

# LAND RIGHTS DISPUTE SETTLEMENT MECHANISM THROUGH KRAME DESA IN THE SASAK COMMUNITY ON LOMBOK ISLAND

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## ABSTRACT

*The objectives of this study are: (1). To know and understand the mechanism for resolving land rights disputes through Krame Desa in the Sasak community on Lombok Island, (2). To know and understand the legal power of the Krame Desa Decision in resolving disputes over land rights in the Sasak Community on Lombok Island.*

*This type of research used in this research is empirical legal research, with a juridical-socio-anthropological approach. The approach in this research is based on the idea that law is not value-free, meaning that the law is influenced by the attitudes/ behavior and values that live in society.*

*From the results of the research it can be stated that: 1. The mechanism for resolving disputes over land rights through Krame Desa in the Sasak community on Lombok Island is by means of mediation: The settlement is carried out by Krame Desa together with the Village Head in the Krame Desa Assembly session. 2. The legal power of decisions made by Krame Desa in the form of a peace deed containing an agreement from both parties, including in an out-of-court peace deed. The strength of the peace deed decision will be the same as: The law for those who make it as regulated in Article 1338 of the Indonesian Criminal Code.*

**Keywords:** Krame Desa, Land Dispute

## INTRODUCTION

Nowadays with the progress of development that continues to develop rapidly and the problems of community life are increasingly complex and multidimensional, and often escalate into conflicts or disputes. If the denial has escalated to conflict or dispute, it is necessary to find a solution so that it does not become anarchist.

Conflicts or disputes can be resolved through the court and outside the court. Dispute resolution through the courts usually:

1. Slow.
2. The cost of the case is expensive.
3. Not responsive.
4. Court decisions do not solve the problem and can even complicate matters.
5. The ability of judges is generalist (Harahap, 1997).

Objectively, the court decision was unable to provide a satisfactory solution to the parties. Court decisions have been unable to provide peace and tranquility to the litigating parties. In fact, the decisions that appear are:

- a. One party will definitely win and the other party will definitely lose

- b. A losing situation wins in a case, never brings peace, but creates a feeling of enmity or revenge and hatred
- c. Confusing court decisions
- d. Court decisions often do not provide legal certainty (uncertainty) and are unpredictable

By looking at the problem or situation in the world of justice that has not been able to solve problems and provide a sense of justice in society because it is caused by limited human resources and the limited capacity of judges. Whereas in the current era of globalization and entering the science and technology century, the ability of judges is not only limited to legal knowledge, but needs to be improved in general sciences such as electronics or computer science, as well as building construction science and roads. Taking into account the ability of judges who are only human generalists, it is impossible to resolve disputes that contain complexity in various fields (Harahap, 1997).

Therefore, dispute resolution through out-of-court means is increasingly important to be promoted, given the state's situation that is not yet fully capable of providing dispute resolution services through formal courts in the villages. Apart from that, the capacity of the formal courts is also heavy due to the accumulation of very serious cases. As data disclosed by the Indonesian Legal Foundation (YLBHI) shows that "every year there are 13,000. (Thirteen thousand) cases submitted to the Supreme Court. 54 Supreme Court Justices have to settle such a large number, who always leave 8000 (eight thousand) cases at the end of each year". The number of cases that must be resolved has given a real burden to the formal justice institutions in providing justice for the community (Rato, 2014).

In a pluralistic society like Indonesia, which has a lot of local wisdom which is very potential to help in resolving conflicts or disputes in the midst of community life (Rato, 2014)? For example, in the Sasak Community on the island of Lombok, there is a customary institution called Krame Desa which is tasked with helping the village head resolve conflicts or disputes that occur in the community.

The existence of a customary institution or Krame Desa in resolving disputes outside the court in the Sasak Community is very important to do to avoid a deadlock for justice seekers on various problems that occur in society, especially the issue of land disputes. The decisions given by the Krame assemblies, in addition to providing a sense of justice to the disputing parties also put the parties in a win-win position, meaning that no one loses and no one wins (Win-win solution), it can bring shade and peace in the middle the middle of society.

