

Permasalahan tumpang tindih pemberian izin usaha perkebunan pada perusahaan kelapa sawit di Indonesia : analisis kasus Putusan Mahkamah Agung nomor : 167/K/Tun/2008 tanggal 20 Agustus 2008 = The overlap licensing of plantation business for oil palm company in Indonesia : case study Putusan Mahkamah Agung nomor : 167/K/TUN/2008

Sitepu, Rasmita Juliana, author

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Abstrak

ABSTRAK

Tesis ini membahas mengenai Tumpang Tindih Pemberian Izin Usaha Perkebunan dalam Surat Keputusan (SK) Izin Lokasi, yang dikeluarkan oleh Bupati Kabupaten Mandailing Natal. Sejak tahun 1993 PT. Magna Mintara Jaya telah melaksanakan serangkaian prosedur perizinan untuk membuka lahan perkebunan kelapa sawit di Kecamatan Muara Batang Gadis. Agar dapat menguasai tanah tersebut, PT. Magna Mintara Jaya harus memiliki Surat Keputusan Hak Guna Usaha (HGU) yang dikeluarkan oleh Badan Pertanahan Nasional (BPN). Agustus 2004 PT. Magna Mintara Jaya telah memperoleh Izin Usaha Perkebunan (IUP) dan menindaklanjuti hal tersebut dengan mengajukan permohonan HGU perkebunan kepada BPN Pusat. Pada tahun yang sama Bupati Mandailing Natal mengeluarkan Surat Keputusan Izin Lokasi kepada PT. Anugerah Langkat Makmur diatas lokasi tanah tersebut. Pemberian SK Izin Lokasi tersebut bertentangan dengan IUP PT. Magna Mintara Jaya, sehingga menyebabkan terhambatnya proses permohonan HGU atas tanah tersebut.

ABSTRACT

This thesis discusses the overlap of granting of licenses plantation's business on mentioned in the locate permit degree issued by the Head of the Regency Mandailing Natal. Since 1993, PT. Magna Mintara Jaya has taken a series of processes of licensing for conducting land clearing for the coconut palm plantation in Muara Batang Gadis subdistrict. To be able to possess the land, PT. Magna Mintara Jaya should have degree of granting HGU issued by the National Land Institution (BPN). In August 2004, PT. Magna Mintara Jaya has obtained plantation business permit and followed by applying in saved to obtained HGU to BPN. At the same year, PT. Magna Mintara Jaya obtained location permit issued by the head of the regency of Mandailing Natal on the same location. The granting decree of location permit is contrary to this business license of PT. Magna Mintara Jaya then comes true delay of this process of obtaining HGU above the land.