

INTISARI

Penelitian ini bertujuan untuk mengetahui pelaksanaan perjanjian kerja sama dengan pola PIR antara petani plasma jamur dengan PT Banjarnegara Agung tersebut, Apakah hak-hak dan kewajiban masing-masing pihak telah diatur secara adil, dan untuk mengetahui apakah ada hambatan-hambatan yang ditemui dalam melaksanakan isi perjanjian tersebut.

Penelitian diadakan untuk mendapatkan data sekunder dan data primer, data sekunder diperoleh melalui penelitian kepustakaan dengan menggunakan alat studi dokumen, sedangkan data primer diperoleh dengan menggunakan alat kuesioner dan wawancara, dan penelitian ini dilakukan di PT Banjarnegara Agung dan Pengadilan Negeri Banjarnegara.

Hasil penelitian menunjukkan bahwa dalam pelaksanaan perjanjian tersebut hak-hak dan kewajiban masing-masing pihak belum diatur secara adil oleh karena belum dapat dipenuhinya hak-hak para petani plasma yang tidak ada ruang gerak sedikitpun bagi para petani untuk ikut menentukan isi perjanjian tersebut. Sedangkan hambatan-hambatan yang ditemui dalam pelaksanaan perjanjian tersebut adalah ; latar belakang pendidikan petani yang rendah, kurang transparansinya perusahaan dalam perhitungan pembagian keuntungan, kondisi alam yang sangat dingin, dan perjanjian dibuat dengan kontrak baku yang dibuat dan ditentukan secara sepihak oleh perusahaan, hal ini menyebabkan para petani plasma hanya menerima apa adanya isi perjanjian tersebut, jadi untuk disarankan agar supaya kepentingan masyarakat luas terutama pihak ekonomi lemah dapat terlindungi, maka sudah selayaknya perjanjian baku diberi rambu-rambu, dengan diatur melalui Undang-Undang, Peraturan Pemerintah, atau setidaknya diawasi.

Kata kunci: *Penguasaan Tanah Yang Berbatasan Dengan Pantai, Badan Hukum*

ABSTRACT

The authorizing of seashore-adjacent lands by corporate bodies -- generally with purpose of industrial and hotel investment activities -- has been going on through local governments' and other related institutions' licences.

This research is aimed at to detect the legal background of authorizing as well as acquisition of the right to use seashore-adjacent lands for corporate bodies with purpose of investment activities, as well as to see local government policy regarding the authorizing of seashore-adjacent lands and the impact caused.

For the objectives, Serang Regency is chosen as the research site. Pulo Ampel (former name was Bojonegara) Sub-district is chosen as group sample of authorizing of seashore-adjacent lands for industrial investments with consideration that in the region there exists seashore-adjacent lands for industrial establishment. While Anyer Sub-district is chosen for hotel investments with similar consideration that there exists seashore-adjacent lands with hotels. Henceforth, two members of community were determined to be the respondents. Both respondents were interviewed using questionnaires. Aside from that, a number of resource persons were also interviewed, and -- using documentary studies -- secondary data was also assembled. The collected data are analyzed using qualitative method.

The out come could propose are, firstly the legal background of authorizing of seashore-adjacent lands by corporate bodies is the Right of Scaffolding Use (Hak Guna Bangunan) which were gained through decision of licensing HGB by appointed official and local government clearance in conformity with valid stipulation. Secondly, a policy in conformity with Memorandum of Joint Agreement between Minister of Internal Affairs and Minister of Transportation (SKB Mendagri & Menhub No.01.Km.31/AL-0101/PHB-86) and PP No.70/1996 which later replaced with PP No.69/2001 regarding Harbor Affairs regulating reclamation-result hinterland in the harbor area which gives the Right of Management (Hak Pengelolaan) to PT (Persero) Pelindo. In the era of local autonomy, the local government has issued Serang Regency Local Regulation Perda Kab.Serang No.5/2001 regarding the authorizing of seashore-adjacent lands by corporate bodies regulating the management of coastal zone by local government, by which the Right of Management could be issued on behalf of local government. It means that there has been two different policies that may cause legal uncertainty which may hinder investment activities. Thirdly, local government policy regarding the authorizing seashore-adjacent lands has been accommodating investment activities by investors, but at the other hand, the authorizing of the lands by the corporate bodies gives impacts that abridging people's right towards the obtaining and utilizing the seashore-adjacent lands.

Key Words: *The authorizing of seashore-adjacent lands, Corporate bodies*