This type of research used in this research is empirical legal research, with a juridical-socio-anthropological approach. The types of data collected are primary data and secondary data. Primary data is obtained by means of interview techniques. Meanwhile, secondary data is done by means of literature study. The data analysis in this study was carried out in a descriptive analytical manner, namely after the data obtained through interview techniques were then compiled and categorized or sorted and then interpreted and analyzed. This analysis process is carried out almost simultaneously with the interpretation of the data carried out as quickly as possible without having to wait for the large number of data to be collected.

## RESULT AND DISCUSSION

### **Land Rights Dispute Settlement Mechanism through Krame Desa in the Sasak Community on Lombok Island**

A dispute is a social reality that occurs in the middle of social life that can occur anytime and anywhere, as a social reality, so that it does not escalate to become anarchist, and then the dispute needs a resolution. In general, every dispute, especially land disputes that occurs in the

community, expects a settlement action to determine the legal status of the disputed object. Land dispute resolution that occurs in society can use various patterns or models depending on the choice of action taken by the disputing parties to end their dispute.

The results of the research conducted on the island of Lombok show that the parties involved in the dispute chose various alternative actions outside the court in resolving the disputes they faced in order to achieve the expected results.

The choice of action in dispute resolution in society carried out by the disputing parties, can be influenced by cultural values that live in the community, or the freedom of the disputing community to deviate from existing values or because of profit and loss factors. Which affects the choice of action taken by the disputing parties? Therefore, to provide an overview of the options for action and dispute resolution mechanisms carried out by the disputing parties through the Krame Desa, we will first discuss the settlement process carried out by the parties in the respective region. The dispute settlement process is as follows:

### **The Settlement Made by the Disputing Parties**

Dispute resolution carried out by the disputing parties without involving a third party, in the literature is known as negotiation. Negotiation is a dispute resolution effort carried out by the disputing parties without involving a third party in helping to resolve disputes between them. In settling land disputes in community members by means of negotiation, the mechanism is as follows: one of the parties in the dispute who feels that he has the right to the land claims the object of the dispute (hereinafter referred to as the plaintiff) will go to the party controlling the object of the dispute. (Referred to as the defendant) to convey his wish to them that the object of the dispute still partly or wholly the inherent rights of the plaintiff and still controlled by the defendant are the rights of the plaintiff. The arrival of the plaintiff in demanding their rights from the defendant is intended so that the defendant can give part or the entire object of the dispute to the plaintiff. If during the first or several visits the plaintiff to the defendant can resolve their dispute, then the object of the dispute can be submitted partially or completely directly or wait several months if, for example, the land has been planted, then the handover will be made after harvesting or other peace is made depending on the agreement. Made by the plaintiff and defendant. Recognition and submission of part or all of the object of the dispute by the defendant to the plaintiff or the existence of other forms of peace is generally conveyed to the local hamlet head and the village head to then make a letter of submission of the object of dispute voluntarily from the defendant to the plaintiff or other agreed forms of peace. By both parties by placing the village head and hamlet head or other village officials as witnesses.<sup>1</sup>

### **Dispute Resolution by Involving a Third Party as a Facilitator**

If the plaintiff is in a lower socioeconomic status than the defendant, then usually in practice in Lombok Island, especially in the research location: the plaintiff is not directly dealing with the defendant, usually will ask for help from a third party as a facilitator or an extension of the desire to claim their rights. Partly or wholly against the object of the dispute to the defendant. So that the defendant wants to give up part or all of the rights owned by the plaintiff. The third party in this context is a person whom the plaintiff trusts and is not a person currently serving as the head of the hamlet and village head or usually a person who according to the plaintiff is someone the defendant has respect and respect for. And it may also be possible to involve a third party as a facilitator, if various attempts have been made by the plaintiff on his own so that the defendant wants to give the rights claimed by the plaintiff, but always experiences deadlock or failure. This is as told by the Head of Hamlet and Youth Leaders at the research location as follows: however, often the party

who claims to have rights to the land uses the services of other people to help solve the problem with the party who controls the object in dispute”.<sup>2</sup>

