

RELEVANCE OF VILLAGE BORDER DISPUTES WITH THE AUTHORITY OF THE GOVERNMENT

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Abstract: *The object of this research is the issue of the relevance of village government authority to the occurrence of village boundary disputes between Pakan Dalam and Paramaian villages in Daha Utara sub-district, Hulu Sungai Selatan district, South Kalimantan province, Indonesia. Under the authority of the village government. The method used in this research is the Empirical Legal Research Method, by digging field data into the research location with technical data collection by in-depth interviews with related respondents, then analysing using related legal regulations and applying the legal theories relevant. The results showed that there was a dispute process that occurred and lasted a long time from 2008 to 2020, which experienced a long process in its resolution. The government took an important role in its resolution. The cause of the dispute is that it begins with the existence of oil palm plantations in the area, the existence of this oil palm plantation has led to the birth of various interests, including the interest in land ownership for community members in these villages because it is closely related to the acquisition of company land for the land of the community members who are in the Company's HGU area. This has the potential to increase the economic value of the residents' lands, besides that it is also relevant to the administrative authority of the village government between the two villages in dispute.*

Keywords: *Village Boundary Disputes, Authority, Village Government.*

INTRODUCTION

The existence of oil palm plantations that have begun to be developed in several districts in South Kalimantan is part of the government's efforts to increase investment in the agro-business sector. Some oil palm plantations are developed on wetlands or also on peatlands. Oil palm plantations are developed in addition to the interests of increasing investment and improving the economy, they seek to utilize idle land or land that has not been used for agriculture.

In several districts in South Kalimantan, many oil palm plantations have been developed, including the Tanah Bumbu District, Tanah Laut District, and Hulu Sungai Selatan District. In the Hulu Sungai Selatan district, which part of the area is classified as wetland, for example in the Nagara area which includes 3 (three) districts, and the village is the village of the Banjar tribe, 70 percent of the land is land or wetlands which are swamps and rivers. One of the sub-districts in the region is Daha Utara sub-district. Geographically, Daha Utara Subdistrict is watery land or wetland, the community depends more on agricultural and plantation products. Daha Utara Subdistrict, which is located in Hulu Sungai Selatan District, has 19 villages, including Pakan Dalam and Paramaian

villages. Pakan Dalam Village and Paramaian Village are villages with a lot of wetlands. Wetland area which is one of the land specifications along the Barito river which is a characteristic of South Kalimantan land which should not be the right land for oil palm plantations.

The growth of investment in the plantation sector, especially oil palm plantations, including in the Hulu Sungai Selatan District area as well as several other districts. The development of investment in this sector has various impacts on the social life of the community, including impacts on issues of plantation land ownership and issues of land boundaries and certain territorial boundaries.

Disputes over land boundaries are either between individuals or certain groups, there can even be disputes between certain village alliances with other villages due to interests or disputes over rights to the oil palm plantation. This also happened in Hulu Sungai Selatan District, Daha Utara Subdistrict, due to the rampant development of investment in oil palm plantations which led to disputes over the boundaries of village territories in the sub-district, namely between the village of Paramaian and the village of Pakan Dalam. Directly or indirectly impact on the social and economic unrest of the local community. So it is necessary to think about overcoming these various problems in order to provide benefits to the community and legal certainty on the administrative issues of community land ownership in the village. Administrative authority in a village is the authority of the village government led by the village head. In accordance with the Law on Villages, namely Law No.6 of 2014, the village head lead which outlines that village government, and the village head is the government representative to carry out government administration in the region village.

The dispute problems that occurred between Pakan Dalam Village and Paramaian Village can be reconstructed by analyzing several problems related to the dispute, namely: How is the relevance of the implementation of village government authority to the dispute over the boundaries of Pakan Dalam Village and Paramaian Village, Daha Utara Subdistrict? What are the dispute resolution steps that have been taken by the Pakan Dalam Village Government and Paramaian Village, Daha Utara Subdistrict? What is the role of the Regional Government in resolving this village boundary dispute?

