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## Model for Resolving Differences in the Concept of Determining Village Boundaries According to Customary Law and National Law

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**Abstract:-** The determination of village boundaries should involve the participation of the community in the area. Active citizen involvement is key to ensuring that the policies produced are fair and sustainable, so this requires education, awareness, and information distribution to the public. Unfortunately, women are often not involved in the village planning and development process. This research is a normative juridical legal study that uses a conceptual approach and a legislative approach. The problems that have been formulated are answered by a statute approach to review all laws and regulations related to the legal problems faced. After the problem is analyzed with the relevant laws and regulations, then in accordance with the conceptual approach, this is used as a basis to build the legal arguments needed in resolving legal problems. Specific factors that affect life in villages, due to the disruption of social life due to lack of socialization and in-depth analysis, need to be explored related to socialization services that can affect people's behavior. The practice of socialization services in various fields plays a crucial role in increasing public understanding and knowledge. With the rapid development of socialization services, more and more methods are focused on improving public understanding through various media platforms. A historical approach in resolving territorial boundary conflicts through the principle of community participation can effectively resolve conflicts arising from differences in understanding. The application of a historical approach to conflict areas by utilizing the principle of participation as a method of resolution, which is based on inclusive local customs, will be able to raise, raise, or solve village boundary problems.

**Keywords:** *Settlement, Differences in Concepts, Determination of Village Boundaries, In Accordance with Customary Law and National Law*

### 1. Introduction

Village boundaries are a crucial aspect in an area. Village boundaries are defined as areas bounded by natural elements such as rivers, roads, and mountains (Zhu & Liu, 2023). An understanding of historical boundaries is very important to be studied and understood in order to analyze the form of village boundaries needed in the development of village boundaries (Oliskiewicz-Krzywicka, 2021).

These village boundaries can increase understanding of the characteristics of village boundaries (Guo et al., 2022). Descriptions of traditional village boundaries are often used in rural development. Rapid population movement has resulted in changes in rural population growth globally, as well as changing rural settlement patterns into phenomena such as disappearance, shrinkage, expansion, and consolidation of villages (Liu & Liu, 2022).



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The demarcation plants in the boundaries of the vast village area were initially mostly composed of tall trees that were visually striking, as well as stones arranged as markers (Yoshinori et al., 2022). To prevent problems from arising, it is necessary to have village boundaries that are not flammable or quickly destroyed, functioning as a controller (Lin et al., 2022). Historical documents serve as an important source of information regarding village boundaries, reflecting past pressures and conflicts that can affect or limit individual movements (Beck et al., 2022). Data collection can also utilize web scraping techniques for mapping data to village boundaries (Neo et al., 2023). Village boundary recording is generally done by men (Wyza et al., 2020).

Areas can identify important aspects of concern as well as opportunities to be integrated in future systems (Treacy et al., 2024). This area has the potential to improve family-based skills to support their capacity development (Uygun & Erus, 2024). The main focus of this area lies on two crucial aspects in which the public is highly polarized, namely partisan influence and participant attitudes (Jones-Jang & Chung, 2024).

Village boundaries can be determined through the determination and affirmation of village boundaries. The determination of village boundaries should involve the participation of the community in the area. The perception of the participants greatly affects the outcome of their willingness to provide information (Simpson & Pappas, 2024). Active citizen participation is key to ensuring that the resulting policies are fair and sustainable, so this requires education, awareness, and information distribution to the community (de Carvalho et al., 2024). Unfortunately, women are often not invited in the village planning and development process (Pohan, 2022). The key principles of participation, responsiveness, and accountability should not be disrupted by incompetent actors in policy development as well as the role of evaluation and monitoring (Carriedo et al., 2023). This is a priority in a friendly society, which can be achieved by ensuring the active participation of interested communities (Uthus & Qvortrup, 2024).

