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Juridical Review of Land Tenure Dispute Between PTPN.VIII GoalPara Plantation and the Community of Margaluyu Village Sukaraja Sukabumi District

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Abstract: A conflict involving two or more parties claiming ownership rights to a property is known as a land ownership dispute. Land ownership conflicts, both vertical and horizontal, especially involving Dutch plantation properties, remain unresolved. The purpose of this study is to find out the process of land ownership by the community over the Business Use Rights (HGU) owned by the Goalpara Farm of PT Perkebunan Nusantara VIII, as well as the reasons behind land ownership and efforts to resolve conflicts that may arise. This research was conducted at Taman Goalpara PT Perkebunan Nusantara VIII in Sukaraja, Sukabumi Regency. The normative juridical approach is the methodology used, in which experience produces truth and offers a framework of proof to guarantee the validity of facts. The information used in this study includes, The method used is the Quantitative method, which is to collect data in an organized manner in accordance with the research conducted. Seen from the perspective of the Court Decision. PT. Perkebunan Nusantara VIII has filed a lawsuit with the Jakarta State Administrative Court. Judging from the National Land Law.

Keyword: Business Use Rights, Plantation Land Disputes, Land Tenure, Verponding.

INTRODUCTION

Land is a very valuable asset and is valued by people, both in cities and towns. Apart from serving as a place to live, land is also a source of life. In other words, human life depends on the land; we are born, grow, and eventually return to the land. The relationship between humans and land is very close. Although the amount of land that can be controlled by humans is limited, the need for land for shelter continues to increase. In addition, progress and development in the economic, socio-cultural and technological fields require the availability of a sufficient amount of land for various purposes, such as the construction of roads, offices, factories and residences.

There is no balance between the amount of land available and the amount of land needed, causing various problems including land disputes. So important is the nature of land for

human life, that conflicts/differences of interest often arise between landowners and the actions of other people in society regarding land issues, which often bring problems that are difficult to resolve. In this case it has been stated by R.E Kertasapoetra and friends that land issues that can become conflicts include:

1. Encroachment on land owned or used as business land.
2. A lawsuit by another party over the land on which the business is based.
3. Unauthorized expropriation of property because the landowner is involved in an unsettled debt (Kertasapoetra, R.E et.al 1984).

Land problems caused by unclear land status are in addition to the problems previously discussed. According to the Basic Agrarian Law, all landowners in Indonesia should receive a certificate of land rights from the government in accordance with the applicable law, and who owns land rights, as well as their location, boundaries, extent, etc., will depend on the legal certainty of those rights, especially with regard to land ownership and control.

Conflicts related to land issues, both horizontal and vertical between communities and State-Owned Enterprises (SOEs), continue. These disputes involve various parties, including communities, government and land managers. As a result, radical and anarchic actions, such as crop destruction and forced land occupation by the community, often occur. Resolving these conflicts is rarely done through legal channels, due to technical and social factors. For various reasons, including the inability of landowners to fulfill their contribution obligations, some parties deliberately encourage communities to occupy or even seize other people's land.

This dispute involves the people of Margaluyu Village and PTPN VIII Goalpara Plantation, which currently controls the land with the status of Cultivation Rights Title (HGU). The status of HGU land ownership by Goalpara Plantation ended in 1996, after previously on October 9, 1979 a certificate of HGU Selaawi/Cinerus covering an area of 46,400 Ha was issued. In 1994, PT Perkebunan XII applied for an extension of the HGU, including the Selaawi I/Cinerus certificate.

