

RINGKASAN

**Firda Handayani 210510353 Penyelesaian Sengketa Tanah Antara Warga Desa
Warga Desa Dengan Kepala Desa Berdasarkan
Hukum Adat (Studi Penelitian Di Desa Pantai Balai,
Kecamatan Seruway, Kabupaten Aceh Tamiang)
(Dr. Herinawati, S.H., M.Hum dan Muhibuddin, S.H.,
M.Hum)**

Sengketa tanah di Desa Pantai Balai, Kecamatan Seruway, Kabupaten Aceh Tamiang, berawal dari penggunaan sebidang tanah yang sebelumnya berfungsi sebagai jalan umum dan kemudian dibangun sebuah Posyandu. Seorang warga mengklaim bahwa tanah tersebut adalah miliknya, dengan menunjukkan surat kepemilikan, dan menuntut ganti rugi kepada Kepala Desa. Awalnya, warga menolak tawaran ganti rugi dan menginginkan tanah dikembalikan. Namun, karena tanah tersebut telah dibangun fasilitas umum, warga akhirnya menerima ganti rugi. Penyelesaian sengketa dilakukan secara musyawarah dengan mengacu pada Qanun Provinsi Aceh Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat serta Qanun Nomor 10 Tahun 2008 tentang Lembaga Adat. Penelitian ini bertujuan untuk mengetahui dan menjelaskan penyelesaian sengketa tanah, hambatan dan upaya yang dilakukan dalam penyelesaian sengketa tanah antara warga dengan kepala desa berdasarkan hukum adat di Desa Pantai Balai Kecamatan Seruway Kabupaten Aceh Tamiang.

Penelitian ini merupakan penelitian kualitatif dengan pendekatan yuridis empiris dan bersifat deskriptif, Lokasi penelitian di Desa Pantai Balai kecamatan Seruway Kabupaten Aceh Tamiang. Data dikumpulkan melalui wawancara lapangan dengan berbagai pihak seperti Kepala Desa, perangkat desa, tokoh masyarakat, dan warga, serta didukung oleh data sekunder dari peraturan perundang-undangan dan literatur hukum dan analisis data kualitatif.

Hasil penelitian menunjukkan Peradilan adat di Desa Pantai Balai digunakan untuk menyelesaikan sengketa tanah, seperti kasus pembangunan Posyandu di atas tanah yang diklaim warga. Prosesnya dilakukan melalui musyawarah yang melibatkan MDSK, kepala desa, dan tokoh masyarakat. Meski sempat terkendala oleh sikap bersikukuh pihak bersengketa dan kurangnya pemahaman aparat desa, akhirnya dicapai kesepakatan damai berupa kompensasi. Keberhasilan ini ditunjang oleh itikad baik, koordinasi antar lembaga, serta sosialisasi pentingnya bukti kepemilikan tanah dan pelatihan bagi aparat adat untuk menjaga keharmonisan masyarakat.

Perangkat desa dan lembaga adat perlu menegaskan status hukum tanah, terutama untuk klaim atas fasilitas umum, dan memberi penjelasan jika klaim tidak sah. Kehadiran pihak sengketa dalam musyawarah harus dijamin dengan aturan yang tegas. Penyelesaian oleh lembaga adat Desa Pantai Balai sudah baik, namun perlu ditingkatkan dengan pendekatan yang lebih sistematis dan berbasis hukum.

Kata Kunci: Penyelesaian, Sengketa, Tanah, Seorang Warga, Kepala Desa, Hukum, Adat.

SUMMARY

Firda Handayani 210510353 ***Land Dispute Resolution That Occurred Between A Villager With The Village Head Based On Customary Law (Research Study: Pantai Balai Village, Seruway District, Aceh Tamiang Regency)***
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The land dispute in Pantai Balai Village, Seruway District, Aceh Tamiang Regency, began with the use of a plot of land that previously functioned as a public road and was then built as a Posyandu. A resident claimed that the land was his, by showing a certificate of ownership, and demanding compensation from the Village Head. Initially, the resident rejected the offer of compensation and wanted the land returned. However, because the land had been built as a public facility, the resident finally accepted the compensation. The dispute was resolved through deliberation with reference to Aceh Provincial Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs and Qanun Number 10 of 2008 concerning Customary Institutions. This study aims to determine and explain the resolution of land disputes, obstacles and efforts made in resolving land disputes that occur between a resident and the village head based on customary law in Pantai Balai Village, Seruway District, Aceh Tamiang Regency.

This study is a qualitative study with an empirical and descriptive legal approach, which aims to understand the resolution of land disputes between residents and the Village Head through customary law in Pantai Balai Village. Data were collected through field interviews with various parties such as the Village Head, village officials, community leaders, and residents, and supported by secondary data from laws and regulations and legal literature.

The results of the study showed that customary justice in Pantai Balai Village was used to resolve land disputes, such as the case of the construction of a Posyandu on land claimed by residents. The process was carried out through deliberation involving MDSK, the village head, and community leaders. Although initially hampered by the stubborn attitude of the disputing parties and the lack of understanding of the village officials, a peace agreement was finally reached in the form of compensation. This success was supported by good faith, coordination between institutions, and socialization of the importance of proof of land ownership and training for customary officials to maintain community harmony.

Village officials and customary institutions need to confirm the legal status of the land, especially for claims on public facilities, and provide an explanation if the claim is invalid. The presence of the disputing parties in the deliberations must be guaranteed with strict rules. The settlement by the customary institutions of Pantai Balai Village is good, but needs to be improved with a more systematic and law-based approach.

Keywords: Settlement, Dispute, Land, A Citizen, Village Head, Law, Custom.