

Hukum Agraria Indonesia

Hukum Agraria Indonesia The Politics of the Indonesian Rainforest Essays & commentaries on Indonesian Law Cacat Administrasi ICLSSEE 2022 REFORMULASI KEBIJAKAN HALUAN NEGARA: ANTARA REALITA DAN CITA-CITA Tanah, Negara, dan Keadilan: Pergeseran Makna Ganti Rugi dalam Pengadaan Tanah Hukum Agraria di Indonesia Hukum Agraria Indonesia (Ed. Revisi) Urgensi Digitalisasi Sistem Pendaftaran Tanah Sengketa Tanah dalam Perspektif Hukum Agraria di Indonesia Perguruan tinggi di Indonesia Indonesian and Malaysian Studies Pertanian dalam era pembangunan Indonesia Buku Ajar HUKUM AGRARIA INDONESIA Hukum agraria Indonesia Penyuluh landreform & agraria Hukum Agraria Undang2 Pokok Agraria Directory of ASEAN Legal Scholars M. Arba I Ketut Gunawan Dr. H. Supandi, S.H., M.Hum. Dr. Ir. D. Romi Sihombing, S.H., M.H., C.L.I Eko Eddy Supriyanto FITRIANI Dr. Sisca Utami Damajanti, S.H., M.Kn. Dr. IGA Gangga Santi Dewi, S.H., M.Kn Dr. Sahnun, SH., M. Hum Dr. Anna Yulianti, S.H., M.H. Bibit Ayu Astriani Indonesia. Departemen Perguruan Tinggi dan Ilmu Pengetahuan Dr. H. Richard, S.H., M.Kn. Sahnun Fatkhul Muin Indonesia

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semenjak lahirnya undang undang nomor 5 tahun 1960 tentang peraturan dasar pokok pokok agraria yang dikenal dengan uupa yang bertujuan melakukan perombakan dan pembaruan hukum agraria lama dengan meletakkan dasar dasar hukum bagi penyusunan hukum agraria nasional meletakkan dasar dasar bagi kesatuan dan kesederhanaan hukum agraria nasional dan meletakkan dasar dasar bagi kepastian hukum dan hak dengan lahirnya uupa maka aturan hukum tanah warisan hindia belanda yang diatur dalam buku ii bw tentang benda khusus tanah agrarische wet dan peraturan pelaksanaannya dihapuskan dan pemerintah membentuk berbagai peraturan perundang undangan yang

mengatur lebih lanjut sumber daya agraria yang bertujuan melindungi kepentingan bangsa indonesia dalam menguasai mengatur mengelola dan memanfaatkan sumber daya agraria sampai dengan lahirnya tap mpr no ix mpr 2001 tentang pembaruan agraria dan pengelolaan sumber daya alam guna mewujudkan kesejahteraan masyarakat indonesia buku ini memuat materi bahasan tentang konsepsi dasar hukum tujuan hukum agraria sejarah penyusunan hukum agraria hukum agraria nasional hak penguasaan atas tanah dalam hukum tanah nasional pendaftaran tanah landreform dan hak tanggungan atas tanah buku ini berusaha membantu mahasiswa dan para pembaca hukum agraria untuk memahami hukum agraria secara menyeluruh buku ini sangat baik untuk dipelajari oleh mahasiswa s 1 maupun s 2 dalam mempelajari dan memahami hukum agraria indonesia

this last chapter is divided into two main parts the first part compares the key findings of the study cases of matalibaq and long bagun ulu chapter 5 and 6 respectively with the focus on conflict development political risks to act conflict motives indigenous resource mobilisation and public goods achievement in the conflict the second part will offer a conclusion of the entire work of this study as well as a classification of the underlying issues found in the rise of the forest conflict phenomenon this study refrains from trying to offer pragmatic remedies due to the complexity of the problems rather it focuses on a strategic key entry point to deal with forest conflicts that has not received much attention by researchers i argue this key entry point can also be used as an underpinning for the consolidation of the newly born indonesian democracy at the local level which has been much neglected by the indonesian government and politicians

indonesian law in a remarkably complex mixture of national legislation and international legislation the work of this book is organized loosely and is aimed to contribute indonesian law knowledge about to anticipate change of law paradigm as result of global development chapter i agrarian law enforcement and settlement of land affairs dispute in judicature process chapter ii efforts for land affairs dispute and realization of court's rule which had permanent legal power at north sumatra chapter iii role of justice as agent of judicial reform to increase rule quality chapter iv judicial review against regulations which of level and degree under the laws chapter v compensation as result of governmental apparatus commitment regulated in bill of governmental administrative affairs and prospect of chapter vi chapter vii judicature competency of state law administration to resolve conflict of public information chapter viii