RESEARCH METHOD

Type of Research

In legal research methodology, there are two types of legal research, namely normative legal research and empirical legal research. Normative Law Research refers to the concept of law as a rule with its doctrinal-nomological methods, which start from the teaching principles that rule behavior (Erliyani, 2020). According to Carey, S.S in the book Rules of Scientific Methods Guidelines for Research and Critical Thinking, 2015, that in its development legal research is correlated with the influence of social research, because in the macro realm legal research is social science. So, from analyzing the study of this methodology, this type of research is classified as an empirical research that examines behavior with legal analysis studies. In addition, of course using a qualitative approach by prioritizing the characteristics of legal research as scientific research that is based on the characteristics of legal science that is generic (Rahardjo, 2009). Therefore, this type of research is sociological research or socio legal research, by conducting a qualitative

analytical study by analyzing behavior based on empirical data or field data. The nature of the analysis of the problems in this study is descriptive and perceptive, the problems are described simply and analyzed qualitatively and analyzed based on the applicable legal regulations regarding the problem boundaries in this study.

Description of Research Location

The location of this research is in Daha Utara Subdistrict, Hulu Sungai Selatan District, and South Kalimantan Province, Indonesia. Geographically, Daha Utara Subdistrict is a wet and watery land area, with the community as the Banjar people who generally occupy settlements on the banks of large rivers in the area. And the majority of the population lives farming in wetlands. Daha Utara District consists of 19 villages with their respective areas and boundaries.

Purpose and Use of Research

The purpose of this research is to examine in depth with a qualitative analysis of the causal factors, forms and models used in the settlement of disputes over the boundaries of Pakan Dalam Village and Paramaian Village and to find out and analyze the role of the local government in resolving the dispute between these two villages. The intended use of this research is to provide a clear picture of the village boundary disputes that occurred in Daha Utara Subdistrict, Hulu Sungai Selatan District with respect to the disputing Pakan Dalam and Paramaian villages. In addition, this study also aims to find out what models have been used in resolving these disputes.

Type of Data and Data Collection Techniques

This empirical legal research uses field data as an instrument for material to be presented in the research results, which are then analyzed in depth from the view of legal aspects. The technique of collecting data by means of in-depth interviews with parties related to the object of this research (Marzuki, 2008).

Population and Sampling Technique

The population or universe in this study are certain characteristics of the research object. One of its characteristics is regarding the collection of subjects in the population which is a unit in the research location as the object of research, namely the Daha Utara Subdistrict government which includes government apparatus as the executor of government and the community in the District as part of the government structure, namely as the part that receives the implementation of government or entitled to receive services from government executives.

The sampling technique in this case will be carried out according to the research methodology, namely as a sampling procedure related to the state of the population and related to the data to be extracted in the field empirically so that the sampling technique in this study is a non-probability sampling design technique, and the type of sampling is purposive sampling is a sampling technique by directly determining which party is related to the problem to be analyzed and that party is the party categorized as the most suitable party in extracting information and data because it is considered to be an expert or most knowledgeable of the problems to be analyzed. And these parties are also needed as a sample because they are considered part of the object under study. Related to the theme of

the dispute settlement model for the boundaries of the village of feed in and the village of Paramaian in Daha Utara sub-district, a purposive sample was determined:

- Village Head of each village in dispute.
- Former head of village from disputed village.
- Community leaders in 2 (two) disputing villages
- Hulu Sungai Selatan District Regional People's Consultative Council (DPRD)
- Head of Daha Utara Subdistrict
- The former Daha Utara sub-district head who knows the history of the village boundary dispute.
- Regional Government of Hulu Sungai Selatan District cq Governance Division

The data were obtained from the research location in Daha Utara Subdistrict, Hulu Sungai Selatan Regency (HSS). Data collection techniques were by means of in-depth interviews with parties related to this village boundary dispute. The data processing technique is done by coding the data that has been collected, that is, compiling the data according to the category and the attachment to the object to be examined and analyzed. Furthermore, the data that has been arranged will be presented using tabulation and graphical instruments which are then analyzed using a qualitative approach.