### **Settlement of Disputes at the Hamlet Level through the Krame Dusun (Gubuk)**

If the dispute settlement carried out by the disputing parties does not reach an agreement or is unable to be resolved by deliberation to reach consensus, then the next step is dispute resolution by involving a third party at the Hamlet Level, namely through the Krama Dusun (Gubuk) with the hamlet head.<sup>3</sup> The dispute settlement efforts carried out by the parties by involving a third party as a mediator to resolve the dispute at the Shack/ Hamlet level are carried out by the Krame Dusun (Gubuk) Council which consists of the Head of the Hamlet (Keliang) with members of the Krame Dusun (Gubuk). The Hamlet Head (Keliang) and Krame Dusun are third parties that are trusted by the disputing parties. Meanwhile, the position of the head of the hamlet (Keliang) at the hamlet level is as a figure that is in control of the government at the lowest level and is directly related to all problems that occur in the community. Meanwhile, Krame Dusun (Gubuk) is tasked with assisting the Hamlet Head in resolving various hamlet problems, especially land or civil disputes. In fact, the hamlet head (Keliang) as a party involved in dispute resolution, especially land disputes, is also categorized as a third party, because the lowest community leader in the state structure takes a position as mediator between the parties involved in the dispute. The difference with the third party appointed and trusted by the plaintiff as a liaison to resolve land disputes between the plaintiff and the defendant as stated above is only placed in the position of a third party here who is not in control of the government even though the head of the hamlet is also seen as a person who is respected and trusted to resolving disputes in general, especially land disputes that occur between citizens.

The hamlet head that is the head of government in his working area has responsibility for security and disputes that occur in his village area. The hamlet head (Keliang) together with the Krame Dusun (Gubuk) are required to be able to reduce all land disputes and disputes so that they do not lead to anarchist conflicts that can cause material loss and destroy social relations of the parties involved in the land dispute. Every dispute, especially land submitted by its residents, morally becomes the responsibility of the Hamlet Head with the Krame Dusun (Gubuk) and must take a pro-active stance to resolve it so that it does not drag on as well as to restore harmonious social relations between the parties involved in the dispute.

In resolving land disputes submitted to him, the hamlet head together with the Krame Dusun (Gubuk) will jointly formulate strategic steps to be taken so that dispute resolution can be more effective and efficient. According to the results of interviews with the Head of the Hamlet and members of the Krame Dusun in the research location that: in resolving each dispute handled, it was carried out by bringing together the plaintiff and the defendant on the specified day and date. The plaintiffs and defendants will be summoned by letter or orally to come to the meeting place which has been determined as the place for dispute resolution, usually at the hamlet head's house or the meeting house at the hamlet level (hut) by bringing witnesses or letters of evidence on the object of a particular dispute. That is disputed. The disputing parties, both the plaintiff and the defendant, are asked to explain their dispute over the object of the dispute before the Krame Dusun (Gubuk) Council session.<sup>4</sup>

In every settlement of land disputes carried out by the hamlet head (Keliang) together with the Krame Dusun (hut), efforts are always made to resolve it by deliberation by encouraging the plaintiffs and defendants to make peace so that social relations do not break. In the position of the head of the hamlet as mediator between the plaintiff and the defendant, it does not determine the legal status of the object of the dispute whether the plaintiff is the most entitled or the defendant on

the object of the dispute, but only acts as a neutral mediator. Meanwhile, the decision to make peace will depend on the plaintiff and the defendant as the parties involved in the dispute.

If the plaintiffs and defendants can resolve disputes, especially land disputes peacefully through the assistance of the Hamlet Head (Keliang) with the Krame Dusun (Gubuk) in the Krame Dusun (Gubuk) Assembly session, it will be documented by making a peace agreement letter which contains either the submission of part or the entire object of the dispute. From the defendant to the plaintiff or the peace agreement which contains other matters depending on the agreement between the plaintiff and the defendant. Every peace agreement made by the plaintiff and the defendant will be signed by both parties to the dispute and the hamlet head and one or several members of the Krame Dusun (Gubuk) in their position as witnesses to be confirmed by the village head. Meanwhile, if the land dispute settlement effort between the plaintiff and the defendant cannot be resolved amicably through the meeting of the Krame Dusun (Gubuk) Council even though several meetings have been held and it has exhausted energy, thought and time, then the Krame Dusun (hut) and head dusun (keliang) will take a stand by sending or submitting the dispute between the plaintiff and the defendant to a higher level, that is, a resolution will be recommended at the village level although it will still depend on the will of the parties involved in the dispute.

