

**KEDUDUKAN MASYARAKAT HUKUM ADAT DAYAK KANAYATN  
BESERTA HAK ATAS TANAH ADATNYA PASCA PENETAPAN SURAT  
KEPUTUSAN MENTERI LINGKUNGAN HIDUP DAN KEHUTANAN  
NOMOR SK.656/MENLHK/SETJEN/PLA.0/8/2016  
DI KABUPATEN LANDAK KALIMANTAN BARAT**

Oleh

Raden Dipo Prawira,<sup>1</sup> Rimawati<sup>2</sup>

**Intisari**

Penelitian ini bertujuan untuk mengkaji dan menganalisis konsekuensi hukum terhadap kedudukan MHA Dayak Kanayatn pasca ditetapkannya surat keputusan Kementerian Lingkungan Hidup dan Kehutanan nomor SK.656/MenLHK/Setjen/PLA.0/8/2016 serta perlindungan hukum bagi MHA Dayak Kanayatn yang hak atas tanah adatnya perlahan menghilang sejak SK.656/MenLHK/Setjen/PLA.0/8/2016 ditetapkan.

Penelitian hukum ini menggunakan jenis penelitian hukum yuridis empiris (*emprical legal research*), penelitian ini bersifat deskriptif yang bertitik tolak dari data primer yang didapatkan langsung dari masyarakat yang bersangkutan. Teknik pengambilan sampel dilakukan dengan *non random sampling*. Subjek penelitian ditentukan dengan cara *purposive sampling*. Adapun subjek penelitian ini terdiri atas Timanggung binua Adat MHA Dayak Kanayatn, Anggota MHA Dayak Kanayatn, dan kepala Dusun Kopiang.

Hasil dari penelitian menunjukkan Konsekuensi hukum kedudukan masyarakat hukum adat Dayak Kanayatn pasca ditetapkannya Surat Keputusan Kementerian Lingkungan Hidup dan Kehutanan nomor SK.656/MenLHK/Setjen/PLA.0/8/2016 di Kabupaten Landak Kalimantan Barat yaitu MHA Dayak Kanayatn tidak memiliki hak terkait pengelolaan serta pemanfaatan hak atas tanah adatnya di dalam Kawasan hutan tersebut. Karena secara yuridis kedudukan MHA Dayak Kanayatn dianggap tidak jelas. MHA Dayak Kanayatn juga belum mendapatkan Perlindungan hukum terhadap hak atas tanah adat yang dimiliki dan dikuasai secara turun-temurun pasca ditetapkannya surat keputusan Kementerian Lingkungan Hidup dan Kehutanan nomor SK.656/MenLHK/Setjen/PLA.0/8/2016 di Kabupaten Landak Kalimantan Barat. Hal tersebut disebabkan karena belum ada perda yang mengatur secara eksplisit terkait hak ulayat MHA Dayak Kanayatn di wilayah tersebut.

**Kata Kunci:** Pemerintah, pengaturan, masyarakat hukum adat, tanah adat dan hutan adat

---

<sup>1</sup> Jalan Kalimantan, Sleman, Yogyakarta.

<sup>2</sup> Fakultas Hukum, Universitas Gadjah Mada Yogyakarta

POSITION OF DAYAK KANAYATN INDIGENOUS LAW COMMUNITY  
ALONG WITH THEIR RIGHTS TO TRADITIONAL LAND POST DECISION  
LETTER OF THE MINISTER OF ENVIRONMENT AND  
FORESTRY NUMBERSK.656/MENLHK/SETJEN/PLA.0/8/2016  
IN LANDAK WEST KALIMANRAT DISTRICT

By

Raden Dipo Prawira<sup>3</sup>, Rimawati<sup>4</sup>

**ABSTRACT**

This study aims to examine and analyze the legal consequences of the position of MHA Dayak Kanayatn after the issuance of the Decree of the Ministry of Environment and Forestry number SK.656/MenLHK/Setjen/PLA.0/8/2016 as well as legal protection for MHA Dayak Kanaytn with land rights. The custom has slowly disappeared since SK.656/MenLHK/Setjen/PLA.0/8/2016 was enacted.

This legal research uses a type of empirical legal research (empirical legal research), this research is descriptive in nature, starting from primary data obtained directly from the community concerned. The sampling technique was done by non-random sampling. Research subjects were determined by purposive sampling. The subjects of this study consisted of Timanggung binua Adat MHA Dayak Kanaytn, members of MHA Dayak Kanayatn, and the head of Dusun Kopingang..

The results of the study show that the legal consequences of the position of the Dayak Kanayatn customary law community after the issuance of the Decree of the Ministry of Environment and Forestry number SK.656/MenLHK/Setjen/PLA.0/8/2016 in Landak Regency, West Kalimantan, namely MHA Dayak Kanayatn have no related rights. management and utilization of their customary land rights within the forest area. Because juridically the position of MHA Dayak Kanayatn is considered unclear. MHA Dayak Kanayatn also has not received legal protection for customary land rights that have been owned and controlled for generations after the issuance of the Decree of the Ministry of Environment and Forestry number SK.656/MenLHK/Setjen/PLA.0/8/2016 in Landak Regency, Kalimantan. West. This is because there is no local regulation that explicitly regulates the customary rights of MHA Dayak Kanayatn in the area.

**Keyword:** Government, regulation, indigenous peoples, customary land and customary forest

---

<sup>3</sup> Student at Master of Notary, Faculty of Law at Gadjah Mada University

<sup>2</sup> Lecture at Master of Notary, Faculty of Law at Gadjah Mada University