RESULTS AND DISCUSSION

Problems with village boundaries have indeed often occurred in several areas, especially where the village government has been divided. One of the things that happened was a dispute over the village boundaries between Pakan Dalam Village and Paramaian Village, Daha Utara Subdistrict, Hulu Sungai Selatan District. As previously explained, this form of village boundary dispute occurred due to the issuance of PT Subur Agro Makmur's Oil Palm Plantation Business Permit in the area around Pakan Dalam Village and Paramaian Village so that these business actors really needed land for their plantation activities. This plantation business permit which has implications for the issuance of a Business Use Rights Certificate as one of the absolute conditions held by the plantation business permit holder.

As for the data obtained, the data can be described in the description in this study. One of the data obtained is about the factors causing the accidental village boundaries and their correlation with the authority of the Village Government.

We can find out the factors causing the dispute between Pakan Dalam Village and Paramaian Village, Daha Utara Subdistrict, Hulu Sungai Selatan District (HSS) by paying attention to the characteristics of the dispute that occurred, can be seen in the table below:

Table 1. Characteristics of the Dispute Boundary Disputes in the Pakan Dalam and Paramaian Village, Daha Utara Subdistrict, HSS District

No	Chronological Description Of Disputes	Form Of Work	Causative Factor	Information
1.	The Government of Paramaian Village issued a Certificate of Land Condition (SKKT) for land in the area of Pakan Dalam Village. A total of 600	Actions of village government administrative authority	There is an interest in government administration in terms of compensation for land located in the	

	certificates of land ownership for land in the Cultivation Rights (HGU) area of the Palm Oil Company were only opened in 2007		Company's HGU locations.	
2	The Pakan Dalam Village Government questioned this but it was not responded to by the Paramaian Village Government	Objection/Subpoena	A sense of injustice in the implementation of local village governance.	
3	The oil palm plantation company located in the location of the two villages always coordinates with the village government of Paramaian Village without involving Pakan Dalam Village	Coordination and cooperation	Feelings of being sidelined by the Company	
4	In 2009 and 2010 there was a change in the statistical data of Hulu Sungai Selatan Regency regarding the map of the Daha Utara sub-district, whose area and boundaries changed from the previous map which was in 1979	Changing the area data and village boundaries	There is an interest in legal certainty regarding village boundaries in sub-districts in the South Kalimantan Legal area	
5	The Pakan Dalam village government has objections and sticks to the previous map	Ask for clarification from the Central Bureau of Statistics (BPS) of HSS District	There is uncertainty about the boundaries of the area and the area of the village	
6	The Pakan Dalam Village Government is trying to ask for the assistance of the HSS District DPRD to be able to facilitate the area boundaries of this village	The feed village government asked the DPRD to help with the settlement		DPRD Commission I held a Working Meeting on this matter
7	The HSS District Government (Regent) ordered the Daha tara Sub-District Head who was only in charge in 2019-2020 to immediately resolve the dispute	The Regent's verbal order to the Head of Daha Utara District		The regent ordered the Daha Utara sub-district head who was just in charge of resolving this dispute

Source: the results of the author's analysis

32 In the table above, we can observe the factors that cause disputes which are closely related to the existence of oil palm plantations in the area, besides that it is also caused by uncertainty regarding the boundaries of a village. In this case, the boundaries of Pakan Dalam Village experienced a reduction in line with the treatment of the Head of Paramaian Village (a neighboring village next to the Pakan Dalam village) who took over the authority of the Head of Pakan Dalam Village, regarding the issuance of a certificate

of land ownership and signature in a letter related to land ownership of residents in Pakan Dalam Village area according to the map from 1979. Changes in the area and boundaries of the Pakan Dalam village have resulted in a continuous dispute because the local government has not paid attention to provide certainty regarding the changed village boundaries in the HSS District statistical data which was also accompanied by the actions of the village head of Paramaian who took over the authority of the Pakan Dalam village government.

