

Juridical Analysis of Land Arises in the Perspective of Agrarian Reform in Tanjungjaya Village

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Abstract: *This article analyzes the juridical aspects related to the emergence of land in the context of agrarian reform in Tanjungjaya Village. Agrarian reform is an important effort in the redistribution and management of land resources to achieve social and economic justice. This study explores how changes in laws and policies in agrarian reform affect the process of land arising, as well as their implications for land ownership and use rights in the village. Using a juridical analysis approach, this article assesses applicable regulations, administrative procedures, as well as challenges and solutions in the implementation of agrarian reform. The findings show that despite progress in land regulation and redistribution, legal and administrative problems that have not been fully resolved are still an obstacle in the implementation of agrarian reform in Tanjungjaya Village. This research is expected to provide useful insights for policymakers, legal practitioners, and related parties in efforts to improve and adjust agrarian reform policies.*

Keywords: *Agrarian Reform, Land Aanslibbing, Regulations,*

INTRODUCTION

According to Article 33 paragraph (3) of the Constitution of the Republic of Indonesia, the earth, water, and natural resources contained in it are state ownership that must be utilized for the widest possible welfare for the people.¹ This concept leaves legitimacy to the State to regulate and manage natural resources for the sake of the national interest and the welfare of the people as a whole.² The state as a forum for all people reserves the authority to regulate and carry out the use and maintenance of the earth, water, and space. The state also reserves the right to establish and arrange legal relationships between individuals with the earth, water, and space, as well as regulate legal

transactions involving the earth, water, and space in accordance with the provisions listed through Article 2 of Law No. 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA).³

The land law regulates land ownership rights, which gives the right holder the authority to use and benefit from the land he owns,⁴ one example is the right to own land according to custom, which is a right that is passed down from generation to generation, strong, and gives the landowner full rights to the land.⁵ Article 22 paragraph (1) of the Basic Agrarian Law explains that the enforcement of property rights according to custom is prepared by Government Regulation.⁶ Property rights are formed through

¹Undang-Undang Dasar Tahun 1945, Pasal 33 ayat (3).

²Suyono Sanjaya, Yuniar Rahmatiar, Dasar-Dasar Hukum Agraria, (Yogyakarta: 2024: K-Media), hlm. 52.

³Andri Susanto, dkk, Perlindungan Hukum bagi Penggadai Tanah Pertanian dihubungkan dengan Undang-Undang Nomor 56 Tahun 1960 Tentang Penetapan Luas Tanah Pertanian, UNES Law Review, E-ISSN 2622-7045, Vol. 6, No. 1, (2023).

⁴Desyifa Nurhidayah, dkk, Analisis Yuridis Kepastian Hukum Terhadap Peralihan Hak Atas Tanah dalam Jual Beli Dibawah Tangan, UNES Law Review, E-ISSN 2622-7045, Vol. 6, No. 1, (2023), hlm. 747.

⁵Masnida Malau, dkk, Perbuatan Melawan Hukum Atas Penyerobotan Tanah Milik Orang Lain Dhubungkan Dengan Pasal 1365 KUH Perdata, Binamulia Hukum, Vol. 12, No. 2, (2023), hlm. 300

⁶Sudikno Mertokusumo, Hukum dan Politik Agraria, (Jakarta: 1988: Karunika Universitas Terbuka).

the process of land clearing and land tongues. Tongue refers to soil that appears due to changes in river currents and mud deposits on the shore that are increasingly rising and hardening into land. The formation of this arising soil is not due to human actions, but is formed naturally.⁷

The term "land arises" in English is known as "deltabar" or "channelbar", but in Dutch it is said "aanslibbing", and in Indonesian it is said "tanah timbul". The process of forming land arises can be understood through the study of sedimentology, a science that studies the deposition of materials or sediments.⁸ Deposition occurs because organic materials such as soil and rocks from various sources are transported and deposited by air, wind, and water elsewhere. In Indonesia, the term "land arises" has a variety of meanings because of ethnic diversity, which causes language differences between regions. But, in general, the term "land arises" still retains a similar meaning and meaning throughout Indonesia.⁹

