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TINJAUAN YURIDIS TERHADAP MEKANISME HIBAH TANAH UNTUK PEMINDAHAN MAKAM AKIBAT PROYEK STRATEGIS NASIONAL BENDUNGAN JRAGUNG ANTARA PEMERINTAH PUSAT DENGAN PEMKAB SEMARANG

ABSTRAK

Penelitian ini membahas kajian yuridis terhadap mekanisme hibah tanah dalam kerja sama antara pemerintah pusat dan daerah Kabupaten Semarang untuk pemindahan makam dalam pelaksanaan Proyek Strategis Nasional (PSN) Bendungan Jragung. Hibah tanah merupakan salah satu instrumen hukum yang digunakan oleh pemerintah daerah dalam mendukung proyek pembangunan infrastruktur strategis nasional namun dalam implementasinya, terdapat berbagai permasalahan terkait regulasi, administrasi dan perlindungan hak-hak masyarakat terdampak terutama dalam spek pemindahan makam

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*) dan pendekatan kasus (*case approach*). Analisis dilakukan terhadap peraturan perundang-undangan yang berkaitan dengan hibah tanah, kerjasama antara pemerintah pusat dan daerah, serta regulasi pemindahan makam dalam Proyek Strategis Nasional. Selain itu, penelitian ini juga menelaah implementasi kebijakan hibah tanah di Kabupaten Semarang sebagai studi kasus

Hasil Penelitian menunjukkan bahwa secara normatif, mekanisme hibah tanah dalam kerja sama antara pemerintah pusat dan daerah memiliki dasar hukum yang jelas berdasarkan Undang-Undang Pokok Agraria, peraturan terkait pemerintah daerah, serta kebijakan Proyek Strategis Nasional namun pelaksanaannya masih ditemukan berbagai kendala terutama dalam aspek prosedural, transparansi administrasi dan keterlibatan masyarakat terdampak

Penelitian ini merekomendasikan perlunya harmonisasi regulasi antara pemerintah pusat dan daerah, peningkatan transparansi dalam prosedur hibah tanah, serta penguatan partisipasi masyarakat dalam proses pengambilan keputusan, terutama dalam Proyek Strategis Nasional dapat berjalan secara efektif, adil, dan sesuai dengan prinsip hukum yang berlaku

Kata kunci : Hibah Tanah, Pemerintah Pusat, Pemerintah Daerah, Pemindahan Makam Proyek Strategis Nasional, Bendungan Jragung

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JURIDICAL REVIEW OF THE LAND GRANT MECHANISM IN COOPERATION BETWEEN THE CENTRAL GOVERNMENT AND THE REGIONAL GOVERNMENT OF SEMARANG DISTRICT FOR THE REMOVAL OF TOMBS IN THE JRAGUNG DAM NATIONAL STRATEGIC PROJECT

ABSTRACT

This research discusses a juridical study of the land grant mechanism in collaboration between the central government and the Semarang Regency region for the relocation of graves in the implementation of the Jragung Dam National Strategic Project (PSN). Land grants are one of the legal instruments used by regional governments to support national strategic infrastructure development projects, but in their implementation, there are various problems related to regulation, administration and protection of the rights of affected communities, especially in the aspect of relocating graves.

This research uses a normative juridical method with a statutory approach, a conceptual approach and a case approach. Analysis was carried out on statutory regulations relating to land grants, cooperation between central and regional governments, as well as regulations on grave transfers in national strategic projects. Apart from that, this research also examines the implementation of land grant policies in Semarang Regency as a case study

The research results show that normatively, the land grant mechanism in cooperation between the central and regional governments has a clear legal basis based on the Basic Agrarian Law, regulations related to regional governments, as well as National Strategic Project policies, but its implementation still finds various obstacles, especially in procedural aspects, administrative transparency and involvement of affected communities.

This research recommends the need for harmonization of regulations between central and regional governments, increasing transparency in land grant procedures, and strengthening community participation in decision-making processes, especially in national strategic projects that can run effectively, fairly, and in accordance with applicable legal principles.

Keywords : Land Grants, Central Government, Regional Government, National Strategic Project Grave Relocation, Jragung Dam