

ABSTRAK

KEWENANGAN BADAN PERTANAHAN NASIONAL DIBAWAH KEMENTERIAN AGRARIA DAN TATA RUANG/BPN

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Lahirnya Kementerian Agraria dan Tata Ruang ruang/BPN berdasarkan Peraturan Presiden No. 17 tahun 2015 merupakan babak baru bagi kelembagaan BPN. Kini, fungsi dan tugas dari organisasi Badan Pertanahan Nasional dan Direktorat Jenderal Tata Ruang Kementerian Pekerjaan Umum digabung dalam satu lembaga kementerian yang bernama Kementerian Agraria dan Tata Ruang/BPN. Perubahan itu berdampak pada bertambahnya kewenangan sebuah lembaga negara, sehingga kewenangan kementerian tersebut semakin meningkat dan strategis. Namun faktanya, banyak kendala yang terjadi dilapangan setelah BPN disandingkan dengan Dirjen Tata Ruang Kementerian Pekerjaan Umum.

Rumusan masalah dalam penelitian ini adalah, 1. Bagaimana kewenangan Badan Pertanahan Nasional dibawah Kementerian Agraria dan Tata Ruang, 2. Bagaimana dampak hukum terhadap kewenangan Badan Pertanahan Nasional dibawah Kementerian Agraria dan Tata Ruang.

Penelitian ini bersifat normatif empiris. Data primer diperoleh dari wawancara Staf Bidang Pengaturan dan Penataan Pertanahan BPN Kantor Wilayah Provinsi Lampung serta Kepala seksi Perencanaan dan Pemanfaatan Ruang Dinas Pekerjaan Umum dan Penataan Ruang. Data sekunder diperoleh membaca, mengutip buku-buku dan peraturan perundang-undangan. Data dianalisis secara deskriptif kualitatif.

Hasil penelitian diketahui bahwa, 1. Kewenangan Badan Pertanahan Nasional dibawah Kementerian Agraria dan Tata Ruang/BPN adalah tidak ada peningkatan kewenangan. Kewenangannya tetap sama seperti peraturan presiden yang sebelumnya mengatur BPN yaitu Perpres No. 63 tahun 2013 tentang Badan Pertanahan Nasional². Dampak Positif keberadaan Badan Pertanahan Nasional dibawah Kementerian Agraria dan Tata Ruang/BPN mengamanahkan pada negara untuk menyelenggarakan urusan pertanahan secara menyeruluh meliputi bumi, air, ruang angkasa serta kekayaan alam untuk sebesar-besarnya kemakmuran rakyat. Dampak Negatif Kewenangan BPN dibawah Kementerian Agraria dan Tata Ruang/BPN adalah diperlukan harmonisasi berbagai peraturan perundang-undangan yang berkaitan dengan penataan ruang dan penataan pertanahan agar memudahkan pelaksanaan dilapangan.

Kata Kunci: Kewenangan, Tata ruang , Pertanahan.

ABSTRACT

THE AUTHORITY OF NATIONAL LAND AGENCY UNDER THE MINISTRY OF AGRARIAN AFFAIRS AND SPATIAL (BPN)

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The birth of the Ministry of Agraria and Spatial is a new chapter for BPN institution. Now, the functions and duties of the National Land Agency and the Directorate General of Spatial Planning under the Ministry of Public Works are combined in one ministry named the Ministry of Agrarian Affairs and Spatial Planning (BPN). The changes have an impact on the increasing authority of a state institution, but it gives more authority for the institution. It is characterized by the increasing of spatial dimension so that the authority of BPN also increasing and becoming more strategic. But in fact, there are many obstacles occurred in the field after the combination of BPN with the Directorate General of Spatial Planning under the Ministry of Public Works. The formulation of the problems: 1. How is the authority of the National Land Agency under the Ministry of Agrarian Affairs and Spatial Planning? 2. How is the impact of law on the authority of the National Land Agency under the Ministry of Agrarian Affairs and Spatial Planning?

The method used in this research were empirical normative with primary data in form of interviews' result from the Staff of Field Arrangement and the Management of Land Office of BPN Lampung Office and the Head of Planning and Space Utilization Section of Public Works and Spatial Planning, while the secondary data were collected by analyzing books and legislation documents.

The results concluded that, 1. The authority of the National Land Agency under the Ministry of Agrarian Affairs and Spatial Planning was seen as an institutional opportunity to integrate the comprehensive management on land. The arrangement and management of land is not limited to the surface space but encompasses the space under the ground, space above the ground, water space and surface space itself, 2. The positive impact on the existence of the National Land Agency under the Ministry of Agrarian Affairs and Spatial Planning is that the government must organize the arrangement of land which is covering the earth, water, space and natural resources for the greatest prosperity of the people. While the negative impact of BPN's authority under the Ministry of Agrarian Affairs and Spatial Planning is the necessary harmonization laws with relating to spatial planning and land arrangement, and in order to make it easier for implementers in the field.

Keywords: Authority, National Land Agency, Land Affairs, Spatial Planning