Currently, the Government of Indonesia is actively implementing Agrarian Reform following the MPR TAP Number IX/MPR/2001 and Presidential Regulation Number 86 of 2018 Jo. Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform. This step is crucial in efforts to legalize asset ownership and regulate access to it in the national interest and to prevent monopolies that can harm society. The definition of Agrarian Reform (land reform) in a narrow sense refers to a series of actions carried out in the framework of agrarian reform in Indonesia. This land reform involves a number of steps aimed at overhauling land ownership and use, as well as rearranging legal relationships related to land tenure.¹⁰

The issue of land ownership is an important thing in Indonesia that reflects the values of social justice listed in Pancasila. Through the Agrarian Reform and Asset Redistribution policy, or known as Land Redistribution for Agrarian Reform Goals (TORA), the government aims to ensure the welfare of the people through these principles of social justice. These principles have been widely applied in the last eight years to achieve this goal.

Agrarian Reform is a national agenda that requires careful planning and implementation to achieve its goals. Agrarian reform is the basis for updating the agrarian legal system with the aim of improving the welfare of the people, which can be identified from the analysis of the implementation mechanism of agrarian reform, public access to regulations, the study of basic agrarian principles, and the foundation of the modern constitution that integrates agrarian principles in it.¹¹ In general, in order to achieve these goals, a mechanism for implementing agrarian reform is needed which includes four main aspects, namely the determination of objects, the determination of subjects, the mechanism and system for delivering agrarian reform, and access to reform.¹²

Tanjungjaya Village, Tempuran District, Karawang Regency, stores a wide land rise along the northern coast of Java. According to the village government, every year the land arises continue to increase in breadth. Then the community around the coast uses the land arises for agricultural and fishery purposes. However, until now there are no definite regulations regarding the land arises in Tanjungjaya village, Tempuran district. Land arises that are formed naturally on the beach even grow wider

⁷Ibid.

⁸Muhammad Syafa'at, dkk, Studi Pengaruh Bangunan Consolidation Dan CD1-1 Terhadap Laju Sedimentasi Disungai Jeneberang. Vol. 12 No.1 (2019). hlm. 3.

⁹Eliza Rafida Hanum. "Dinamika Konflik Tanah Timbul di Pulau Sarinah Kabupaten Sidoarjo". Jurnal Politik Indonesia. Vol. 2, No. 1, (2017), hlm. 136.

¹⁰Suyono Sanjaya, Yuniar Rahmatiar. Dasar-Dasar Hukum Agraria. (Yogyakarta: 2024: K-Media). hlm. 159.

¹¹Muhammad Ilham Arisaputra. "Access Reform Dalam Kerangka Reforma Agraria Untuk Mewujudkan Kesejahteraan Rakyat". (Surabaya: 2015: Fakultas Hukum UNAIR Surabaya). hlm. 236.

¹²Joyo Winoto. Tanah untuk Rakyat: Riset tentang Reforma Agraria sebagai Agenda Bangsa. (2008). hlm.56.

from year to year, this is the target of the people around the beach in order to be able to control it so that it can be used as pond land because of the brackish nature of the water. Land arises on the coast have existed around 1987, since then the area of land arises on the coast of Tempuran sub-district from year to year has been increasing, especially around the Ciderewak estuary between Tanjungjaya village and Sumberjaya village. The existence of these land arises is a blessing for the people around the coast, on the other hand because there is no regulation that regulates directly, becoming a source of problems both in terms of legality and in terms of the function of the area on the coast.¹³

METHOD

This study uses a qualitative approach, where qualitative research methods are used to investigate the natural conditions of the object of study. The researcher plays the role of the main instrument with data collection techniques through interviews and observations, which are then analyzed using triangulation or member checks. This type of research is empirical juridical, conducted to understand the real situation that occurs in society with the aim of identifying the necessary facts and data. Data collection techniques include primary data such as the 1945 Constitution, the Basic Agrarian Law, and Presidential Regulations, as well as secondary data obtained from primary data analysis. The data collection method was carried out through literature studies, interviews, and observations.¹⁴ The location of the research is in Tempuran sub-district, Tanjungjaya village, the object of this research is land arises.