Along with the HGU extension process that took place in 2000, the Forum Komunikasi Aksi Reformasi (FKAR) Sukabumi claimed that the 46.4 hectares of land in the Cinerus block was previously cultivated land owned by 108 people. However, in reality, most of the tenants listed in FKAR's lawsuit were not tenants in the block. The community actually does not dispute the ownership of HGU land by PT Perkebunan Nusantara VIII Goalpara Plantation, but there are other parties who provoke the community to plunder the HGU land of Goalpara Plantation on the grounds that the company does not contribute to the surrounding community. Based on this background, the author is interested in reviewing and compiling the results of this research in a scientific work for international publication with the title: JURIDICAL REVIEW OF LAND TENURE DISPUTE BETWEEN PTPN.VIII GOALPARA PLANTATION AND THE COMMUNITY OF MARGALUYU VILLAGE SUKARAJA SUKABUMI DISTRICT.

METHOD

The writing method used is as follows:

1. This research method is Normative Juridical, which means that this research is carried out based on statutory regulations. (Law in book) where the research refers to laws and regulations in accordance with the research, legal standards, and literature review. To conduct a literature study, various books and regulations are used to be collected, reviewed and analyzed.
2. Quantitative method is to collect data in an organized manner that is in accordance with the research being conducted.

RESULTS AND DISCUSSION

LAND TENURE PROCESS OF HAK GUNA USAHA (HGU)

Legal Basis of HGU Land Tenure Goalpara Garden PT.Perkebunan Nusantara VIII

Goalpara Farm was managed by Cultuur Maatshappij NIL.MIJ Tiedeman Van Kerchem under Dutch rule from 1908 to 1941. However, from 1942 to 1945, the land was under Japanese control. After Indonesia's independence, the management of Goalpara Farm was handed over to the Indonesian government until the Dutch military aggression in 1948. Since its nationalization in 1958, Goalpara Farm became one of the farms managed by the State Plantation Company (PPN), headquartered at Jalan Cikapundung Barat No.1, Bandung. In 1968, PPN changed its name to Aneka Tanaman (Antan) and later changed again to PT Perkebunan XII. In May 1994, PT Perkebunan XI, XII and XIII were merged into PT Perkebunan Nusantara Group West Java. Furthermore, in May 1996, Goalpara Estate was administratively divided between two districts, namely Cianjur Regency and Sukabumi Regency.

For Cianjur Regency, the land is located in Gekbrong Village, Warungkondang Sub-district, as well as Hegarmanah Village, Bungbangsari Village, and Sindangresmi Village in Takokak Sub-district. For Sukabumi District, it consists of Sukalarang Village, Sukamaju Village, Langensari Village, Margaluyu Village, Cisarua Village and Sukamekar Village in Sukaraja Sub-district, Sudajaya Girang Village and Karawang Village in Sukabumi Sub-district, Undrusbinangun Village and Cipetir Village in Kadudampit Sub-district, Kertaangsana Village, Nyalindung Village and Cisitu Village in Nyalindung Sub-district, Ciengang Village in Gegerbitung Sub-district. Goalpara Plantation PTPN.VIII is a Dutch company that has been nationalized under :

- Law No.86 of 1958 concerning the Nationalization of Dutch-owned Companies (State Gazette No.162 of 1958).
- Government Regulation No.2 of 1959 concerning the Principles of Implementation of the Dutch Company Nationalization Act (State Gazette No.5 of 1959)
- Government Regulation No.19 of 1959 concerning the determination of Dutch-owned agricultural / plantation companies subject to nationalization (State Sheet No.31 of 1959). Then the management rights of Goalpara Farm were granted through the Minister of Home Affairs Decree (SK HGU) Number: 24/HGU/DA/1988 and SK HGU Number 12/HGU/DA/1971.

Land Tenure of PTPN.VIII Goalpara Plantation HGU by the Community of Margaluyu Sukaraja Village, Sukabumi Regency

Based on the Nationalization Law Number 86 of 1958 and Government Regulation Number 19 of 1959 State Plantation Company XII (PNP XII) as one of the recipient companies (container) objects of nationalization of foreign-owned companies including NV Cult Mij Goalpara and NV Cult Perbawati which are included under the management of Goalpara Plantation, Ciarua Village, Sukaraja Subdistrict, Sukabumi Regency which is one of the assets of NV Cult Mij Goalpara affected by nationalization is Cinerus Verponding 78 parcel land covering an area of 65 hectares, because of the vast plantation area so that it cannot be managed optimally by Goalpara Plantation, especially verp.78 is given to the surrounding community who do not have land to cultivate.