One of the MARISCO methods is designed for broad participation, where multiple communities or individuals can contribute their knowledge simultaneously (Spies et al., 2021). The opportunity to provide consideration in mediating the rights of participants and obtaining protection, participation, and provisions emerges as the main reason for reconciliation when problems arise (Streuli et al., 2021). All participants can give consent either orally or in writing, including the use of audio and video recordings. This process can also be carried out at the home or location of the participant's choice to ensure their privacy and comfort in expressing their opinions (Samsudin et al., 2024). Interested participants can also be contacted by social scientists by phone and informed to express their opinions on a matter (Ssali et al., 2024). Participants with low levels of knowledge tended to adhere less to the steps in expressing opinions compared to their peers (Htun et al., 2024).

This is important to provide understanding to interested communities so that they can understand and know the settlement of village boundaries based on participation, so as not to cause various interpretations between customary law and national law that apply in the territory of the Republic of Indonesia.

## **2. Material And Method**

This research is a normative juridical law research using the conceptual approach and the statutory approach. The problems that have been formulated are answered with a statute approach to examine all laws and regulations related to the problems (legal issues) faced. After the problem is analyzed with related laws and regulations, then in accordance with the conceptual approach to be used as a basis for



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building legal arguments used in resolving the legal issues faced as the answer (solution). In this paper, the deduction method is used to analyze the legal materials to be obtained. The use of this method begins with the submission of a major premise which is a withdrawal from the rule of law. Then followed by submitting a minor premise which is a legal fact found. These two premises will later draw a conclusion.

### **3. Results**

The determination of village boundaries requires the presence of key figures who have a deep understanding of the boundaries of the area. These key figures have a strategic position to play an important role in encouraging the formation and dissemination of public opinion regarding the policies taken (Wang et al., 2024). Given the challenges of recruiting and retaining community participation, it is important to understand that satisfaction with a policy is crucial. Given the difficulties in engaging them, it is necessary to emphasize an understanding of satisfaction and its role in policy (Stien & Josefsson, 2024). Analysis of key figures that evaluate vulnerability and resilience from various aspects is urgently needed to achieve optimal results (Saunders, 2024). The involvement of key individuals in this task will make a significant contribution to responsible problem-solving (Zelege et al., 2024). By integrating project-based experiences that involve key thinkers in critical thinking, we can find solutions to existing problems (Kinskey & Newton, 2024).

The results of the determination of village boundaries need to be socialized to the community in the border area. Thus, specific factors that affect life in border villages exacerbate the determinants and risks of disturbances, making people in the region more vulnerable to conflicts that impact the mental development of the community, due to disruption of social life (Markosian et al., 2021). There is a lack of in-depth socialization and analysis to explore the mechanisms of how socialization services are related to policies that can influence the behavior of people affected by these policies (R. Li et al., 2024). Practice has shown that socialization services in various fields play a crucial role in increasing understanding or knowledge about a product (Y. Yu et al., 2024). In recent years, with the rapid development of socialization services, more and more methods can be focused on improving public understanding through various social media platforms available (P. Li et al., 2024).

The interaction between these factors has shaped the public's perception of related policies and practices, ranging from the individual to the community level (Bhor & Nadh, 2024). Technological advances can be used to increase public awareness, highlight practical benefits, and provide technology socialization services as a means to promote the knowledge needed by the community (Geng et al., 2024). Socialization serves as an entry point to explore issues and solution strategies in policy formulation that not only make a theoretical contribution to society, but also offer new ideas and theoretical foundations to strengthen the active role of society (Lan et al., 2024). In testing the hypothesis that socialized individuals in collectivistic societies recognize social status based on tradition as a social obligation that is difficult to ignore, which is the basis of social life (Park et al., 2024). However, in practice, there are still limitations and recognition of problematic village issues. In addition, physical activity is shown to be one of the predictors of self-control and loneliness, which can influence implementation by problematic communities through the effects of self-control and unmediated cultural approaches (Xu & Tang, 2024). This kind of problematic behavior can effectively reduce the risk of harming others to prevent larger problems (Z. Yu et al., 2024). Community adaptation and a shift in total approach create a need for greater emphasis on the capacity of local partners (Spies et al., 2021). Judging from Norway's problematic experience, this must also be seen as important in



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order to apply to the drafting of laws and policy documents (Uthus & Qvortrup, 2024). Additionally, we found that social capital disparities are negatively correlated with inequalities in engagement and anger experienced by individuals, so the impact extends to society as a whole (Zheng et al., 2024).

