



## **POLITIK HUKUM PENGELOLAAN LAHAN GAMBUT DI INDONESIA**

### **INTISARI**

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Penelitian ini dilakukan dengan tujuan untuk mengetahui dan mengkaji politik hukum perbandingan pengelolaan lahan gambut masa sebelum dan sesudah peleburan Kementerian Lingkungan Hidup dan Kehutanan, konsep pengelolaan gambut oleh BRG serta tinjauan kritis terhadap peraturan terkait pengelolaan lahan gambut.

Penelitian ini bersifat normatif dengan pendekatan perundang-undangan, pendekatan sejarah dan pendekatan konseptual. Data dikumpulkan melalui penelitian kepustakaan guna memperoleh data sekunder dan wawancara terhadap narasumber sebagai pendukung. Selanjutnya data yang terkumpul dianalisis dengan analisis data deskriptif kualitatif.

Kesimpulan dari penelitian ini adalah bahwa politik hukum sebelum meleburnya KLHK sangat bervariasi. Namun demikian, munculnya PP 71/2014 sebelum KLHK melebur adalah penanda bahwa politik hukum pengelolaan lahan gambut sudah mengarah kepada pembangunan berkelanjutan, namun dengan catatan paksaan pemerintah tidak begitu ketat. Setelah peleburan KLHK, politik hukum pengelolaan lahan gambut lebih diperkuat lagi kepada perlindungan dengan munculnya PP 57/2016 beserta beberapa Permen LHK. Konsep pengelolaan lahan gambut oleh BRG adalah pengendalian eksternal. Tinjauan kritis terhadap peraturan terkait pengelolaan lahan gambut ialah terdapat temuan-temuan inkonsistensi PP Gambut terhadap UU 32/2009. Inkonsistensi tersebut meliputi aspek: 1) Perencanaan; 2) Pengendalian; 3) Pemeliharaan; dan (4) Sanksi Administratif. Selain itu penulis juga menyoroti Pasal 4 ayat (2) Perpres No. 1/2016 tentang Badan Restorasi Gambut. Menurut penulis pasal ini merupakan pasal yang bersifat *dode regel* - peraturannya eksis namun tidak dapat dilaksanakan.

**Kata Kunci:** Politik hukum, Pengelolaan lahan gambut, Kebijakan gambut.

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## ***THE POLITIC OF LAW ON PEATLAND MANAGEMENT IN INDONESIA***

### ***ABSTRACT***

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*This research was conducted with the aim of knowing and reviewing the comparative politic of law on peatland management prior to and after the smelting of the Ministry of Environment and Forestry, the concept of peat management by Peatland Restoration Agency and critical reviews of regulations related to peatland management.*

*This research is normative with the approach of legislation, historical approach, and conceptual approach. Data were collected through library research to obtain secondary data and interviews with resource persons as supporters. Further data collected were analyzed by qualitative descriptive data analysis.*

*The conclusion of this research is that politic of law prior to melting Ministry of Environment and Forestry vary greatly. However, the emergence of Government Regulation No. 71/2014 before the Ministry of Environment and Forestry merged is a marker that the legal policy of peatland management has led to the sustainable development, but with the notes of government, coercion is not so tight. After Ministry of Environment and Forestry smelting, the politics of law on peatland management is further strengthened to the protection with the advent of Government Regulation No. 57/2016 along with some Ministry of Environment and Forestry Regulations. The concept of peatland management by Peatland Restoration Agency is external control. A critical review of regulations related to peatland management is the findings of the inconsistency of PP Peat against Law 32/2009. Inconsistencies include aspects: 1) Planning; 2) Control; 3) Maintenance; and (4) Administrative Sanctions. In addition, the author also highlighted Article 4 paragraph (2) of Presidential Regulation no. 1/2016 on the Peat Restoration Agency. According to the author of this article is a section that is *dode regel* - the rules exist but can not be executed.*

***Keywords:*** *Politic of law, Peatland management, Peat policy*

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