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Juridical Analysis Of The Settlement Of Disputes Over Multiple Ownership Of Land Assets Of The Army In Indonesia

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ABSTRACT
This research analyzes the resolution of multiple ownership disputes over Army asset land, which is often a source of agrarian conflict in Indonesia. By using the juridical-empirical method, which combines normative legal analysis with practical observations in the field. Statute Approach and case approach. This research aims to identify the factors causing the emergence of two certificates on one land parcel issued by the National Land Agency, as well as its legal impact. The results show that economic factors, abuse of position, and inappropriate land use are the main causes. Legal consequences include legal uncertainty, economic loss, and certificate cancellation. The research recommends resolution through mediation, consultation and more effective litigation mechanisms to ensure justice and legal certainty.

Keywords: *land dispute, TNI-AD assets, multiple certificates, non-litigation settlement, mediation*

1. Introduction

Multiple land ownership disputes are one of the most complex agrarian issues in Indonesia, often with far-reaching legal, social and economic impacts. These issues not only involve conflicts between individuals or community groups, but also include disputes between state institutions, such as the TNI-AD, and other parties. Multiple land ownership, characterized by the existence of overlapping land certificates, is one of the triggers of legal uncertainty and social instability.

The existence of TNI-AD land assets, which should be part of the state's wealth, often faces challenges in the form of claims by other parties, both individuals and corporations. This problem is exacerbated by unclear land ownership history and weaknesses in the land administration system, resulting in the issuance of two or more certificates for the same land parcel. This situation not only causes material losses to the disputing parties, but also has the potential to damage the integrity of the institutions involved.

This research aims to analyze the main causes of the emergence of multiple certificates on TNI-AD land assets, their legal implications, and alternative dispute resolution solutions, both through litigation and non-litigation mechanisms. The juridical-empirical approach is used in this research to examine various aspects of legality and practice in the field. Thus, this research is expected to contribute to creating legal certainty and formulating policy recommendations for handling land disputes effectively and fairly.

How is the mechanism for resolving disputes over multiple ownership of TNI-AD asset land through litigation and non-litigation channels?

2. Research Methods

This research uses a qualitative method with a juridical-empirical approach, which combines normative analysis of applicable legal norms with direct observation of legal practices in the field. The juridical approach was

conducted through an in-depth literature study to examine relevant laws and regulations, legal doctrines, and court decisions. The empirical approach involves primary data collection through interviews with relevant parties, such as National Land Agency (BPN) officials, legal practitioners, and communities affected by disputes over multiple ownership of TNI asset land.

3. Results and Discussion

3.1 Results

3.1.1 Mechanism for Non-Litigation Settlement of Dual Ownership Disputes over TNI AD Asset Land

Land disputes or conflicts have become a chronic and classic problem that lasts for years and even decades and always exists everywhere. Land disputes and conflicts are complex and multi-dimensional problems. It is an inherent phenomenon in the history of human culture and civilization, especially since the agrarian period when land resources began to play an important role as a production factor to meet human needs. According to Rusmadi Murad, land rights disputes, namely the emergence of legal disputes stems from the complaint of a party (person / agency) containing objections and demands for land rights, both to land status, priority, and ownership in the hope of obtaining administrative settlement in accordance with the provisions of applicable regulations. (mashendra dan Mursanto, 2021)

There are several types of land disputes, namely:

1. Problems or issues concerning the priority of being able to apply as a legitimate right holder on land with title status, or on land where there is no title.
2. A challenge to a title/proof of acquisition used as the basis for granting rights (civil).
3. Mistakes or errors in the granting of rights due to insufficient or incorrect application of regulations.
4. Disputes or other issues that contain practical/strategic social aspects.

According to the Regulation of the Minister of Agrarian Affairs/Head of BPN Number 1 of 1999 concerning Procedures for Handling Land Disputes, Article 1 point 1 Land disputes are differences in opinion. opinion regarding, validity a right, the granting of land rights, and the registration of land rights including the transfer and issuance of proof of rights, between interested parties or between interested parties and agencies within the National Land Agency. (Afriyandi, 2018)

In giving an understanding of land disputes, there are two interrelated terms, namely land disputes and land conflicts. Although both terms are land cases, the Head of BPN Regulation No. 3/2011 on the Management of Land Case Assessment and Handling clearly distinguishes the meaning of the two terms. Article 1 point 2 explains that: Land disputes abbreviated as disputes are land disputes between individuals, legal entities, or institutions that do not have a broad socio-political impact. Meanwhile, land conflict abbreviated as conflict is a land dispute between individuals, groups, groups, organizations, legal entities, or institutions that has a tendency or has a broad socio-political impact.