The image of the village area map in 1979 in Daha Utara sub-district, after the division of Pakan Dalam Village, can be seen in the image below:

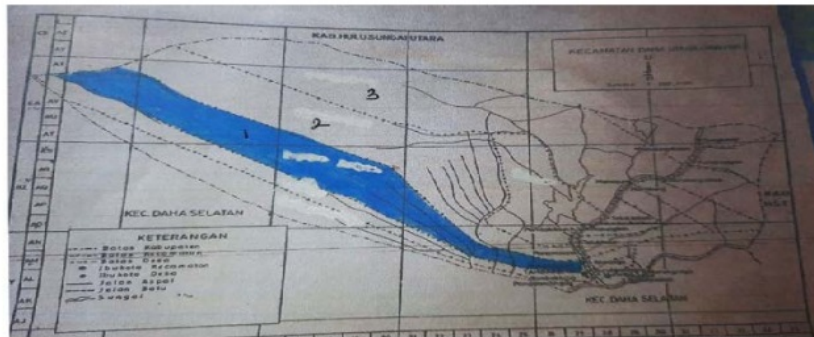


Figure 1. Map of Pakan Dalam Village after the Village Expansion in 1979

The map image shows 1. Pakan Dalam Village, 2 Paramaian Village, 3 Pandak Daun Village. From the chronology of the dispute and from the results of data collection in the field, we can find a close correlation between this village boundary dispute and the implementation of village government authority by the two villages in dispute. In this case there was a seizure of the authority of the village government of Pakan Dalam by the Village Government of Paramaian. So that we can say this is a village boundary dispute that is correlated with a dispute over administrative authority, namely the authority of the village government. In accordance with Law No.6 of 2014 concerning Villages, the village head is said to be a state Administration (TUN) official who carries out governmental duties in the village. The concept of the law emphasizes that the village is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, community interests, rights of origin, and/or traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia (Article 1 number 1 of the Law No.6 of 2014).

Village government is led by the Village Head or by other names. And the position of the Village Head is as a representative of the central government to carry out government affairs. In administrative law, the village head is said to be an administrative officer (TUN official). For all the duties and authorities of the village head are administrative duties. This is confirmed in Article 1 number 3 of Law Number 6 of 2014 concerning Villages ("Village Law") which states: Village Government is the Village Head or what is referred to by any other name assisted by village officials as an element of Village Government administrators.

Because the village head is an official who carries out the functions of village government, the Village Head can be categorized as a TUN official who has the authority to make a decision or *beschiking* which contains concrete, individual and final legal actions.

One of the duties of the village head is to serve the community of his village residents in various interests including the need for administrative correspondence for the connection with community land ownership. In accordance with the administrative area of the village, the village head is obliged and authorized to provide servants to residents who own land in the village area. This is related to the certificate of land ownership of the residents' land. Likewise, in the community in Daha Utara District, there are villages with their respective areas according to the village area map. So that administratively every village government has the authority to regulate the interests of the residents and to regulate and maintain the village's territory according to the village boundaries. However, sometimes there can be disputes about village boundaries, apart from the uncertainty about the village boundaries, it is also added to the homogeneity of the state of the village area and the large number of villages in this country. According to Article 1 number 9 Regulation of the Minister of Home Affairs Number 45 of 2016 concerning Guidelines for the Establishment and Confirmation of Village Boundaries, it is explained that Village Boundaries are the boundaries of government administrative areas between villages which are a series of coordinate points on the surface of the earth which can be natural signs such as igir/ridge/mountains (watershed), river median and/or artificial elements in the field as outlined in the form of a map.

There are several terms regarding village boundaries according to the Minister of Home Affairs Regulation 45/2016, namely;

- Boundary is a sign of separation between adjoining villages in the form of both natural and artificial boundaries.
- Natural boundaries are natural elements such as mountains, rivers, beaches, lakes and so on, which are declared or designated as beaches, lakes and so on, which are declared or designated as Village boundaries.

