

Penguasaan negara atas hutan = State control of forest

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Abstrak

[Penelitian ini bermaksud untuk mengaitkan gagasan kedaulatan lingkungan hidup dengan konsepsi penguasaan negara atas hutan. Penelitian ini berfokus pada materi konstitusi yang mengatur mengenai hak menguasai negara dan hak atas lingkungan hidup, yang kemudian diterjemahkan ke dalam berbagai materi undang-undang yang mengatur mengenai penguasaan negara atas sumber daya alam, khususnya kehutanan. Penelitian ini ingin melihat pergeseran penguasaan negara atas hutan, yakni dengan melihat pergeserannya dalam peraturan hukum yang mengatur mengenai kehutanan. Penelitian ini menjelaskan mengenai anatomi peraturan kehutanan dengan menggunakan perspektif hak menguasai negara. Terhadap konsepsi hak menguasai negara itu sendiri, Mahkamah Konstitusi melakukan koreksi melalui Putusan Mahkamah Konstitusi atas uji materi undang-undang dibidang perekonomian dan sumber daya alam, termasuk UU Kehutanan. Mahkamah Konstitusi melakukan koreksi melalui putusan atas uji materi atas penguasaan negara atas hutan. Penelitian ini tidak hanya melihat dari penguasaan hutan dalam aspek ekonomi tetapi juga aspek kelestarian hutan. Untuk itu, penelitian ini membuat narasi dari peraturan pelaksana UU Kehutanan mengenai pemanfaatan hutan, yang mengatur tiga komoditas kehutanan, yakni kayu melalui Izin Usaha Pemanfaatan Hasil Hutan Kayu (IUPHHK), Izin Usaha Perkebunan (IUP) dan Izin Pinjam Pakai Kawasan Hutan (IPPKH) untuk kegiatan pertambangan, serta komoditas kehutanan yang dimainkan oleh kepentingan global yaitu melakukan mekanisme perdagangan karbon.];The purpose of this research is trying to linking ecocracy and state control of forest. This research focus on constitutional contain about state control and environmental rights, those constitutional contain obligate to applied to the sectoral acts about natural resources, particularly on this research is the state control of forest. This research is begin with shifting of the state control of forest concepts in the positive law about forest. This research explain those shifting concept with the anatomy of regulation with the state control perspective. To the state control concept itself, Mahkamah Konstitusi was making corrections through judicial review of economic acts and natural resources acts, including forest act. Mahkamah Konstitusi was making corrections through judicial review about state control of forest. This research not noly seen the problem of state control of forest from economic aspects, but also with the preservation aspects. For those reason, this research is making narration about forest regulations, which are about Izin Usaha Pemanfaatan Hasil Hutan Kayu (IUPHHK), Izin Usaha Perkebunan (IUP), dan Izin Pinjam Pakai Kawasan Hutan (IPPKH) for mininng, and forest comodity with global interest which is carbon offset.];The purpose of this research is trying to linking ecocracy and state control of forest. This research focus on constitutional contain about state control and environmental rights, those constitutional contain obligate to applied to the sectoral acts about natural resources, particularly on this research is the state control of forest. This research is begin with shifting of the state control of forest concepts in the positive law about forest. This research explain those shifting concept with the anatomy of regulation with the state control perspective. To the state control concept itself, Mahkamah Konstitusi was making corrections through judicial review of economic acts and natural resources acts, including forest act. Mahkamah Konstitusi was making corrections through judicial review about state control of forest. This

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