RESULTS AND DISCUSSION

A. Land Allocation Arises from the Perspective of Agrarian Reform in Tanjungjaya Village

Tanjungjaya Village is a village located in Tempuran sub-district of Karawang regency, West Java province, Indonesia with an area of 10.08 km², Tanjungjaya village has a population of 5316 people or 2556 heads of families, the capital of Tempuran district is pancakarya which has an area of 93.15 km², and stores 14 villages including Tanjungjaya village itself in it, among them are Dayeuhluhur village, Lemahkarya village, Lemahduhur village, Lemahsubur village, Lemahmakmur village, Pegadungan village, Purwajaya village, Jayanegara village, Tempuran village, Ciparagejaya village, Cikuntul village, Sumberjaya village, Pancakarya village, and Tanjungjaya village itself, as evidenced by data from the Karawang Central Statistics Agency (BPS).¹⁵ Geographically located at coordinates 6°10'09"S 107°27'18"E.¹⁶ Between the west of Ciderewek village, the east of Pancakarya village, the north of the Java Sea, the south of Deyeuhluhur village.

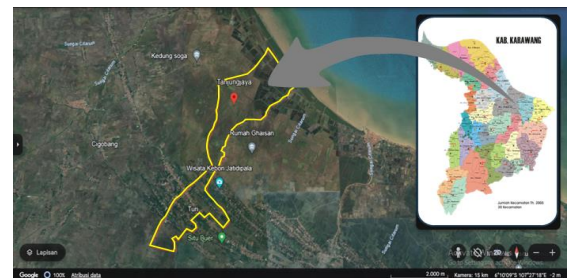


Figure 1. The Boundary of Tanjungjaya Village, Tempuran District, Karawang
Source: Data Research

Most of the residents' sources of income work as farmers, because agriculture is an important sector in the Indonesian economy as an agrarian country. In addition to the agricultural sector, the people of Tanjungjaya village work as pond farmers, both at the location of land owned by residents and there are also those who take advantage of land arises

¹³Keterangan hasil wawancara dengan bapak Abi Aradinata, Kepala dusun desa Tanjungjaya kecamatan Tempuran kabupaten Karawang, [Pada Tanggal 5 Mei 2024 di Karawang, Pukul 11.15 WIB].

¹⁴Bambang Waluyo, Penelitian Hukum Dalam Praktek, (Jakarta: 2002: Sinar Grafika), hlm.15.

¹⁵Badan pusat statistik Kawarang, 2023, Luas desa di kabupaten Karawang, (Peta desa Tanjungjaya), [Diakses pada tanggal 24 Mei 2024, pukul 21:00].

¹⁶Google Earth "Desa Tanjungjaya, Karawang, Jawa Barat,"[Diakses pada tanggal 23 Mei 2024, pukul 11:42 WIB]

along the coast. The formation of land arises on the coast of Tanjungjaya village is formed through the process of natural soil deposits. Communities around the coast use land arises as pond land for various commodities such as shrimp, milkfish and tilapia.

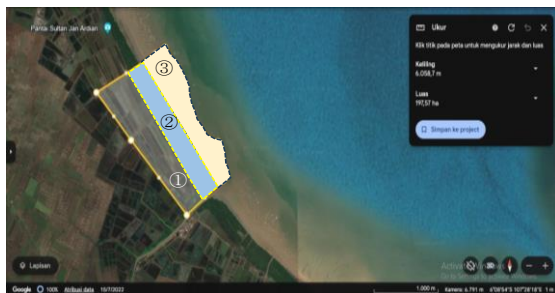


Figure 2. Condition of Existing Land Arises in Tanjungjaya Village

Source: Data Research

Table 1.

No.	Condition of Existing	Area (ha)
1.	Mangrove Forest	86,89 ha
2.	Pond	46,68 ha
3.	Beach/Mud	64 ha
Total		197,57 ha

Source: Google Earth "Map of Tanjungjaya village, Karawang, West Java,"

Table 2.

No.	Space Pattern	Area (ha)
1.	Tourism	21,26
2.	Fishing	5,28
3.	Free Space	99,87
Total		126,41

Source: Primary Data of ATR/BPN Karawang regency, 2023

Table 3.