Artificial boundaries are man-made elements such as boundary pillars, roads, railroad tracks, irrigation canals and so on which are declared or designated as Village boundaries.

Village boundaries are boundaries of administrative areas between villages which are a series of coordinate points located on the surface of the earth which can take the form of natural signs such as ridges/mountains (watershed), river median and/or artificial elements in the field as outlined in the form of a map.

As previously explained, the dispute that occurred between Pakan Dalam Village and Paramaian Village, Daha Utara Subdistrict, Hulu Sungai Selatan District is about village boundaries that include PT Subur Agro Makmur's Business Use Rights and at the northern end of the western side of the area which does not belong to the area use right of PT Subur Agro Makmur.

From the results of this study, it shows that in addition to boundary disputes, it begins with a dispute over the authority of the village government, namely the taking of part of the authority of the Pakan Dalam Village government by the Village Government of Paramaian in terms of making or giving certificates related to the ownership of the residents' land, and the lands where the location is in the administrative area of the Pakan

Dalam Village Government, but the letter is administratively drawn up by the Paramaiaian Village Government. This has led to a dispute between the Pakan Dalam Village Governme⁶ and the Paramaiaian Village. The Head of the Pakan Dalam Village along with the ranks of the Village government objected to the actions of the Head of Paramaiaian Village.

This abuse of authority is closely related to the existence of illegality (legal flaw) of a decision and or action by the government/state administrator. Legal defects in decisions and or actions of the government/state administrators generally involve three main elements, namely the element of authority, the element of procedure and the element of substance. These three things are the essence of the abuse of authority. Then the basis for testing the presence or absence of this abuse is the basic rule (legality) as a written positive law which provides the background for the presence or absence of authority when issuing a decision, meaning that the measure or criteria for whether or not there is an element of "abusing authority" must be based on the basic rules regarding duties position, function, organizational structure and work procedures.

The dispute between the two villages escalated and when the village government of Paramaiaian did not heed the objections of the village head and the Pakan Dalam Village government officials.

A dispute should be resolved properly, because a dispute is a conflict or conflict that occurs in the life of the community (the Social Population) which forms opposition/conflict between people, groups or organizations against an object of the problem (Witanto, 2011). Disputes in a broad sense can be divided into two, namely: Social Dispute

It is a conflict or dispute that does not cause legal consequences, for example, two boys who fight over a woman to be their boyfriend. In that case, disputes, competition and contradictions do arise, but only limited to social consequences. Social disputes are usually related to ethics, karma or morals that live and develop in certain societal interactions (Kusuma, 2009). Violation of customary rules is included in the category of social disputes because customary law is not part of the positive legal system so that the sanctions applied are only internal (Internal sanction).

LAW DISPUTE

Is a dispute that has legal consequences either because of a violation of positive legal rules or because of a conflict with a person's rights and obligations which are regulated by positive legal provisions. A distinctive feature of legal disputes is that their fulfillment (settlement) can be prosecuted before a state legal institution (court/other law enforcement institution). Legal disputes can be broadly divided into several groups, namely (Ratomi, 2013):

- criminal law disputes;
- civil law disputes;
- state administrative law disputes;
- international legal disputes.

In theory, this form of dispute resolution can be done in the form of litigation (court channels) or non-litigation (out of court²²). The use of non-litigation dispute resolution, especially civil disputes, is formally regulated in Law Number 30 of 1999 concerning

Arbitration and Alternative Dispute Resolution. In practice, non-litigation dispute resolution is an implementation of the cultural values, habits or customs of the Indonesian people and this is in line with the ideals of the Indonesian people as stated in the 1945 Constitution. The method of resolution is by deliberation and consensus to take decision. Settlement efforts carried out by the Pakan Dalam Village government, led by the Village Head, tried to convey this objection to the Paramaian village government, but did not get a response, finally the Pakan Dalam village head along with the Village apparatus conveyed this problem to the Head of Daha Utara Sub-district at that time, in 2009, however there has also been no settlement from the sub-district government.

