



EDISI REVISI

HUKUM AGRIARIA INDONESIA



Dr. Sahnun, SH., M. Hum

Hukum Agraria Indonesia

Eddy M. Leks



Hukum Agraria Indonesia:

Hukum Agraria Indonesia M. Arba, 2021-04-29 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

Administrative Courts in Indonesia Adiaan Bedner, 2021-09-06 In 1991 Indonesia introduced a system of administrative courts that was to contribute to establishing the rule of law in Indonesia and to provide recourse for citizens against unlawful administrative behaviour This book evaluates the performance of the administrative court system It explains why the courts were established in spite of the Indonesian state s authoritarian nature and why and to what extent the system is a Dutch legal transplant It analyses the jurisdictionary powers of the courts and how the courts have used them It then proceeds to explain the unbalanced nature of the record presented by analysing factors inside and outside the administrative court organisation which influence its performance These include budgetary deficits lack of training opportunities career manipulation corruption lack of government support and many other non legal issues Finally the author provides a number of recommendations for change many of which may also be of use to other developing countries

Reforma Agraria di Indonesia Dr. Muhammad Ilham Arisaputra, S.H., M.Kn., 2021-08-30 Pasal 33 ayat 3 UUD NRI 1945 menggariskan bahwa bumi air dan kekayaan alam yang terkandung di dalamnya dikuasai oleh negara dan dipergunakan untuk sebesar besarnya kemakmuran rakyat Pasal 33 ayat 3 tersebut mengatribusikan kewenangan kepada subjek hukum negara untuk melakukan perbuatan hukum terhadap sumber daya alam Pengelolaan sumber daya alam seharusnya memberi manfaat bagi masyarakat secara berkeadilan dan berkelanjutan Namun yang terjadi saat ini adalah pengelolaan sumber daya alam yang lebih menitikberatkan kepada eksploitasi sumber daya alam sebagai sumber devisa negara Reforma agraria merupakan gagasan terbaik yang pernah lahir dalam rangka mengatasi

persoalan tanah dan pengelolaan sumber daya alam di dunia ini Reforma agraria di Indonesia dimulai setelah lahirnya UUPA di mana pemerintah saat itu menfokuskan pada penataan dan redistribusi tanah pertanian landreform Pelaksanaan reforma agraria dapat berhasil hanya jika dilakukan dalam kerangka yang lebih luas yakni menawarkan bukan hanya akses ke lahan tetapi juga akses ke instrumen penunjang lahan tanah

The Politics of the Indonesian Rainforest I Ketut Gunawan, 2004-11-13 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

Penyuluh landreform dan agraria, 1974 **Penjuluh landreform & agraria**, 1971 **Essays & commentaries on Indonesian Law** Dr. H. Supandi, S.H., M.Hum., 2022-02-08 Indonesian Law In A Remarkably Complex Mixture Of National Legislation And International Legislation The Work Of This Book Is Organized Loosely And Is Designed 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 Courts 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 Conflicts Of Public Information Chapter VIII **Constitutional Democracy in Indonesia** Melissa Crouch, 2022-11-25 Constitutional Democracy in Indonesia discusses the ongoing debates over the meaning implementation and practice of constitutional democracy in Indonesia Current legal issues are analysed in light of social political and economic reforms since the constitution's entering into force *Die Agrarverwaltung in Indonesien* Any

Andjarwati, 2001-07-31 **Legal Pluralism in Indonesia** Ratno Lukito, 2013 With the revival of Islamic law and adat customary law in the country this book investigates the history and phenomenon of legal pluralism in Indonesia It looks at how the ideal of modernity in Indonesia has been characterized by a state driven effort in the post colonial era to make the institution of law an inseparable part of national development Focusing on the aspects of political and conflictual domains of legal pluralism in Indonesia the book discusses the understanding of the state's attitude and behaviour towards the three

largest legal traditions currently operative in the society adat law Islamic law and civil law The first aspect is addressed by looking at how the state specifically deals with Islamic law and adat law while the second is analysed in terms of actual cases of private interpersonal law such as interfaith marriage interfaith inheritance and gendered inheritance The book goes on to look at how socio political factors have influenced the relations between state and non state laws and how the state s strategy of accommodation of legal pluralism has in fact largely depended on the extent to which those legal traditions have been able to conform to national ideology It is a useful contribution for students and scholars of Asian Studies and Law

