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## PROTECTION OF LAND RIGHTS OF THE PANTAI BAHAGIA VILLAGE COMMUNITY BASED ON NATIONAL AGRARIAN LAW

Gaffar Ahmad<sup>1</sup>, Ridha Wahyuni<sup>2</sup>

<sup>1,2</sup> Universitas Pembangunan Nasional "Veteran" Jakarta, Indonesia

Email: Gaffarahmad93@gmail.com, wahyuniridha@upnvj.ac.id

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### ABSTRACT

*The purpose of this research is to determine the protection of land rights for the residents of Pantai Bahagia village based on national agrarian law. The method used is the juridical-empirical method. The juridical-empirical method is a research approach that examines the current regulations as seen from the realities in society, or research that observes the application of the law in its actual state. The results of this study indicate that the form of protection of land rights that can be provided to the 2014 households in Pantai Bahagia Village, who occupy land in forest areas, can be realized through the release of forest areas. The release of these forest areas is carried out through a request to the Ministry of Environment and Forestry (KLHK), considering evidence of land ownership and historical data possessed by the community. With the release of the forest area, the community can then register the land as their property rights, thus providing legal certainty over their land.*

**KEYWORDS** Land Rights Protection, National Agrarian Law



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### INTRODUCTION

Land plays a central role in human life as it serves as a space for living, establishing businesses, and farming. According to Law No. 5 of 1960 on the Basic Agrarian Principles (UUPA), Article 4 Paragraph (1) states that land is the surface of the earth. Furthermore, land ownership rights comprise a series of powers, duties, and prohibitions for the right holder to perform certain actions with the land they own (Harsono, 2015). The state is the highest authority over land rights within the hierarchy as stated in Article 33 Paragraph (3) of the 1945 Constitution, which is also reflected in Article 2 Paragraph (1) of Law No. 5 of 1960 on the Basic Agrarian

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Principles. It is stated that; based on the provisions in Article 33 Paragraph 3 of the Constitution and the matters referred to in Article 1, the earth, water, and air space, including the natural resources contained therein, are controlled by the state at the highest level as an organization of power. As a form of the state's control rights implementation, forest areas are designated according to Article 4 Paragraph (1) of Law No. 41 of 1999: "All forests within the territory of the Republic of Indonesia, including the natural resources contained therein, are controlled by the state for the greatest prosperity of the people." The management of these forest areas is assigned to Perum Perhutani, a state-owned enterprise (BUMN) (Permadi, 2016).

Disputes often occur in forest areas due to the occupation by communities. According to Article 50 Paragraph (3) of Law No. 41 of 1999 on Forestry, "everyone is prohibited from working on, using, or occupying forest areas illegally." Land occupation in forest areas can occur for several reasons, including historical factors where communities have occupied the forest areas for generations since their ancestors settled in the area, and economic factors where communities cultivate the land for economic sources (employment) such as plantations and agriculture. For example, the community in Pantai Bahagia village, Muara Gembong sub-district, Bekasi district, has occupied the land since 1942, with 2014 households currently claiming the land and requesting its release from forest area designation. The aim of this forest area release is to allow the community to obtain land rights, as the residents claim to have actively managed and occupied the land.

The Pantai Bahagia community has applied for the release of the forest area since 2018, but there has been no follow-up from the local government. Meanwhile, the Pantai Bahagia village community has occupied the land long before it was designated as a forest area by the Minister of Agriculture's Decree No. 92/UM/5 on August 31, 1954. Evidence shows that the community occupied the forest area in Pantai Bahagia village before the designation by the Minister of Agriculture, based on a map from the US Army Expedition in 1942, indicating the existence of settlements. Additionally, evidence includes the payment of land and building taxes fulfilled by the community, documented in village certificates. This documentation indicates that the 2014 households in Pantai Bahagia village are entitled to legal land ownership status, in accordance with Article 19 Paragraph (1) of UUPA No. 5 of 1960, which states, "To ensure legal certainty, the government shall conduct land registration throughout the territory of the Republic of Indonesia according to government regulation provisions." However, the residents' application has yet to be processed by the local government (Pota, 2023).