Along with the settlement of disputes over the authority of the village administration, in 2009 and 2010 a new map was published in the Statistical Data of the Central Bureau of Statistics (hereinafter abbreviated as BPS) Hulu Sungai Selatan District (hereinafter abbreviated as HSS), which showed changes in area and boundaries. Pakan Dalam village is in the northern part of the Pakan Dalam village map, where the village boundaries have shifted so that the area in the northern part of this village becomes part area of the Paramaian Village. This adds to the objection of the Pakan Dalam Village Government.

Then armed with evidence of previous maps before any changes in statistical data. The Head of Pakan Dalam Village In trying to ask this question from the Head of BPS HSS, but he did not get a meaningful explanation, according to the head of BPS HSS the map in the Daha Utara Subdistrict Book in Figures, which depicts a map of the Daha Utara Subdistrict area with a map of village boundaries in the sub-district said that, it is not a legal product that can determine the boundaries of the village territory in the Daha Utara sub-district. If you try to analyze the statement of the Head of the HSS District BPS, indeed if it is examined from the aspect of legal products, the map of the area that is in the BPS Data Book for the Daha Utara Subdistrict, is indeed not a legal product as is the legal regulations and court decisions or appointments. However, from the legal aspect of proof, the map of the area in the BPS Book issued by the BPS agency is written evidence. As stipulated in the law of evidence that written evidence contains information about an event, situation, or certain matter. Written evidence can be distinguished in the form of written evidence or an ordinary letter not a deed, there is also written evidence in the form of deeds (Erliyani, 2019).

The existence of the map of the Pakan Dalam village area which was reduced in the BPS HSS District map, is different from the map of the Daha Utara Subdistrict area before the map in the BPS book. This has created uncertainty regarding written evidence regarding the areas of Pakan Dalam and Paramaian Villages, thus sharpening the dispute over the boundaries of these two villages. In the end, the Head of Pakan Dalam Village and the ranks of the village apparatus went to Commission I of the HSS District DPRD to ask for protection and complain about this dispute.

The efforts of the Pakan Dalam Village government in facing the DPRD were responded by the commission I and they immediately held a working meeting of the commission to discuss this by requesting information from various relevant parties. So that in 2017 Commission I DPRD HSS District directed the settlement to the form of dispute resolution through mediation, Commission I DPRD HSS District facilitated and assisted in the implementation of mediation regarding this dispute, but has not succeeded in reconciling. In the end the HSS Regency DPRD asked the Regional Government to

immediately resolve this dispute and immediately issue a policy regarding the boundary map between the two disputing villages, so that there was legal certainty to reduce and resolve the village boundary dispute. (The results of the Work Meeting of Commission I DPRD HSS District are contained in the note of the Conclusion of the Work Meeting of Commission I DPRD HSS District which can be seen in the attachment to this study).

In line with the dispute resolution being attempted by the Hulu Sungai Selatan District DPRD, Commission I of the DPRD questioned this matter to the District Government about the efforts made by the local government so far. So that with the effort to facilitate this settlement, the DPRD and the Regional Government agree to give more attention to the problem of this village boundary dispute. And the Regional Government seeks to make visits to villages with disputes over boundaries and the administrative division of the HSS District in collaboration with the HSS District Land Agency to immediately carry out measurements and re-mapping of the boundaries for the two villages in dispute. However, this activity was hindered when the governance apparatus and the BPN of HSS District made a field visit to the object of the dispute because it was blocked by the Pakan Dalam village community who did not agree with the activity because they were provoked by suspicion of the purpose of the activity. Finally, measurement and data collection as well as field surveys for mapping purposes again encountered obstacles because the conflict between the Pakan Dalam village administration and the Paramaian Village government was still not resolved.