### **Settlement of Land disputes at the Village Level through Krame Desa**

If the settlement of land disputes at the hamlet level cannot be resolved, the settlement will be continued at the village level by submitting the dispute to the Village Krame Council with the following stages:<sup>5</sup>

- a. The Plaintiff will report the dispute to the Village Krame Council either verbally and or in writing;
- b. Verbal reports as referred to in paragraph (1) shall be made in written form by the MKD secretary, signed/ thumbprinted by the reporting party;
- c. Reports of disputes, especially land as referred to in paragraph (1) will be verified and reviewed in depth by MKD;
- d. MKD will schedule a mediation meeting for the first time no later than 14 (fourteen) days from when the report is received by presenting the disputing parties;
- e. If the parties agree to make peace, MKD makes a peace deed knowing the Village Head;
- f. The peace deed as referred to in paragraph (5) can be registered at the court;
- g. If the parties do not produce an agreement to make peace, then MKD will prepare an official report and recommend the disputing parties to take a formal legal route.

In every dispute, especially land disputes that occur that are submitted through the Village Krame Council at the Village office, in general, it will be recorded in the registration registrar book. However, at the research location, the records in the dispute registration book at the MKD or at the Village office were still not properly administered. So that the data regarding the number of disputes that occurred still cannot be obtained completely because it has not been well represented. In resolving a proposed dispute, the disputing parties will be called upon to find a solution. Summons to the plaintiff and defendant are carried out in the form of a letter delivered by the hamlet head containing the parties (plaintiff and defendant) must be present at the Krame Desa Assembly hearing at the village office on the day and date specified in the summons. If the parties involved in the dispute or one of the parties is not present on the day and date specified, they will be recalled by letter until they arrive at the third summons. If at the summons of the three parties or one of the parties still does not want to be present at the village office, then the land dispute case concerned will be discrete without any forced effort by the Village Krame Council, because the Village Krame Council in this case the village head and Krame Desa members do not legal authority to force the parties to resolve their land disputes at the village office through the assistance of the Village Krame Council.

Meanwhile, if the plaintiff and defendant come voluntarily to the village office in the Village Krame Council hearing after the summons are made, the dispute resolution will be held by hearing the statements of the parties, both the plaintiff and the defendant as well as the evidence held regarding the object of the dispute. Settlement of land disputes at the village office can be carried out in one meeting up to several meetings depending on the awareness of the parties and in general the defendant is the party charged with or in control of the object of the dispute. In every settlement of land disputes at the village office, the village head and Krame Desa members in the Krame Desa Assembly session position themselves as neutral mediators even though they actively recommend the parties to make peace. If the parties resolving their land disputes peacefully can be reached before the Village Krame Council, the village Krame will make a peace deed signed by the parties involved in the dispute, witnessed by two Krame Desa members and the hamlet head, knowing the Village Head involved directly in reconciling the parties to be used as evidence that there has been a peace regarding the object of a certain dispute between the plaintiff and the defendant. However, at this time in North Lombok Regency, the model for a peace certificate that made the village head position was no longer the one who knew, but as a witness with the hamlet head and members of the Krame as the mediator.<sup>6</sup>

In the practice of resolving land disputes carried out by the Krame Desa Assembly at the village office in general, it can always be resolved completely, because the community members involved in the dispute still respect and hear suggestions from the village head and Krame Desa members. For the Sasak people on the island of Lombok, the village head is not only seen as the head of government at the village level, but is also seen as the customary leader or the father of the people who always gives advice for the perpetuation of their social relations. According to the results of an interview with the former Village Head Mertak Haji Bangun<sup>7</sup> said that: "In the Sasak community in the southern part of Lombok Island, the last step taken in resolving land disputes is to take a break oath in the term Mangkep. This deciding oath (Mangkep) is carried out if both parties persist with their respective views and do not want to accept input and or suggestions from the Village Krame Council in resolving the dispute. However, in reality this mangkep is the final step in resolving disputes carried out by the Village Krame Council. The Krame Desa Council will think for a long time to carry out this mangkep, because the consequences that will be obtained for the plaintiff and defendant in the implementation are very heavy. According to the belief of the residents of the Sasak community on the southern island of Lombok, those who are subject to mestu or return from the Breaking Oath (mangkep) will get balak up to seven derivatives for the plaintiff or defendant who controls or has the object of dispute illegally They will not get the ease of acceptance and safety in the world and the hereafter, they can even die directly or bebehara days later from those who are subject to the oath of breaking (mangkep)".<sup>8</sup>

