

INTISARI

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Penelitian ini bertujuan untuk mendeskripsikan dan menganalisis keberadaan hukum dalam masyarakat berupa sistem komunalisasi dan distribusi pemanfaatan tanah *pekulen* yang dilaksanakan oleh masyarakat di desa-desa di Kecamatan Pituruh. Rumusan permasalahan dalam disertasi ini terdiri: (1) Bagaimana perkembangan sistem komunalisasi dan distribusi pemanfaatan tanah *pekulen* di Kecamatan Pituruh Kabupaten Purworejo Jawa Tengah?; (2) Apakah faktor-faktor yang mendorong keberadaan sistem komunalisasi dan distribusi pemanfaatan tanah *pekulen* pada saat ini?; dan (3) Bagaimana konsep ideal pengaturan sistem komunalisasi dan distribusi pemanfaatan tanah *pekulen* di Kecamatan Pituruh Kabupaten Purworejo Provinsi Jawa Tengah di masa mendatang?

Berdasarkan jenis penelitiannya, penelitian ini termasuk dalam penelitian yuridis empiris. Pengumpulan data primer dilakukan melalui wawancara dan observasi sedangkan data sekunder diperoleh melalui study kepustakaan dan cyber media. Pendekatan yang digunakan menggunakan gabungan antara *ideological*, *discriptive*, dan *trouble-case method*. Analisis data dilakukan secara kualitatif mulai dari pengumpulan, reduksi, penyajian, verifikasi data sampai penarikan kesimpulan.

Berdasarkan hasil penelitian diketahui bahwa: *pertama*, sistem komunalisasi dan distribusi pemanfaatan tanah *pekulen* di desa-desa di Kecamatan Pituruh menunjukkan adanya perkembangan yang meliputi pertumbuhan dan perubahan. Pertumbuhan ditunjukkan dengan bertambahnya jumlah subjek dan objek, serta meningkatnya kapasitas kelembagaan dengan dibentuknya Panitia Tanah *Buruhan*. Adapun perubahan terlihat pada latar belakang, fungsi atau metode, orientasi tujuan, serta norma kegiatan. *Kedua*, keberadaan system tersebut pada saat ini dipengaruhi oleh berbagai faktor diantaranya: politik, ekonomi, sosial, dan budaya dimana semuanya memperkuat keberadaan norma hukum yang ada. *Ketiga*, konsep pengaturan ideal menggambarkan kedudukan hukum sebagai *ius constituendum* yang menjadi cita hukum masyarakat. Hukum dalam masyarakat ada dan memiliki arti penting baik bagi perlindungan dan pengaturan di dalam masyarakat sendiri serta secara substansial tidak bertentangan dengan perundang-undangan. Pengembangan hukum dalam masyarakat (*the living law*) dilakukan dengan memanfaatkan bentuk pengaturan yang dikenal oleh masyarakat yaitu *pologoro* serta substansi pengaturannya untuk menghasilkan hukum yang responsif melalui pengembangan prinsip-prinsip hukumnya sebagaimana konsep prisma hukum.

Kata Kunci: Hukum dalam masyarakat, *the living law*, komunalisasi tanah, distribusi tanah, tanah *pekulen*.

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ABSTRACT

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This study aims to describe and analyze the existence of law in society in the form of a system of communalization and distribution of pekulen land use by the community in villages in Pituruh Subdistrict. The formulation of the problems in this dissertation consists of: (1) How is the development of the communalization system and the distribution of pekulen land use in Pituruh Subdistrict, Purworejo Regency, Central Java?; (2) What are the driving factors for the existence of the communalization system and the distribution of pekulen land use?; and (3) What is the ideal concept of regulating the communalization system and the distribution of pekulen land use in Pituruh Subdistrict, Purworejo Regency, Central Java Province in the future?

Based on the type of research, this research is included in empirical legal research. Primary data collection was carried out through interviews and observations, while secondary data was obtained through literature study and cyber media. The approach used uses a combination of ideological, descriptive, and trouble-case methods. Data analysis was carried out qualitatively starting from collection, reduction, presentation, data verification to drawing conclusions.

*Based on the results of the study, its known that: first, the communalization system and distribution of pekulen land use in the villages in Pituruh Subdistrict show that there are developments that include growth and change. Growth was indicated by the increase in the number of subjects and objects, as well as the increase in institutional capacity with the formation of the Buruhan Land Committee. The changes are seen in the background, function or method, goal orientation, and activity norms. Second, the existence of communalization norms and distribution of pekulen land use at this time is influenced by various factors including: political, economic, social, and cultural, all of which strengthen the existence of the norms. Third, the concept of ideal regulation describes the legal position as an *ius constituendum* which becomes the legal ideal of society. Law in society exists and has an important meaning both for protection and regulation within the community itself and does not substantially conflict with laws. The development of law in society (the living law) is carried out by utilizing a form of regulation known to the public, namely *pologoro* and the substance of its regulation to produce responsive law through the development of legal principles as well as the prismatic concept of law.*

Keywords: Law in society, the living law, land communalization, land distribution, pekulen land.

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