

Juridical Analysis on the Position of the National Land Agency of North Morowali Regency in Certificate Issuance of Cultivation Rights Title (Study of PT ANA in East Petasia District)

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ABSTRACT

This study aims to determine and analyze the implementation of the authority of the National Land Agency of North Morowali Regency in Granting Cultivation Rights Titles to PT. ANA in East Petasia District and to identify and analyze the inhibiting factors for PT ANA in East Petasia District in Cultivation Rights Title Management.

This type of research is empirical research, namely the type of research that is oriented towards collecting data in the field. In terms of its nature, this research is a qualitative descriptive research. Qualitative descriptive research is the researcher analyzes and describes the research objectively and in detail to get accurate results.

The results of the study found that the implementation of the authority to issue Cultivation Rights Titles was seen from the area of the plantation to be managed, the land area of which was not more than 2,000,000 M2 or 200 Ha who was authorized to issue HGU was the Head of the BPN Regional Office, then if the area of land being managed was more of 2,000,000 M2, it becomes the authority of the Head of BPN RI. PT.ANA's inhibiting factors in managing HGU in the East Petasia sub-district include land acquisition/land acquisition not yet completed, land acquisition outside the location permit and/or outside the time limit for the location permit, unclear government administrative boundaries, overlapping permits and land requested. enter the forest area.

Research Suggestion is that the district government should provide socialization related to the authority of the National Land Agency in the issuance of Cultivation Rights Titles and supervise oil palm plantation companies operating in North Morowali Regency as well as take action against companies that do not have Cultivation Rights Titles and preferably to PT. ANA to immediately complete the issuance of the Cultivation Rights Title in running the company even though it already has a location permit and a Plantation Business Permit from the Regent.

Keywords: Cultivation Rights Title, Oil Palm Plantation Company.

ABSTRAK

Penelitian ini bertujuan untuk mengetahui dan menganalisis pelaksanaan kewenangan Badan Pertanahan Nasional Kabupaten Morowali Utara Dalam Memberikan Cultivation Rights Title Bagi PT. ANA di Kecamatan Petasia Timur serta untuk mengetahui dan menganalisis faktor penghambat bagi PT ANA di Kecamatan Petasia Timur dalam Pengurusan Cultivation Rights Title.

Jenis penelitian ini adalah penelitian empiris yaitu jenis penelitian yang berorientasi pada pengumpulan data di lapangan. Dilihat dari segi sifatnya, penelitian ini adalah penelitian deskriptif Kualitatif. Penelitian deskriptif Kualitatif adalah peneliti menganalisis dan menggambarkan penelitian secara objektif dan mendetail untuk mendapatkan hasil yang akurat.

Hasil penelitian menemukan bahwa pelaksanaan kewenangan Penerbitan Cultivation Rights Title di lihat dari luas wilayah perkebunan yang akan dikelola, tanah yang luasnya tidak lebih dari 2.000.000 M2 atau 200 Ha yang berwenang menerbitkan HGU adalah Kepala Kantor Wilayah BPN, kemudian jika luas tanah yang dikelola lebih dari 2.000.000 M2 maka menjadi kewenangan Kepala BPN RI. Faktor penghambat PT.ANA dalam pengurusan HGU di kecamatan Petasia Timur diantaranya pembebasan lahan/perolehan lahan belum tuntas, pembebasan lahan di luar ijin lokasi dan atau di luar batas waktu ijin lokasi, batas wilayah administratif pemerintahan tidak jelas, tumpang tindih perizinan dan tanah yang dimohon masuk dalam kawasan hutan.

Saran Penelitian yaitu Sebaiknya pemerintah kabupaten memberikan sosialisasi berkaitan tentang kewenangan Badan Pertanahan Nasional dalam penerbitan Cultivation Rights Title dan melakukan pengawasan terhadap perusahaan perkebunan kelapa sawit yang beroperasi di Kabupaten Morowali Utara sekaligus melakukan tindakan kepada perusahaan yang tidak memiliki Cultivation Rights Title dan Sebaiknya kepada PT. ANA untuk segera menyelesaikan penerbitan Cultivation Rights Title dalam menjalankan perusahaannya meskipun sudah memiliki surat izin lokasi dan Izin Usaha Perkebunan dari Bupati.