Non-litigation Dispute Resolution or Alternative Dispute Resolution. Non-litigation dispute resolution is often referred to as alternative dispute resolution. Alternative dispute resolution is a responsive expression of dissatisfaction with dispute resolution through the confrontational and zwaarwichtig (long-winded) litigation process.

Law No. 30 Year 1999 on Arbitration and Alternative Dispute Resolution Article 6 Paragraph (1) Arbitration is a method of resolving a civil dispute outside the public courts based on an arbitration agreement made in writing by the parties to the dispute. Paragraph (2) The parties are legal subjects, both according to civil law and public law. Paragraph (3). An arbitration agreement is an agreement in the form of an arbitration clause contained in a written agreement made by the parties before a dispute arises, or a separate arbitration agreement made by the parties after a dispute arises. And Paragraph (10). Alternative Dispute Resolution is an institution for resolving disputes or differences of opinion through procedures agreed upon by the parties, namely out-ofcourt settlement by means of consultation, negotiation, mediation, conciliation, or appraisal.

A dispute must be resolved by the parties in a family manner or outside the court or before a judge in a trial. Mediation is a process of resolving disputes between two or more parties through negotiation or consensus with the help of a neutral party (third party) who does not have the authority to decide. Mediation is a way of peaceful dispute resolution that is appropriate, effective, and can open wider access to the Parties to obtain a satisfactory and just settlement; that in the context of bureaucratic reform of the Supreme Court of the Republic of Indonesia which is oriented towards the vision of realizing a great Indonesian judicial body, one of the supporting elements is Mediation as an instrument to increase public access to justice as well as the implementation of the principles of the administration of justice which is simple, fast, and low cost. One of the alternative solutions to resolve land disputes through mediation, facilitated by the land office, the purpose of resolving through mediation is that in addition to the problem of land disputes can be resolved, on the other hand mediation is chosen because it is considered more effective to overcome the problem of large litigation costs, protracted case delays and inefficient litigation, short time, with a condition that the parties to the land dispute can accept with a sense of justice.

When viewed in Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, Article 1 point 10 states that out-of-court dispute resolution can be carried out by means of consultation, negotiation, mediation, conciliation or expert judgment.

1. Forms of Dispute Resolution

a. Consultatio

1) Definitio

Consultation is a form of providing legal opinions requested by the TNI-AD with the parties to the dispute, and then the decision to resolve the dispute is taken by the parties themselves on the basis of the opinions provided. Consultation is also a meeting of two or more parties to discuss issues that are considered important to find a joint solution.

2) Engineering

Consultation meetings are usually conducted by the TNI-AD with the disputing party, a person or body that is considered to have the authority and power to provide considerations, suggestions or proposals aimed at resolving the problem. However, sometimes the party providing legal opinion is given the opportunity by the parties to the dispute to formulate the forms of settlement desired by the parties.

b. Negotiation

1) Definitio

According to Suyut Margono, negotiation is a means for parties to a dispute to discuss its resolution without the involvement of a third party, either authorized to make decisions (mediation) or authorized to make decisions (arbitration and litigation). Negotiation is a process carried out by the TNI-AD with the disputing parties voluntarily to meet face to face to obtain an agreement that can be accepted by both parties regarding a certain issue being discussed.

2) Techniques

Bambang Sutiyoso in his book entitled "Business Dispute Resolution: Anticipatory Solutions for Business Enthusiasts in the face of Current and Future Disputes" as quoted by Jimmy Joses Sembiring in general there are five negotiation techniques, namely.

a) Competitive Negotiation Techniques

This technique is applied to negotiations that are tough, there are parties who make high demands at the beginning of the negotiation, there are parties who keep demands high throughout the process, concessions are very scarce or limited, the negotiation opponent is considered an enemy, there are parties who use excessive methods to pressure the opposing party and the negotiator does not have good and accurate data.

b) Cooperative Negotiation Techniques.

