

ABSTRAK

PEMBERIAN HAK GUNA USAHA DI IBU KOTA NUSANTARA DALAM PERSPEKTIF UNDANG UNDANG POKOK AGRARIA DAN PEMBANGUNAN EKONOMI NASIONAL

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Pemberian Hak Guna Usaha hingga 190 tahun di wilayah Ibu Kota Nusantara, sebagaimana diatur dalam Peraturan Pemerintah Nomor 12 Tahun 2023 tentang Pemberian Perizinan Berusaha, Kemudahan Berusaha dan Fasilitas Penanaman Modal Bagi Pelaku Usaha di Ibu Kota Nusantara, menimbulkan persoalan mendasar dalam konteks hukum agraria dan pembangunan ekonomi nasional. Kebijakan ini dinilai menyimpang dari Prinsip Prinsip Pokok Agraria, terutama terkait fungsi sosial tanah, penguasaan oleh negara, dan pemerataan akses agraria.

Penelitian ini bersifat yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan historis, serta dianalisis secara kualitatif-preskriptif. Menggunakan teori keadilan (John Rawls), *Economic Analysis of Law* (Richard Posner), asas kepastian hukum, dan hierarki norma sebagai landasan analisis.

Dapat disimpulkan bahwa kebijakan HGU jangka panjang berisiko melemahkan kepastian hukum, membuka peluang monopoli lahan oleh investor, serta mengabaikan hak-hak masyarakat lokal. Secara ekonomi, kebijakan ini berpotensi menimbulkan inefisiensi alokasi tanah dan menghambat pembangunan yang inklusif dan berkelanjutan. Kesimpulannya, kebijakan HGU di IKN perlu ditinjau ulang dan disesuaikan agar sejalan dengan keadilan agraria, kepastian hukum, serta mendukung pembangunan ekonomi nasional jangka panjang yang berkeadilan.

Kata kunci: Hak Guna Usaha, Kepastian Hukum, Pembangunan Ekonomi, Keadilan Agraria.

ABSTRACT

THE GRANTING OF LAND CULTIVATION RIGHTS IN THE NUSANTARA CAPITAL CITY FROM THE PERSPEKTIVE OF THE BASIC AGRARIAN LAW AND NATIONAL ECONOMIC DEVELOPMENT

By

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The granting of Right to Cultivate (Hak Guna Usaha/HGU) for a period of up to 190 years in the Nusantara Capital City (IKN), as stipulated in Government Regulation No. 12 of 2023 concerning Business Licensing, Ease of Doing Business, and Investment Facilities in IKN, raises fundamental concerns in the context of agrarian law and long-term national economic development. This policy appears to deviate from the foundational principles of the Basic Agrarian Law (UUPA), particularly regarding the social function of land, state control over agrarian resources, and equitable access for the people.

This research adopts a normative juridical approach, utilizing statutory, conceptual, and historical methods, and is analyzed qualitatively and prescriptively. The analysis is grounded in theories of justice (John Rawls), Economic Analysis of Law (Richard Posner), the principle of legal certainty, and the hierarchy of legal norms.

The findings indicate that the extraordinarily long duration of HGU poses risks to legal certainty, potentially facilitates land monopolization by private investors, and marginalizes the rights and interests of local communities. From an economic perspective, such a policy could lead to inefficient land use, distortion of market mechanisms, and hinder inclusive and sustainable development. Therefore, the HGU policy in IKN requires critical reassessment and realignment to ensure its compliance with agrarian justice, uphold legal certainty, and support the objectives of equitable and sustainable national economic growth.

Keywords: Land Cultivation Rights, Legal Certainty, Economic Development, Justice.