Property and Trust Law in Indonesia Eddy M. Leks, 2018-05-24 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of property in Indonesia deals with the issues related to rights and interests in all kinds of property and assets immovable movable and personal property how property rights are acquired fiduciary mechanisms and security considerations Lawyers who handle transnational disputes and other matters concerning property will appreciate the explanation of specific terminology application and procedure An introduction outlining the essential legal cultural and historical considerations affecting property is followed by a discussion of the various types of property Further analysis describes how and to what extent legal subjects can have or obtain rights and interests in each type The coverage includes tangible and intangible property varying degrees of interest and the various ways in which property is transferred including the ramifications of appropriation expropriation and insolvency Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance The book includes ample references to doctrine and cases as well as to relevant international treaties and conventions Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for any practitioner faced with a property related matter Lawyers representing parties with interests in Indonesia will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative property law

Pertanahan, Agraria, dan Tata Ruang Drs. Waskito dkk, 2018-04-10 Urusan agraria telah menjadi bagian sangat penting bagi kehidupan bangsa Indonesia Pada masa penjajahan peraturan mengenai agraria dibuat sedemikian rupa sehingga menguntungkan pemerintah Hindia Belanda Kebijakan domain verklaring serta dualisme hukum agraria yang diterapkan pemerintah Hindia Belanda sangat merugikan masyarakat Indonesia saat itu Penerapan tersebut berlanjut hingga masa awal kemerdekaan Indonesia Lahirnya Undang Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok pokok Agraria yang dikenal dengan Undang Undang Pokok Agraria menghapus semua ketentuan agraria produk kolonial Meskipun Indonesia telah memiliki sistem hukum agraria sendiri tetapi kenyataan di lapang banyak terjadi penyimpangan Salah satu penyebabnya adalah ketidaktahuan masyarakat mengenai aturan aturan pertanahan Buku persembahan penerbit Prenada Media Group

Merampas tanah rakyat Dianto Bachriadi, Anton E. Lucas, 2001 Land disputes and politics case studies in Tapos and Cimacan Jawa Barat Province Indonesia

Hak Atas Tanah Bagi Orang Asing

Agus Sekarmadji, Oemar Moechthar, Astari Cahyaningtyas Winantyo, Auralia Rizki Putri, 2022-06-12 Buku ini ditulis berdasarkan hasil kajian riset dan kegiatan pengabdian kepada masyarakat yang telah dilakukan sejak tahun 2013. Buku ini disusun sesuai dengan standar kualitas akademik yang akan mempermudah pembaca untuk mendapatkan pengetahuan yang komprehensif dan komparatif dalam mempelajari ketentuan tentang penguasaan hak atas tanah. Buku ini juga penting untuk pembaca pada umumnya untuk mengenal ketentuan umum prinsip hukum serta pengetahuan tentang pemberian hak atas tanah untuk orang asing di Indonesia.

Cacat Administrasi Dr. Ir. D. Romi Sihombing, S.H., M.H., C.L.I, 2022-02-01 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 persembahkan penerbit Prenada Media Kencana.

Pensertifikatan Tanah Bekas Hak Eigendom Elza Syarief, 2014-02-03 Sejak Undang-Undang Pokok Agraria UUPA diberlakukan pada 1960 status kepemilikan tanah oleh warga asing termasuk hak eigendom hak milik berdasarkan hukum pemerintahan Hindia Belanda tak diakui lagi kecuali pemegangnya beralih menjadi warga negara Indonesia dan mengonversi haknya. Selepas batas waktu konversi tanah bekas hak eigendom kembali dikuasai negara. Pada praktiknya timbul kasus-kasus sengketa atas tanah bekas hak eigendom entah antar pihak-pihak yang mengklaim sebagai pemilik atau antara penggarap dan negara. Pensertifikatan adalah upaya memberi kepastian hukum atas status kepemilikan tanah bekas hak eigendom namun proses administrasinya bukan tanpa kendala. Buku ini membahas aneka permasalahan seputar pensertifikatan tanah bekas hak eigendom serta mengusulkan beberapa jalan keluar antara lain dengan merevisi UUPA dan membentuk peradilan khusus pertanahan. Nama ELZA SYARIEF sontak mencorong tatkala ia menjadi pengacara Hutomo Mandala Putra Keberanian dan ketegaran dalam membela sang klien serta ucapannya yang senantiasa gamblang telah membuat Elza menjadi pesohor di layar kaca. Maka sampai sekarang boleh dianggap ia advokat perempuan Indonesia yang paling dikenal khalayak luas. Pemilik kantor konsultan hukum Elza Syarief Law Office ini meraih gelar master dan doktor Hukum dari Universitas Padjajaran Bandung. Tesis dan disertasinya ihwal hukum agraria dengan IPK 3,99. Selain menjadi pengacara Elza juga aktif sebagai dosen pengurus organisasi kemasyarakatan dan profesi serta pengurus partai politik.