Since 1948 some of the Cinerus Verp 78 parcel area of Lemah Duhur block has been cultivated by the community, but in 1965 it was closed and left more or less for one year, then in 1967 until 1968 the land was cultivated again by the community. In 1968 the State Plantation Company XII (PNP XII) has given compensation through the Land reform Committee for 166 families for an area of 73.5707 Ha, then in 1969 in connection with the existence of community cultivation the Goalpara Garden filed a civil suit to the Sukabumi District Court.

Sukabumi District Court issued a civil decision No. 79 of 1969 with the result of rejecting the lawsuit, then again PNP XII appealed to the West Java High Court, the result of the decision was the same as the decision of the Sukabumi District Court, which was rejected based on civil decision letter No. 38 of 1972, then filed a legal remedy. 38 of 1972, then filed another legal

effort, namely cassation to the Supreme Court as well as the previous decision, the cassation effort was also rejected / not accepted due to lack of parties based on civil decision No. 699 of 1973. On May 29, 1970 a Decree from the Director General of Agrarian Decree No. 32/HGU/DA/70 was issued stating that the entire former Goalpara garden area (former NV Cultuur MIJ Goalpara) was included in the area of the State Plantation Company (PNP) XII Goalpara Garden.

A year later, precisely on October 11, 1971, another Decree of the Director General of Agrarian Affairs No. 12/HGU/DA/71 was issued, the contents of which include, among others, in dictum a and b there are exceptions to the former erpacht rights of the Cinerus Verp 78 parcel covering an area of approximately 65 Ha and the former Recht Van Opstal (RVO) land which previously had the status of Western rights which became state property Verponding 259 covering an area of 0.5580 Ha.

In line with that, the State Plantation Company (PNP) XII, on March 11, 1972, submitted a proposal to the Director General of Agrarian Affairs with letter No. D/17-015 which contained a request to the Director General of Agrarian Affairs to review the Decree No.12 of SK./In line with the World Bank assistance program for the development of land for tea plants covering an area of 200 hectares, part of which is located in the Lemah duhur block, the Goalpara Plantation again requested the Sukabumi District Government to immediately resolve the block problem.

The Sukabumi District Government, led by the Regent of Sukabumi, held a meeting with the cultivators on September 11, 1971 with the agreement that the cultivators agreed to release the cultivation with compensation for the cultivation, followed by : Letter of the Regent of Sukabumi submitted to the Director General of Agrarian Affairs No. B 522/pem/Ktp/Agr/72 dated March 25, 1972 containing a Request for Review of Decree No. 12/HGU/DA/71 then Sukabumi Regent's letter No. 2008/pem/Ktp/72 dated May 19, 1972 concerning the formation of a Settlement Team for the Return of State Land Block Citerus Verp 78 and Letter of the Regent of Sukabumi to the Director General of Agrarian Affairs No. B.1668 /pem/Ktt/72 dated March 25, 1972./pem/Ktt/72 dated October 14, 1972 as a follow-up letter to No. B.522/pem/Ktt/72 with the minutes of the Team's work and the release of community cultivation.

In 1994 PT Perkebunan XII (PTP XII) submitted an application for Cultivation Rights over the Goalpara Plantation land including the selaawi/Cinerus certificate to the Constatering Raport No. 540-2/kons-KWBPN-97 which provided a recommendation for the issuance of an extension of the SK HGU, but was not taken into consideration in the Decree rejecting the extension of the SK HGU from the Central BPN. Furthermore, on March 18, 2000, the Presidium of Forum Komunikasi Aksi Reformasi Sukabumi (FKARS) asked the Minister of Home Affairs through a copy of the head of Sukabumi District BPN to cancel the Selaawi I Certificate. The Forum Komunikasi Aksi Reformasi Sukabumi (FKARS) chaired by M.A. Surjadiredja claimed that the land in the Cinerus block covering an area of 46.4 hectares was previously cultivated land which belonged to 108 people.

