

ABSTRACT

THE MANAGEMENT OF CUSTOMARY RIGHT OVER THE LAND IN CUSTOMARY LAW SOCIETY PEPADUN NORTH LAMPUNG DISTRICT

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State Indonesia as an agricultural country, where the soil has an important function for the prosperity and welfare of its people. Positions customary rights under Article 18B paragraph (2) of the 1945 amendments to the IV, that the state recognizes and respects units of customary law communities along with their traditional rights, all still alive and in accordance with the development of society, and the principle of the Unitary Republic of Indonesia (NKRI), which is regulated by law. And this is strengthened Article 3 of Law No. 5/1960 on UUPA, that the customary rights and the rights of people such customary law, so far as reality is still there, must be such that in accordance with the national interests and the state, which is based on unity of the nation and must not conflict with the Act and other regulations are higher. Constitutionally, the customary legal guarantees for the sustainability of the lives of indigenous peoples as well as its presence is always questioned. The boundaries of community land rights of indigenous territories can not be determined with certainty and soil as economic rights of each person or legal entity may bring conflict and communal land disputes, for example in the community of Indigenous Village Country Bone Onions.

What problems studied are legal arrangements customary rights over land management in the customary law community Pepadun North Lampung District and Who are the authorities in the management of customary rights to land of indigenous community Pepadun North Lampung regency.

Approach to the problem which is used in this research is normative juridical approach and empirical jurisdiction. Secondary data derived from legislation and literature, while primary data obtained from field study through interviews. The data is processed and analyzed qualitatively.

The result of research that indigenous peoples communal land management Country Village Bone Onions still alive and managed by customary communities, this is in accordance with the provisions of the legislation. Customary lands of indigenous communities Village Country Bone Onions has been no regulation on the establishment of indigenous communities and communal land. So how management of customary lands of indigenous communities have not been organized or has not been set by the government is still done by indigenous holders of the highest in the country. It is hoped that the Government undertake communal land registration program to protect the customary rights of indigenous peoples.

Keywords: Management, Land Rights, Communal Land.