In 2020 the head of the Daha Utara sub-district experienced a replacement for a new official, and then the HSS District Head instructed the new Daha Utara sub-district head to immediately resolve the dispute between the two village administrations.

Based on the instructions of the Regent as the head of the regional government of the HSS district, the Head of the Daha Utara sub-district immediately made efforts to resolve the dispute for the two villages which had been in dispute since 2008. The sub-district head with his wisdom approached local community leaders in each village by actively approaching the community leaders. In this case the sub-district head plays a very active role in striving for peace between the conflicting village administrations by placing himself not as the superior official of the conflicting village heads, but rather the sub-district head as a more wise and prudent peacemaker by promoting a persuasive approach and promoting The settlement pattern is in accordance with the customary habits of the Banjar people who really value the village leaders (local community leaders) and use a pattern of approaches with respect and protection for the community, instead of placing themselves as their leader. So that with this approach, the sub-district head finally succeeded in persuading the head of Pakan Dalam village and Paramaian Village to be able to make peace with the agreement that was helped by the sub-district head as outlined in a peace agreement signed by the parties, namely the agreement on Village Boundaries between the two villages in this dispute.

If we analyze what model the local government has used, to be precise the Head of Daha Utara sub-district in resolving disputes over the boundaries of Pakan Dalam Village and Paramaian Village, by referring to the provisions of legal arrangements regarding dispute resolution, we can be based on Law No. 30 of 1999, the non-litigation dispute resolution model is in the form of:

ARBITRATION

According to Article 1 number 1 Law no.30 of 1999 explained that Arbitration is a way of resolving a civil dispute outside the general court based on an arbitration agreement made in writing by the disputing parties. Arbitration is used to anticipate disputes that may occur or are currently experiencing disputes that cannot be resolved by negotiation or consultation or through third parties and to avoid dispute resolution through judicial institutions which have been felt to take a long time.

Looking at the General Elucidation of Law no.30 of 1999 states that in general arbitration institutions have advantages compared to judicial institutions. These advantages include:

- Confidentiality of disputes of the parties is guaranteed so that the image that has been built is not affected due to the private nature of dispute resolution;
- Delays caused by procedural and administrative matters can be avoided, because the trial can be held immediately when the requirements have been met by the parties;
- The parties may select an arbitrator who, according to their belief, has sufficient knowledge, experience and background regarding the matter in dispute, is honest and fair;
- The parties can determine the choice of law to resolve the problem as well as the process and venue for the arbitration; and
- An arbitration award is an award that binds the parties and through simple or direct procedures can be implemented, because the arbitration award is final and binding.

CONSULTATION

In the Black's Law Dictionary it is said that what is meant by consultation is “*act of consulting or conferring; e.g. patient with doctor, client with lawyer. Deliberation of persons on some subject*”. Based on this formulation, in principle, consultation is a personal action between one particular party called a client with another party who is a consultant who gives his opinion to the client to meet the needs and needs of his client. The client can use the opinion that has been given or choose not to use it is free, because there is no formula that states the nature of "engagement" or "obligation" in conducting consultations (Hajati and Winarsi, 2018). Thus, the position of the consultant is limited to providing a (legal) opinion as requested by the client. Furthermore, the dispute resolution decisions will be made by the disputing parties, although sometimes the consultant is also given the opportunity to formulate the forms of dispute resolution desired by the parties to the dispute.

NEGOTIATION

Negotiation is a process of talking or negotiating on a certain matter to reach a compromise or agreement between the parties conducting the negotiation. Negotiation, which is a way to find solutions to problems through direct discussion (deliberation) between the disputing parties whose results are accepted by the parties. So negotiation appears to be an art of reaching agreement and not a science that can be learned.