Meanwhile, the government, through the Ministry of Environment and Forestry, has a program for resolving land control issues within forest areas (PPTPKH). The PPTPKH program aims to resolve land issues within forest areas and provide legal certainty to residents actively occupying forest areas as their source of livelihood. The PPTPKH program addresses settlements and existing social and public facilities by excluding them from the forest area, in accordance with Article 26 of Government Regulation No. 23 of 2021 on Forestry Administration. Based on the current regulations and clear evidence, the Pantai Bahagia community should be able to obtain legal ownership status for the land they have long occupied. Therefore, this research is important to address and focus on the following problem

statements: first, what form of land rights protection can be provided to the 2014 households in Pantai Bahagia village occupying forest land? Second, what efforts can the community undertake to obtain land rights protection?

Previous related research includes studies on land rights protection for communities occupying forest areas, such as the research on land rights protection in Forest Area Register 40 in Simangambat sub-district, Padang Lawas Utara district, resolved by considering indigenous community rights (Mikrot Siregar, et al., 2022). Another study by Fatimiah Azzahra focused on land rights protection for the Sanankerto village community occupying Perhutani land, resolved by removing the land from the forest area for land registration (Fatimiah Azzahra, 2022). The study on forest area release in Rokan Hilir district was conducted through inventory and verification to determine eligibility for release (Helen Fransisca & Hari Supriyanto, 2020). This research provides new insights by specifically addressing land rights issues for communities within designated forest areas in Pantai Bahagia village.

## RESEARCH METHOD

This research employs a juridical-empirical method. The juridical-empirical research method examines current regulations in light of the realities in society or investigates the application of these laws by observing actual conditions (Waluyo, 2008). The primary data is obtained through direct observation and interviews in the field. This empirical research approach is used to analyze legal aspects considered as societal behavior in daily life, where individuals continuously interact and connect within a community context (Nasution, 2008). It is referred to as field research (empirical) because the researcher conducts the study directly in Pantai Bahagia Village, located in Muara Gembong Subdistrict, Bekasi District, West Java.

In this research framework, the researcher uses a qualitative approach, employing an analytical method that produces descriptive analytical data. This data is presented both in written and oral forms, encompassing the behaviors of the community as observable variables in the field. This approach emphasizes the quality of the data, requiring the researcher to carefully process the data through several activities, including identifying, selecting, and grouping data or information relevant to the problem (Achmadi, n.d.).

There are two types of data sources in this research: primary data and secondary data. Primary data is obtained directly from the field, including interviews and documentation with the Pantai Bahagia Village government, the local land office, the Ministry of Environment and Forestry (KLHK), and the local community. Additionally, primary sources include laws, government regulations, and other legal documents. For secondary data, the researcher relies on information found in books and journals as supplementary sources.