From the description above regarding the emergence of disputes, especially defense disputes, it shows that these disputes or conflicts go through certain stages, where each phase of the stages is an objective generated by the situation and conditions that are responded to from prerequisites based on the wants and needs of the community. Therefore, when linked with the views of Laura Nader & Tood (1978), the stages of the dispute or conflict are as follows:

- a. In the first stage, the conflict begins with a complaint from one party to another party, in this case the plaintiff, because the complaining party feels that their rights have been violated, is treated fairly. This initial condition is called the pre conflict stage which tends to lead to monadic confrontation.
- b. In the second stage, if the other party, in this case the defendant, shows a negative reaction in the form of a hostile attitude towards the complaint from the plaintiff, then this condition escalates to a conflict stage, this confrontation condition still does not involve a third party. As an intermediary, but still involves both parties only.
- c. In the third stage, if the conflict between the parties in this case between the plaintiff and the defendant is shown and brought to the public arena (community) and/or a third party in this case has asked for assistance from a third party as a facilitator and through the Krme Dusun (Gubuk) table and the Village Krame Council. Then the process

becomes a dispute case in a dispute resolution institution, then the situation has escalated to a dispute (dispute stage). The confrontation between the plaintiff and the defendant involved a third party in the settlement of the dispute.

Dispute resolution, especially land disputes in the Sasak community on Lombok Island, from research identified using various models or patterns of resolution that are utilized depending on the choice of action taken by the disputing parties to end their dispute. The results of this study indicate that the parties involved in the dispute choose various alternative actions outside the court in resolving the disputes they face in order to achieve the expected results.

In the description of the dispute resolution model or pattern adopted by the parties (the plaintiff and the defendant) in this study, it was found that there were four types of dispute resolution options carried out by the disputing parties, namely:

- a. Negotiations between the parties involved in a dispute.
- b. Mediation with the help of a trusted third party.
- c. Mediation with the assistance of the Hamlet Krame Council (hut) together with the hamlet head.
- d. Mediation with the assistance of the Village Krame Council and the Village Head.

The dispute resolution pattern by means of negotiation is not always used by the parties to the dispute. Negotiation is a method of dispute resolution carried out by the parties involved in the dispute without the intervention of third parties. In this dispute settlement pattern, the active parties involved in the dispute are prioritized to reach common ground by establishing certain conditions depending on their agreement to end the dispute. This is in line with Resolve's view which states that the pattern of dispute resolution by means of negotiation is a media for dispute resolution by requiring the ability of the parties to identify problems or issues that make them different. The parties must understand each other's differences in interests and needs, to find various options for possible dispute resolution, and offer each other on various mutually agreed terms (Hadimulyo, 1997).

The use of negotiation as a pattern of dispute resolution is a very simple and confidential way, because the parties involved in the dispute are directly face to face to find solutions to the dispute at hand and generally without other people knowing what they are concerned about. The parties can make their own arrangements freely without being published as a condition for terminating the dispute. However, the research results show that the use of dispute resolution by means of negotiation is often unsuccessful and/ or has failed, because the parties mutually defend their views.

Whereas the pattern of dispute resolution by means of mediation is a form of dispute resolution in this study that can be directly determined by the disputing parties without going through the negotiation stage, also carried out after the negotiation method fails. The use of a third party that is believed to be a mediator by the disputing parties shows that the Sasak community in the village being researched is still classified as a mechanical society, that is, a community symbolized by a mutually helping relationship between its members.

Through this mediation media, the disputing parties also strongly believe in the assistance of third parties in this case at the hamlet (hut) level, namely through the Krame Dusun (Gubuk) Council and at the village level through the Village Krame Council as a mediator who can resolve land disputes. The use of the Krame Dusun Assembly and Mejlis Krame Desa as mediators for the members of the Sasak community on the island of Lombok is a common practice. This implies that the Krame Dusun and Krame Desa assemblies have an important position and role in resolving land disputes that occur in the Sasak community on the island of Lombok.