dengan diterbitkannya buku ini diharapkan dapat membuka wawasan para pembaca buku terhadap hukum ilmu pertanahan yang berlaku di indonesia pada umumnya lebih khusus buku ini dapat memberikan keterampilan kepada para praktisi hukum di dalam menyelesaikan perkara pertanahan yang ada di indonesia dengan adanya pengetahuan pembaca terkait tentang hukum pertanahan diharapkan hal ini dapat menjadi obat atas ketidakpahaman masyarakat akan pengetahuan hukum pertanahan hal ini pula sesuai dengan adagium hukum yang berbunyi *lex semper dabit remedium* yang artinya adalah hukum selalu memberi obat hal ini merupakan nilai luhur yang dijunjung tinggi oleh

penulis yang berkomitmen akan selalu memberikan obat kepada siapa pun yang mencari keadilan para pencari keadilan khususnya para pencari keadilan dalam hukum pertanahan yang berlaku di indonesia buku persembahan penerbit prenatalmedia kencana

this book contains the proceedings of the international conference on law social science economics and education iclssee 2022 on 16 april 2022 in indonesia this conference was held in collaboration between nusantara training and research ntr with borobudur university jakarta 17 agustus 1945 university untag and the research and development agency of the ministry of home affairs the papers from the conference were collected in a proceedings book entitled proceedings of the international conference on law social science economics and education iclssee 2022 the presentation of such a conference covering multi disciplines will contribute a lot of inspiring inputs and new knowledge on current trending in law social science economics and education thus this will contribute to the next young generation s researchers to produce innovative research findings hopefully the scientific attitude and skills through research will promote the development of knowledge generated through research from various scholars in various regions finally we would like to express our greatest gratitude to all the steering committee colleagues for their cooperation in administering and arranging the conference hopefully this seminar and conference will be continued in the coming years with many more insightful articles from inspiring research we would also like to thank the invited speakers for their invaluable contribution and for sharing their vision in their talks we hope to meet you again at the next conference of iclssee

pengadaan tanah untuk pembangunan sering kali menimbulkan masalah terutama soal siapa yang berhak mendapatkan ganti rugi ketika tanah diambil oleh negara undang undang dan peraturan terbaru memberikan hak ganti rugi kepada pihak yang menguasai tanah dengan itikad baik dan pemegang dasar penguasaan tapi hal ini terkadang membuat pemilik asli kehilangan haknya buku tanah negara dan keadilan pergeseran makna ganti rugi dalam pengadaan tanah membahas bagaimana aturan tersebut bisa menyebabkan ketidakadilan dan membuka peluang manipulasi data sehingga masyarakat yang sebenarnya punya hak atas tanah bisa dirugikan dengan membahas pergeseran makna ganti rugi dalam pengadaan tanah buku ini mengajak pembaca memahami pentingnya keadilan dan kepastian hukum agar pembangunan tidak mengorbankan hak hak rakyat

mata kuliah hukum agraria membahas tentang pengertian agraria hukum agraria keadaan hukum agraria lama usaha penyesuaian hukum dan pembentukan uupa hukum tanah nasional merubah fundamental terhadap hukum agraria lama dasar ketentuan pokok uupa hubungan fungsional antara hukum tanah nasional dan hukum adat hak atas tanah cara memperoleh tanah pendaftaran tanah tanah sebagai jaminan utang dan hak jaminan atas tanah hak tanggungan

buku ini disusun untuk memenuhi kebutuhan bahan bacaan bagi semua pihak yang ingin

memahami dan mengkaji lebih mendalam mengenai hukum agraria yang berlaku di Indonesia lebih khususnya para mahasiswa s1 dan s2 dan para praktisi hukum yang banyak terlibat di bidang keagrarian