Kata Kunci : Cultivation Rights Title, Perusahaan Perkebunan Kelapa Sawit.

1. INTRODUCTION

Plantation business activities are closely related to land. So that every activity related to land must follow the provisions in force according to the state, because as a natural resource, land is concretely controlled by the state. As stated in Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states: "earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". As a follow-up to these provisions, the Indonesian government through the President of the Republic of Indonesia, namely on September 24, 1960, ratified Law Number 5 of 1960 concerning Basic Agrarian Regulations to regulate the continuation of provisions regarding land. So that these rules apply to regulate fundamentally in Indonesian agrarian law in the land sector. (Boedi Harsono 2007).

The rules contained in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, in order to be implemented, are described in a legal

instrument in the form of a Law, namely Law Number 5 of 1960 concerning Basic Agrarian Regulations. Article 2 paragraph (1) of the LoGA is formulated as follows:

"On the basis of the provisions of Article 33 paragraph (3) of the 1945 Constitution and the matters referred to in Article 1, the earth, water and space, including the wealth contained therein, are at a higher level controlled by the State as an organization of the power of all people"

Land is a gift from God Almighty that must be grateful for and maintained its existence. Land has a very important role to fulfill the basic needs of every human being (Maria S.W. Sumardjono 2005). namely as a place to live as well as to carry out their daily activities. Even in a wider context, one of the constitutive formations of a state must be a certain territory (M. Kusnardi and Harmaily. I. 1983). or sphere of power. (Samidjo 1986). Land is a natural resource controlled by the state, which needs to be preserved and utilized as much as possible for the prosperity of the people, both present and future generations. The right to control the state is the right owned by the state to control the land. The State's right to control over land is rooted in the right of the Indonesian people to land, which is essentially a control over the implementation of the duties of the nation's authority which contains a public element. (W. Riawan Tjandra 2008). The rights to land as referred to in Article 4 paragraph (1) of the BAL (Law No. 5 of 1960) are:

- a. Property rights
- b. Cultivation Rights Title
- c. Building use rights
- d. Right to use
- e. Lease rights
- f. Right to clear land
- g. The right to collect forest products.
- h. Other rights that are not included in the rights mentioned above which will be stipulated by law as well as rights of a temporary nature as mentioned in Article 53.

Based on the provisions of Article 19 of the LoGA and Article 3 of Government Regulation Number 24 of 1997 above, it applies to the formulation of land rights including Cultivation Rights Titles. Therefore, the Cultivation Rights Title on land needs to be registered to obtain legal certainty regarding land rights. The registration is carried out by an institution, namely the National Land Agency (BPN). The responsibility of BPN in granting HGU in addition to during the process of implementing land registration, BPN also has responsibilities before and after the process of implementing land registration in granting HGU.

The laws and regulations relating to Cultivation Rights Titles are contained in the Basic Agrarian Law (UUPA) Number 5 of 1960, where the law regulates the basics and provisions for the control, ownership, use and utilization of

national agrarian resources in Indonesia. Indonesia. The definition of HGU itself has been regulated in Article 28 paragraph (1) of the LoGA Number 5 of 1960, namely the right to cultivate land which is directly controlled by the State, within a certain period of time, for agricultural, fishery or livestock companies. Government (PP) Number 40 of 1996 concerning Cultivation Rights Titles, Building Use Rights and Land Use Rights also regulates HGU. Where, the contents of this PP regulate other matters related to the HGU itself.

PT. ANA entered the Petasia Timur sub-district in 2006, when the Acting Regent, Datlin Tamalagi, issued a Location Permit Number: 188.45/0706/UMUM/2006 dated December 8, 2006 to PT. ANA in East Petasia Sub-district with an area of 19,675 Ha. Then on April 27 2007, Datlin again issued a Plantation Business Permit (IUP) for PT. ANA and followed by recommendations for the Development of Oil Palm Plantation PT. ANA by the Governor of Central Sulawesi on September 26, 2008. The period 2007-2008, PT. ANA has carried out land clearing in Bunta Village, Tompira, Bungintimbe, Molino, Towara, East Petasia District. This activity has not been known for certain by the public because the company has never conducted socialization to residents related to this activity.