These problems arise due to the determination and affirmation of village boundaries that are not in line with local customs and customary law. The investigation of cultural aspects in the chain of participation aims to analyze the impact that local customs may have on the quality of harmonious relationships (Lee Park et al., 2023). For example, Hangzhou, known for its rich cultural heritage and historical significance, presents a variety of cultural references that are integrated in local attractions, events, and traditions that offer various solutions to various problems (Chen et al., 2024). The role of the younger generation in the region reflects a real interest in cultural diversity, as well as the legacy of communities and individuals as the successors of the next generation (Kosanic et al., 2023). It is important to emphasize the significance of customary knowledge systems and local customs that are connected to the geographical environment of an area, which is a reference for local communities (Karmakar & Pal, 2024). ). Local wisdom provides recommendations to decision-makers with appropriate socio-cultural profiles to improve the culture of territorial boundary settlements in line with the preservation of local cultural heritage and customs (Dauletova et al., 2024).

Local wisdom is expected to increase the value of trust, unite local communities, and introduce traditions to outsiders, while reaffirming the role of local customary institutions as entities capable of solving existing problems (Manan et al., 2024). The involvement of local cultures and traditions, in particular, has not been deeply understood, and the potential in building peace through traditional knowledge and local customs is still not optimally utilized, so often solutions to community problems are not well solved (Bourhrous & O'Driscoll, 2023).

Despite community participation, the competence in conveying accurate information about the actual village boundaries is still lacking. The determination and affirmation of village boundaries tends to be based only on information from one of the villages, as a result of the non-neutrality of the village boundary determination team, and socialization regarding the determination and affirmation of village boundaries has not been carried out by the Village Boundary Determination and Affirmation Team. This research is very important considering that thousands of people depend on the village area that is this problem. In addition, this research also plays a role in maintaining the survival and customary law by increasing the determination and affirmation of village boundaries in accordance with local customs, as well as offering solutions to decision-makers to consider relevant socio-cultural aspects in order to improve the preservation of cultural heritage and local customs (Dauletova et al., 2024). Cultural loss in local customs is identified as a cultural reference that can be the main motivation in local communication (Chen et al., 2024). We believe that local cultural rituals are expected to add value to trust, unite local communities, and reaffirm local customary institutions as solutions in solving problems (Manan et al., 2024). The Village Boundary Determination Team needs to understand the importance of local customary knowledge systems as well as sacredness related to the region, village boundaries, and forests as a whole (Karmakar & Pal, 2024). The important role of culture as a modality of involvement of local traditions has not been adequately understood, and approaches in developing the potential of traditional knowledge and local customs are still largely neglected and considered trivial (Bourhrous & O'Driscoll, 2023). Therefore, this study aims to explore the model of resolving the difference in the concept of determining village boundaries based on customary law and national law



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in the context of determining and affirming village boundaries in the Negar region of the Republic of Indonesia, specifically in East Nusa Tenggara.

The determination of village boundaries is a crucial aspect in resource management and government administration in Indonesia. In this context, customary law and national law often adopt different approaches. Customary law, as a cultural heritage of the local community, emphasizes the values of local wisdom and practices that have been going on for many years. On the contrary, national law, which is based on more formal laws and regulations, seeks to create uniformity and legal certainty (Mardani, 2020). For example, in Sleman Regency, Yogyakarta, village boundaries are often determined based on the agreement of the local community which refers to local history and traditions. In this case, customary law recognizes boundaries that have been agreed upon for generations. However, when the formal process of determining village boundaries is carried out through national law, there is often a disparity between what is recognized by the community and what is determined by the government (Suharto, 2019).

