ulayat. *Tunas Agraria*, 8(2). <https://doi.org/10.31292/jta.v8i2.401>

- Maharani, I. G. A. S. R. (2024). Pengadopsian mediasi sebagai alternatif penyelesaian sengketa dalam ranah penyelesaian konflik hukum adat di Bali. *Rewang Rencang: Jurnal Hukum Lex Generalis*, 5(3). <https://doi.org/10.56370/jhlg.v5i3.586>
- Manafe, A. D., Ropa, A. R. P. M., Djahamouw, E. E. D., Minami, G. P., Mone, A., Tibo, A. A. G., & Rade, S. D. (2023). Sengketa tanah adat dalam perspektif kearifan lokal di Desa Umakatahan Kecamatan Malaka Tengah Kabupaten Malaka. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*.
- Mudjiono. (2007). Alternatif penyelesaian sengketa pertanahan di Indonesia. *Jurnal Hukum Ius Quia Iustum*, 14(3). <https://doi.org/10.20885/iustum.vol14.iss3.art6>
- Pratiwi, B., Soeparan, P. F., & Wobisono, W. (2024). Peran hukum adat dalam penyelesaian sengketa agraria di Indonesia: Kajian empiris dengan metode komparatif. *Hakim: Jurnal Ilmu Hukum dan Sosial*, 2(4) <https://doi.org/10.51903/hakim.v2i4.2187>
- Santoso, A., et al. (2023). Efektifitas penyelesaian konflik tanah ulayat antara masyarakat adat Pantai Raja dengan PTPN V melalui upaya hukum di Kabupaten Kampar Provinsi Riau. *Jurnal Pertahanan dan Bela Negara*, 7(1).
- Situmeang, S. M. T., Pane, M. D., Utomo, S. S., Wuntu, H. F., Sutarjo, S., & Pudjiastuti, D. (2025). Peningkatan kesadaran hukum masyarakat dalam penyelesaian sengketa pertanahan melalui edukasi dan pendampingan di Desa Mekarsari, Kabupaten Bandung Barat. *Devote: Jurnal Pengabdian Masyarakat Global*, 4(3), 394–402. <https://doi.org/10.55681/devote.v4i3.4537>
- Sumardjono, M. S. W. (2007). *Kebijakan Pertanahan*. Kompas.
- Yunus, H. M. (n.d.). Konflik pertanahan dan penyelesaiannya menurut adat di Provinsi Riau. *Jurnal Menara, Universitas Islam Negeri Sultan Syarif Kasim Riau*.