The government said that the purpose of the land clearing activity was to make waterways to prevent flooding. In 2009, PT. ANA has planted oil palm in locations provided by the Regional Government without any prior socialization and settlement of the rights of the people who have SKPT, SPPT, and certificates. In the end, the community who felt they also had land rights in the area demanded that the community's rights be resolved immediately. The demands of the people in the palm oil ring of PT. ANA has been started since the beginning of the company's entry. However, in case records, it was only in 2012, that a more systematic movement was carried out by the residents. Residents block the company's access to their land, so that there is no activity on the people's land. The long struggle of the people so far has been answered by the Regent of North Morowali, Atripell Tumimomor by issuing the Regent's Decree Number 590/0445/ADPUM/IX/2016 concerning the Regulation of the Land Permit Location of PT. Agro Nusa Abadi (Astra Agro Lestari). Data from the Indonesian Ombudsman Representative for Central Sulawesi in 2019 stated that PT. ANA has taken maladministration actions on 4 aspects, namely licensing aspects, environmental aspects, land tenure aspects, and regional income aspects. But the irony is that companies that do not have HGUs and are declared maladministrated can continue to operate until now. research issue (legal issue) "The extent of the authority of the National Land Agency Office of North Morowali Regency in issuing HGU at PT Agro Nusa Abadi in East Petasia District, North Morowali Regency. How is the implementation of the authority of the National Land Agency Office of North Morowali Regency in granting Cultivation Rights Titles to PT. Agro Nusa Abadi (PT.ANA) in East Petasia District? What are the inhibiting

factors for PT. Agro Nusa Abadi (PT.ANA) in East Petasia District in the management of Cultivation Rights Title?

2. LITERATURE REVIEW

A. Theoretical Foundation

1. Rule of Law Theory

Theory is scientific knowledge that includes an explanation of a factor of a scientific discipline. In the world of science, theory occupies an important position, because theory provides a means to be able to summarize and understand the problems being discussed better. Things that initially appear to be scattered and independent can be put together and shown to relate to each other in a more meaningful way. (Koentjaraningrat 2007). W. Friedman reveals the essential foundations of legal theory according to Hans Kelsen, namely:

- a. The aim of legal theory, like every science, is to reduce chaos and plurality into a unity.
- b. Legal theory is the science of applicable law, not the actual law.
- c. Law is a normative science, not a natural science.
- d. Legal theory as a theory of norms has nothing to do with the working power of legal norms.
- e. Legal theory is formal, a theory of how to organize, change the content in a special way. The relationship between legal theory and the typical system of positive law is what is possible with real law.

2. Legal Certainty Theory

In essence, Van Apeldoorn, states about legal certainty by saying that everything is based on permanent law. (Van Apeldoorn 1993). Meanwhile, according to Achmad Ali, the fulfillment of legal security is a legal certainty, in the sense that there is protection for each party on the authority possessed by a judge. (Achmad Ali) Maria SW. Sumardjono, said that normatively, legal compliance requires the availability of a set of laws and regulations that are operationally capable of supporting its implementation. Empirically, the existence of laws and regulations needs to be implemented consistently and consistently by the supporting human resources. (Irawan Soerdjono 2004).

In relation to the negative publication system, Djoko Prakoso and Budiman Adi Purwanto stated that legal certainty which is intended as the purpose of land registration includes object certainty, rights certainty and subject certainty. With this legal certainty, the concerned right holders are expected to obtain legal protection for their certified land ownership. The series of land registration activities that produce legal products, the determination of rights does not guarantee full legal certainty because it uses a negative system. Thus, the negative system itself legally contains weaknesses in order to guarantee legal certainty. (Mughtar Wahid 2008).

- a. Legal certainty according to Bachtiar Efendi is as follows:

- b. Legal certainty of the person or legal entity who is the holder of the land rights, legal certainty regarding who the holder of the land rights is called certainty regarding the subject of land rights.
- c. Certainty regarding the location of the land, the boundaries of the land, the length and width of the land, the boundaries and the length and width of the land is called the certainty regarding the object of the title.