On June 22, 2001 a letter of refusal to extend the HGU SK from the Central BPN No. 13-V-2001 was issued. 13-V-2001, in the form of: Land area of 46.4 to be land controlled by the State, land area of 46.4 to be Landreform Objects, Sukabumi Regent regulates the allotment, control to the cultivators. With the rejection of HGU from the National Land Agency (BPN) Center, PT.Perkebunan Nusantara VIII (Persero) filed a lawsuit to the State Administrative Court (PTUN) on the rejection letter of HGU extension from the Central BPN No. 13-V-2001 on April 02, 2002, the lawsuit of PT Perkebunan Nusantara VIII (Persero) was rejected.

With the rejection of the lawsuit of PT Perkebunan Nusantara VIII on July 31, 2002, the PTUN decision was canceled. On December 13, 2007 PT Perkebunan Nusantara VIII (Persero) filed a Judicial Review (PK) with new evidence (Novum) in the form of: Civil Court Decision of Bandung District Court, West Java High Court and Supreme Court, the payment of compensation for cultivation in 1974, Letter from Regional Office of BPN No. 330. On January

18, 2008 the Judicial Review (PK) of PT. Perkebunan Nusantara VIII (Persero) was rejected by the Supreme Court, then on December 10, 2008 the Cinerus Block issue was discussed by the Sukabumi Regional Government which was attended by the Regent, Regional Secretary, Head of the Forestry and Plantation Service, Head of BPN, Sukaraja Sub-District Head and M.A.Surjadiredja, as for the decisions from the discussion meeting, among others: Production sharing cooperation, PT Perkebunan Nusantara VIII (Persero) donated tea plants to the community, the community sold shoots to PTPN VIII (Persero) to buy community land.

On February 16, 2009, a few months after the decision of the results of the discussion meeting above, a demonstration was held by the M.A.Surjadiredja group in the Cinerus block in the form of installing bamboo stakes and planting 100 trees at several points on the production road and accompanied by reading speeches, then on March 02, 2009 the Goalpara Garden PT. Perkebunan Nusantara VIII reported the above activities to POLRESTA Sukabumi with allegations of criminal acts in the form of unpleasant actions, use of land of PT Perkebunan Nusantara VIII (Persero) without permission and or other actions that resulted in disruption of Plantation Business as referred to in Article 21 Jo Article 47 of Law No. 18 of 2004, concerning Plantations Jo Article 335 Jo Article 406 of the Criminal Code

EFFORTS TO RESOLVE LAND TENURE DISPUTES BETWEEN PTPN.VIII GOALPARA PLANTATION AND THE PEOPLE OF MARGALUYU VILLAGE SUKARAJA SUKABUMI DISTRICT.

Definition of Disputes, Land Tenure and Mechanisms of handling patterns

A dispute is anything that causes a difference of opinion, disagreement, or contention. Conflict itself is a form of disagreement, and disputes can be considered an extension of conflict. A dispute will arise when one of the parties becomes aware of it. Every land-related legal dispute begins with a complaint by one of the parties, either an individual or a group, explaining the disagreement and seeking administrative settlement of land rights in accordance with the applicable regulations (Rusmadi Murad 1991).

In general, disputes consist of several types of issues arising. These include issues of priority relating to who owns the land rights, both those with rights and those without; objections to the grounds or evidence used to grant rights; errors in granting rights caused by conflict or other issues of social relevance; and incorrect or improper application of rules. The main objective of the dispute is to determine who has the greater right to the land in question. As a result, the resolution of legal disputes requires several stages and depends largely on the type of issue raised.

