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# Land Status Arises Law (*Aanslibbing*) Which Is Controlled By The People Of Muarabaru Village, Cilamaya Wetan Kabupaten Karawang District, Is Associated With Government Regulation No. 16 Of 2004 Concerning Land Stewardship

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### Abstract

*The purpose of this study was to find out and analyze how land status arises law (aanslibbing) which is controlled by the people of muarabaru village, cilamaya wetan kabupaten karawang district, is associated with government regulation no. 16 of 2004 concerning land stewardship. The research used is descriptive analysis, which describes systematically the data on the problem to be discussed. Analytical descriptive specifications of research methods aimed at describing the facts that occur, and not only describe the results of the research, but also examine in line with government regulation number 16 of 2004 concerning land stewardship and other laws and regulations as well as legal theory and practice of implementing positive law, so that answers can be found to the problem of legal protection of land tenure arises. The results of the study prove Legal Status of Emerging Land (Aanslibbing) Controlled, Mechanism for Obtaining Arisen Land (Aanslibbing) According to the Customs of the People, And Settlement arising from land arises (Aanslibbing) which is controlled by the community of Muarabaru Village, Cilamaya Wetan District, Karawang Regency.*

**Keywords:** Government Regulation, Land Status, Stewardship.

## A. Introduction

The unitary state of the republic of Indonesia is a maritime state that is rich in human resources, natural resources, produce, water and space as well as the land contained therein, is a right that can be enjoyed and owned by every Indonesian citizen. This is in accordance with the ideals contained in article 33 paragraph (3) of the 1945 constitution. Which means that the earth, water and wealth contained in it are solely for the benefit of the people, therefore they must be controlled by the state and used as much as possible for the prosperity of the people of Indonesia.

Man's relationship with the land, is not just a place of life for man himself. But more than that, land provides resources for the survival of mankind in the form of natural wealth to be used in such a way, so that it is able to meet the needs of human life itself. Indonesia as a country where most of the people are farming, land is a need that cannot be separated from the community, especially people on the coast, either as coconut plantation farmers, fishermen or other businesses, in order to meet the needs of life and is a gift of God Almighty that must be maintained and maintained.

Mastery is the authority of a legal subject (person / legal entity) over an object in the form of land, and / or control is a real relationship between a person and the goods in his power. In general, land tenure can be divided into two, namely land rights and state land.

State land is land that has been controlled by a land right in accordance with applicable laws and regulations (land that has not been judged by individual rights), while land rights are land owned by individuals or legal entities with a right to land in accordance with applicable provisions, only to state land that can be requested for a right for certain interests and based on a certain process.

State lands that can be requested to be land rights can be in the form of:

1. State land that is still uninhabited or pure, state land that is directly controlled and has not been burdened with any rights.
2. Land that expires its term, because of the right to use buildings, right of use, right of use has a limited validity period, with the passage of the period of enactment, the right to the land becomes abolished and the land becomes state land. Former rights holders may apply for an extension of that time figure or apply for new rights on the land.
3. State land derived from a voluntary waiver by the owner, the holder of the right to the land may waive his rights and with the release of that right the land in question becomes state land

The description of Article 33 paragraph (3) regarding the right to control land by the state is further regulated in Article 2 of the UUPA. The word "master" has the meaning of:

1. Physically controlling is a person who has physically controlled his land, then the person has rights and obligations to the land, for example his right to build a house,
2. The right to control juridically, is the control of land that is based on its rights and is juridically protected by law. The increase in population will affect the needs of the land, the land area is not proportional to the increase in the number of inhabitants will have an impact on disputes in controlling the right of control over the land.

One of the things that has not been described, is the occurrence of land tenure arising by the community that appeared on the karawang coastline covering an area of 75 ha from the previous shoreline, especially the control of arising land (aanslibbing) by the muara village community of Cilamaya Wetan district, Karawang regency. The definition of arising land itself is contained in article 12 of government regulation number 16 of 2004 concerning land use management where land derived from land arises is controlled by the state.