Rights are basically a form of ownership of a person based on their obligations to fulfill certain legal relationships that give the authority to directly do something about the rights they have, or in the form of ownership of their land. This right is divided (Rinto Manulang 2011) into:

2. Authority Theory

Authority comes from the word authority which means a right or power possessed by a person to carry out an action or in the form of a decision and to carry out orders as well as to delegate a responsibility to another party. (Kamal Hidjaz, 2010). In addition, H.D. Stout also argued about the meaning of authority, namely as one part of the law of government organizations, where all regulations related to government authority to carry out activities related to public law. (Ridwan HR, 2013).

According to Bagir Manan, authority in the language of law is not the same as power. Power only describes the right to do and not to do. Authority at the same time means rights and obligations. (Nurmayani 2009). Authority is the right to use the authority possessed by an official or institution according to applicable provisions, thus authority also concerns the competence of legal action that can be carried out according to formal rules, so authority is a formal power possessed by an official or institution. Authority has an important position in the study of constitutional law and state administrative law. So important is this position of authority, that F.A.M. Stroink and J.G. Steenbeek called it a core concept in constitutional law and state administrative law.

3. METHODS

This type of research is empirical research, commonly called field research or field research, which is a type of research that is oriented towards collecting empirical data in the field. This research is a type of empirical research because in this study the researcher describes in detail and in depth about a situation or phenomenon of the object of research being studied by developing concepts and collecting existing facts (Cik Hasan Bisri 2004). In terms of its nature, this research is a qualitative descriptive study, meaning that the author analyzes and describes the research objectively and in detail to get accurate

results. Descriptive research is the author tries to describe the research activities carried out on a particular object clearly and systematically, as well as to describe exploration with the aim of explaining and predicting a phenomenon that applies on the basis of data obtained in the field. (Sukardi 2005). The location of the research was carried out at the Office of the National Land Agency (BPN) of North Morowali Regency and PT. Agro Nusa Abadi (PT. ANA) which is located in the East Petasia District, North Morowali Regency, Central Sulawesi Province. The East Petasia sub-district was chosen as the research location with the consideration that the location was considered very representative of the thesis title that the author adopted. In addition, the location of this research is in the area where the author lives so that it will be easier to conduct research.

4. RESULTS AND DISCUSSION

1. Implementation of the Authority of the National Land Agency of North Morowali Regency in Granting Cultivation Rights Titles to PT ANA in East Petasia District, North Morowali Regency

The development of the plantation sector as an integral part of national development has an important role for economic growth, this is due to its function as a foreign exchange earner, supplier of raw materials for domestic industry and as a provider of employment. In order to provide legal certainty in the plantation development sector, especially in the land sector, it is necessary to have land rights that give authority to the right holder to control and physically exploit the land that is granted the right. The land rights that can accommodate the field of plantation development are Cultivation Rights Titles.

Based on the results of interviews by researchers with communities in the palm oil circle, Mr. H. Abidin who coordinated 25 members of the Farmer Group in Bungintimbe village, East Petasia sub-district, stated that:

"PT. ANA in running its business in the plantation sector in Petasia Timur District, North Morowali Regency has been operating since 2002 based on the Decree of the Regent of North Morowali Number 188.45/07/06/2006, the plantation area controlled by PT. ANA currently covers an area of 2,100 Ha. And the status of plantation land ownership controlled by PT. ANA so far does not have a Cultivation Rights Title (HGU) certificate issued by the Land Office of North Morowali Regency".

The results of the researcher's interview with Mr. Christol Lolo as the Head of Bunta Village, East Petasia District stated that:

"In 2006, the acting Regent Mr. Datlin Tamalagi issued a Location Permit for PT ANA in East Petasia District, then in 2007 Mr. Datlin Tamalagi again issued a Plantation Business Permit (IUP) for PT. ANA".

Then the results of the researcher's interview with Mr. Doddy Adisatya as a public relations officer of PT. ANA states that:

"In running its business in the field of oil palm plantations in the East Petasia sub-district, North Morowali regency, PT. ANA uses a location permit from the Regent of North Morowali, where the plantation area currently controlled by the company is 2,100 hectares. As well as the ownership status of plantation land controlled by the company based on the location permit granted by the North Morowali Regency Government".