This technique is applied to negotiations by considering the opposing party negotiator as a partner not as an enemy, then the parties explore each other's interests, shared values, and willingness to work together. The goal of the negotiator is to resolve the dispute fairly based on objective analysis and clear legal facts.

c) Soft Negotiation Techniques.

This technique is applied by placing the importance of mutual relations between parties, the goal is to reach an agreement, the concession parties to maintain mutual relations, trust the negotiation, easily change the position of relenting to reach an agreement, and risk when soft negotiations face a tough negotiator, because what happens is a "win-lose" pattern and gives birth to a pseudoagreement.

d) Hard Negotiation Techniques.

In this technique, the opposing negotiator is seen as the enemy, the goal is victory, demands consistency as a prerequisite of good relations, is hard on people and issues, distrusts the negotiating counterpart, and demands unilateral gains as the price of the deal (win-lose) as well as strengthening positions and applying pressure.

e) Interest Based Negotiation Techniques

This technique aims to be a middle ground for the opposition of hard and soft techniques, because hard techniques have the potential to meet a dead lock, and soft techniques have the potential to image as a loser for the minor party. This interest-based negotiation technique has four basic components: people, interests, options and criteria.

c. Mediation.

1) Definitio

Mediation is a peaceful process in which the parties to a dispute submit their settlement to a mediator to achieve a fair outcome, without incurring too much cost, but still effective and fully acceptable to the parties to the dispute voluntarily According to Rachmadi Usman, mediation is a way of resolving disputes outside the court through negotiations involving parties who are neutral (Nonintervention) and impartial to the parties to the dispute and accepted by the parties to the dispute. When referring to Supreme Court Regulation Number 1 of 2008 concerning Mediation Procedures in Courts, in Article 1 point 7 mediation is a way of resolving disputes through a negotiation process to obtain agreement between the parties with the assistance of a mediator.

2) Tactics and Techniques

In the mediation process there is an agreement between the disputing parties, which is a mutual agreement (consensus) accepted by the disputing parties. The mediation settlement is carried out by the parties with the assistance of the mediator. The mediator here must play an active role by trying to find various solution options to resolve the dispute that will be decided by the parties. Mediators should have techniques to use in resolving disputes. Tactics that a mediator should use in leading dispute resolution include:

a) The tactic of decision framing. This tactic is necessary to avoid a long-winded settlement process. A mediator can develop a decision frame in the form of an action agenda, manage issues to generate settlement momentum, maintain negotiation goals and strive to meet the parties' expectations.
b) Tactics to gain authority and cooperation. This tactic is carried out with the aim of gaining authority and good cooperation. A mediator should be neutral, speak in a language that the parties understand, build relationships, listen actively, emphasize potential benefits, minimize differences, and emphasize togetherness.

c) Tactics of controlling emotions and creating the right atmosphere. In this tactic a mediator establishes ground rules, controls hostile feelings and uses humor, sets an example of appropriate behavior, and discards contentious issues.
d) Informative tactics. This tactic involves holding meetings, urging the parties to talk and teaching the bargaining process.
e) Problem-solving tactics. This tactic is employed by a mediator by simplifying the dispute, developing a common set of interests, making tangible suggestions for an agreement, and taking responsibility for concessions.
f) Face-saving tactics. In this tactic the mediator must be able to control the atmosphere of good dispute resolution and maintain the good name of the parties to the dispute.
g) Pressuring tactics. This tactic needs to be used by the mediator in order to avoid prolonged settlement by setting a time limit. Informing the parties that their position is unrealistic because it raises doubts about the solution and puts pressure on costs outside the settlement. In addition to tactics, a mediator must also master techniques in dispute resolution. Here are some dispute resolution techniques that can be used namely building trust, analyzing conflicts, gathering information, speaking clearly, listening attentively, summarizing / reformulating the parties' talks, formulating negotiation rules, organizing negotiation meetings, overcoming the parties' emotions, utilizing "caucus / small rooms", revealing hidden interests, revealing the parties / one of the parties "batna", and drafting an agreement.

d. Conciliation

1) Definitio

According to Oppenheim as quoted by Huala Adolf in Joni Emirzon conciliation is the process of resolving disputes by submitting to a commission of people whose task is to describe / explain the facts (usually after hearing the parties and trying to get them to reach an agreement) making proposals for a settlement, but the decision is not binding. Meanwhile, according to Huala Adolf, conciliation is a dispute resolution by involving a third party, namely a conciliator who is impartial or neutral and whose involvement is requested by the parties.