## RESULT AND DISCUSSION

### 1. Historical Construction of Residents in Pantai Bahagia Village

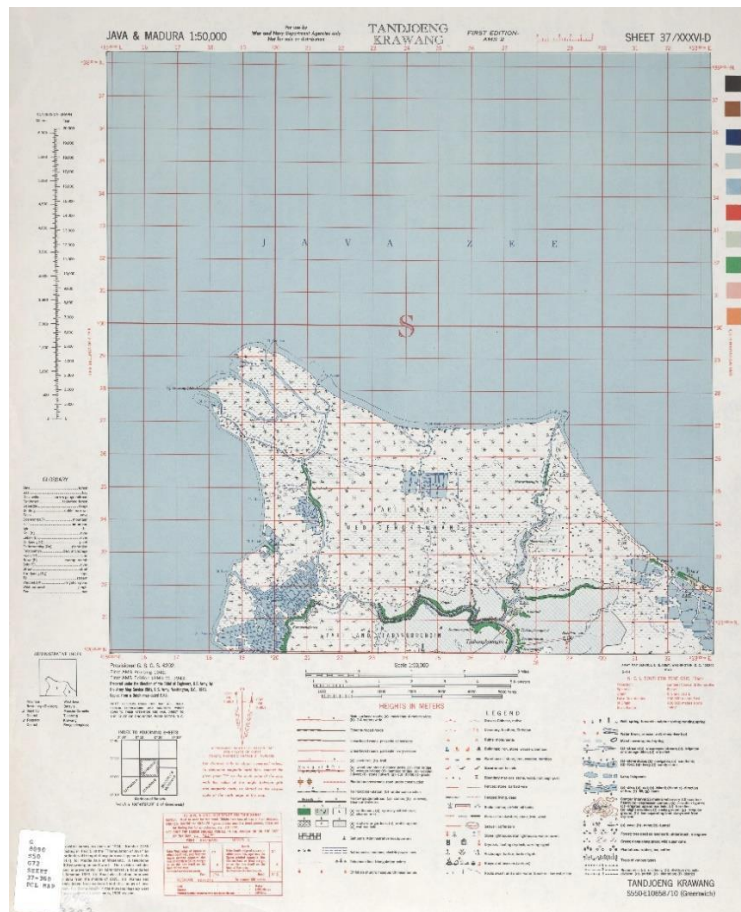
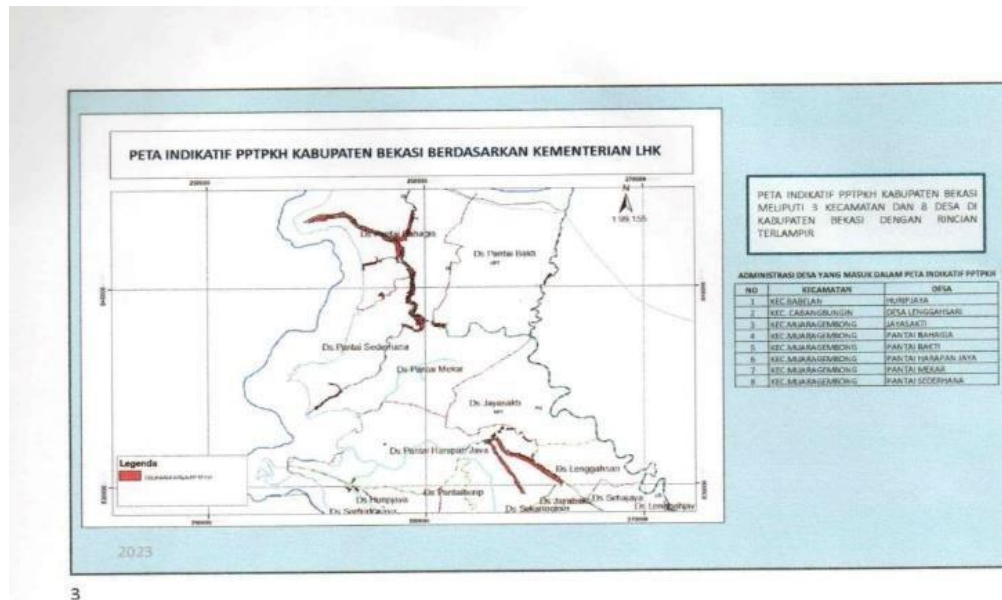


Figure 1 : Map of Tanjung Karawang in 1942



Figure 2 : Sacred Tomb in Pantai Bahagia Village

Pantai Bahagia Village, has a history that can be traced to 1942 as seen from the Map issued by the *US Army Expedition*, which shows residential areas marked in green in figure 1. In addition, there is also a sacred tomb in picture 2 which is guarded by residents and claimed to be the ancestors of the people of Pantai Bahagia Village. Pantai Bahagia Village only had a separate government due to the expansion in Muara Gembong District in 1984, and the result was the birth of Pantai Bahagia Village which was previously part of Pantai Bakti Village. The name "Pantai Bahagia Village" was chosen considering its location north of the beach. The choice of the word "Bahagia (Happy)" has the purpose of reflecting a state of pleasure and freedom from misery. Hopefully, the word "Bahagia" becomes an aspiration for the residents of Pantai Bahagia Village to live a life that is always cheerful, safe, and peaceful. At present, the leadership of Pantai Bahagia Village has undergone seven changes of village head (Pratama et al., 2022). Mr. Maman Suryaman is the current village head, serving from 2018 to 2024.



