

Abstrak

Sengketa tanah eks Hak Guna Usaha di Desa Marindal I, Kabupaten Deli Serdang, muncul akibat pengalihan tanah yang dilakukan Perusahaan Perkebunan Nusantara II tanpa pelunasan kewajiban negara, sedangkan masyarakat telah menempati dan menggarap tanah tersebut selama puluhan tahun untuk permukiman dan kegiatan pertanian keluarga. Ketidakjelasan status hukum tanah ini mendorong masyarakat menempuh jalur perdata melalui gugatan perbuatan melawan hukum untuk menegaskan hak mereka dan membatalkan pengalihan yang cacat prosedur. Penelitian ini menggunakan pendekatan yuridis normatif dengan analisis kualitatif, memanfaatkan studi pustaka dari peraturan perundang-undangan, putusan pengadilan, literatur hukum pertanahan, serta wawancara dengan pihak terkait, termasuk pemerintah desa dan kuasa hukum PT. Perkebunan Nusantara II. Hasil penelitian menunjukkan bahwa perlindungan hukum bagi pemilik tanah eks Hak Guna Usaha PT Perkebunan Nusantara II terwujud melalui mekanisme formal, termasuk regulasi, sertifikasi, pendaftaran tanah, dan upaya litigasi untuk memastikan hak sah diakui serta mencegah pengalihan ilegal. Kepastian hukum menjadi aspek penting dalam mekanisme ini, karena memastikan bahwa hak-hak pemilik tanah diakui secara sah dan pengelolaan tanah eks Hak Guna Usaha dilakukan sesuai ketentuan perundang-undangan. Pengalihan tanah tanpa pelunasan yang sah disebabkan oleh lemahnya pengawasan institusi pertanahan, kurangnya koordinasi antara perusahaan, Badan Pertanahan Nasional, dan pemerintah daerah, serta kondisi sosial ekonomi masyarakat yang mendorong penguasaan faktual. Upaya hukum pemilik tanah meliputi tindakan preventif seperti pengajuan keberatan administratif dan permohonan penetapan hak, serta tindakan litigatif melalui gugatan perdata, verzet, banding, kasasi, hingga Peninjauan Kembali, yang bertujuan menegakkan kepastian hukum dan memastikan pengelolaan tanah eks HGU PT Perkebunan Nusantara II sesuai ketentuan yang berlaku.

Kata Kunci: Perlindungan Hukum, Hak Atas Tanah, Tanah Eks Hak Guna Usaha, Aset Negara, Kepastian Hukum.

Abstract

Land disputes over ex-Right to Cultivate (Hak Guna Usaha) land in Marindal I Village, Deli Serdang Regency, arise due to land transfers conducted by PT Perkebunan Nusantara II without fulfilling state payment obligations, while the community has occupied and cultivated the land for decades for residential and family agricultural purposes. The unclear legal status of the land has led the community to pursue civil litigation through a lawsuit for unlawful acts to assert their rights and annul the procedurally flawed transfer. This study uses a normative juridical approach with qualitative analysis, utilizing literature from legislation, court decisions, land law references, and interviews with relevant parties, including village authorities and legal representatives of PT Perkebunan Nusantara II. The research findings indicate that legal protection for owners of ex-Hak Guna Usaha land from PT Perkebunan Nusantara II is realized through formal mechanisms, including regulations, certification, land registration, and litigation efforts to ensure legitimate rights are recognized and illegal transfers are prevented. Legal certainty is a crucial aspect of this mechanism, as it ensures that landowners' rights are legally acknowledged and that the management of ex-HGU land is carried out in accordance with applicable laws. Illegal land transfers without proper payment result from weak supervision by land institutions, lack of coordination between the company, the National Land Agency, and local government, as well as the socio-economic conditions of the community that encourage factual occupation. Landowners' legal efforts include preventive actions such as filing administrative objections and requests for rights determination, as well as litigative actions through civil lawsuits, verzet, appeals, cassation, and judicial review, aimed at upholding legal certainty and ensuring the management of ex-Hak Guna Usaha land of PT Perkebunan Nusantara II complies with applicable regulations.

Keywords: *Legal Protection, Land Rights, Ex-Right to Cultivate Land, State Assets, Legal Certainty*