2) Engineering

Conciliatory dispute resolution refers to a pattern of dispute resolution process by consensus between the parties, where a neutral party can play an active role (neutral act) or inactive. And the parties to the dispute must agree to the third party's proposal which ultimately becomes a dispute resolution agreement. To show its existence in winning various problems or disputes, conciliation has certain functions, namely analyzing disputes, collecting information about the subject matter and trying to reconcile the parties, making reports on the results of its efforts to reconcile the parties, and determining or limiting the period of time in carrying out its duties.

e. Expert Assessment

1) Definitio

Expert opinion is something that is technical and in accordance with their field of expertise. Expert opinion is also known as Independent Expert Appraisal. According to Law Number 30 Year 1999 on Arbitration and Alternative Dispute Resolution (Law No.30/1999), what is referred to as Expert Assessment is a legal opinion by an arbitration institution. Article 1 point 8 of Law No.30/1999 states that the Arbitration Institution is a body chosen by the parties to a dispute to provide a decision regarding a particular dispute, the institution can also provide a binding opinion regarding a certain legal relationship in the event that no dispute has arisen According to Article 1 point 8 of Law No.30/1999, it can be seen that there are two powers of the arbitration institution, namely giving an award and giving an opinion. The arbitration institution in addition to providing an award, can also provide legal opinions to the parties to the dispute at their own

request. This Expert Assessment aims to assess the subject matter of the dispute carried out by one or several people who are experts in the field related to the subject matter of the dispute. The expert assessment or opinion is written with a scientific study so that it can shed light on the subject of the dispute that is in process.

2) Technique

In this process, the independent appraiser acts as an impartial third party and provides an opinion on the facts of the case. The parties agree that the independent appraiser's opinion is final and binding on all parties, so the independent appraiser has not only an investigative role but also a decision-making role. The parties may also take the independent appraiser's advice or opinion into consideration in subsequent negotiations. The independent appraiser's opinion is based on a professional judgment by a profession that relates to the issues in the case.

2. Principles of Non-Litigation Dispute Resolution.

In general, there are five principles that apply to alternative dispute resolution or nonlitigation and these principles are very important to be considered and applied in the dispute resolution process. These principles are as follows:

1. The principle of good faith, which is the desire of the parties to determine the resolution of the dispute that they will or are facing.
2. Contractual principle, i.e. the existence of an agreement set out in written form regarding the manner of dispute resolution.
3. The principle of binding, i.e. the parties are obliged to comply with what has been agreed.
4. The principle of freedom of contract is that the parties can freely determine what the parties want to regulate in the agreement as long as it does not conflict with the law and decency.
5. The principle of confidentiality, which means that the settlement of a dispute cannot be witnessed by others because only the parties to the dispute can attend the examination of a dispute.

Among the five principles mentioned above, the principle of good faith is the most fundamental and very important principle to be applied because if the parties already have have good faith, the settlement process will take place well. And by itself the parties will be bound to each other (mutual commitment) in a consensus that is made. Article 6 paragraph (1) of Law Number 30 of 1999 concerning Arbitrae and Alternative Dispute Resolution also emphasizes that it reads: Civil disputes or differences of opinion can be resolved by the parties through alternative dispute resolution based on good faith by overriding litigation settlement in the District Court So every party or third party who is given the authority to resolve disputes through non-court channels, of course, must really pay attention to the five principles mentioned above, especially the principle of good faith with the aim of facilitating the settlement process so as to produce a mutual agreement.

3. Procedure for Settlement of Land Disputes

Mediation is a simple and practical effort in adjusting disputes, which is preceded by finding and bringing together a problem-solving agreement, with the help of one or more mediators who are neutral and only function as facilitators. The final decision rests with the disputing parties as outlined in a joint decision. Dispute resolution through this form, upon agreement of the two disputing parties, the problem will be resolved through the assistance of a person or expert advisor or through a mediator.

a. Mediation through the National Land Agency

Land conflicts and disputes in Indonesia are multi-dimensional. Thus, efforts to prevent, handle and resolve disputes must take into account both legal and non-legal aspects. The disputes that often occur in the spotlight of this article are mainly disputes, namely differences in perceptions, values or opinions, interests regarding the status of control over land, especially over multiple ownership. Observing land issues that are

increasingly complex and increasing in quality and quantity, serious and systematic handling is needed. Settlement of land disputes through the existing litigation (judicial) process is considered unable to resolve disputes, so that various alternative efforts to resolve land disputes outside the court (Non-Ligitation/Mediation) are needed. Starting from mediation, facilitation, and others to minimize land disputes that are loaded with development interests and the community itself.