There are two methods of obtaining land ownership: taking, which is done without the prior consent of the occupants, and surrendering, which is done with their consent. Law No. 51/Prp/1960, which prohibits the use of land without permission or other appropriate authority, is relevant here. Particularly in the case of plantation land that used to be owned under western law and was an important component of the economy, many legal entities and individuals currently own land without the consent of the previous ruler or owner. The following methods are commonly used to handle land law disputes: complaint.

The events and issues in this lawsuit demonstrate the applicant's or petitioner's ownership rights over the disputed land. With the expectation that the land will not be altered in accordance with the applicant's wishes, they may request a settlement. The next process after the complaint is research, which includes administration or data collection as well as empirical research findings on the matter. The results of the research may result in a preliminary decision regarding the suitability of the complaint for further processing.

It may be possible to temporarily suspend a modification or transfer by applying a transfer prevention once the issue has been resolved. This may be done at the initiative of the Head of the Land Office responsible for the disputed land or in accordance with a directive or order

from a superior. In dispute resolution efforts, deliberation-approaching the disputing parties through deliberation-is often successful. The Directorate General of Agrarian Affairs, in this case, acts as a mediator in the amicable settlement of disputes: If deliberation does not yield results, the court must resolve the conflict.

Efforts to Settle Disputes over HGU Land Tenure from the Government

Presidential Decree No. 34/2003 establishes a national land policy, which implements the ideas outlined in TAP.MPR/XI/MPR/2001 on Agrarian Reform and Natural Resource Management. The BPN should accelerate the development of a land information and management system as a result of this Decree. In addition, as part of the implementation of Regional Autonomy, District/City Governments are granted several land-related authorities. There are nine land authorities under district/city governments. One of them is the resolution of land use rights (HGU) issues (Ana Silviana, 2005).

Conflicts of interest involving the control of land by unauthorized parties, both on state-owned land and privately-owned land, are known as business use right (HGU) disputes. The provisions of Law No. 51 of 1960 and Presidential Decree No. 32 of 1979 on policy considerations in granting new rights to land arising from the conversion of western rights are in line with this situation.

In accordance with the President's directive on May 9, 2005 regarding land issues, addressed to the Minister of Home Affairs, Minister of Finance, Minister of State-Owned Enterprises, Head of BPN, Governors, Regents, and Mayors, they were asked to investigate land issues occurring in various regions and take the following steps: Settle land cases with the principles of deliberation for consensus, justice, and pay attention to the applicable laws and regulations. In addition, they are expected not to intervene in any form in land disputes that are in litigation.

Food security is closely linked to efforts to strengthen land rights through the resolution of cultivated land disputes, with the Bupati playing a critical role in this context. In contrast, the responsibility of the Head of the District/Municipal Land Office is to provide support to the Bupati/Mayor through coordination, provision of technical data, and operational support in the field.

The Regent of Sukabumi has issued Regent Decree No. 590/Kep.699/Distab/2007 on the Establishment of a Follow-up Team for the Settlement of the PT Perkebunan Nusantara VIII Cinerus Problem in Sukabumi District. In addition, the Regent of Sukabumi also sent a letter No. 590/684-Tapem dated March 13, 2009 to the Minister of State-Owned Enterprises to submit a proposal for the settlement of land issues controlled by PT Perkebunan Nusantara VIII. Therefore, the efforts of the Sukabumi District Government and DPRD were limited to being mediators, one of which was by summoning relevant parties to seek a settlement of the Cultivation Rights Title (HGU) issue between PTPN VIII Goalpara and Margaluyu Village residents with:

Invitation to the Regent's Meeting No. 065/2262/Tapem dated December 09, 2008
Subject: Discussion of the Cinerus Block land issue.

