

SUMMARY

Title of Research : Settlement Of Plantation Land Dispute In East Java
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Faculty/Research Centre : Airlangga University School of Law
Fund Facilities by : Improvement of human Resources Development Project

Summary Content :

Plantation land dispute created to result in right land dispute that is not finished a long time. People thought that they have had land right based on Government's land reform program, but then it took compulsion by the owner of plantation's manufacturing, so they demanded their lands returned.

This research is sosio-legal research. Location of the research are Blitar, Malang, Ngawi, Pasuruan and Jember. The population are all plantation's manufactures in East Java and also farmers who are demanding their lands that were entitled compulsion by plantation manufactures.

Research result shows :

Firstly, legal status of plantation land in East Java at period of Governance of Dutch Indies are erfpacht and consession right, after Indonesia independence pursuant to rule convert the Number Law 5 Year 1960, legal status of plantation land converted to become right of tenure by long lease. Domiciling of plantation company which have neglected its plantation land will loss the right of tenure by long lease and its lands become government lands. Plantation labors who dominated plantation land that left and neglected by its entrepreneur can possess the land if may made by object Landreform by Government.

Secondly, settlement of plantation land dispute can be gone through by passing mechanism of Alternative Dispute Resolution, that is mediation by mediator of Regency Land Problems Settlement Team.

RINGKASAN PENELITIAN

Judul Penelitian : Penyelesaian Sengketa Tanah Perkebunan Di Jawa Timur
Ketua Peneliti : Deddy Sutrisno, S.H., MH
Anggota Peneliti : Agus Widyantoro, S.H., MH
Fakultas/Puslit : Hukum
Sumber Biaya : Bagian Proyek Peningkatan SDM

RINGKASAN PENELITIAN

Sengketa tanah perkebunan terjadi sebagai akibat adanya sengketa hak atas tanah yang sudah lama tidak terselesaikan. Masyarakat merasa sebelumnya telah memiliki tanah berdasarkan Program Landreform Pemerintah yang kemudian diambil secara paksa oleh pihak perusahaan perkebunan, sehingga masyarakat menuntut agar tanahnya dikembalikan.

Penelitian ini bersifat juridis sosiologis. Lokasi penelitian yang dipilih adalah kota Blitar, Malang, Ngawi, Pasuruan dan Jember. Populasi penelitian adalah semua perusahaan perkebunan yang ada di Jawa Timur dan masyarakat petani di Jawa Timur yang melakukan penuntutan kembali tanah-tanah mereka yang dikuasai secara paksa oleh perusahaan perkebunan.

Hasil penelitian menunjukkan bahwa :

Pertama, status hukum tanah perkebunan di daerah Jawa Timur pada masa Pemerintahan Hindia Belanda adalah hak erfpacht dan hak konsesi, setelah Indonesia merdeka berdasarkan ketentuan-ketentuan Konversi Undang-Undang Nomor 5 Tahun 1960, status hukum tanah perkebunan dikonversi menjadi Hak Guna Usaha.

Kedua, Tata cara penyelesaian sengketa tanah perkebunan di Jawa Timur adalah melalui mekanisme penyelesaian sengketa alternatif (Alternative Dispute Resolution) yaitu mediasi.

Kata kunci = Sengketa Tanah perkebunan.