In the scope of formal law, the settlement of land disputes through mediation is regulated in Article 6 to Article 42 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Settlement of Land Cases. The Land Office, which actually has the task of organizing government affairs in the agrarian or land sector, is authorized to resolve land disputes in accordance with the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Settlement of Land Cases. The settlement of land disputes carried out by the Land Office is settlement through mediation, where in Article 2 paragraph (2) of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Settlement of Land Cases states that the settlement of land cases aims to provide legal certainty and justice regarding control, ownership, use and utilization of land.

The National Land Agency (BPN) has also issued Decree of the Head of the National Land Agency No. 11 of 2009 on the Policies and Strategies of the Head of BPN RI in Handling and Resolving Land Disputes, Conflicts and Cases in 2009, based on Decree of the Head of the National Land Agency No. 34 of 2007 on Technical Guidelines for Handling and Resolving Land Issues. There are 10 (ten) technical guidelines in the decision of the Head of BPN, which regulate the handling of problems in the land sector. One of them is the Mediation Implementation Mechanism, which is formulated through Technical Guideline No. 5/JUKNIS/DV/2007 on Mediation Implementation Mechanism, published on May 31, 2007.

The neutral third party is called a mediator" Based on the Regulation of the Minister of ATR/Head of BPN Number 11 of 2016, land cases consist of three types, namely land disputes, land conflicts, and land cases. Parties involved in land cases need to understand how to resolve the issue properly so that similar cases do not recur. In the same ministerial regulation, it has been explained the ways of settlement that can be pursued by the relevant parties. One of them is mediation. Quoted from the infographic of the Ministry of Agrarian Affairs and Spatial Planning (ATR)/Head of the National Land Agency (BPN), mediation is a way of resolving disputes and conflicts through a negotiation process to obtain agreement between the parties with the assistance of a mediator. Settlement through mediation will be simple and deliberative between related parties so that the result will be a win-win solution or profit on both sides.

The mediator, as a third party, is tasked with helping the parties involved find the right settlement, without coercion. The type of mediator used by the Ministry of ATR/BPN is Authorative Mediator. A person included in this type of mediator is an official who has the competence and knowledge of the dispute to be handled. The following are the stages of mediation as a way of resolving land cases:

1. Pre-Mediation At this stage, all the implementation related to mediation is done. Some of these include the decision that both parties want to resolve the case through mediation, the appointment of a mediator, and the determination of the location and time of the mediation. The following are the steps: Both parties agree to mediate Both parties submit a mediation request to the Ministry of ATR/BPN Appoint a mediator who is an official of the Ministry of ATR/BPN with a letter of assignment.
2. Mediation At this stage, mediation activities begin. The mediator will open a discussion regarding the core issues. The mediator will also offer settlement options to both parties. The following are the stages: Implementation of mediation (from discussions to the provision of peace options) Successful mediation Reaching an agreement Making a deed of peace Registration at the District Court Registration at the Court (to produce permanent law).
3. Post Mediation Mediation will result in the agreement of a settlement agreement. The implementation of any peace agreement that has been agreed by both parties is included in the post-mediation stage. Both parties

must follow the agreement that has been determined, considering that it has been strengthened or determined by law. Mediation is used as one of the settlements in land cases because it has various advantages for both parties.

The advantages of choosing mediation:

1. Speed Mediation tends to have simpler procedures than other settlement channels. Because of the simple procedure, the settlement process is also short, which is 30 days.
2. Mutual benefit The mediation route will provide a win-win solution to both parties to the dispute. With a win-win solution, both parties will benefit and neither will be disadvantaged.
3. Trustworthy By choosing mediation, all processes carried out will be safe and reliable. This is because the parties who become mediators are not just anyone, but officials who have competence and knowledge of the dispute they will handle.
4. Fairness The parties concerned will get a sense of justice because the settlement is carried out in a deliberative and flexible manner. That way, the results determined will also be in accordance with the wishes of each party because they are directly involved in the settlement.
5. Legally enforceable Although implemented in a simple and deliberative manner, the peace agreement will be final and protected by the force of law. This is because the peace agreement has been registered with the court. That way, if one party does not fulfill the agreement, the other party can hold them accountable through legal channels.

b. Mediation in the District Court

Non-litigation dispute resolution is an out-of-court dispute resolution based on the law, and the settlement can be classified as a high-quality settlement. Because disputes that are resolved in this way will be resolved completely without leaving residual hatred and resentment.