## **B. Method**

The research specification used is descriptive analysis, which describes systematically the data regarding the problem to be discussed. Analytical descriptive specifications of research methods aimed at describing the facts that occur, and not only describe the results of the research, but also examine in line with government regulation number 16 of 2004 concerning land stewardship and other laws and

regulations as well as legal theory and practice of implementing positive law, so that answers can be found to the problem of legal protection of land tenure arises.

### **C. Results and Discussion**

#### **1. Legal Status of Emerging Land (*Aanslibbing*) Controlled by the People of Muarabaru Village, Cilamaya Wetan District, Karawang Regency**

In general mastery comes from the word mastered, whereas mastered is a purpose to possess, as explained in supryadi's book, sajipto raharjo states that mastery is a real relationship between a person and the goods that are in his aan, at which time he does not need any other legitimacy except that the goods are in his hands.

In the Indonesian community, there are also various terms in referring to this embossed land. This is certainly understandable, because in Indonesia there are various tribes that certainly have language differences between one region and another, but the term still has the same meaning and meaning.

As Roestandi in Rofi Wahanisa and Arif Hidayat explained that embossed land is called oloran soil, which is land that arises on the banks of rivers due to silt deposits carried by river flows. Furthermore, Urip Santoso in his book mentions in the term tongue of the land, which is the land that arises or appears on the banks of the river current that turns. This soil comes from silt deposits that are increasingly rising and hardening. The emergence of this land is not due to the intentionality of a person or owner of the bordering land, but rather occurs naturally. Based on the results of research in the field in muarabaru village, the community said that the soil derived from silt deposits that became a new surface on the coast was named embossed soil.

Formal juridically, the definition of arisen land can be seen in the explanation of Article 12 of Government Regulation Number 16 of 2004 concerning Land Stewardship which states that land arises is land that is formed naturally or artificially due to the deposition process, in rivers, lakes, beaches and or islands arise. formed naturally as well as artificially due to the process of deposition, in rivers, lakes, beaches and or embossed islands.

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Based on the results of research in the field, precisely in muarabaru village, Cilamaya Wetan district, the community has used the land since the era when muarabaru village was still integrated in the main village, namely muara village. The area of land arising at that time was still relatively small because the contours of the land which at that time were not as stable as it was because it was still often lost in the waves. As time goes by in the steadfastness with the increase in the area of embossed land, the community makes use of the existing embossed land by making ponds – fish and shrimp farming ponds, there are even communities that make embossed land as settlements.

#### **2. Mechanism for Obtaining Arisen Land (*Aanslibbing*) According to the Customs of the People of Muarabaru Village, Cilamaya Wetan District, Karawang Regency**

Habit can be interpreted as an act repeated in the same form, which shows an evidence that a person or group of people likes the deed. Asma quoted Ishaq in his book J.B. Daliyo states that habit is a human deed regarding a certain thing that is done repeatedly. Based on what has been mentioned, in this language will be described the control over the sedimentary land (embossed land) according to the habits of the community residents at the research site.

The provisions for clearing vacant land in the form of village forests as referred to by residents are the same as the clearing of arising land. The difference is only seen in the procedure for opening it, that is, if the land is in the form of a forest, then the person who wants to cultivate it must first cut down the trees and clean them from the roots of the thickets, so that the land can be used for its purposes, for example for farming, being used as a place to raise livestock, build houses or be used as a place for other purposes. As for the soil of the arisen soil, people who want to master it only try to work so that the embossed soil can be like the soil in general, namely by stockpiling or planting it with several types of plants that can accelerate the growth of the emerging soil layer. As well as the management of the land aims to increase the economic value of the arising land. As explained by the people who own the land arose a long time ago. Ujang argued that to get a piece of land from the land arising, the people of the new estuary village first, open up new land that has no rights to others on it and turn the vacant land into land that has economic value, then the land can be requested to be controlled by him in the form of arable even in his property.

In general, the authority to control and use the arising land is prioritized to residents who own land adjacent to the embossed land.