No.	Land Ownership	Area (ha)
1.	Ownership	12,68
2.	Unregistered Land	113,73
Total		126,41

Source: Primary Data of ATR/BPN Karawang regency, 2023

Based on table 3, it shows that the land arises that have become Property Rights are 12.68 ha, and the land that has not been registered is 113.73 ha, with a total area of 126.41 ha. Initially, the people around the waters generally controlled their land for decades. A motivation for residents to occupy the land is the desire to acquire land without the need to buy it, only by spending money to cultivate the land. Data shows that some villagers who keep land as many as 531 families and who do not keep land as many as 1356 families. It is inversely proportional to the village whose area is the largest among the other 14 (fourteen) villages.

Before the mangrove tree grows, the condition of the beach looks bright there are no trees growing around it, while when the mangrove tree grows there is a feeling of mangrove trees by the cultivator of the land arises, this is what causes the land arises to be completely affected by abrasion, but naturally the soil reappears, in order to prevent abrasion, the planting of mangrove trees is held, then the land arises is managed into pond land by the owner of the cultivator. Starting from 1996 to 2016, the development of land arises has increased the land area, approximately 200 hectares. Land arises is controlled by one of the residents where the land becomes hereditary land that was used as an inheritance by the previous cultivator, this is the beginning of the sale and purchase of cultivated land, based on the recommendation of the Village Certificate / Land Certificate.¹⁷

The legality of the control of pond land on land arises by the people of Tanjungjaya village is in the form of a Village Certificate, namely a Cultivated Land Certificate issued from the head of Tanjungjaya village, around 2012-2016 the letter is the basis for management. Village Certificate/Land Certificate is a description of cultivation in a certain name with a certain area, by showing the boundaries of the cultivation area. The purpose of issuing a Village Certificate / Land Certificate by the village head is proof that the

¹⁷Keterangan hasil wawancara bapak Tano, warga dusun Kalenkalong desa Tanjungjaya sebagai petani

penggarap, [Pada tanggal 30 Mei 2024 di desa Tanjungjaya, Karawang, pukul 15.30 WIB].

person is correct as a resident who works on the land arises.¹⁸

According to information from residents, around 2015 and 2016 there was an issue among the people of Tanjungjaya village that there would be a port construction in the Tempuran sub-district area. The news triggered the arrival of capital owners from outside the Tempuran sub-district area to buy residents' lands for the purpose of speculation. Including additional land cultivated by residents at the location of the embossed land is also purchased by capital owners/speculators. The practice of buying and selling cultivated is based on the right to cultivate a Village Certificate issued by the village head. The goal of speculators is to seek profits from the difference between the purchase price and the selling price that will be purchased by the port developer.¹⁹ Since then, all empirical land in Tanjungjaya village has transferred its cultivation rights to residents outside the village or capital owners, local residents only become cultivating farmers or renting cultivated land from the new owner/speculator.²⁰

Some local residents who keep additional cultivated land at the land arise location, are advised to apply for the making of a Village Certificate to the village head, by cultivators/speculators so that additional land owned by residents can be submitted for sale, but because residents cannot afford to finance the administration of the Village Certificate submission because it costs a considerable amount of money, So the residents inevitably submit all decisions to the village head, which finally the village head who issues the Village Certificate with the burden of costs borne by the village head, then the residents get some part of the sale price of their additional land.²¹ The owner of the cultivated land at that time carried out the sale using a Village Certificate issued

from the village head, the activity ran until the term of office to the village expired precisely in 2021, after being taken over by the new village head, the Village Certificate was no longer issued, the one who sold the land was Tanjungjaya villagers who kept large funds for the purchase of the land, even speculators also control the land arises in Sumberjaya village 40% of the land arise area in Sumberjaya village, in contrast to Tanjungjaya village almost entirely the land arises have been controlled by land cultivators, the hope of the residents of Sumberjaya land arises is not to make a pond anymore, just enough to be protected, because if it is made into a pond, I am worried that there will be more activities to buy and sell cultivated land.²²

Speculators argue that land arises can be certified by the Karawang Regency Land Office, so that the practice of buying and selling pond land originating from land arises has caused several problems. The existence of people who are only farmers/farm workers owned by entrepreneurs because they do not save land, as well as the lack of clarity in regulations and legal certainty on land arises are unsolved questions for the community.