In terms of its success, it is very much determined by the parties to the dispute, which must be open to discussing how it is better. In addition, it is necessary for the mediator to be capable and able to understand the characteristics of the local community and the potential disputes that occur. The alternative dispute resolution model with mediation according to C. W. Moore is described as an intervention into a dispute or negotiation by a third party who is acceptable, impartial and neutral, has no authority to make decisions in assisting the disputing parties in an effort to reach an agreement voluntarily in resolving the disputed issues of the parties.

Win-win Solutian is a situation where both parties benefit equally from a transaction or agreement and neither party is disadvantaged. Mediators from the Court seek a middle ground to accommodate the justice of the disputing parties. Through the spirit of win-win solution, dispute resolution is not solely based on who owns the certificate. In many cases, dispute resolution often ignores the existence of local communities who have occupied an area for years and cultivated the land in that area. The community will generally lose to the investor who owns the land certificate. The mediation process by mediators from the local court is divided into three stages, namely the pre-mediation stage, the mediation implementation stage, and the final mediation stage.

Civil Code. Article 1338 paragraph (1) states, "All agreements made legally in accordance with the Law shall apply as Law to those who make them". The word "all" indicates the freedom for everyone to make agreements with anyone and about anything, as long as it is not prohibited by law. This means that every provision in the agreement that has been agreed by the parties is binding and must be implemented by the parties who make it. The mediation decision or agreement is binding so that it can be directly implemented by the parties to the dispute. As stipulated in Article 1338 of the Civil Code, every agreement or agreement made shall be valid as a law for the parties that make it.

Dispute resolution based on the description above emphasizes more on the method or process used in mediation to be submitted to the parties to the dispute, whether in resolving the dispute mediation is taken or other methods, depending on the agreement of the parties and in this case the function of one or more intermediaries

(mediators) is an important thing that can bridge the two parties to the dispute. Efforts to reconcile litigants can be made through litigation or non-litigation. However, an outof-court settlement only has the force of an agreement between the parties, which if not adhered to by one of the parties, must still be submitted through a process in court. However, successful out-of-court mediation can be legalized by submitting an application to the court which will result in a legal product in the form of a peace deed, as explained in Article 36 of PERMA Number 1 Year 2016. Mediated dispute resolution in particular and out-of-court dispute resolution in general, is limited to civil disputes.

This is emphasized by Article 58 of Law No. 48/2009 on Judicial Power, namely: "Efforts to resolve civil disputes can be made outside the state courts through arbitration or alternative dispute resolution". It is important that in disputes, legal dispute resolution efforts are taken, not by violence or unlawful means. In substance, mediation in land cases has been carried out well, but the results achieved are less effective because many factors hinder mediators in resolving land disputes.

In addressing land disputes, precisely after authentic data collection is carried out by the Land Agency, the parties to the dispute will be asked to meet each other. Before entering the next process, mediation is always held in the hope that the land dispute problem can be resolved by deliberation from both parties to the problem. If this is unsuccessful, the complaint process is continued based on the data and evidence obtained by the Land Agency.

If no agreement is reached during mediation, the complaint will be followed by an assessment of the data obtained by National Land Agency officers. From this data, the data related to the land dispute will be changed or it can also be canceled to be replaced with new data. This new data will be considered valid so that there are no more land dispute cases in the future related to the object.Now, the new data is available. Therefore, the old ownership data must be submitted to the Land Agency. However, the submission must be preceded by an appeal from the Land Agency at the latest within 5 working days after the cancellation or amendment of the land dispute data is decided. Normally, the relevant party must submit the old title data within 30 working days of the Land Agency's notification After the old rights related to the land dispute are handed over, the Land Agency can then continue the dispute resolution process. Later the court will decide on the results that are legally binding and must be followed by the parties involved in the land dispute.