Settlement of land disputes with the help of the Krame Dusun Council and the Village Krame Council is also seen by the Sasak people on Lombok Island as not requiring a lot of money,

time and a lot of energy. In the Sasak community, they have a view of life in resolving disputes where in traditional Sasak law they do not want the decision to lose to win, but must lead to peace which is resolved by means of deliberation to reach a consensus, in an effort to resolve it, both parties can protect each other's feelings, which in terms of Sasak it is called "tao back and forth pairs". In relation to efforts to resolve disputes in the Sasak custom, this is reflected in expressions of local wisdom, including:

"Smelly, aiq meneng, tunjung tilah"=fish caught, water remains clear, lotus flowers are not damaged/intact (in solving the problem results in the satisfaction of both parties, both parties feel winning and no one feels defeated). "Adeq tao jauk aiq"=so that we can carry water (in a heated dispute, we are able to be the cooler). "The nature of the child empaq tao pesofoq Diriq"=the nature of the young fish to unite themselves (contains advice to always avoid arguing with each other). "Sikut tangkong lek awak mesaq"=measuring clothes on one's own body (this expression implies all our actions or behavior to others, we should measure it ourselves (Syapruddin, 2005).

From the above expression, we can actually draw the philosophy as a basis for resolving disputes that occur in society, how disputes that occur must be resolved properly without having to harm each other, and in resolving disputes too highlight the interests of certain parties, but seek a solution can benefit both parties in dispute so as to provide satisfaction.

Therefore, the Krame Council, both at the hamlet and village level, in carrying out its function as a mediator in resolving land disputes, always takes several actions, namely: (1) bringing together the disputing parties, (2) conducting deliberations with the disputing parties, and (3) to settle disputes by compromise.

Carrying out deliberations to reach a compromise is a land dispute resolution mechanism that emphasizes the elements to achieve mutual understanding and understanding of different views on the object in dispute. By conducting deliberations, the complaints and desires of each disputing party can be heard. Deliberation is one of the elements in community solidarity that is often found in rural communities (Munir, 1997). Thus the results of this study indicate that deliberation institutions can be utilized to resolve all variants of land disputes that occur in society in a manner that is reconciling to the parties involved in the dispute.

### **The Legal Power of the Krame Desa Decision in Resolving Land Rights Disputes in the Sasak Community on Lombok Island**

Dispute resolution in society refers to the principle of "freedom" which benefits both parties to the dispute. Disputing parties can bid on dispute resolution options by involving neutral parties or community leaders. Parties are not fixated on proving right or wrong in their disputes, but they tend to think about resolving disputes for the future, by accommodating their interests in a balanced way. The settlement of disputes by means of deliberation and consensus is expected to be able to satisfy the disputing parties, although not one hundred percent (Munir, 1997).

Deliberative deliberation is the philosophy of Indonesian society in making decisions, including dispute resolution. Deliberation and consensus as a national philosophical value embodied in the foundation of the state, namely Pancasila. In the fourth principle of Pancasila, it is stated that democracy is led by the wisdom of wisdom in requirements/ representation. This highest value is then further elaborated in the 1945 Constitution and a number of statutory regulations under it. The principle of deliberation and consensus is the basic value used by the disputing parties in finding solutions, especially outside the court. The value of consensus deliberation is then concretized in the form of alternative dispute resolution such as: negotiation, mediation, facilitation, and various other forms of dispute resolution (Munir, 1997).



The existence of Krame Desa in the Sasak community on Lombok Island as an alternative dispute resolution institution has an important role in helping the village head because it is caused:

- a. To avoid the accumulation of cases in court, because the courts have not been able to implement the principles of fast, simple and low cost justice, moreover, it is not even a secret anymore that legal issues about the judicial mafia are spreading;
- b. Dispute resolution procedures through Krame Desa can be said to be more effective, systematic and reflect legal values in the community and Krame decisions are of course based on a sense of justice, appropriateness, appropriateness, and harmony with the aim of reconciliation/ balance in the community environment.

The village krame decision which contains an agreement from both parties in the form of a peace certificate is included in an out of court peace deed. The power of the verdict of the peace certificate will have the same power as the law for those who make it as regulated in Article 1338 of the Indonesian Criminal Code, namely: "All agreements made in accordance with the law are valid as laws for those who make the agreement irrevocable return other than with the agreement of both parties, or for reasons determined by law, the agreement must be carried out in good faith".