**Figure 3 : Indicative Map of Bekasi Regency**

The history of forest area formation in Pantai Bahagia Village can be traced back to 1992. Information obtained from the Bogor Forest Administration and Physical Health Implementation Team indicates that prior to being designated as a forest area, the land in that region was owned by Gouw Medjh. Subsequently, Gouw Medjh divided part of his land between Gouw Tjeng and Gouw Tjeng Lo, each receiving 50% ownership. The total area of this land reached 8,413.4 hectares, divided into several blocks across various villages, such as Blok Bugis Kulon in Jaya Sakti Village, Blok Bugis Wetan in Lenggah Sari Village, Blok Sungai Labuh in Pantai Harapan Jaya Village, Blok Sungai Buaya in Pantai Sederhana Village, Blok Pondok Soga in Pantai Harapan Jaya Village, and Blok Sungai Nyamuk in Pantai Mekar Village.

During the administration of the Dutch Governor-General Daendles, local lands were sold to Chinese, Arab, and Dutch residents. This policy marked the beginning of the concept of private land (*tanah partikelir*), which was later abolished by Law No. 1 of 1958. In 1949, the government, through the Ministry of Home Affairs, purchased private lands including those on the northern coast of Bekasi Regency, covering approximately 9,311 hectares. As a result, the status of these lands changed to state land. In 1949, the Ministry of Home Affairs, acting on behalf of the government, acquired private lands in the northern coastal area of Bekasi Regency, totaling 9,311 hectares. This action changed the status of the land to state land. The purpose of purchasing these lands was to protect the downstream areas of the Citarum and Bekasi rivers, as well as the surrounding swamps.

After the land became state land, on April 18, 1952, it was handed over by the Bekasi Regent, M. Soehandan Umar, representing the Governor of West Java, to R.O. Umar, Head of the Jakarta Raya Forestry Region, on behalf of the Forestry Service. The land handed over included former private lands in several locations, namely: a) Former private land of Cabang Bungin Ujung Karawang: 6908 ha b) Former private land of Babakan: 100 ha c) Former private land of Pangkalan: 45 ha d) Former private land of Pondok Tengah: 1450 ha e) Former private land of Terusan: 808 ha

With the development on the ground, new land emerged around Muara Beting and Muara Mati, adding approximately 1,123 hectares in 2005. This additional area was then designated as a forest area by the Minister of Forestry's decree No. 598/Kpts/II/1997 dated September 17, 1997. Additionally, there were emerging lands totaling 388.66 hectares in Muara Wetan and Muara Sampan that were not designated as forest areas in the same year. In 1999, the forest area in West Java, covering 1,045,071 hectares, was designated by the Minister of Forestry and Plantations through Decree No. 419 of 1999. These developments reflect serious efforts in the conservation and management of natural resources in the northern coast of Bekasi, adhering to sustainability and conservation principles.

## **2. Challenges and Hopes of Pantai Bahagia Village**

The uncertainty over land status is not just an administrative issue; it also acts as a tool of indirect discrimination that contributes to the inequality in land use and ownership. This problem becomes even more complex when there is a significant gap between the reality of land use and the politically determined land use allocation by the government. This disparity tends to grow over time, especially concerning the declining forestry areas and the increasing need for residential land.

Based on interviews conducted by the researcher in Pantai Bahagia Village with several community members on August 11, 2023, the village faces serious issues related to rising sea levels. This issue, which began in the 1990s, became more frequent in 2008 and has now become a daily occurrence. The village is inhabited by indigenous people who have lived there for generations. Most of the land they occupy is managed by the Perhutani (state forestry company), though a small portion has registered land certificates in the Muara Pecah area.