Legally, regulations related to land arises have been regulated in the Circular Letter of the Minister of State of Agrarian Affairs Number 410-1293 of 1996 concerning the Control of the Status of Land Arises and Reclaimed Land, as well as in the Regulation of the Minister of State of Agrarian Affairs and Spatial Planning Number 17 of 2016 concerning Land Arrangement in coastal areas and small islands. Furthermore, Government Regulation Number 16 of 2004 concerning Land Stewardship Article 12 emphasizes that land originating from land arises or reclaimed products in water areas such as beaches, tides, swamps, lakes, and former rivers is directly

¹⁸Keterangan hasil wawancara bapak Abi Aradinata, kepala dusun desa Tanjungjaya, [Pada Tanggal 26 Mei 2024 di desa Tanjungjaya, Karawang, Pukul 13.15 WIB].

¹⁹Ibid.

²⁰Keterangan hasil wawancara dengan bapak Karmardi Ketua Kelompok Masyarakat Pengawasan Perikanan, [Pada Tanggal 26 Mei 2024 di desa Sumberjaya, Karawang, Pukul 14.20 WIB].

²¹Keterangan hasil wawancara dengan ibu Encih sebagai warga desa Sumberjaya, [Pada tanggal 30 Mei 2024 di desa Sumberjaya, Karawang, Pukul 14.00 WIB].

²²Keterangan hasil wawancara dengan bapak Abdul Kodir Jaelani sebagai Rukun Keluarga desa Sumberjaya, [Pada tanggal 30 Mei 2024 di desa Sumberjaya, Karawang, Pukul 14.00 WIB].

owned by the state. However, there is a perspective of legal pluralism that recognizes agrarian control outside of positive regulations, such as customary law and customs. This creates uncertainty in the implementation of agrarian law.

The duality between formal legal provisions and social practices in the use of land arises often leads to conflicts and disputes at the local level, because these practices are often not in accordance with national land regulations and are often irregular on land ownership. The existence of legal pluralism provides recognition of cultural aspects, but it also increases the risk of ecological damage if there is no proper control of land under the formal laws of the state.²³

Land arises is basically land that was not previously available or not owned (*res nullius*). Land arises are assets that are directly controlled by the state. If the area is a maximum of 100 m², so that the land belongs to the party who stores the land that is directly adjacent to. However, if the area is more than 100 m², it is mandatory to obtain approval from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency and must not contradict spatial planning regulations such as the Regional Spatial Plan (RTRW) and the Zoning Plan for Coastal Areas and Small Islands (RZWP3K), in accordance with the provisions of Article 15 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 17 of 2016.²⁴

Since 2021, in an effort to avoid problems with land arising regulations and to prevent abuse of authority, the Tanjungjaya village government, Tempuran district, has never issued a village certificate (SKD) for land arises. And submit it to the authorized agencies to take care of the legality of their control in accordance with applicable regulations.²⁵

A statement from the Office of Agrarian and Spatial Planning/National Land

Agency of Karawang Regency, said that the inventory of land arises by name by address has not been carried out, but for indications that ATR/BPN has collected data, first seen from satellite images in 2003 land arises are still in the form of water, then ATR/BPN looks again at the development in 2023 it turns out that it is already in the form of land growing mangrove forests, There are 4 (four) sub-districts indicated as land arises, namely Cilamaya Kulon sub-district of Sukajaya village, Cilamaya Wetan sub-district of Sukakarta village, Muara Baru village, as well as Muara village, Cilebar sub-district of North Pusakajaya village and Mekarpohaci village, and in Tempuran sub-district of Tanjungjaya village, Sumberjaya village and Ciparage village, with a total area of 126.41 ha in 2022.

