

**PERLINDUNGAN HUKUM PEMEGANG HAK ATAS TANAH KAWASAN KONSERVASI GANTI KERUGIAN****PERMADI WAHYU DWI MARIYONO\***, Dr. Jarot Widya Muliawan, S.H.,C.N., M.Kn.

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*ABSTRACT- Plots of land with proof of certificates designated as land and water conservation by the government must include compensation, but even though they have not been given compensation for the land they own. The issues discussed are whether the ownership of land rights by the community who designate the area as a conservation area has legal certainty and whether legal remedies can be taken by holders of land rights in conservation areas that have not received compensation. Research using a statutory approach and a concept approach, the following research results are obtained: Holders of affected land rights are designated as conservation land but have not received compensation for legal protection, holders of land rights have been registered with proof of certificate and those who have not been registered with evidence Letter C and Petok D according to Article 24 PP No. 24 of 1997 as written evidence. If the land parcel is charged for the public interest, get compensation as referred to in Article 18 UUPA in conjunction with Article 1 point 10 Presidential Regulation on Land Acquisition, that compensation is a proper and fair compensation to the party entitled to the land acquisition process. Land acquisition for development for public interest can be used as a basis for freeing up land for conservation. Referring to the provisions of Article 35 of Law no. 37 of 2014, that the Government, Regional Government, and/or Everyone in the implementation of Soil and Water Conservation is entitled to assistance, incentives, compensation and compensation. Assistance, incentives, compensation and compensation can come from the Government, Regional Government and/or Everyone. Land acquisition for the sake of soil and water conservation is related to the protection of community rights, but has not yet received compensation, so the effort that has been taken is to request immediate compensation so that there is a guarantee of legal certainty, both for right holders and those who need land parcels. which means violating the rights of the community as holders of land rights.*

*Keywords: Legal Protection, Rightsholders, Conservation Area Land, Compensation*

**ABSTRAK** - Bidang tanah bukti sertipikat yang ditetapkan sebagai lahan konservasi tanah dan air oleh pemerintah, belum diberikan ganti rugi. Permasalahan yang dibahas apakah penguasaan hak atas tanah oleh masyarakat yang menetapkan sebagai kawasan konservasi mempunyai kepastian hukum dan apakah upaya hukum yang dapat ditempuh pemegang hak atas tanah kawasan konservasi yang belum mendapatkan ganti kerugian. Penelitian dengan pendekatan peraturan perundang-undangan dan pendekatan konsep, diperoleh hasil penelitian sebagai berikut: Pemegang hak atas tanah terdampak ditetapkannya sebagai tanah konservasi namun belum mendapat ganti rugi mendapatkan perlindungan hukum, pemegang hak atas tanah telah terdaftar dengan bukti sertipikat dan yang belum terdaftar dengan bukti *Letter C* dan Petok D menurut Pasal 24 PP No. 24 Tahun 1997 sebagai bukti tertulis. Bidang tanah digunakan untuk kepentingan umum mendapatkan ganti rugi sebagaimana Pasal 18 UUPA jo Pasal 1 angka 10 Perpres Pengadaan Tanah. Pengadaan tanah bagi pembangunan untuk kepentingan umum dapat digunakan dasar membebaskan tanah untuk konservasi. Merujuk pada Pasal 35 UU No. 37 Tahun 2014, bahwa Pemerintah, Pemerintah Daerah, dan/atau Setiap Orang dalam penyelenggaraan Konservasi Tanah dan Air berhak atas bantuan, insentif, ganti kerugian, dan kompensasi. Bantuan, insentif, ganti kerugian, dan kompensasi dapat berasal dari Pemerintah, Pemerintah Daerah, dan/atau Setiap Orang, namun belum juga mendapatkan ganti kerugian. Kata Kunci: Perlindungan Hukum, Pemegang Hak Atas, Tanah Kawasan Konservasi, Ganti Kerugian.