Another conflict arises between the community and Perhutani regarding the status of the forest area. Efforts to resolve this conflict include changing the status

of the forest area to private ownership. This has a significant impact on the community, especially in areas affected by land subsidence of 25 cm per year. The affected residents face major challenges; some have relocated, but others remain despite daily tidal flooding. Financial constraints prevent some residents from relocating, and the government has yet to provide adequate assistance. Environmental activists have offered help by planting mangroves and providing basic necessities, but there have been no concrete efforts to build levees or relocate severely affected residents.

The process to change the status of the forest area began in 2018 but was rejected by the community due to a lack of historical data. A subsequent application in 2021 was supported by historical data, including a 1942 map, and was backed by the legal basis of the Ministry of Environment and Forestry Regulation No. 7 of 2021, which covers changes in forest area designation. To meet the application requirements, the data requested by the Ministry of Environment and Forestry included a Village Certificate (SKD), the number of applicants (2014 households), and the inventory of social facilities (Fasos) and public facilities (Fasum). The total forest area in Bahagia Beach Village is 3100 hectares, with the release effort covering 200 hectares along the downstream Citarum River and its branches. However, the mixed type of forest area complicates the release process, and the community fears experiencing the same fate as in the Rempang case, where they did not receive compensation for the land they had occupied for generations. This study highlights the urgency of thorough consideration in resolving conflicts and protecting the rights of affected communities.

#### **A. Forms of Land Rights Protection That Can Be Provided to the 2014 Households of Pantai Bahagia Village Occupying Land in the Forest Area**

Based on the provisions of Article 1 of Law Number 41 of 1999 states that "forest areas are areas that are specifically designated or designated by the government to maintain their existence as permanent forests". Therefore, the authority to designate or designate an area or region as a forest area is the authority of the government, especially the Ministry of Environment and Forestry (LHK), where the Minister of Environment and Forestry has a central role in this determination. Thus, the designation of forest areas can be determined based on several considerations, including: paying attention to environmental sustainability aspects, ecosystem preservation aspects, and natural balance aspects (Alvian & Mujiburohman, 2022).

According to Article 1 of Law Number 41 of 1999, "forest areas are regions specifically designated or determined by the government to be maintained as permanent forests." Therefore, the authority to designate or determine an area as a forest zone lies with the government, specifically the Ministry of Environment and Forestry (LHK), where the Minister of LHK plays a central role in this determination. The designation of forest areas can be based on several considerations, including environmental sustainability, ecosystem conservation, and natural balance.

The Ministry of LHK's authority is crucial because this institution sets and maintains forest areas. This designation reflects the government's holistic approach to managing natural resources, involving strategic decisions that consider more than just field factors. As a result, the designation of forest areas becomes an administrative step designed to achieve forest preservation and ecosystem sustainability goals, ensuring the government's role in managing these areas for the community's welfare.

The state's control over forest areas is enshrined in the constitution, specifically Article 33, paragraph (3): "The earth and water and the natural resources contained therein shall be controlled by the state and used for the greatest welfare of the people." This is reinforced in the Basic Agrarian Law (UUPA) Article 2, paragraph (1), which states: "Based on the provisions of Article 33, paragraph 3 of the Constitution and the matters referred to in Article 1, the earth, water, and air space, including the natural resources contained therein, are at the highest level controlled by the state as an organization of power." The state holds supreme authority over natural resources as an implementation of Indonesia's welfare state system (Nugroho, 2014). The welfare state concept emphasizes that state-planned development should respect principles of justice and humanity (Wahyuni, 2022).

Budi Setiyono (2019) cites Pierson, defining the welfare state as "state actions to provide essential welfare services often limited to health, housing, income maintenance, and personal social services." One aspect of ensuring community welfare is providing adequate housing and securing livelihoods through the protection of ownership rights, including land ownership rights (Setiyono, 2024). Obtaining land ownership is considered an essential human right. Fulfilling and protecting this right is part of the guarantee of life and continued existence. Therefore, the state, through its institutions, has a responsibility to protect, fulfill, and respect human rights, facilitating communities in achieving and maintaining their ownership rights without discrimination. The constitution thus establishes a solid foundation to ensure the protection of ownership rights as an integral part of human rights granted to every citizen (Ali, 2005).

