

INTISARI

Penelitian ini mengkaji hak kepemilikan tanah masyarakat adat melalui perspektif filsafat hukum Ronald Dworkin, khususnya teori *law as integrity*. Latar belakang kajian ini bertolak dari ketimpangan antara legalitas formal negara yang positivistik dan realitas masyarakat adat yang historis, komunal, dan identik dengan nilai-nilai moral. Pendekatan Dworkin menawarkan kerangka interpretatif yang memandang hukum bukan sekadar teks normatif, tetapi juga refleksi integritas moral dan keadilan substantif. Sehingga, penelitian ini menguraikan pertanyaan penelitian: *pertama*, tentang bagaimana legalitas hak kepemilikan tanah masyarakat adat dan problematika yang menyertainya. *Kedua*, tentang bagaimana legalitas hak kepemilikan tanah masyarakat adat ditinjau dari konsep hukum sebagai integritas Ronald Dworkin.

Penelitian ini merupakan penelitian Pustaka, dengan permasalahan aktual sebagai objek kajian penelitian. Model penelitian yang digunakan adalah kualitatif filsafat yang bersifat sistematis dan reflektif. Tahapannya meliputi persiapan, inventarisasi, klasifikasi, reduksi, dan evaluasi kritis. Adapun unsur-unsur metodis yang digunakan yakni: deskripsi, interpretasi, heuristika, dan refleksi kritis.

Hasil penelitian menunjukkan bahwa: *pertama*, legalitas hak kepemilikan tanah masyarakat adat merupakan bentuk hak ulayat yang ada berdasarkan sosio-historis dan kultural. Problematika atas hak kepemilikan tanah masyarakat adat terletak pada ketidaksesuaian antara hukum positif dan hukum adat yang tidak tertulis, sehingga masyarakat adat kerap memperoleh ketidakadilan akibat tidak mempunyai bukti kepemilikan secara formal. *Kedua*, problematika legalitas hak kepemilikan tanah masyarakat adat yang dianalisis melalui konsep hukum sebagai integritas, mengacu pada putusan hakim yang masih terjebak dengan hukum yang sangat mekanis. Hakim seharusnya tidak sekedar berpaku pada legalitas formal dalam mengambil keputusan.

Kata Kunci: Masyarakat Adat, Hak Ulayat, Filsafat Hukum, Ronald Dworkin.

ABSTRACT

This research examines the land ownership rights of indigenous communities through the lens of Ronald Dworkin's legal philosophy, particularly his theory of law as integrity. The background of this study stems from the disparity between the state's formal positivistic legality and the historical, communal, and morally-rooted realities of indigenous peoples. Dworkin's approach offers an interpretive framework that views law not merely as normative text but also as a reflection of moral integrity and substantive justice. Accordingly, this research outlines the following research questions: first, about what is the nature of indigenous land ownership rights, and what are the issues associated with them. Second, about how can the problems surrounding indigenous land ownership rights be analyzed through Ronald Dworkin's concept of law as integrity.

This is a library-based (literature) research project, using actual legal issues as its object of study. The research model employed is qualitative philosophical inquiry, which is systematic and reflective. The stages include preparation, inventory, classification, reduction, and critical evaluation. The methodological elements used are: description, interpretation, heuristics, and critical reflection.

The findings of the research indicate that, first, the form of land ownership rights for indigenous communities is ulayat rights, which are grounded in socio-historical and cultural foundations. The problems related to these rights stem from the mismatch between written positive law and unwritten customary law, resulting in indigenous communities often experiencing injustice due to the lack of formal ownership documentation. Second, the analysis of indigenous land rights issues through the concept of law as integrity highlights that judges are still often confined by a mechanical application of the law. Judges should not rely solely on formal legality in rendering decisions.

Keywords: *Indigenous Peoples, Ulayat Rights, Philosophy of Law, Ronald Dworkin.*