Furthermore, the results of the researcher's interview with Mr. Hamja as the Head of the East Petasia Sub-district stated that:

"The status of plantation land ownership controlled by PT. ANA in Petasia Timur Sub-district, North Morowali Regency are: The status of land ownership of PT. ANA should be reviewed, because some of the land that has been controlled by PT. ANA (Agro Nusa Abadi) is still in a state of dispute with the community, where this conflict stems from community claims to oil palm plantation land controlled by PT ANA. Communities in the palm oil ring accuse the company of taking and controlling their land without any compensation from PT ANA".

Based on the results of the researcher's interview with Mr. Moh. Iqbal as Head of the Land Agency Office of North Morowali Regency stated that:

"The status of plantation land ownership controlled by PT. ANA in East Petasia District, North Morowali Regency is not yet having HGU, where PT. ANA in running its business only uses a location permit issued by the Regent of North Morowali, PT. Until now, ANA does not have a HGU and has already managed the HGU, but the National Land Agency has not given this right."

Plantation business activity is a business that requires a very large area of land, so it is not surprising that plantation business in the terminology of agrarian law is a category of land rights use which is Cultivation Rights Title. The pattern of use or control of land rights which are Cultivation Rights Titles is a secondary land right, because its position is under land ownership rights. In addition, in the use of the Cultivation Rights Title pattern on plantations, one of the conditions is that the land area is above five hectares and has capital and the use of high technology in the driving business of the plantation business.

As the executor of the duties of the National Land Agency, each Land

Office has its duties and functions, as stated in Articles 30 and 31 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 38 of 2016 concerning the Organization and Work Procedure of the Regional Office of the National Land Agency And the Land Office is as follows: The Land Office has the task of carrying out some of the duties and functions of the National Land Agency in the Regency/city concerned. In carrying out the duties of the Land Office, it carries out the following functions:

- a. Preparation of plans, programs, budgets and reporting;
- b. Implementation of surveys, measurements and mapping;
- c. Implementation of the determination of land rights, land registration and community empowerment;
- d. Implementation of land management;
- e. Implementation of land acquisition
- f. implementation of land control and handling of land disputes and cases; and
- g. Implementation of providing administrative support to all organizational units of the Land Office.

From the task above, it can be seen that one of the authorities of the Land Office is in carrying out the registration of land rights ownership. This land right, apart from property rights, also regulates Cultivation Rights Title. Where every business actor who will run his business is obliged to manage the Cultivation Rights Title on the land he will cultivate. The authority to issue Cultivation Rights Title Certificates can be seen in table 1 below:

Table 1
Authority in Issuing Cultivation Rights Titles

| Land Office | Land Office of Province | Land Office of Indonesian State |
|--------------|----------------------------|---------------------------------|
| No Authority | < 2.000.000 m ² | > 2.000.000 m ² |

The information above can be clarified from the provisions of Article 8 of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 2 of 2013 concerning Delegation of Authority for Granting Land Rights and Land Registration Activities, which states that: the area is not more than 2,000,000 M2 (two million square meters).

So based on the information above, it is clear that the authority to grant Cultivation Rights Titles is seen from the size of the plantation area that will be used as a business, so that if we pay attention to the area of land managed by PT. ANA (Agro Nusa Abadi) which has a plantation area of 2,100 Ha or equal to 2,100,000 M2, the issuance of the Cultivation Rights Title for PT ANA is under the authority of the National Land Agency of the

Republic of Indonesia in accordance with the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 2 of 2013 concerning Delegation of Authority for Granting Land Rights and Land Registration Activities. In accordance with the results of an interview with Mr. Doddy Satya that until now the application for the issuance of a Cultivation Rights Title (HGU) certificate has been submitted by PT ANA to the National Land Agency of the Republic of Indonesia but the National Land Agency has not yet granted this right.

The results of the interview with Mr. Kisran as the Head of Bungintimbe Village said that until now the company PT. ANA does not yet have a HGU, so the company should not operate even though it already has a location permit and a plantation business permit from the regent.