Alternatif Penyelesaian Sengketa Pemanfaatan Ruang Agus Sekarmadji, Oemar Moechthar, 2023-07-03 Dalam buku ini akan dibahas mengenai perkembangan sengketa dalam pemanfaatan ruang di Indonesia serta alternatif penyelesaian sengketa pemanfaatan ruang.

sebagai bentuk perwujudan SDGs 11 sustainable cities and communities dan SDGs 16 peace justice and strong institutions sekaligus sebagai upaya mengurangi beban hakim di tingkat pengadilan dalam memutus sengketa terkait Diharapkan dengan adanya tulisan hukum ini dapat menjadi sarana untuk mengembangkan ilmu hukum dan hasil yang dicapai dapat untuk memecahkan masalah hukum yang dihadapi oleh masyarakat dan negara dan berguna bagi kehidupan bermasyarakat Dengan demikian diharapkan akan timbul harmonisasi antara peraturan perundang undangan yang satu dengan peraturan lain dan tidak timbul sengketa berkepanjangan di masyarakat khususnya dalam hal pemanfaatan ruang di Indonesia Dengan demikian setiap subjek hukum dapat dengan aman dan tenang untuk melakukan kegiatan pemanfaatan ruang di Indonesia yang juga akan berdampak pada pengembangan kota dan juga peningkatan perekonomian di masyarakat sesuai dengan tujuan dari SDGs

Land and Development in Indonesia John F McCarthy, 2017-03-09 Indonesia was founded on the ideal of the e Sovereignty of the People which suggests the pre eminence of people s rights to access use and control land to support their livelihoods Yet many questions remain unresolved How can the state ensure access to land for agriculture and housing while also supporting land acquisition for investment in industry and infrastructure What is to be done about indigenous rights Do registration and titling provide solutions Is the land reform agenda e legislated but never implementede still relevant How should the land questions affecting Indonesia s disappearing forests be resolved The contributors to this volume assess progress on these issues through case studies from across the archipelago from large scale land acquisitions in Papua to asset ownership in the villages of Sulawesi and Java to tenure conflicts associated with the oil palm and mining booms in Kalimantan Sulawesi and Sumatra What are the prospects for the e people s sovereignty in regard to land

Pemberlakuan Legalitas Tanah Gewijzigde Grondkaart Pasca Nasionalisasi Dr. Susilo Lestari, S.H., M.H., 2025-01-30

Kepastian hukum merupakan konsep mendasar dalam sistem hukum yang memastikan pelaksanaan hukum dilakukan secara tegas dan efektif sesuai ketentuan yang berlaku Menurut Sudikno Mertokusumo kepastian hukum melindungi individu dari tindakan sewenang wenang meskipun tidak selalu sejalan dengan keadilan yang sifatnya subjektif Hukum bersifat umum dan mengikat menciptakan ketertiban serta stabilitas sosial yang dibutuhkan masyarakat Satjipto Rahardjo menyebut empat elemen kepastian hukum hukum harus positif objektif jelas dan stabil Utrecht menambahkan kepastian hukum memberikan kejelasan aturan bagi individu dan menjamin perlindungan dari penyalahgunaan kekuasaan Peter Machmud menekankan pentingnya transparansi aturan dalam melindungi individu Ridwan Syahrani menyatakan bahwa peraturan harus konsisten dan bebas multitafsir sementara Lon F Fuller menyebut delapan asas hukum seperti kejelasan dan konsistensi untuk menciptakan hukum yang adil dan dapat diprediksi Hak milik menurut Immanuel Kant adalah fondasi tertib sosial sedangkan John Locke mengaitkannya dengan hak asasi yang diperoleh melalui kerja David Hume melihat hak milik sebagai hasil kesepakatan sosial Dalam konteks agraria teori kepemilikan tanah di Indonesia harus berlandaskan Pancasila dan UUD 1945 menggantikan konsep kolonial untuk mengatasi sengketa agraria secara adil Pemberlakuan Legalitas Tanah Gewijzigde