pendaftaran tanah dilaksanakan berdasarkan asas sederhana aman terjangkau mutakhir dan terbuka tujuannya untuk memberikan kepastian hukum dan hak lain yang terdaftar tujuannya agar masyarakat dengan mudah dapat membuktikan dirinya sebagai pemegang hak menyediakan informasi kepada pihak-pihak yang berkepentingan dari sisi pemerintah juga mempermudah dalam memperoleh data yang diperlukan sehingga tujuan tertib administrasi bidang pertanahan dapat dilaksanakan dengan baik berkaitan dengan berlakunya sistem publikasi negatif yang bertendensi positif yang berlaku di Indonesia sebagaimana diatur dalam pasal 32 peraturan pemerintah nomor 24 tahun 1997 tentang pendaftaran tanah yang banyak menimbulkan kasus permasalahan terkait dengan administrasi pertanahan dan banyak muncul sengketa tanah adapun identifikasi permasalahan adalah apakah sistem publikasi negatif bertendensi positif sesuai dengan asas kepastian hukum dan dapat memberikan perlindungan hukum bagi pemegang hak atas tanah permasalahan berikutnya adalah sistem publikasi yang sesuai dan akan mendukung *easy of doing business* *eodb* kemudahan berusaha

hukum agraria memegang peranan penting dalam pengelolaan dan pemanfaatan sumber daya tanah di Indonesia terutama mengingat status tanah sebagai sumber daya alam yang esensial bagi kehidupan masyarakat dengan populasi yang terus berkembang dan kebutuhan akan lahan yang meningkat sengketa tanah menjadi isu yang sering kali tak terhindarkan sengketa ini dapat terjadi dalam berbagai bentuk mulai dari masalah kepemilikan batas lahan penguasaan hingga konflik antara masyarakat adat dengan pemerintah atau perusahaan

perkembangan hukum agraria tentu tidak terlepas dari proses dan pergulatan yang melatarbelakangi lahirnya hukum agraria dalam konteks Indonesia sejarah hukum agraria merupakan salah satu bagian integral dan sistem hukum Indonesia yang berperan penting dalam upaya pembangunan masyarakat guna mewujudkan cita-cita dan tujuan negara pendekatan sejarah hukum ini diperlukan lantaran beberapa alasan pertama hukum tidak hanya berubah dalam ruang dan letak melainkan juga dalam lintasan waktu hal ini berlaku bagi sumber-sumber hukum formil yakni bentuk-bentuk perwujudan norma-norma hukum maupun isi norma-norma hukum itu sendiri sumber-sumber hukum materil kedua norma-norma hukum seringkali hanya dapat dimengerti melalui pemahaman sejarah hukum ketiga pengetahuan yang memadai mengenai sejarah hukum pada hakikatnya merupakan suatu pegangan penting bagi para pembelajar hukum pemula untuk mengenal budaya dan pranata umum keempat perlindungan hak asasi manusia terhadap perbuatan sewenang-wenang bahwa hukum diletakkan dalam perkembangan sejarahnya serta diakui sepenuhnya sebagai suatu gejala historis merujuk pada beberapa alasan tersebut di dalam buku ini akan dibahas sejarah perkembangan hukum agraria pembahasan dimulai dari hukum agraria Romawi kuno hukum agraria era kolonial dan sejarah pembentukan UUPA sebagai

hukum agraria nasional

buku hukum agraria membahas secara sistematis dasar dasar hukum pertanahan di indonesia dengan menelusuri sejarah asas dan perkembangan dalam kerangka hukum nasional bagian awal menjelaskan pengantar hukum agraria paradigma pertanahan dalam sejarah serta keterkaitannya dengan sistem hukum negara selanjutnya dipaparkan sejarah hukum agraria sebelum uupa periode kolonial hingga lahirnya hukum agraria nasional yang menegaskan keadilan sosial serta asas kebangsaan buku ini juga menguraikan asas asas utama yaitu asas kebangsaan asas fungsi sosial asas pemerataan dan keadilan serta asas kepastian hukum keempat asas tersebut menjadi pilar penting dalam penyusunan kebijakan agraria dan pengelolaan tanah di indonesia bab berikutnya menyoroti hak menguasai negara atas tanah termasuk tafsir menurut uupa dan putusan mahkamah konstitusi buku ini juga membahas hak hak atas tanah seperti hak milik hak guna usaha hak guna bangunan dan hak pakai beserta urgensi pendaftaran tanah untuk menjamin kepastian hukum pada bagian akhir disajikan pembahasan tentang konflik pertanahan penyebab jenis serta mekanisme penyelesaiannya dampak sengketa terhadap masyarakat dan kebutuhan reformasi kebijakan juga dikupas dengan bahasa jelas dan terstruktur buku ini menjadi referensi penting bagi mahasiswa akademisi praktisi dan masyarakat yang ingin memahami hukum agraria secara adil serta berkelanjutan

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