- Invitation to Regent Meeting No. 065/777/Tapem dated March 23, 2009 Regarding : Invitation to follow-up
- Invitation to Regent Meeting No. 005/902/Tapem dated April 19, 2009 Regarding: Settlement of the Cinerus Block land issue. A meeting with the Sukabumi Regional Government was held on September 28, 2003 at Tenjoresmi Pelabuhan Ratu where M.A. Surjadiredja submitted a proposal for the exchange (ruislaag) of Cinerus land with Cibeureum Block and Tangel block.

The next meeting was on December 12, 2003 at the Pendopo Building of Sukabumi Regency at the invitation of the Regional Secretariat of Sukabumi Regency No.005/1812-Tapem dated December 10, 2003 on the discussion of Cinerus land in the meeting the Reform

Action Communication Forum (FKAR) questioned the Directors of PT Perkebunan Nusantara VIII about the proposal submitted and hoped that the exchange (ruislaag) of Cinerus with Cibeureum and Tangel Blocks would be realized as soon as possible so that this case would be resolved immediately.

The Sukabumi District Government hopes that the Cinerus problem will be resolved soon and is ready to become a facilitator so that both parties can then provide solutions for FKARS and PTPN.VIII. Based on the results of the meeting, no agreement was reached despite mediation and discussion because each party insisted on its position. Nevertheless, the Sukabumi Regent provided advice to the West Java Governor from the meeting, requesting a follow-up meeting to discuss the issue. In addition, the Sukabumi District Muspida is awaiting a decision from four ministers, namely the Minister of State-Owned Enterprises, the Minister of Finance, the Minister of Forestry and the Minister of Agriculture. A deliberative approach with the relevant parties is often successful in resolving disputes, with the National Land Agency (BPN) acting as a mediator in the amicable resolution process.

Based on the Decree of the Head of the National Land Agency dated June 22, 2001 number 13-V-2001, the extension of HGU number 1/Selaawi in the name of PT Perkebunan Nusantara VIII covering an area of 464,000 m² has been rejected, and the status of the land is reaffirmed as a land reform object to be distributed to 164 former cultivators. The redistribution process could not be continued because PT Perkebunan Nusantara VIII filed a lawsuit against the refusal of the HGU extension through the Jakarta State Administrative Court. This lawsuit was rejected based on decisions Number 156/G.TUN/2001/PTUNJKT, Number 140/G.TUN/2002/PTUN-JKT, Number 150 K/TUN/2003, and 22 PK/TUN/2008.

A follow-up to the decision of the Head of BPN No. 13-V-2001 on the rejection of the extension of HGU No. 1 in Selaawi Village, Sukaraja Subdistrict, Sukabumi District, was conveyed by the Head of the Sukabumi District Land Office through letter No. 570/BPN/2001 dated July 21, 2001. The letter stated that in accordance with the decision of the Head of BPN, 464,000 m² of state land as stated in the measurement letter dated November 30, 1885 number 47/1885 was designated as a land reform object and fully submitted to the Regent of Sukabumi to regulate the allocation, use and control of the land, in order to prevent new problems both in the implementation of redistribution of land reform objects to former tenant farmers and related to the assets / plants of PT Perkebunan Nusantara VIII.

As the policy maker, the Sukabumi District Land Office leaves it to the DPRD and Sukabumi District Government to resolve this issue. In this case, decisions relating to the settlement of the HGU land dispute are made by the Sukabumi District Land Office. PT Perkebunan Nusantara VIII must relinquish its rights or surrender the land to the state if the community wants it. Therefore, to protect PTPN VIII's assets from outside influence, BPN will implement the decision made by the disputing parties.

The Regional Office of BPN of West Java Province has issued a letter Number: AT.02.02/1915-32.500/XII/2020 dated December 16, 2020 to the Board of Directors of PTPN VIII regarding the explanation of the legal standing of PTPN VIII's fixed assets. In the letter, point 5 states that PT Perkebunan Nusantara VIII still has the right to manage and cultivate land, both uncertified and expired, because PT Perkebunan Nusantara VIII is a state-owned enterprise and the land owned is a state-owned asset. Point 6 states that the assets of PT Perkebunan Nusantara VIII will be used as agrarian reform objects and abandoned land objects, but there must be a release of rights from the Minister of BUMN first.

