

ABSTRAK

PENYELESAIAN SENGKETA PERTANAHAN AKIBAT PENETAPAN DAN PENEGASAN BATAS DESA DI KECAMATAN PAKUAN RATU KABUPATEN WAY KANAN

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Penetapan dan penegasan batas desa bertujuan untuk mewujudkan kepastian hukum wilayah administratif. Namun, pelaksanaannya di Kecamatan Pakuan Ratu, Kabupaten Way Kanan, justru menimbulkan sengketa pertanahan setelah ditetapkannya Peraturan Bupati Way Kanan Nomor 6 Tahun 2025. Pergeseran batas administratif tersebut berdampak pada munculnya klaim sepihak atas tanah yang telah memiliki hak guna usaha (HGU), sehingga memicu konflik antara masyarakat Kampung Way Tawar dan PT Adikarya Gemilang. Penelitian ini bertujuan untuk mengkaji mekanisme penyelesaian sengketa guna memberikan kepastian hukum bagi para pihak.

Penelitian ini menggunakan metode hukum normatif-empiris dengan pendekatan peraturan perundang-undangan dan studi kasus. Data diperoleh melalui studi kepustakaan serta wawancara dengan pemerintah kampung dan pejabat Pemerintah Kabupaten Way Kanan, kemudian dianalisis secara kualitatif untuk menjawab permasalahan penelitian.

Hasil penelitian menunjukkan bahwa penetapan dan penegasan batas desa menimbulkan dampak berupa terganggunya kepastian hukum atas hak atas tanah akibat penafsiran keliru terhadap perubahan batas administratif. Dampak tersebut tercermin dari klaim sepihak masyarakat Kampung Way Tawar terhadap tanah HGU milik PT Adikarya Gemilang, meskipun secara hukum perubahan batas desa tidak menghapus atau mengubah hak atas tanah yang telah ada. Terkait penyelesaian sengketa, upaya non-litigasi melalui negosiasi telah ditempuh, namun belum menghasilkan kesepakatan karena masing-masing pihak mempertahankan kepentingannya. Selain itu, keterbatasan peran pemerintah daerah dalam memfasilitasi mediasi menyebabkan penyelesaian sengketa secara damai belum optimal. Dalam kondisi tersebut, penelitian ini merekomendasikan penyelesaian sengketa melalui jalur litigasi sebagai upaya terakhir untuk memperoleh kepastian hukum, disertai dengan penguatan peran pemerintah daerah dalam penyediaan mekanisme mediasi dan peningkatan sosialisasi hukum guna mencegah sengketa serupa di kemudian hari.

Kata Kunci: Hak Keperdataan, Litigasi, Non-Litigasi, Penegasan Batas Desa, Penetapan Batas Desa, Penyelesaian Sengketa, Sengketa Pertanahan.

ABSTRACT

LAND DISPUTE RESOLUTION RESULTING FROM VILLAGE BOUNDARY DETERMINATION AND DEMARCATION IN PAKUAN RATU DISTRICT, WAY KANAN REGENCY

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The determination and affirmation of village boundaries are intended to establish legal certainty over administrative territories. However, its implementation in Pakuan Ratu Sub-district, Way Kanan Regency, has instead given rise to land disputes following the enactment of Way Kanan Regency Regulation Number 6 of 2025. The shift in administrative boundaries has led to unilateral claims over land that is already subject to Hak Guna Usaha (HGU), thereby triggering conflict between the residents of Way Tawar Village and PT Adikarya Gemilang. This research aims to examine dispute resolution mechanisms in order to provide legal certainty for the parties involved.

This study employs a normative-empirical legal research method using statutory and case study approaches. Data were collected through literature review and interviews with village authorities and officials of the Way Kanan Regency Government, and were analyzed qualitatively to address the research problems.

The findings indicate that the determination and affirmation of village boundaries have resulted in disruptions to legal certainty regarding land rights due to misinterpretations of administrative boundary changes. This impact is reflected in unilateral claims made by the Way Tawar Village community over land held under Hak Guna Usaha by PT Adikarya Gemilang, even though, legally, changes in village boundaries do not eliminate or alter existing land rights. With regard to dispute resolution, non-litigation settlement through negotiation have been undertaken but have not resulted in an agreement, as each party continues to maintain its respective interests. Moreover, the limited role of local government in facilitating mediation has hindered the effectiveness of amicable dispute resolution. Under these circumstances, this study recommends litigation as a last resort to obtain legal certainty, accompanied by strengthening the role of local government in providing mediation mechanisms and enhancing legal awareness to prevent similar disputes in the future.

Keywords: *Civil Rights, Dispute Resolution, Land Disputes, Litigation, Non-Litigation, Village Boundary Affirmation, Village Boundary Determination.*