In this case, the resident who owns the land directly adjacent to the embossed land is a person who has the priority right to cultivate it, if he wants to work on and manage the new land, he only simply tells his intentions to the residents of the landowner who borders him. The purpose of this notice is intended so that they (both parties) clearly know the boundaries of the land that is part of their land. So that in the future it does not become a dispute or dispute between the two bordering parties. The procedure that is usually carried out by the residents (the party concerned) before clearing the land is to give boundary signs, such as sticking bamboo or wood in the four corners of the embossed land that he will cultivate, namely by pulling straight from the plot of land that he has previously owned, both from the right and left sides of the boundary of the land plot.

If the landowner is directly adjacent to the land, he does not want it, then that authority can be given to someone else. The conditions so that the other person can have the authority to control and utilize the land arise are as follows:

1. local villagers (villagers of muarabaru village), or
  2. local community residents (villagers of muarabaru village) who do not own arable land, or;
  3. local community residents (muarabaru villagers) who already have arable land;
- Residents who want land to arise as explained by the head of muarabaru village, ato sukanto he said that the land arises can be requested by submitting an application to the village, as for the first step that must be done is:
1. conveyed the intention to the residents of the land bordering the land to be cultivated, so that they both parties clearly know the boundaries of the land that

is part of the land, so that later it does not become a dispute between the two bordering parties.

2. After a few days neither party objected, he began to open the land by giving boundary signs, such as sticking bamboo or wood on the four corners of the land that he would beg for, namely by pulling straight from the plot of land that had been previously owned, both from the right side and from the left side of the boundary of the land plot.
3. Report to the head of the hamlet to be forwarded to the local village head to obtain permission to work.

In essence, managing state land is the responsibility of the state / government nationally. State land serves for certain purposes within the scope of the territory.

Land arises is land that is directly controlled by the state and against it can be applied for a right to land, generally regulated in the regulation of the minister of agrarian affairs / head of the land agency no. 9 of 1999 concerning procedures for granting and canceling rights to state land and management rights. State authority is exercised by the ministry of agrarian and spatial planning of the national land agency, can delegate part of its authority to the head of the regional office of the national land agency or the head of the district / city land agency.

There is a delegation of authority to the head of the local land office, then in principle the application for land rights arises as state land is submitted to the land office whose jurisdiction includes the location of the land. The system of acquiring land arising can be obtained by means of an application for new rights, where the party who wants to produce the land of the country must previously apply to the state by means of an application for land rights.

Efforts to apply for land rights to arise must be completed with the condition of administrative requirements, namely a certificate issued by the village / kelurahan and a testimony letter from the village head / village head, as classed by the head of the village muarabaru land arises that has been issued skd can be increased again to property rights.

He further said that the certificate and testimony letter from the village as proof of physical control by the community. Administrative requirements in the form of certificates and testimony letters are the conditions that have been set out in article 24 paragraph (2) of government regulation number 24 of 1997 concerning land registration and regulation of the minister of agrarian affairs / head of the national land agency number 3 of 1997 concerning implementing regulations.

3. Settlement arising from land arises (Aanslibbing) which is controlled by the community of Muarabaru Village, Cilamaya Wetan District, Karawang Regency

Soil arises is a new land entity that appears above the surface of the water due to continuous sedimentation. The term "land arises" in the Indonesian civil code is called "aanslibbing" or "channelbar" or "deltaber" or "oloran land", "balete land", "wedi kengser", "tongue of land", "tanah plus", land grows or other local naming.

The natural secca of arising soil is a typical phenomenon of prairan due to sedimentation. This phenomenon can occur in coastal areas, river borders, and lake banks. However, naturally, this newly grown area is lost at any time depending on the dynamics of the waters.



The existence of this land has become one of the agrarian problems that arise in coastal areas of Indonesia regarding its right of control. Land arises to be a latent locus of social conflict amid the uncertainty of legal knowledge that exists at the grassroots level as to who owns the rights to the land.

As the results of field research carried out in the new estuary village, land tenure arises not to escape the problems experienced by the people who control the land. Conflicts related to land area are a frequent problem in muarabaru villages.

on the basis of man has a greedy nature which is the nature of wanting to possess excess of what he already has, this is what becomes the emergence of conflicts as a result of land tenure arising that occur in the social circles of society often occurs, which is triggered by human nature itself. Ato sukanto as the head of muarabaru village stated that land problems arise in the social circles of the community cannot be separated from the desire to own land excessively by community members. Social conflicts that occur are usually experienced by land cultivators who want to control the land arise with an amount that exceeds the amount of area determined by the village so as to cause horijontal conflicts between the people.