B. Land Arises as a Source of Land for Agrarian Reform Objects (TORA) in Tanjungjaya Village.

Awareness of the need to reorganize a fair coexistence through agrarian reform achieved the highest part of the creation of the MPR TAP Number IX/MPR/2001 concerning agrarian reform and natural resource management. This is implemented in the Joko Widodo government program formulated in the 5th precept of Nawacita, namely the "Work Indonesia and Prosperous Indonesia Program", which focuses on encouraging agrarian reform.²⁶

In the national priority project of agrarian reform, there are three main projects: 1) Structuring Ownership and Land Ownership as an Object of Agrarian Reform (TORA); 2) Improving the accuracy of land data and legalization of TORA; 3) Community empowerment in the use, utilization, and production related to TORA. Meanwhile, the objectives of agrarian reform such as: 1) Minimizing disparities in land ownership and control in order to achieve justice; 2) Handling agrarian conflicts and disputes; 3) Creating

²³Ibid.

²⁴BHUMI: Jurnal Agraria dan Pertanahan Received: 28 Juli 2019; Reviewed: 08 Augustus 2019; Accepted: 03 Oktober 2019.

²⁵Keterangan hasil wawancara dengan bapak Warjoni sebagai kepala desa Tanjungjaya

kecamatan Tempuran kabupaten Karawang, [Pada Tanggal 20 Maret 2024 di kantor desa Tanjungjaya, Karawang, Pukul 12.00 WIB].

²⁶Nurus Sholichin, Paparan sosialisasi, "Optimalisasi Percepatan Pelaksanaan Reforma Agraria Kabupaten Karawang", 30 januari 2024.

agrarian economic resources and community welfare by regulating the control, ownership, use, and utilization of land; 4) creating jobs to reduce poverty and increase people's access to economic resources; 5) increasing food security and food sovereignty as well as renovating and maintaining environmental quality.²⁷

Land that arises along the coast, riverbanks, lakesides, and islands is directly controlled by the state, following Article 15 of the Regulation of the Minister of Agrarian Affairs Number 17 of 2016. For land arises that store an area of more than 100 m², land rights can be granted to land owners who are directly adjacent to their land arises on the condition that the management and ownership of land arises must be accompanied by advice by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, and its use and utilization must follow its designation in the spatial plan of the province/district/city, or the zoning plan of coastal areas and small islands.

Presidential Regulation Number 62 of 2023 concerns the acceleration of the implementation of agrarian reform, which is sourced from non-forest areas. In article 14 paragraph (1) letter J, land arises is one of the sources of Land Object of Agrarian Reform (TORA) that starts from non-forest areas. This makes the basis that land arises in Tanjungjaya village can be applied to the Karawang Regency Land Office in order to obtain land rights. After there is a determination from the Minister of ATR/BPN as read Presidential Decree Number 62 of 2023 article (3) "TORA, as explained through paragraph (1), is authorized by the minister responsible for government affairs in the land sector after verifying the requirements for physical and juridical data in accordance with laws and regulations related to land". The subject of agrarian reform as the recipient is regulated in Article 19:

1. The subjects of agrarian reform include:
 - a. Individual;
 - b. Community with Shared Ownership;
 - c. Indigenous Communities;

²⁷ Ibid.

²⁸ Keterangan hasil wawancara dengan bapak Karmadi Ketua Kelompok Masyarakat

- d. Legal Entity.
2. Individual persons as listed in paragraph (1) letter a are required to complete the criteria such as:
 - a. Indonesian Residents;
 - b. Minimum age of 18 years;
 - c. Live in an area that is the object of land redistribution or are ready to settle in that area in one administrative sub-district.
3. An individual as referred to in paragraph (1) letter a obtains a profession:
 - a. Small farmers on less than 0.25 hectares of land or who rent less than 2 hectares of land for agriculture as their source of livelihood;
 - b. Farmers who manage land that is not their own;
 - c. Farm laborers who work on other people's land for wages;
 - d. Small fishermen who catch fish for daily needs, either with or without a fishing boat with a maximum size of 10 Gross Tonnage;
 - e. Traditional fishermen who catch fish in the waters, which is a hereditary fishery right in accordance with local culture;
 - f. Fishermen who participate in fishing;
 - g. Small fish farmers to supplement the needs of daily life;
 - h. Fish farming land managers who hold labor in these activities.