According to Howard Raiffia in Margono (2000), there are several stages of negotiation, namely:

- The preparation stage, in preparing for negotiations, the first thing to prepare is what is needed/desired. In other words, first identify your own interests before recognizing the interests of others. This stage is often termed know yourself. In the preparation stage, it is also necessary to explore various other alternatives if the best or maximum alternative is not achieved or it is called BATNA (*best alternative to a negotiated agreement*);
- Initial Bid Stage (*Opening Gambit*), in this stage negotiators usually prepare a strategy on matters relating to the question of who must first submit the bid. If the first party submits the initial offer and the second party is not prepared (*ill prepared*), there is a possibility that the opening offer will affect the perception of the reservation price from the opposing negotiator.
- The Negotiated Dance Stage, the concession that must be put forward depends on the context of the negotiation and the concession given by the opposing negotiator. At this stage a negotiator must accurately calculate the aggressiveness and must be manipulative.
- End Play, the final stage of the game is making commitments or canceling commitments that have been stated previously.

MEDIATION

According to Article 1 number 1 of the Supreme Court Regulation No.1 of 2016 concerning Mediation Procedures in Courts, mediation is a method of dispute resolution through a negotiation process to obtain an agreement between the Parties assisted by a Mediator. Mediation is a negotiation process to solve problems through an impartial and neutral outside party who will work with the disputing parties to help find a solution in resolving the dispute satisfactorily for both parties. A third party who helps resolve the dispute with a mediator. The mediator does not have the authority to make a decision on the dispute, but only functions to assist and find a solution to the parties to the dispute. The experience, ability and integrity of the mediator are expected to streamline the negotiation process between the disputing parties (Fuadi, 2000).

Looking at some of the alternative forms of dispute resolution outside the court, the model for dispute resolution at the boundaries of Pakan Dalam Village and Paramaiaian Village, according to the researcher, is model of a conciliation model in which the Head of Daha Utara Subdistrict is the conciliator. Based on Government Regulation Number 19 of 2008 concerning Sub-Districts, apart from carrying out its role as a supervisor and supervisor of village government, the Sub-district head also carries out various population administration and licensing matters, as well as basic sectoral services ranging from order and security, education, health, poverty alleviation, community empowerment and concrete efforts for the welfare of society. Which then makes the Sub-District head in a strategic position in the delivery of public services after the regency/city, while at the same time exercising the control function over public services carried out by the village government.

The sub-district head has a very important role in the framework of fostering and supervising village government. As the spearhead of service to the community, the sub-

district head has the duties and responsibilities that must be carried out in the context of implementing government, service and development tasks.

CONCLUSION

From the research results and from the legal analysis, it can be concluded that:

There is a relevance between the implementation of village government authority and the dispute over the boundaries of the Pakan Dalam Village and the Paramaian Village, Daha Utara Sub-District. This happened because the Paramaian Village administration took part of the authority of the Pakan Dalam Village Government regarding administrative duties and authority in making a certificate of the condition of the land of the residents who were administratively located in the area of Pakan Dalam Village.

Some of the efforts and steps that have been taken by the Pakan Dalam Village Government to settle boundary disputes and village government authority disputes that have occurred between Pakan Dalam Village and Paramaian Village. Both efforts to make complaints to regional government agencies in stages and efforts to request classifications from the BPS and BPN of Hulu Sungai Selatan district regarding the boundaries and maps of Pakan Dalam Village, Daha Utara Sub-District.

The Regional Government of Hulu Sungai Selatan District plays an important role in efforts to resolve this village boundary dispute by assigning the Head of Daha Utara Sub-District to give an active role in resolving disputes between two villages, namely Pakan Dalam Village and Paramaian Village by using the Non-Litigation Dispute Resolution route.

SUGGESTION

⁷ Based on the conclusions of this study, it is recommended to the Regional government of Hulu Sungai Selatan District to immediately order the Governance Section to immediately realize the map of the Daha Utara Sub-District area according to the agreed village boundaries, so that the settlement of boundary disputes between Pakan Dalam Village and Paramaian Village can achieved well in its implementation which will certainly have a positive impact in order to facilitate the implementation of village government and can provide legal certainty for the village border points in the village of Daha Utara Sub-District.

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