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Univ. Wisnuwardhana Malang

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Dekan Fakultas Hukum,



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Legal Counseling on the Settlement of Inheritance Disputes by the Village Head through Mediation in Srigonco Village, Bantur District, Malang Regency

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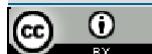
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ABSTRACT

This community service activity titled "Legal Counseling on the Settlement of Inheritance Disputes by the Village Head through Mediation in Srigonco Village, Bantur District, Malang Regency" is a collaborative program between the Master of Law Program, Postgraduate School of Wisnuwardhana University Malang, and LBH Bhirawa. The activity aims to enhance the understanding of village officials and local residents regarding the legal framework and mediation mechanisms in resolving inheritance disputes peacefully and fairly. The counseling emphasizes the importance of alternative dispute resolution (ADR), particularly mediation led by the village head, as a means to maintain family harmony and social order. The activity also provides practical guidance on applying legal norms and customary values in inheritance cases.

INTRODUCTION

Law is not only a binding rule, but also an expression of morality and collective goodness that upholds true peace, guides society towards peace, mutual respect, and creates a dignified life together (Wulandari, 2020). This is conformed with the noble goals Indonesian people want to achieve, which are constitutionally stated in the Preamble of the 1945 Constitution of the Republic of Indonesia, to protect all Indonesian people and all Indonesian blood, advance general welfare, educate the nation's life and participate in implementing world order based on freedom, eternal peace and social justice (Ariansyah, 2024).

In order to realize this noble goal, one of the methods used is by creating legal regulations in the form of acts which are technically operationally marked by the enactment of Law Number 6 of 2014 concerning Villages as amended for the second time by Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages. The act of villages explicitly contains provisions regarding peace and order in the village, which are the responsibility of the village head. This provision is contained in Article 26 paragraph (4) letter c, which in principle stipulates that the village head has an obligation to maintain peace and order in the village community (Barros, et al., 2025).

Srigonco Village, located in Bantur District, Malang Regency, strives to achieve peace and tranquility. However, in practice, issues such as inheritance disputes remain unresolved, hindering peace. Based on documented data in Srigonco Village throughout 2023-2024, 7 cases were found, consisting of 2 inheritance dispute cases in 2023 and 5 inheritance dispute cases in 2024 (Firdausa, 2023). More ironically, inheritance disputes often involve parents and children, with children and their biological parents fighting over property. On one side, parents sue their children, while on the other, the opposite occurs: children sue their parents over inheritance.

Various efforts have been made by the Head of Srigonco Village to resolve the inheritance dispute by inviting the heirs. However, the efforts that have been made in reality still often fail. At the academic level, the Village Head has an important role as a facilitator, mediator, liaison between Srigonco Village residents and legal institutions such as the Religious Court and the National Land Agency Office. The Village Head also has the authority to resolve village community disputes which is legally regulated in Article 26 paragraph (4) letter 1 of Law Number 3 of 2024 concerning Villages which relates to the Village Head's duties to resolve community disputes peacefully.

Based on the analysis of the situation in Srigonco Village above, further efforts are needed to resolve inheritance disputes in the village. One concrete step is to provide legal counseling on inheritance dispute resolution. This initiative was implemented by the Srigonco Village Head in collaboration with the Wisnuwardhana Malang Master of Law Program and the Legal Aid Institute of Bhirawa Satya Yustisi Kepanjen Malang.

IMPLEMENTATION AND METHODS

The method used in this community service is through Focus Group Discussions (FGD) to find solutions to inheritance dispute problems. The Village Head, in collaboration with the Wisnuwardhana Malang Master of Law Study Program and the Legal Aid Institute of Bhirawa Satya Yustisi Kepanjen Malang, held legal counseling activities on inheritance law settlement for the community, community leaders, religious leaders regarding inheritance rights in the context of Islamic law, customary law, and civil law so that the residents of Srigonco Village understand their respective rights (Maitaa' Jaudah, et al., 2024).

RESULTS AND DISCUSSION

The community service team from Wisnuwardhana University Malang and the Legal Aid Institute OF Bhirawa Satya Yustisi Kepanjen Malang carried out community service activities with the title "Legal Counseling on Inheritance Dispute Resolution by Village Heads Through Mediation in Srigonco Village, Bantur District, Malang Regency", with the following activity details, such as:

Observation

The socioeconomic conditions of the people of Srigonco Village, Malang Regency, are increasingly complex, marked by increasing ownership of agricultural land and family assets as part of a legacy passed down from generation to generation. Srigonco Village has an agrarian rural character based on the use of fields and agricultural land (Bachtiar et.al., 2023). In the context of inheritance, the potential for disputes to arise between family members, whether between children, generations or branches of the family, due to a lack of understanding of the provisions of inheritance law, customary inheritance and the rights of heirs who should receive the share (Pratiwi, 2025). An overview of the conditions of Srigonco Bantur Village, Malang Regency is shown in Figure 1 below:

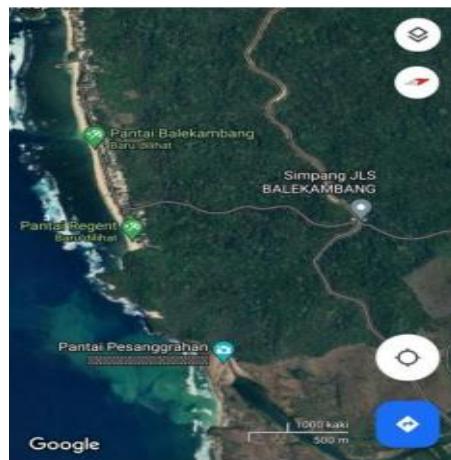


Figure 1. Map of Srigonco Village

According to the research conducted by the Legal Aid Institute of Rumah Keadilan, Brawijaya University, Malang, discovered a case where the wife of a deceased husband sold a piece of land owned by her deceased husband underhand without the consent of other heirs, then the buyer took control of the land and then managed it for years. Over time, the new landowner wanted to change the ownership of the land, which had been acquired through an underhand sale. While in the process of changing the ownership with the heirs of the former landowner, a dispute arose, with one of the heirs disagreeing with the previous sale. The reason is, the land was basically still inherited land which could not be transferred or sold by the mother (the wife of the deceased) without consent from all of the heirs (Satukanal, 2023).

In contrast to the results of initial observations carried out by the community service team from Wisnuwardhana University Malang, this team actually found several factors that caused inheritance disputes, including: *First*, incomplete or delayed documentation of inheritance ownership (including land rights) rising the potential of cross-claims between heirs. *Second*, the practice of inheritance distribution is still based on local customs without referring to national legal provisions or a uniform understanding. *Third*, the lack of informal mediation facilities or forums and the capacity of village officials to handle inheritance issues in a fair and orderly manner.

Problem Solving Design

In order to provide legal understanding to the people of Srigonco Village based on the results of observations, there are still problems regarding land that need to be found the solution together. This indicates that land issues are indeed crucial issues in society, including inheritance disputes. Therefore, the community service team from Wisnuwardhana University Malang in collaboration with the Legal Aid Institute of Bhirawa Satya Yustisi designed a solution to the problems faced by the people of Srigonco Village, Malang Regency by providing legal counseling on resolving inheritance disputes. The steps taken were to make an agreement between the Head of Srigonco Village, LBH Bhirawa and the Master of Law Study Program at Wisnuwardhana University, Malang in the form of correspondence. Below is a letter of application from Legal Aid Institute of Bhirawa to the Master of Law Study Program, a copy of which is addressed to the Head of Srigonco Village, which can be seen in the following figure 2:



Figure 2. Letter of Request for Legal Counseling in Srigonco Village

Legal counseling related to the resolution of inheritance disputes is very necessary in Srigonco Village as a preventive measure, so that the community understands the rights and obligations as heirs, the mechanism for peaceful dispute resolution through mediation, and the importance of formal documentation so that conflicts do not escalate and family relationships are maintained. Legal counseling for resolving inheritance disputes also involves village heads so that in carrying out their duties they can resolve village community disputes peacefully in accordance with the mandate of the Village Law. Without educational steps like this, the potential for horizontal conflict between family members will remain high, which could ultimately damage social order and peace within society (Kudu, *et al.*, 2025), especially the people of Srigonco Village.

Implementation of Activities

On Friday, October 24, 2025, an activity was held with the theme "Legal Counseling on Inheritance Dispute Resolution by the Village Head Through Mediation in Srigonco Village, Bantur District, Malang Regency". This legal counseling activity involved various interested parties such as the Village Head, community leaders, religious leaders, youth representatives, cadres from the PKK group, the Master of Law Study Program at Wisnuwardhana University, and also LBH Bhirawa Satya Yustisi. The people of Srigonco Village are highly enthusiastic about participating in legal counseling because this activity is not only about transferring information, but also creates dialogue between groups. Figure 3 below shows the atmosphere during legal counseling on inheritance dispute resolution in Srigonco Village, which was attended by various interested parties.



Figure 3. The People of Srigonco Village Enthusiastically Participated in Legal Counseling

The legal counseling event began with a speech from the Village Head, who explained the importance of knowledge about the law because every action must be based on the law. In the context of inheritance disputes that sometimes arise in the Srigonco Village community, they should be resolved using family customs or deliberation. This is based on the understanding that Srigonco Village itself is known as a village that prioritizes local deliberation as a way to solve social problems. Figure 4 below shows the Head of Srigonco Village giving a speech at a legal counseling event on resolving inheritance disputes.



Figure 4. Greetings from the Head of Srigonco Village

The legal counseling session was then conducted in several sessions. In the first session, the Master of Law team from Wisnuwardhana University, Malang, explained the legal basis for resolving inheritance disputes, including the rights and obligations of heirs, the deliberation process, the need for documentation and mediation as an alternative to litigation, and the importance of involving all family members to ensure a shared inheritance distribution. This explanation is accompanied by simplified case examples so that participants can easily understand the problems and how to solve them in a village context.