The people of Tanjungjaya village who are gurem farmers, farmers who rent ponds whose area has not exceeded 2 (two) hectares, these pond farmers who work or cultivate other people's ponds, based on this Presidential Regulation, namely as the subject of agrarian reform, so that they have the opportunity to get land redistribution.

The community's desire for asset rights and access to the framework of land redistribution sourced from empirical land as an Agrarian Reform Object (TORA), is directly proportional to the desire to protect the coastal natural environment. It is hoped that the community can form protection/conservation zones and utilization zones.²⁸ In order to

(POKMASWAS), [Pada tanggal 26 Mei 2024 di Karawang, pukul 13:00 WIB].

prevent coastal damage, in determining the use and allocation of land that arises, it is regulated that coastal conservation paths (green belts) must be enforced with a width of between 100 to 400 meters, measured by the lowest point of tidal sea water according to the conditions and characteristics of the beach. This is regulated in West Java Provincial Regulation Number 6 of 2011 Article 31 paragraph (1).

With this regional regulation, the local/district government reserves the authority to determine conservation zones/coastal conservation land paths (green belt) and zones that can be used and/or utilized by the community. So that protection and utilization efforts can go hand in hand without colliding with each other in efforts to create the welfare and security of coastal communities.

Land arises is land that is created both naturally and artificially through the process of sedimentation in rivers, lakes, beaches, and other areas, with the control of the land by the state, as explained in Article 1 paragraph (14) of the Governor of West Java Province Regulation Number 6 of 2011 concerning the management of mangrove forests and coastal forests. As a result, the state reserves the authority to regulate the use and allocation of this land. The determination of the allocation of embossed land as a protected area, which is naturally controlled by the state and supervised by the governor, is regulated through Article 30 paragraph (1). The West Java Provincial Government authorizes the district/city government to determine the designation and use of land arises, in accordance with the Provincial Spatial Plan and the Regency/City Spatial Plan, as regulated through Article 4 paragraph (1).²⁹

Efforts to protect and rehabilitate land arises in Tanjungjaya village, Tempuran district have been going on for a long time, since 2006 several mangrove planting programs from the central and regional governments have been implemented. In 2018, POKMASWAS (Fisheries Supervisory Community Group) was

formed under the guidance of the Marine and Fisheries Service (DKP), where the group is a supervisory organizer at the field level which is divided into elements of community leaders, whose group was formed on the initiative of the community who are confident in the main concern of maintaining and preserving marine resources and fisheries. POKMASWA is located in Kalenkalong village, Sumberjaya village led by Mr. Karmadi with a total of 25 members. Supervision covers the coastal areas of Sumberjaya village and Tanjungjaya village.³⁰

CONCLUSION

The land arises on the coast of Tanjungjaya village, Tempuran district, Karawang regency, which stretches for 2 kilometers with an area of about 197.57 hectares, which is a natural gift that should be grateful and can be used to improve the welfare of the local community. In the context of agrarian reform, according to Presidential Regulation Number 26 of 2023 concerning the Acceleration of Agrarian Reform, land arises are included in the TORA category (Land Object of Agrarian Reform) which starts from non-forest areas, which can be distributed to agrarian reform subjects. Article 14 paragraph (1) TORA of non-forest areas includes land arises. The gurem farming community, farmers who rent ponds with a maximum area of 2 hectares, farmers who cultivate land that does not belong to them, and pond farmers who work on other people's land in Tanjungjaya village, based on Article 19 paragraph (3) of Presidential Regulation Number 26 of 2023, are recognized as subjects of agrarian reform and have the opportunity to receive land redistribution.

Information from the Karawang district government, through the ATR/BPN Office, shows that the specific inventory of land arises based on names and addresses has not been carried out, but ATR/BPN has carried out general data collection. Regulation of the

²⁹Peraturan Daerah Provinsi Jawa Barat Nomor 6 Tahun 2011 tentang pengurusan hutan mangrove dan hutan pantai.

³⁰Keterangan hasil wawancara dengan bapak Karmadi Ketua Kelompok Masyarakat Pengawasan

Perikanan (POKMASWAS), [Pada tanggal 26 Mei 2024 di desa Sumberjaya, Karawang, Pukul 13.00 WIB].

