

# **POLITIK HUKUM DALAM PEMBERIAN KEWENANGAN BIDANG PERTANAHAN KEPADA PEMERINTAHAN DAERAH**

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## **Abstract**

This research aims at answering these questions: 1) how is the formulation of the government legal politics in granting the authority of land area to the local government?; 2) what the local government has done with the authority of land area given to them?; and 3) in what terms are the right authority that can be given by the government to the local government. This research is normative law research; that is a research that is carried out based on the library research to obtain secondary data in law field. To complete and support the data from library research, the researcher also did some field researches. The field research was carried out in Jakarta and Central Java with purposive sampling to determine the sample. The analysis is done normative qualitatively that includes conceptualization, categorizing, relations, and explanations. The research result shows that: 1) there has been unclearness and inconsistency in determining the formulation of legal politic in granting the authority in land area to the local government; 2) the duty that is conducted by the local government in carrying out their authority in land area is forming the organizational structure that handles the problems with the land and does the functions of land services given by the government; and 3) the right term for authority in land area is the authority of the government and some of those authorities should be able to be decentralized to the Governor or to be delegated to the local government based on *medebewind* principles. The authority that can be given is the one that is related with the technical services and operational procedures of the land policy.

Key words: Legal Politics, Authority, Land Area, Local Government.

## **I. PENDAHULUAN**

Setelah bangsa Indonesia memproklamasikan kemerdekaannya pada tanggal 17 Agustus 1945, dan esok harinya, tanggal 18 Agustus 1945 merumuskan bentuk dan sendi-sendi pokok Negara Kesatuan Republik Indonesia, pengaturan mengenai tanah dilandaskan pada tujuan dibentuknya negara Republik Indonesia. Sebagaimana dinyatakan dalam pembukaan Undang-Undang Dasar 1945, tujuan didirikannya Negara Kesatuan Republik Indonesia antara lain adalah "***memajukan kesejahteraan umum***".

Dalam rangka memajukan kesejahteraan umum itu, hubungan antara manusia Indonesia dengan tanahnya dilakukan dan terangkum dalam ketentuan