Figure 5. Presentation by the Master of Law Study Program Team, Wisnuwardhana University

The second session was delivered by a representative from Bhirawa Satya Yustisi Malang who discussed how mediation is carried out practically, selecting a neutral mediator, the stages of collecting facts and inheritance documents, inviting all heirs, initial deliberations, formulating agreements, and establishing a peace deed or agreement letter which can then be registered or ratified to have legal standing. The emphasis is given that if mediation is successful, family relationships can be maintained, costs and time can be reduced compared to court, and vice versa. As seen at figure 6, representatives from LBH Bhirawa Satya Yustisi Malang are providing an explanation of the material on resolving inheritance disputes to the participants.



Figure 6. Explanation from the Representative of Bhirawa Satya Yusitisi Malang

The legal counseling activity was then followed by an interactive dialogue forum. Representatives from the Master of Law Study Program Team, Postgraduate Program, Wisnuwardhana University, facilitated the Q&A session. Villagers raised questions regarding customary inheritance practices in Srigonco, the distribution of inheritance for land passed down through generations, and how formal law can be aligned with customary values. The youth highlighted the importance of understanding inheritance from the younger generation so that conflict can be prevented, while PKK group cadres raised the women's side, the role of female heirs, protection of inheritance rights for widows or daughters, and how mediation can accommodate gender bias. Following the dialogue, a mini-mediation simulation was conducted. Participants were divided into small groups, including community leaders, youth, and PKK cadres, and asked to map out a scenario for an inheritance dispute in the village. The mediators from the Master of Law Study Program team, Wisnuwardhana University and Bhirawa Satya Yustisi guided each group in preparing mediation steps, starting from preparing invitations to heirs, gathering facts such as inheritance documents, the wishes of the heirs, deliberation, formulating distribution options, to finalizing the agreement. This simulation puts into practice the mechanisms previously outlined in theory. Participants are seen simulating mediation of an inheritance dispute.



Figure 7. Inheritance Dispute Mediation Simulation in Srigonco Village

The activity concluded with a joint commitment. The Head of Srigonco Village determined that the Village, through the Village Head, would make mediation the primary option in inheritance disputes, collaborating with the Wisnuwardhana University Master of Law Study Program and Bhirawa Satya Yustisi in community development, and developing Standard Operating Procedures (SOPs) for how inheritance mediation would be implemented in the village, such as establishing a village mediation team, a list of mediators from community and religious leaders, and a mechanism for reporting mediation results to the Village Head. Follow-up plans were also agreed upon, namely further training for village cadres and the preparation of brochures on inheritance distribution guidelines and settlement models that will be distributed to each hamlet.



Figure 8. Joint Commitment of the Village Government, Srigonco Village Residents, and the MIH Unidha Study Program and LBH Bhirawa Satya Yustisi

Overall, the legal counseling activities not only provide legal understanding, but also strengthen the local culture of deliberation in Srigonco Village, strengthening synergy between educational institutions, advocacy, village officials, community leaders, youth and women. In this way, it is hoped that potential inheritance disputes can be managed as early as possible through mediation channels that are friendlier, cheaper, and more socially justified.

Evaluation

The implementation of this legal outreach program has had positive consequences, including the involvement of various parties, including LBH Bhirawa Satya Yustisi, the Master of Law Study Program (MIH) at Wisnuwardhana University, Malang, community leaders, religious leaders, youth, and PKK cadres. Furthermore, the legal outreach program provides a comprehensive dimension, encompassing not only formal legal aspects but also socio-cultural and community aspects. However, even if many parties are present, the effectiveness of mediation depends heavily on the good faith of all heirs and a local culture that supports collaborative resolution. If any party is less active, it will be difficult to reach an agreement (Slamet and Azizah, 2025). For the future, it is necessary to integrate local wisdom of Srigonco Village with religious aspects in mediation so that the procedures can be accepted by the people of Srigonco Village who still hold fast to traditional values.

CONCLUSIONS AND RECOMMENDATIONS

There are two conclusions that can be drawn from the legal counseling activities for resolving inheritance disputes by the Village Head through mediation in Srigonco Village, Bantur District, Malang Regency, as follows:

1. The involvement of various community elements, including academics from the Wisnuwardhana University Master of Law Study Program, the Bhirawa Satya Yustisi Legal Aid Institute, community and religious leaders, youth, and PKK cadres, provides a strong foundation for implementing mediation in inheritance disputes at the village level. With

this synergy, communities not only gain legal understanding but also strengthen local capacity to resolve inheritance conflicts amicably.

2. Mediation has proven to be a relevant and effective alternative in resolving inheritance disputes. This method allows the parties to reach a voluntary, relatively quick and inexpensive agreement, while preserving family relationships that are often threatened during litigation. Mediation can create a more harmonious and beneficial atmosphere for all parties than court proceedings.

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