Governor of West Java Province Number 6 of 2011 stipulates that land arises are considered as protected areas that function as local protection, which are controlled by the state under the supervision of the governor, in accordance with Article 30 paragraph (1). The provincial government of West Java gives authority to the district/city government to determine the designation and use of land arises, in accordance with the Provincial and Regency/City Spatial Plans, as in Article 4, which gives the regent/mayor the authority to make such determinations.

Nasional Republik Indonesia Nomor 12 Tahun 2021 Tentang Pertimbangan Teknis Pertanahan.

BIBLIOGRAPHY

BOOK

- Abdulkadir Muhammad. 2004. *Hukum dan Penelitian Hukum*. Bandung: Citra Aditya Bakti.
- Bambang Waluyo. 2002. *Penelitian Hukum pada Praktek*. Jakarta: Sinar Grafika.
- Joyo Winoto. 2008. *Tanah guna Rakyat: Risalah Tentang Reforma Agraria Selaku Agenda Bangsa*.
- Muhammad Ilham Arisaputra. 2015. *Access Reforma pada Kerangka Reforma Agraria guna Mewujudkan Kesejahteraan Rakyat*. Surabaya: Fakultas Hukum UNAIR.
- Sudikno Mertokusumo. 1988. *Hukum dan Politik Agraria*. Jakarta: Karunika Universitas Terbuka.
- Suyono Sanjaya, Yuniar Rahmatiar. 2024. *Dasar-Dasar Hukum Agraria*. Yogyakarta: K-Media.
- Winarto Surahman. 2010. *Pengantar Penelitian Ilmiah*. Bandung: Tarsito.

LEGISLATION

- Undang-Undang Dasar Republik Indonesia Tahun 1945.
- Undang-Undang Pokok Agraria Nomor 5 Tahun 1960.
- Peraturan Daerah Jawa Barat Nomor 6 Tahun 2011 Tentang Pengurusan Hutan Mangrove dan Hutan Pantai.
- Peraturan Pemerintah Republik Indonesia Nomor 4 Tahun 2021 Tentang Bank Tanah.
- Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan

JOURNAL

- Andri Susanto, Yuniar Rahmatiar, Muhamad Abas. 2023. *Perlindungan Hukum bagi Penggadai Tanah Pertanian dihubungkan dengan UU No. 56 Tahun 1960 Tentang Penetapan Luas Tanah Pertanian*. *UNES Law Review*, E-ISSN 2622-7045, Vol. 6, No. 1.
- Desyifa Nurhidayah, Yuniar Rahmatiar, Muhamad Abas, 2023, *Analisis Yuridis Kepastian Hukum Atas Peralihan Hak Atas Tanah pada Jual Beli Dibawah Tangan*, *UNES Law Review*. E-ISSN 2622-7045, Vol. 6, No. 1, hlm. 747.
- Eliza Rafida Hanum. 2017. "Dinamika Konflik Tanah Timbul di Pulau Sarinah Kabupaten Sidoarjo". Vol. 2. No. 1, hal. 136.
- Masnida Malau, Yuniar Rahmatiar, Muhamad Abas. 2023. *Perbuatan Melawan Hukum Atas Penyerobotan Tanah Milik Orang Lain Dhubungkan Dengan Pasal 1365 KUH Perdata*, *Binamulia Hukum*, ISSN Online 2656-856X, Vol. 12, No. 2.
- Muhammad Syafa'at, dkk. 2019. *Studi Pengaruh Bangunan Consolidation dan CD-1 Atas Laju Sedimentasi Di Sungai Jeneberang*. Vol. 12 No. 1, hal. 3.

OTHERS

- Badan Pusat Statistik Karawang. 2023. *Luas desa di kabupaten Karawang, (Peta desa Tanjungjaya)*. *BHUMI: Jurnal Agraria dan Pertanahan*
- Dinas Kelautan dan Perikanan Kalimantan Tengah. 2021. *Tugas dan Fungsi Kelompok Masyarakat Pengawasan Perikanan*.