Legal Efforts of PT.Perkebunan Nusantara VIII in Handling HGU Land Disputes

In seeking a settlement of the land tenure dispute of PT Perkebunan Nusantara VIII, it is not only necessary to consider legal aspects autonomously, but also to see how the law functions in the broader context of community life, including economic, social, political, cultural, and other aspects.

With this approach, it is hoped that the settlement reached will not cause new problems in the future. The HGU certificate for Goalpara Plantation from SK 12/HGU/DA/1971 expired on December 31, 1996, the certificate from HGU SK No.8/HGU/DA/1973 expired on December 31, 1997, the HGU certificates from SK No.23/HGU/DA/1988 and SK No.24/For the HGU that expired in 1996-1997 covering an area of 2,564.9541 ha located in Cianjur Regency and Sukabumi Regency, PT Perkebunan Nusantara VIII has requested an extension of the period of Land Use Rights through letter number: SB/A.II/154/I/1996 dated January 11, 1996 and followed by letter No. SB/AII/2898/VII/1996 dated July 4, 1996. Upon the request of PT Perkebunan Nusantara VIII, a Committee B of West Java Province was formed which recommended the extension of the Cultivation Rights Title through the Constatering Rapport of Goalpara Plantation: 540-2-KONST-KWBPN-1997 dated November 29, 1997.

The file that has been sent to the Central BPN with the recommendation of Committee B mentioned above was returned to the Regional Office of BPN West Java Province through letter Number: 540.1-1056-D.I dated May 16, 2006 regarding the return of the application file for the extension of the period of Land Use Rights of PT Perkebunan Nusantara VIII. The issue of Land Use Rights (HGU) disputes between the people of Margaluyu Village Sukaraja Sukabumi and PTPN Goalpara Plantation. The land dispute between the people of Margaluyu Village and PT Perkebunan Nusantara VIII Goalpara Plantation has yet to be resolved, based on the results of research in the field.

This is because the parties to the dispute have different points of view, which is exacerbated by the existence of irresponsible parties who take advantage of the situation for their own interests. As a result, the settlement of Land Use Rights (HGU) disputes tends to be political, and the parties prioritize political means over legal means. According to PT Perkebunan Nusantara VIII Goalpara, residents' claims of ownership of 46.4 hectares of state-owned land managed by PTPN VIII are not true.⁴ The Desire of Margaluyu Village Community Sukaraja, Sukabumi District.

Based on the status of the tenant farmers, PMPA No. 11/1962, which regulates the granting of Cultivation Rights Title (HGU) to national entrepreneurs or state-owned enterprises, can be analogously applied in this HGU granting case to ensure legal protection of the local community's cultivation rights.

According to Article 13 of PMPA No. 11/1962, the part of the plantation area that is managed on a sedentary basis may not be granted HGU. If such lands need to be included in the plantation area, the settlement must be made in accordance with the applicable provisions. To support their struggle regarding the HGU cultivated land they control, hundreds of residents in the Cinerus block, Margaluyu Village, Sukaraja District, Sukabumi Regency, who had previously pegged PTPN VIII's Goalpara Plantation land, gave three options according to M.A. Surjadiredja (M.A. Surjadiredja, 2009). This decision was made by residents according to a meeting in Margaluyu Village, Sukaraja District, Sukabumi Regency on March 01, 2009 with the following results:

First: they urged PTPN. VIII to hand over 46.6 hectares of land to the residents, they are willing to maintain thousands of tea plants that were previously cultivated by the Plantation and the residents promise to sell all their products to PTPN.VIII.

Second: The plantation is allowed to contract the residents' land for the next 5 (five) years and after that the land must be fully handed over to the residents along with the tea plants.

