

OPERATIONAL COOPERATION SCHEME IN OVERCOMING ENCLAVE IN LAND USE RIGHT EXTENSION

nurulisa haliza¹, sudiman sihotang², Ilman Khairi³

¹Faculty of Law, universitas Djuanda , Indonesia ;

²faculty of Law, Universitas Djuanda, Indonesia ;

³faculty of Law, Universitas Djuanda, Indonesia ;

¹halizanurulisa@gmail.com ; ²sudiman.sihotang@gmail.com ; ³ilman.Khairi@unida.ac.id;

Abstract

Background - The state issued basic Agrarian Law number 5 Of 1960 as the legal basis for the utilization, control and ownership of a land plot. Because land is part of property rights that have absolute characteristics and are pre-existing property rights, in essence, land right owned in accordance with their authority can be used to utilize the land concerned within a certain time limit. One of them is the Cultivation rights title granted by the state to legal entities within a certain period of time must be utilized as well as possible by the right holder so that the cultivation rights land can provide broad benefits. If the period of the right to cultivation is about to expire, the right holder has the right to apply for an extension of the right, the extension of the right to cultivate often faces serious challenges, one of which is the enclaving problem, where the land area is isolated from wider access, enclaving can hinder optimal land utilization, in this context, the operational cooperation scheme is a relevant solution to overcome these problems.

Purpose - This research aims to analyse the position of cooperation schemes in overcoming enclaving in the extension of cultivation rights. Through a more inclusive and collaborative approach in managing land use rights.

methodology - This research uses a normative method that focuses on analysing laws and regulations governing land use rights, extension of rights and cooperation schemes by examining relevant legal norms, and data collection using qualitative methods to explore experience and practices in the field through interviews, literature review, and observation.

Findings - The results of this study show that the position of operational cooperation schemes if carried out properly can reduce the negative impacts of enclaving, improve access to resources and encourage local economic growth so the operational cooperation schemes can also function as a channel for extending land use rights by creating a more inclusive environment for productive fans in land management. However, if the operational cooperation is inappropriate and violates regulations, the position of operational cooperation schemes can exacerbate enclaving problems in the extension of rights and create an intractable cycle of problems in land management. It is therefore important to design and implement operational cooperation carefully and ensure that all parties benefit from the land management undertaken.

Originality - This research is relevant to the context of agrarian law and policy in Indonesia, especially in relation to the extension of Cultivation Rights. By analyzing the position of cooperation schemes in the context of rights extension, this research can provide useful recommendations for policymakers and other stakeholders.

Keywords: business use rights, enclaves, extension of rights, and operational cooperation.