Cultivation Rights Titles can only be granted on state land. However, it is possible that the land does not originate from state land. If the origin of the Cultivation Rights Title is in the form of land rights, then the land rights must be released or surrendered by the rights holder by providing compensation. In the event that the land originates from a forest area, the status of the land must be issued as a forest area.

Cultivation Rights Title occurs with the application for granting Cultivation Rights Title by the applicant to the Head of the National Land Agency of the Republic of Indonesia. Cultivation Rights Title is granted with a decision on granting rights by the minister or appointed official. The granting of Cultivation Rights Title must be registered in the land book at the land office. With the registration, the Cultivation Rights Title has occurred. In the explanation of Article 7 PP No. 40 of 1996 also stated that before being registered, the Cultivation Rights Title had not yet occurred and its status was still state land.

Based on the results of the researcher's interview with Mr. Moh. Iqbal as the Head of the Land Office of North Morowali Regency stated that the requirements needed to manage HGU plantation land were:

- 1) Application
- 2) Identity of the applicant
- 3) Deed of establishment and deed of amendment
- 4) Ratification from the Ministry of Law and Human Rights
- 5) TDP
- 6) IUP
- 7) SIUP
- 8) Location Permit and its extension
- 9) TIN
- 10) THERE
- 11) Macro Recommendation from the Governor of Plantation Business Permit (IUP)
- 12) Environmental Feasibility Decree
- 13) Proof of land acquisition

- 14) Certificate from the Village Head confirmed by the BPD and the Camat
- 15) Land Acquisition Recapitulation
- 16) Detailed Map of Land Acquisition
- 17) Core and Plasma Site Plan Map
- 18) Statement of Ability to Build Plasma Plantation
- 19) Statement of Ability to Provide CSR
- 20) Declaration of Lands owned by the applicant.
- 21) Project Proposal
- 22) Technical Considerations of Land Use
- 23) Land Plane Map
- 24) Technical Review from BPKH
- 25) Technical Review from Provincial Forestry Service
- 26) MOU between the company and the community/plasma participants
- 27) SK Prospective Plasma Smallholders (CPCL).

Cultivation Rights Title, which is one of the rights to land with a limited validity period for a certain period of time, requires clarity, both regarding the requirements for its acquisition, the procedure for granting it, extension of the period and renewal of its rights, as well as the status of the land and objects on it after the term expires.

2. Inhibiting Factors For PT. ANA in East Petasia District, North Morowali Regency in the Management of Cultivation Rights Title

As for the obstacles in the management of Cultivation Rights Title by PT. ANA in Petasia Timur District, North Morowali Regency, namely:

Based on the results of interviews with researchers with Mr. Doddy Satya as a public relations company PT. ANA (Agro Nusa Abadi) which states that:

- a. The reason why the company is running its business in the plantation sector in the Petasia Timur sub-district, North Morowali regency, does not yet have a HGU is the possibility that there are still land ownership disputes with communities around the palm oil ring that are included in the company's territory.
- b. The cause of the company running its business in the plantation sector in Petasia Timur District, North Morowali Regency does not yet have a HGU is that BPN still has not given or approved the Cultivation Rights Title that the company has applied for so that the company is still using the location permit issued by the North Morowali Regency Government.

Furthermore, the results of the researcher's interview with Mr. Hamja as the Head of East Petasia District, North Morowali Regency stated that:

"The cause of PT. ANA In Petasia Timur Sub-district, North Morowali

Regency, there is no HGU yet. There is still a dispute with the community regarding compensation and land ownership that is not in accordance with the company's".

Based on the results of interviews with researchers with Moh. Iqbal as Head of the North Morowali Regency Land Office stated that:
"The cause of PT. ANA In Petasia Timur Sub-district, North Morowali Regency, there is no HGU because the company did not immediately resolve the conflict over land ownership to the community located in the palm oil circle, so they could not manage the HGU".

Based on the results of interviews with researchers with Doddy Satya as a public relations officer of PT. ANA stated that: So far, BPN has never monitored the status of plantation land ownership controlled by the company.