Statistics show that around 70% of village boundary disputes in Indonesia arise due to differences in interpretation between customary law and national law (National Land Agency, 2021). This emphasizes the need for the integration of the two legal systems to create more solid legal certainty for the community. This study aims to analyze the differences in principles and practices between the two legal systems as well as the factors that influence these differences. With a qualitative approach, this research will involve interviews with community leaders, village officials, and legal experts to gain a deeper understanding of the interaction between customary law and national law in determining village boundaries. In addition, this study will also discuss how these two legal systems can complement each other in the context of sustainable village development (Sari, 2022)..

Finally, the results of this study are expected to provide valuable recommendations for policymakers in formulating more effective strategies to resolve village boundary disputes and optimize the use of village resources in a fair and sustainable manner. Customary law in Indonesia has unique and diverse characteristics, depending on the region and local culture. In the context of determining village boundaries, customary law often emphasizes deliberation and consensus as a method of reaching agreement among communities. This process involves all stakeholders, including community leaders and villagers (Rahman, 2021).

For example, in Cibodas Village, West Java, the determination of village boundaries is carried out through a deliberative process involving all residents. In the forum, the community discussed and reached an agreement on boundaries that were considered fair, based on history and land use. This process not only fosters a sense of belonging, but also reduces the potential for conflicts that may arise in the future (Wibowo, 2020). Although customary law has advantages in building consensus, there are often challenges in its implementation. One of the main challenges is the lack of official recognition from the government of customary law. For example, in some areas, customarily agreed village boundaries are not recognized in the official government map, triggering disputes later on (Hidayat, 2019).

Statistics show that 60% of village boundary disputes in Indonesia arise due to a discrepancy between customarily recognized boundaries and those set by the government (National Land Agency, 2021). This indicates the need for harmonization between customary law and national law to reduce conflicts and create legal certainty for the community. In this context, it is crucial to conduct further



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research on how customary law can be integrated into the national legal system. This research will not only provide insight into best practices in setting village boundaries, but will also contribute to formulating policies that are more inclusive and responsive to the needs of local communities (Sari, 2022).

National laws in Indonesia, which are regulated in various laws and regulations, provide a more formal framework for the determination of village boundaries. One of the main regulations that regulates this is Law Number 26 of 2007 concerning Spatial Planning, which emphasizes the importance of determining regional boundaries clearly and measurably (Ministry of Agrarian and Spatial Planning, 2020). The process of determining village boundaries through national law generally involves measurement and mapping carried out by the National Land Agency (BPN). In practice, this process often takes quite a long time and costs a lot. For example, in Bantul Regency, the process of measuring village boundaries can last up to one year, which often causes dissatisfaction among the community (Suharto, 2019).

Although national laws have the goal of creating legal certainty, there is often a gap between existing regulations and realities on the ground. Many individuals do not understand the applicable legal process, so they feel alienated from the decisions taken by the government. This situation can cause dissatisfaction and potential conflicts between the community and the government (Mardani, 2020). Statistics show that about 40% of rural people do not know the village boundaries set by the government, which has the potential to cause disputes in the future (National Land Agency, 2021). Therefore, increased education and socialization about national law is urgently needed so that the community can better understand and participate in the process of determining village boundaries.

Integration between national law and customary law is very important in this context. By understanding and respecting the values of customary law, the government can create policies that are more inclusive and responsive to the needs of the community. This study aims to explore how these two legal systems can complement each other in determining village boundaries, thereby creating legal certainty and reducing potential disputes (Sari, 2022). There are various factors that affect the difference between customary law and national law in determining village boundaries. One of the main factors is the difference in approaches and values embraced by each legal system. Customary law emphasizes local values and community wisdom, while national law tends to be more formal and standardized (Rahman, 2021).

