

## **INTISARI**

### **UPAYA PENYELESAIAN KONFLIK TUMPANG TINDIH HAK GUNA USAHA DENGAN HAK GARAPAN MASYARAKAT**

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Tujuan penelitian ini untuk menganalisis dan menyimpulkan konflik tumpang tindih Hak Guna Usaha (HGU) dengan Hak Garapan Masyarakat agar memperoleh gambaran tentang konflik untuk mengetahui akar permasalahan, dan upaya penyelesaiannya.

Penelitian ini merupakan jenis penelitian yuridis empiris. Lokasi penelitian di Desa Kampung Baru, Kecamatan Kubu, Provinsi Kalimantan Barat. Responden penelitian yaitu Ketua Kelompok Tani Darat Jaya, Kepala Desa Kampung Baru, Pusat Bantuan Hukum Kalimantan. Narasumber penelitian yaitu Kasubsi Pengukuran dan Pemetaan Tematik Kantor Badan Pertanahan Kabupaten Kubu Raya, Kasi Pengukuran dan Pemetaan Kadastral Kantor Badan Pertanahan Nasional Provinsi Kalimantan Barat.

Hasil penelitian konflik tumpang tindih HGU PT. Rezeki Kencana dengan Hak Garapan Masyarakat yang tergabung dalam Kelompok Tani Darat Jaya, menunjukkan bahwa sebagian tanah pertanian masyarakat tidak dapat dibuktikan adanya tanda bukti Hak Atas Tanah berupa Sertifikat Hak Milik di Kantor Pertanahan. Akar permasalahan konflik tumpang tindih tanah tersebut yaitu proses awal penerbitan Hak Guna Usaha dilakukan tanpa sepengetahuan masyarakat yang telah menguasai tanah pertanian tersebut, adanya tindakan merusak pertanian dan melaporkan masyarakat ke polisi oleh PT. Rezeki Kencana. Upaya penyelesaian telah dilakukan musyawarah hasilnya sepakat untuk ditindaklanjuti ke tahap mediasi oleh Pemerintah Kabupaten Kubu Raya, namun masing-masing pihak masih mempertahankan haknya sehingga konflik tersebut belum dapat diselesaikan, maka upaya selanjutnya dapat dilakukan penanganan penyelesaian konflik tanah melalui pengadilan.

**Kata Kunci : Hak Guna Usaha, Hak Garapan, dan Konflik Tumpang Tindih**

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## **ABSTRACT**

### **SETTLEMENT EFFORTS OF OVERLAPPING CONFLICT BETWEEN CULTIVATION RIGHTS TITLE AND COMMUNITY LAND RIGHTS**

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The purpose of this study is to analyse and conclude the overlapping conflict of Cultivation Rights Title with Community Land Rights, so that obtain an overview of the conflict to know the root cause of the problem could be found, and its resolution efforts.

This research is an empirical type of juridical research. The research is located in Kampung Baru Village, Kubu District, West Kalimantan Province. The research respondents were the Chairperson of the Jaya Land Farmers Group, Kampung Baru Village Head, Kalimantan Legal Aid Center. The sources of the research were Kasubsi Measurement and Thematic Mapping of the Office of the Land Agency of Kubu Raya Regency, as well as the Head of Measurement and Cadastral Mapping of the Office of the National Land Agency of West Kalimantan Province.

The results of the study of overlapping conflict in Cultivation Rights Title of PT. Rezeki Kencana with Community Land Rights who are members of Kelompok Tani Darat Jaya, shows that part of the community's agricultural land, the certificate cannot be verified at the Land Office. The root cause of the problem of land overlapping conflicts is that the initial process of the issuance of Cultivation Rights Title by PT Rezeki Kencana was carried out without the knowledge of the people who had the right to the agricultural land. In addition, another root cause of this problem is also the act of agricultural destruction which led to the action of reporting to the farmers to the police by PT. Rezeki Kencana. Settlement efforts have been made with deliberation and agreed to be followed up by mediation by the Government of Kubu Raya Regency. However, each party retains its rights so that the conflict cannot be resolved. Thus, further efforts can be made to handle address the resolution of land conflicts through the courts.

**Keyword :** Cultivation Rights Title, Community Land Rights, Overlapping Conflicts