Furthermore, the results of the researcher's interview with the Petasia Timur sub-district, North Morowali Regency, stated that so far the BPN has never carried out supervision over the status of the plantation land controlled by the company.

Based on the results of the researcher's interview with the Head of the Land Agency Office of North Morowali Regency, it was stated that the BPN had never carried out supervision over the status of the plantation land controlled by the company. Based on the results of interviews with researchers with Doddy Satya as a public relations officer of PT. ANA states that:

"The inhibiting factor from the company in managing the HGU in Petasia Timur District is that the BPN cannot issue a HGU certificate if the land being cultivated by the company is still in a state of dispute with the surrounding community, therefore the management of the HGU is an obstacle for PT ANA. Efforts taken by the company to obtain HGU are already trying to settle the land but there is also no consensus".

Furthermore, the results of the researcher's interview with the Petasia Timur sub-district, North Morowali Regency stated that:

"The inhibiting factor for the company in managing the HGU is that the company has not completed the completion of the permit completely and the company has not provided land compensation. Efforts taken by the company to obtain HGU are one of them only giving the community their rights and stating the company's condition in its actual condition".

Based on the results of the researcher's interview with the Head of the Land Agency Office of North Morowali Regency, it was stated that the inhibiting factors from the company in managing the HGU in the East Petasia Regency, North Morowali Regency were:

- a. Land acquisition / land acquisition has not been completed.

- b. Land acquisition outside the Location Permit and or outside the time limit of the Location Permit.
- c. The administrative boundaries of the government are not clear (village boundaries, sub-district boundaries, district boundaries).
- d. Plasma has not been developed and has not been handed over to the rightful owner.
- e. Licensing Overlap (overlapping between location permits, overlapping location permits with mining permits, overlapping location permits with other companies' IUPs, etc.).
- f. The land requested is included in the forest area.

Based on the results of the researcher's interview with the Head of the Land Agency Office of North Morowali Regency stated that:

- a. If the land acquisition has not been completely completed, the area that can be submitted for a Cultivation Rights Title application is only the area that has been acquired and is accompanied by evidence of land acquisition.
- b. The problem of boundary disputes between villages and sub-districts, is resolved by the Regency Government, if there is a settlement, the evidence can be submitted to support the Cultivation Rights Title application process.
- c. Regarding overlapping permits, there must be a settlement before the application for Cultivation Rights Title is submitted.

5. CONCLUSION

Based on the results of the research and discussion that have been described, the following conclusions can be drawn:

- 1) Implementation of the Authority for Issuing Cultivation Rights Titles seen from the size of the plantation area to be managed by the company, this is in accordance with the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 2 of 2013 concerning Delegation of Authority for Granting Land Rights and Registration Activities Soil. The land area of which is not more than 2,000,000 M² or 200 Ha, who is authorized to issue Cultivation Rights Titles is the Head of the BPN Regional Office.). The District Land Office does not have the authority to grant Cultivation Rights Titles (HGU), but is authorized to grant Ownership Rights (HM), Building Use Rights (HGB), and Use Use Rights (HP) for individuals or legal entities.

- 2) The inhibiting factors for PT.ANA in managing HGU in Petasia Timur District, North Morowali Regency, include:
 - a. Land acquisition / land acquisition has not been completed. The company and the community are still in a state of land ownership dispute because the company has not provided compensation for land acquisition/land acquisition.
 - b. Land acquisition outside the Location Permit and or outside the time limit of the Location Permit.
 - c. The administrative boundaries of the government are not clear (village boundaries and sub-district boundaries).
 - d. Licensing overlap (overlap between location permits, overlapping location permits with mining permits, overlapping location permits with other companies' IUPs, etc.).
 - e. The requested land is included in the forest area.

Based on the conclusions of the study, the research recommends the following.

1. The district government should provide socialization regarding the authority of the National Land Agency in the issuance of Cultivation Rights Titles and supervise oil palm plantation companies operating in North Morowali Regency as well as take action against companies that do not have Cultivation Rights Titles.
2. Preferably to PT. ANA to immediately complete the issuance of the Cultivation Rights Title in running the company even though it already has a location permit and a Plantation Business Permit from the Regent.

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