

ABSTRACT

PENGATURAN HUKUM PELEPASAN TANAH ULAYAT UNTUK PROYEK STRATEGIS NASIONAL MIGAS TELUK BINTUNI

xi + 138 pages; 4 figures; 1 attachment

The research examines is to know Legal Arrangements for The Release of Customary Right for Oil and Gas National Strategic Project in Teluk Bintuni. The land has a very important meaning and role necessary for human life, as everybody requires land during its life until they are passing away, especially in the agricultural in nature Country. Apart from being a legal relationship, in customary law the importance of human relations with their land is a cosmic-magical-religious relationship. This relationship is not between individuals and land, but also between a group of community members, a customary law association (rechtsgemeenschap) in relation to customary rights.

Based on the research, it is known that the issue behind the release of customary land rights in Kabupaten Teluk Bintuni was caused by the factor of the release of customary land rights of the Sumuri community, who were relocated by the Kontraktor Kontrak Kerja Sama (KKKS) BP Tangguh from Tanah Merah village during the period 1999 - 2009, and there was no legal basis that regulated the release of customary land rights for Oil and Gas National Strategic Project in Teluk Bintuni. The Local Government of Kabupaten Teluk Bintuni is trying to resolve the dispute of the release of customary land rights with litigation through the issuance of the Peraturan Bupati Teluk Bintuni No. 15 Tahun 2023 tentang Tanah Ulayat Masyarakat Hukum Adat dan Pemanfaatan Untuk Pembangunan di Kabupaten Teluk Bintuni, and through a non-litigation, by deliberation to obtain agreement on the demands of the Sumuri indigenous people. From this research, there are obstacles/obstacles faced in completing the release of customary land rights in Kabupaten Teluk Bintuni which are caused by two (2) factors, there are internal factor related to past experiences of releasing customary land rights which are felt to be unfair and not pro to sustainability life of the Sumuri tribal community, and the external factors are the existence of third parties, or outside parties or parties who have an interest in the release of customary land rights. There needs to be harmonization between the Central Government, Provincial Government, Regional Government and customary law communities regarding the existence and legal position of customary rights by increasing legal education in the land sector, especially those related to customary land.

Keywords: land dispute, customary land rights, harmonization.

References: 37 References (1999 - 2023)