Third: Based on the laws and regulations applicable to land law as stipulated in article 16 of Law no.5 of 1960 which provides an opportunity for all citizens to utilize the rights contained in the land as well as the rights owned on land by community members who own the original land verponding No.78. block of Cinerus, Margaluyu village, Sukaraja sub-district, Sukabumi district, who made demands and lawsuits for the return of their land/land controlled by PT Perkebunan Nusantara VIII. Through the Sukabumi Reform Action Communication Forum letter No.5 /Ex.FKR/VIII/2002 dated August 13, 2002 submitted a request for a swap (ruislaag)

of the Cinerus block with the Cibeureum Block and the Tangsel Block in accordance with the direction of the Deputy of Agribusiness of the Ministry of BUMN (Ir. Agus Pakpahan) where PT. Perkebunan Nusantara VIII provides replacement land for the Cinerus block which is now controlled by PT. Perkebunan Nusantara VIII is ready to provide replacement land, namely the Cibeureum block and the Tangsel block and the area for the swap is very sufficient.

CONCLUSION

In finding alternatives to resolving plantation HGU land disputes, it is important to ensure that no party feels disadvantaged or benefits, whether from the government, the community, or the company. Therefore, justice must be upheld in accordance with their respective portions. Settlement of HGU land tenure disputes can be done through partnership-based cooperation that builds an integrated relationship between the Margaluyu Village community and PTPN VIII. Some steps that can be taken include: Mutually Beneficial Operational Cooperation (KSO), in which PTPN VIII acquired the land by providing compensation to the tenant farmers, while the tenant farmers provide compensation for tea plants to PTPN VIII. In addition, PTPN VIII can grant tea plants to farmers and compensate former tenant farmers for the land that has been controlled and cultivated by PTPN VIII.

The following actions can be taken if during the HGU expansion process there are still objections from various parties, especially the community, over the land included in the HGU area: First, the area that is objected by the community is not included in the expanded HGU; second, the HGU extension is postponed until the HGU holder resolves the ongoing problems with the community. An application for HGU extension can be made when these issues have been resolved.

REFERENCE

- G. Kertasapoetra and friends, 1984. Land Law UUPA Guarantee for the Success of Land Utilization, Bina Aksara, Bandung.
- Rusmadi Murad. 1991. Settlement of Legal Disputes over Land, Mandar Maju, Bandung.
- R. Subekti and Tjitrosudibio, Legal Dictionary, PT. Pradnya Paramita, Jakarta.
- Rachmadi Usman, 2003. Options for Dispute Resolution Outside the Court. PT. Citra Aditya Bhakti, Bandung.
- Ana Silviana: Agrarian Reform Towards the Improvement of National Land Law, Legal Issues, PH Scientific Magazine UNDIP Semarang Vol 34 Number 2 April-June 2005
- Regional Office of BPN West Java Province, Land Use Rights Issues and Plantation Business Development, Bandung, November 15, 2011.
- Soetoprawiro Koeniatmanto, Legal Products Related to Plantation and Security Issues, (Paper presented in the framework of socialization of Law and Security of Plantation Business: Parahyangan Catholic University, Bandung: November 15, 2011).
- Presentation of Kabidkum POLDA JABAR, Handling Security in the Plantation Environment, Bandung November 15, 2011.
- Law Number 5 of 1960 concerning Basic Agrarian Regulations
- Law No. 51 of 1960 on the Prohibition of the Use of Land without the permission of the rightful owner or his proxy.
- Government Regulation No. 224/1961 concerning the implementation of Land Division and Compensation.
- Government Regulation No. 40/1996 on Cultivation Rights, Building Rights and Use Rights on State Land.
- Government Regulation Number 19 of 1959 concerning the Determination of Dutch-Owned Agricultural / Plantation Companies subject to Nationalization.
- Government Regulation No. 11/2010 on the control and utilization of abandoned land.

M.A.Surjadiredja, Interview, Chairman of Forum Komunikasi Aksi Reformasi Sukabumi (FKARS), March 01, 2009.