The weakness of a peace certificate outside the court is still possible to be disputed again if one of the parties or parties reneges on the contents of the peace agreement. Unlike the peace deed that is decided by the judge, it cannot be questioned again or filed an appeal and has the same executorial power as a court decision that has permanent legal force. In the elucidation of Article 130 HIR (Civil Procedure Law) it has been stipulated that: a conciliation certificate made legally will be binding and have the same legal force as a court decision that has legal force, however, an appeal cannot be made. A peace deed can only be canceled if its substance contradicts the law.

However, in relation to the cancellation of a peace deed, the legal bases are:

- a. Article 1858 of the Civil Code: "Between the parties concerned, a peace has the strength of a legal decision at the final level. That peace cannot be refuted on the grounds that there was an error regarding the law or on the grounds that one of the parties was aggrieved".
- b. Article 1859 of the Civil Code: "However, peace can be canceled if there has been an error regarding the person concerned or the subject of the dispute. Peace can be canceled in all cases if fraud or coercion has been committed".
- c. Article 1860 of the Civil Code: "Likewise, the cancellation of a peace can be requested, if the peace is held because of an error regarding the seat of a case concerning a canceled right base, unless the parties have made a peace regarding the cancellation with a firm statement".
- d. Article 1861 of the Civil Code: "a peace which is held on the basis of documents which are later declared to be false is completely void".

Cancellation of a peace deed decision can be done because: (1). There was a mistake in the application of the law, which resulted in a loss for one of the parties; (2). There is fraud or coercion, (3). An error in sitting in a case regarding a basis of rights, and (4). A peace certificate drawn up based on forged documents.

## CONCLUSION

1. The mechanism for resolving disputes over land rights through village krame in the Sasak community on the island of Lombok is by means of mediation: involving Krame Desa with the village head. However, before the dispute resolution through the Krame Desa is carried out, the parties will seek to resolve the dispute by means of negotiations without involving a third party as a mediator. If it cannot be resolved, then it will involve a third party as a facilitator or liaison from the plaintiff to the defendant to communicate their claims. If it is not finished, then it will try to mediate by involving a third party, namely through the hut Krame with the hamlet head, and if it is not resolved, the resolution will be taken through the Krame Desa with the village head.
2. The legal power of decisions made by Krame Desa in the form of a peace deed containing an agreement from both parties is included in an out-of-court peace deed. The strength of the peace deed decision will be the same as: The

law for those who make it as regulated in Article 1338 of the Indonesian Criminal Code. However, the weakness of a peace certificate drawn up outside the court is still possible to be disputed again if one of the parties or the parties denies the contents of the peace agreement. In contrast to the peace deed that is decided by the judge, it cannot be questioned again or contested or appealed and has the same executive power as a court decision that has permanent legal force.

### FOOTNOTE

1. Results of Interview with Head of Karang Bajo Village: Hamdi, SPd., On July 9, 2020, at the Karang Bajo Village Office, Bayan District, Results of an interview with the Head of Perina Village: Maroan Hamdi, July 15, 2020 in Perina Village, Jonggat District.
2. Results of Interview with Batrick Alfazary, SPd, Head of Perina Lauq Hamlet, Perina Village, Jonggat District, Kab. Attic, on July 22, 2020 in Perina Village, Results of Interview with Kardi, Krame Village and Youth Village Members, Karang Bajo Village, on July 9, 2020 in Karang Bajo Village.
3. Members of the Krame Gubuk/ Hamlet consist of: Religious Figures, Traditional Figures, Youth Leaders at the Hamlet Level (Shack).
4. Results of Interviews with Kardi, Krame Village Members and Youth Leaders in Karang Bajo Village in Karang Bajo Village. Results of Interview with Batrick Alfazary, SPd. in Perina Village.
5. Article 19 of North Lombok Regent Regulation Number 20 of 2017 concerning Guidelines for Village Krame Council.
6. Results of interviews with Humaidi (Chairperson of the West Winner Village Krame Council) and M Syukri (Head of the West Winner Village), on August 26, 2020 Pemenang Barat, Winner District.
7. The results of the interview on July 16, 2020 in Mertak village, Pujut District, Central Lombok Regency. Haji Bangun was the Head of Mertak Village from 2007 to 2019.
8. Mangkep is an oath made by drinking water mixed from the ground taken from the nyatok's grave in Rembitan Village, Kecamatan Pujut.

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