3.2 Discussion

This research found that the settlement of multiple ownership disputes over TNI-AD asset land through non-litigation channels is more effective than settlement through litigation channels. The main results of this research include:

1. The cause of multiple ownership disputes is weak land administration, which results in unsynchronized land data between relevant agencies, such as the National Land Agency (BPN) and the military, triggering the issuance of multiple certificates.
2. Abuse of Authority so that there are people who take advantage of legal loopholes to obtain personal gain.
3. Socio-Economic Aspects: The high economic value of land is a trigger for conflict between interested parties.

Non-Litigation Dispute Resolution Mechanisms are Non-litigation channels used to avoid lengthy, expensive, and confrontational proceedings in court. There are several forms of settlement:

1. Mediation: Facilitation by the National Land Agency (BPN) as a neutral party to help reach a mutual agreement. This process results in a win-win solution that is fairer and faster.
2. Negotiation: Parties agree on a settlement without third-party intervention, prioritizing direct communication to de-escalate the dispute.
3. Consultation: Providing legal considerations by the authorities, resulting in voluntary dispute resolution by the parties.

The effectiveness of Non-Litigation Dispute Resolution in this study shows that mediation is more effective than litigation because:

1. Shorter turnaround time (approximately 30 working days)
2. Costs incurred lower
3. Solutions are win-win and reduce prolonged conflict.

Factors Hindering Settlement :

1. Absence of one of the parties in the mediation process

   In some cases, disputing parties, such as owners of multiple certificates or other rights holders, refuse to attend mediation sessions facilitated by the National Land Agency (BPN).This happens because one party feels more entitled to the land or has distrust of the mediation process. As a result, the mediation fails to proceed, and the conflict continues without a solution.
2. Lack of good faith from the disputing parties.

   There are cases where one party deliberately complicates the situation by refusing to provide authentic documents, such as original certificates, for verification. Some parties even take advantage of legal loopholes to manipulate data, such as falsifying land ownership documents.This causes the mediation or negotiation process to stall due to a lack of transparency and commitment to peaceful conflict resolution.
3. The quality of mediators still varies, especially in certain regions.

   In some areas, especially remote areas, the mediator on duty does not have sufficient knowledge of land conflicts or legal procedures. The mediator fails to provide clear guidance to the disputants, resulting in undirected and unproductive discussions. The mediator's lack of training and experience hampers the achievement of a fair agreement.
4. Land Data Unsynchronization.

   Many cases were found where the land ownership data held by the BPN was not synchronized with data held by other institutions, such as the TNI-AD. two certificates were issued for one parcel of land due to recording differences between the regional and central land offices. This unsynchronization complicates the verification process and is a major source of disputes
5. Socio-Economic Complexity of Disputes.

   Land disputes often involve local communities who have lived on the land for many years, even though the land is legally recorded as an TNI-AD asset. Local communities feel they have a moral right to the land because they have cultivated it for generations, while TNI-AD holds the official ownership documents. These conflicts require a sensitive approach and are often difficult to resolve using formal legal mechanisms.
6. Financial Barriers to Dispute Party Participation.

   The parties involved, especially the smaller communities, cannot afford the travel costs or the paperwork required to attend the mediation process at the BPN office or the court. This absence prolongs the resolution process and often forces the parties involved to seek informal solutions outside of legal channels.

This research emphasizes the importance of strengthening non-litigation mechanisms as a solution to land dispute resolution of TNI-AD assets, by involving related agencies more synergistically to ensure justice and legal certainty.

4. Conclusion

The settlement of multiple ownership disputes over TNI-AD asset land through non-litigation mechanisms has proven to be more effective than litigation. The results show that mediation facilitated by the National Land Agency (BPN) is the main method because it is fast, cheap, and able to create a win-win solution that satisfies all parties. Factors causing disputes include weak land administration, abuse of authority, and complex socio-economic aspects. Major Obstacles to non-litigation dispute resolution include lack of good faith from the disputing parties, limited quality of mediators, and unsynchronized land data. To increase the effectiveness of dispute resolution, it is necessary to strengthen the competence of mediators, integrate land data, and socialize nonlitigation mechanisms to the community and related agencies. With these steps, it is expected that land dispute resolution can be carried out more fairly, efficiently and sustainably.

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