Grondkaart Pasca Nasionalisasi membahas sejarah dan dinamika hukum pertanahan aset PT Kereta Api Indonesia Persero. Buku ini mengevaluasi kebijakan nasionalisasi tanah, membahas asas hukum agraria, sistem pendaftaran tanah, serta solusi penyelesaian hukum terkait tanah. *Gewijzigde Grondkaart* Dengan pendekatan teoretis dan praktis, buku ini menjadi referensi penting bagi akademisi, praktisi, dan pengambil kebijakan dalam memahami pengaturan aset strategis tersebut.

Konstitusionalisme tanah hak milik di atas tanah hak pengelolaan Dr. H. Idham, S.H., M.Kn., 2021-11-29

Konstruksi format penyelesaian untuk mengatasi berbagai kendala sebagaimana yang dibentangkan dalam judul buku ini. Konstitusionalisme Tanah Hak Milik di Atas Tanah Hak Pengelolaan sudah seharusnya Negara dan atau Pemerintah dan semua pihak lain yang terkait untuk melaksanakan secara ikhlas lahir batin dengan sepuluh tindakan konkrit. Konstitusionalisme ten concrete acts of constitutionalism yaitu dengan menegajawantahkan Empat pilar konstruksi konstitusionalisme Tiga modal dasar Dua strategi dan Satu tujuan utama yang prioritas Empat pilar sebagai konstruksi konstitusionalisme itu adalah pondasi yang bersifat paradigmatis yang terdiri dari pertanggungjawaban terhadap makna kemerdekaan bangsa dan Negara Indonesia 17 Agustus 1945 pertanggungjawaban nilai nilai Pancasila 1 Juni 1945 yaitu sebagai Dasar Negara pandangan hidup bangsa dan jiwa kepribadian bangsa dan Negara Indonesia pertanggungjawaban atas amanat Konstitusi Negara Undang Undang Dasar Negara Republik Indonesia Tahun 1945 yaitu untuk meneguhkan paham kedaulatan rakyat dan pertanggung jawaban atas amanat untuk meneguhkan paham Negara hukum vide Pasal 1 ayat 3 Undang Undang Dasar Negara Republik Indonesia Tahun 1945 yang menegaskan bahwa Indonesia adalah Negara hukum. Tiga pilar modal dasar tersebut terdiri dari Amanat Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia TAP MPR RI Nomor IX MPR 2001 tentang Pembaruan Agraria dan Pengelolaan Sumber Daya Alam Meneguhkan Paham kedaulatan rakyat yang demokratis dan Meneguhkan Paham Demokratisasi Perekonomian Nasional. Dua strategi yaitu Menerapkan grand theory teori kebahagiaan utilitarianisme oleh Jeremy Bentham middle theory teori hukum positif oleh John Austin dan didukung teori hukum John Locke dan applied theory teori hukum Phillippe Nonet Philip Selznick teori hukum responsif dan Menerapkan amanat politik Hukum Agraria Pertanahan Nasional. Sedangkan satu adalah merupakan satu tujuan utama yang prioritas the one main priority goal yaitu untuk mewujudkan bangsa dan Negara Indonesia yang adil makmur berkeadilan sosial bersatu berdaulat bermatabat sebagai Negara yang berkesejahteraan rakyat welfare state baik itu secara lahir maupun batin sebagaimana yang telah diamanatkan di dalam alinea keempat Pembukaan Preamble Undang Undang Dasar Negara Republik Indonesia Tahun 1945.

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