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Tinjauan Yuridis Terhadap Pendaftaran Tanah Bekas Milik Adat Berdasarkan Peraturan Pemerintah Nomor 18 Tahun 2021 Di Kabupaten Muara Enim

ABSTRAK

Pendaftaran tanah merupakan instrumen penting dalam mewujudkan kepastian dan perlindungan hukum atas hak atas tanah, termasuk tanah bekas milik adat. Penelitian ini bertujuan untuk mengkaji secara yuridis implementasi Peraturan Pemerintah Nomor 18 Tahun 2021 tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah serta dampaknya terhadap tanah bekas milik adat terutama di Kabupaten Muara Enim yang memiliki karakteristik agraris dengan tingkat kesadaran hukum yang masih rendah. Penelitian ini menggunakan metode yuridis empiris dengan pendekatan kualitatif. Data primer diperoleh melalui wawancara dengan Kantor Pertanahan, kepala desa, dan masyarakat pemilik tanah adat, serta observasi dilapangan. Data sekunder berupa peraturan perundang – undangan, literatur hukum, dan dokumen terkait. Analisis data dilakukan secara deskriptif analitis berdasarkan teori sistem hukum Lawrence M. Friedman yang meliputi struktur hukum, substansi hukum, dan budaya hukum. Hasil penelitian menunjukkan bahwa secara faktual tidak ditemukan lagi tanah adat di Kabupaten Muara Enim karena telah mengalami peralihan status. Implementasi Peraturan Pemerintah Nomor 18 Tahun 2021 secara struktural dan substansial telah berjalan melalui program PTSL (Pendaftaran Tanah Sistematis Lengkap) dan sosialisasi, namun optimalisasi belum tercapai akibat rendahnya budaya hukum masyarakat. Akibat hukumnya adalah penguatan sistem administrasi pertanahan dan integrasi hukum adat ke dalam sistem hukum nasional, meskipun perlindungan hukum bagi tanah yang belum terdaftar masih terbatas.

Kata Kunci: Tinjauan, Yuridis, Pendaftaran, Tanah, Adat

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Legal Review of the Registration of Former Customary Land Based on Government Regulation Number 18 of 2021 In Muara Enim Regency

ABSTRACT

Land registration is an essential instrument in realizing legal certainty and protection of land rights, including former customary land. This study aims to legally examine the implementation of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats, and Land Registration, as well as its impact on former customary land, particularly in Muara Enim Regency which has agrarian characteristics with a still low level of legal awareness. This research employs an empirical juridical method with a qualitative approach. Primary data was obtained through interviews with the Land Office, village heads, and customary land owners, as well as field observations. Secondary data consists of laws and regulations, legal literature, and related documents. Data analysis was conducted descriptively and analytically based on Lawrence M. Friedman's legal system theory which includes legal structure, legal substance, and legal culture. The research findings indicate that factually, customary land is no longer found in Muara Enim Regency as it has undergone status transfer. The implementation of Government Regulation Number 18 of 2021 structurally and substantially has been carried out through PTSL (Complete Systematic Land Registration) programs and socialization, but optimization has not been achieved due to the low legal culture of the community. The legal consequence is the strengthening of the land administration system and the integration of customary law into the national legal system, although legal protection for unregistered land remains limited.

Keywords: *Review, Legal, Registration, Land*