Furthermore, he said that the control of the land arises aims to facilitate the needs of the people of the new estuary village, therefore the land arising in the muarabaru village can be controlled by the community by asking permission from the village as the holder of territorial power for the new estuary village area. Land arising in the village of Muarabaru can be controlled by the community with the amount of control determined by the village of people. As revealed by agus as the owner of a shrimp pond located on the land of the new estuary village, the land arises can be controlled by the people of the new estuary village with a maximum limit of 2 ha per person.

As explained by the elder of maurabaru village, karsim explained that the resolution of land conflicts arising from the muarabaru did not reach the realm of litigation, a settlement that was usually taken by means of deliberations between disputing communities, which was led by the head to resolve the issue. Conflicts that occur related to land tenure arise in estuary villages related to the boundaries of land tenure controlled by the disputing community. Therefore, the deliberations and / or mediation carried out by the community must pay attention to the SKD where in the SKD can be seen the area and the upper boundary of the land it controls. So that it becomes a strong evidence of the control of the land.

#### **D. Conclusion**

Legal Status of Emerging Land (*Aanslibbing*) Controlled by the People of Muara Village, Cilamaya Wean District, Karawang Regency. The community uses the land since the era when the muarabaru village was still integrated with the main village, namely the estuary village. The area of land arising at that time was still relatively small because the contours of the land which at that time were not as stable as it was because it was still often lost in the waves. Over time, the stoicism with the increase in the area of embossed land made the community take advantage of the existing embossed land by making ponds – fish and shrimp farming ponds. The control of timul land in muarabaru village has all been occupied by the right to land issued by the village (SKD), as stated by the villagers, land arising from the shoreline up to a distance of 1 km to the middle (southwards) already has the name of the owner based on the SKD on land

arising in muarabaru village. Based on field research and juridical research, it was found that all arising land located in the new estuary village of cilamaya wetan district, is land over the state and can be upgraded to property rights, as long as the land is outside of the coastal commensurate gais, as explained in article 30 paragraph (2) of regional regulation No. 2 of 2013 concerning the karawang district spatial plan for 2011-2013 and affirmed by article 13 of government regulation No. 16 of 2004 concerning soil management.

Mechanism for Obtaining *Embossed Land (Aanslibbing)* According to the Customs of the Muara Village Community, Cilamaya Wetan District, Karawang Regency. The people of muarabaru village, cilamaya wetan district, have obtained embossed land so far, which has followed the flow of embossed land tenure that has been made by the muarabaru village government, cilamaya wetan district. Where land tenure arises must ask for a cultivation permit from the village. The community considers the opening of new land as a way to be able to control a piece of land, therefore people who know that there is land arising in droves to cultivate the land arise so that it can be like land in general, after the community can convert the land arises into land as generally the community can ask permission to the village so that the issuance of a SKD to be proof of control over the land he is working on, and be able to work on it. The control and utilization of arising land is prioritized to residents who own land adjacent to the embossed land. However, even residents who do not border the embossed land may control the embossed land, by informing the owner of the land adjacent to it. The purpose of this notice is intended so that they (both parties) clearly know the boundaries of the land that is part of their land. So that in the future it does not become a dispute or dispute between the two bordering parties.

Settlement arising from Arising Land (Aanslibbing) Which is Controlled by the Muara Village Community, Cilamaya Wetan District, Karawang Regency. Control conflicts often occur between residents of muarabaru village, Cilamayawetan district, who control the land, as the conflict occurs because of the control boundaries that are often contested. In order to solve the problems that often occur, the village government usually holds deliberations and or mediation between the disputing communities in a way that both parties can prove the boundaries of the land boundaries that arise that they control in accordance with the SKD issued by the village. In this case, settlements arising from the control of the land arise are usually resolved by means of deliberations led by the village.

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