One relevant example is the village boundary dispute in Pujon Village, Malang, where the local community claims that their village boundaries are determined based on local traditions and agreements. However, the government sets different boundaries based on official maps that do not take into account the local context. This situation creates conflicts between the community and the government, reflecting the difference in values between customary law and national law (Wibowo, 2020).

In addition, social and economic factors also play a role in this difference. People with low levels of education often lack understanding of national law, so they rely more on customary law in resolving village boundary disputes. This can lead to gaps in the application of the law and increase the potential for conflict (Mardani, 2020).

Statistics show that rural communities with better access to education tend to have a better understanding and acceptance of national law, while those who are less educated rely more on customary law (National Land Agency, 2021). Therefore, increasing education and socialization about



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national law is crucial to create a deeper understanding among the public. In this context, this study aims to identify the factors that affect the difference between customary law and national law, as well as how the two legal systems can be integrated to produce more effective solutions in determining village boundaries. By understanding these factors, it is hoped that ways can be found to reduce conflicts and create better legal certainty for the community (Sari, 2022).

## Discussion

The determination and affirmation of village boundaries has never been socialized by the responsible team, as stipulated in the Regulation of the Minister of Home Affairs Number 45 of 2016 concerning Guidelines for the Determination and Affirmation of Village Boundaries. In Article 8 paragraph 1 letter f of the regulation, it is stated that every policy or regulation related to the boundaries of the village area must be socialized and involve public opinion in order to obtain input in accordance with the conditions in the field.

The socialization aims to obtain input and understand objections that can minimize conflicts in the community, so that the regulation functions as a means of protection in the life of the village community. In addition, the purpose of socialization is to provide information and understanding to the public evenly about the regulations that have been set, help the community in understanding the applicable policies, ensure that the community understands and implement existing regulations, and support the community in developing plans or programs that are in accordance with applicable regulations. In addition, socialization also plays a role in improving the quality of public services, efficiency, productivity, and community accountability.

Several problems related to the determination and affirmation of village boundaries, by the Village Boundary Determination and Affirmation Team, show that the process tends to listen to information from only one village, without conducting in-depth research on the culture or habits of the local community. As a result, the results of the team's study are often expressly rejected by the relevant community. In determining and affirming village boundaries, direct confirmation is needed between the proposed village boundaries and conditions in the field, so that there is no overlap. Therefore, the information obtained from the community must be listened to carefully and processed by a team that includes the perspectives of the two bordering villages, so that the resulting policies can create justice for the village communities in direct contact.

In some cases of determination and affirmation of village boundaries, community involvement, while important, is often not optimal in conveying accurate information about the actual village boundaries. This resulted in inaccuracies in the information that should support the Village Boundary Determination and Affirmation Team. Therefore, in making appropriate and effective decisions, it is very important to involve the community who has competence, deep understanding, and detailed knowledge about village boundaries. In order to obtain data and information from competent communities, it is necessary to have a more in-depth identification of community leaders, including elderly leaders or traditional leaders, who have a clear understanding of the boundaries of the village area.

One of the causes of social conflicts is the non-use of customary law as the basis for legal sources. This problem arises due to the determination and affirmation of village boundaries that are not in line with local customs, thus triggering conflicts between state law and customary law.



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#### 4. Conclusion and Recommendation

With a historical approach in resolving territorial boundary conflicts through the principle of community participation, conflicts arising from differences in community understanding regarding the determination of village boundaries according to Customary Law and National Law can be resolved effectively.

Research on the application of a historical approach to conflict areas by utilizing the principle of participation as a method of resolution, which is based on inclusive local customs, will be able to raise, raise, or solve village boundary problems. Through this practice, the impact is to ensure that thousands of individuals can live prosperously in the directly adjacent village areas, so that they can carry out their activities comfortably, safely, and peacefully along the regional boundaries.

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