

Tinjauan yuridis peraturan menteri pertanian No 98/Permentan/OT/140/9 /2013 tentang pedoman perizinan usaha perkebunan pada grup PT X = Juridical review by the minister of agriculture number 98/Permentan ot 140/9/ 2013 on the regulation concerning permission to start plantation business for palm oil plantation companies in relation with PT X group

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Abstrak

[ABSTRAK

Tesis ini membahas mengenai pengaruh perubahan Peraturan Menteri Pertanian No. 98 tahun 2013 revisi terhadap Peraturan Menteri Pertanian No. 26 tahun 2007 tentang Pedoman Perizinan Usaha Perkebunan terhadap Grup PT X yang berlokasi di Samarinda, Kalimantan Timur. Grup PT X terdiri 6 (enam) perusahaan. PT X merupakan pemegang saham mayoritas dari perusahaan-perusahaan tersebut. PT X merupakan grup perusahaan dan atau kelompok perusahaan perkebunan kelapa sawit yang mempunyai hak kepemilikan luas lahan 100.000 hektar sesuai dengan yang diatur dalam Peraturan Pemerintah No. 98/Permentan/OT.140/9/2013. Grup perusahaan PT X telah memiliki Hak Guna Usaha seluas ± 70.587, 39 hektar dan Izin Usaha Perkebunan seluas ± 121.192 hektar artinya ada selisih luasan antara luasan HGU dengan IUP seluas ± 50.604,61 hektar. Sehingga, di dalam penelitian ini juga dilakukan kajian terhadap prosedur perizinan yang dikeluarkan oleh instansi yang terkait sehubungan dengan pemberian lahan untuk perkebunan kelapa sawit serta kewajiban alas hak tanah (Hak Guna Usaha) yang wajib dimiliki oleh PT X. Penulisan tesis ini merupakan penelitian yuridis normatif, yaitu dalam hal ini penelitian terhadap asas-asas hukum dan taraf sinkronisasi hukum. Sedangkan, analisa dalam penelitian ini dilakukan secara kualitatif dengan memiih pasal-pasal yang terdapat dalam Peraturan Menteri Pertanian dan peraturan perundang-undangan terkait sesuai dengan ruang lingkup permasalahan penelitian ini kemudian melakukan penelusuran terhadap teori dan asas-asas hukum sehubungan dengan hal tersebut.

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ABSTRACT

This thesis focuses on the effects of some changes in the Law of the Minister of Agriculture Number 98/Permentan/OT.140/9/2013 revised to be the Law of the Minister of Agriculture Number 26 of 2007 on the Regulation Concerning Permission to Start Plantation Business for Palm Oil Plantation Companies to PT X Group located in Samarinda, East Kalimantan. PT X Group consists of 6 (six) companies. PT X, a major shareholder of these company groups, is a company operating oil palm plantations that have ownership rights to 100,000 hectares of

land in accordance with the Minister of Agriculture Regulation. No. 98/Permentan/OT.140/9/2013. PT Group X has had a leasehold area of ± 70,587.39 hectares and Business License of ± 121,192 hectares of plantations, which means there is a difference between the area of the concession and IUP area of ± 50,604.61 hectares. Thus, this study also conducted a review of the licensing procedures issued by the relevant authorities in connection with the provision of land for oil palm plantation land title and liability (leasehold) which must be owned by PT X. This thesis is a juridical normative study, emphasizing the study of the principles of law and the legal standard of synchronization. Meanwhile, the analysis in this study is conducted qualitatively by selecting assorted provisions contained in the Regulation of the Minister of Agriculture and related laws and regulations in accordance with the scope of the problem in this research, and then perform a search on the theory and principles of law that pinpoint the urgency.; This thesis focuses on the effects of some changes in the Law of the Minister of Agriculture Number 98/Permentan/OT.140/9/2013 revised to be the Law of the Minister of Agriculture Number 26 of 2007 on the Regulation Concerning Permission to Start Plantation Business for Palm Oil Plantation Companies to PT X Group located in Samarinda, East Kalimantan. PT X Group consists of 6 (six) companies. PT X, a major shareholder of these company groups, is a company operating oil palm plantations that have ownership rights to 100,000 hectares of land in accordance with the Minister of Agriculture Regulation. No. 98/Permentan/OT.140/9/2013. PT Group X has had a leasehold area of ± 70,587.39 hectares and Business License of ± 121,192 hectares of plantations, which means there is a difference between the area of the concession and IUP area of ± 50,604.61 hectares. Thus, this study also conducted a review of the licensing procedures issued by the relevant authorities in connection with the provision of land for oil palm plantation land title and liability (leasehold) which must be owned by PT X. This thesis is a juridical normative study, emphasizing the study of the principles of law and the legal standard of synchronization. Meanwhile, the analysis in this study is conducted qualitatively by selecting assorted provisions contained in the Regulation of the Minister of Agriculture and related laws and regulations in accordance with the scope of the problem in this research, and then perform a search on the theory and principles of law that pinpoint the urgency., This thesis focuses on the effects of some changes in the Law of the Minister of Agriculture Number 98/Permentan/OT.140/9/2013 revised to be the Law of the Minister of Agriculture Number 26 of 2007 on the Regulation Concerning Permission to Start Plantation Business for Palm Oil Plantation Companies to PT X Group located in Samarinda, East Kalimantan. PT X Group consists of 6 (six) companies. PT X, a major shareholder of these company groups, is a company operating oil palm plantations that have ownership rights to 100,000 hectares of land in accordance with the Minister of Agriculture Regulation. No. 98/Permentan/OT.140/9/2013. PT Group X has had a leasehold area of ±

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