Designating forest areas over land already occupied by the community cannot be done unilaterally, thereby eliminating land ownership rights after the area's status changes to government forest. This could sever the relationship between individuals and the land, which serves as their livelihood. In this context, forest area designation can significantly impact landowners' rights (Pancarani & Wahyuni, 2023).

Changes in area status to forest, as seen in Pantai Bahagia Village, should not harm residents who have long controlled and worked the land. Since the residents have lived on the land longer than the forest designation, their rights must also be protected. One form of protection that can be provided is through the Program for Settling Land Ownership in the Framework of Forest Area Arrangement (PPTPKH). This program is part of Indonesia's agrarian reform, targeting tenant farmers and rural smallholders by providing assets in the form of land. The agrarian reform concept aligns with the mandate of Article 33, paragraph 3 of the 1945 Constitution, regulated further in Law No. 5 of 1967. The government issued Government Regulation No. 23 of 2021 on Forestry Administration, marking a significant step in supporting PPTPKH. This regulation is designed to expedite the legalization



of land objects in forest areas, focusing on resolving and legally protecting the rights of communities controlling or utilizing land in these areas (Muchsin et al., 2007).

Residents of Bahagia Beach Village recognize that the land they occupy is ancestral land controlled before the forest area designation. They use historical claims such as the 1942 US Army Expedition map showing settlements in Pantai Bahagia and unnamed graves claimed as their ancestors. These historical claims support evidence that the community occupied the area long before the forest area designation by the Ministry of Agriculture on August 31, 1954. According to PP No. 23 of 2021, land occupied before forest area designation should be excluded from forest areas through boundary changes. Article 25 states, "The resolution of land parcels that have been controlled and utilized or granted rights before being designated as forest areas shall be done by removing the land parcel from the state forest area through boundary changes." However, several criteria must be met, referring to Article 24, for land tenure resolution in forest areas: a. The land must be well utilized and controlled for more than five years. b. The land must not be the object of disputes or litigation to ensure legal certainty for landowners. c. Recognition from the village head, supported by credible witnesses. d. Social and public facilities must already exist. e. The land must be in the form of settlements.

The community in Bahagia Beach Village meets the PPTPKH program criteria per Article 24 of PP No. 23 of 2021. They have Village Certificates as proof of land ownership and have been paying Land and Building Tax (SPPT-PBB) since 1992. Their historical land control is supported by the 1942 US Army Expedition map showing the village as a settlement. They use the land for housing, fishponds, and farming to meet daily needs. The village also has social facilities like schools and mosques and public facilities like roads and lighting built by the community. Meeting these requirements means the Bahagia Beach community deserves a resolution through forest area release.

To release the forest area, a request can be submitted to the Ministry of LHK according to Article 56, paragraph (1) of PP No. 23 of 2021, which states, "Partial changes in forest area designation are based on applications." The Ministry of LHK will then document and verify the land for inclusion in the PPTPKH program. Once the data and verification are complete, the Minister of LHK will decide whether to release the land from the forest area. If released, the community will receive a forest area release decree.

This release document is crucial for Bahagia Beach residents because, once the land's status is changed from state forest, they can apply for land registration, per Article 16, paragraph (1) of the Minister of Agrarian Affairs Regulation No. 18 of 2021: "The acquisition of Management Rights or Land Rights from state forest areas as referred to in Article 3, paragraph (2), letter c, must be released from state forest status."

Law Number 5 of 1960 (UUPA), specifically Article 19, states, "To guarantee legal certainty, the government shall conduct land registration throughout the Republic of Indonesia according to the provisions regulated by Government Regulation." This land registration ensures legal certainty regarding the land. According to Muchsin et al., legal certainty involves two main aspects: land registration with a *rechtscadaster* approach and converting old agrarian rights to new national agrarian

law rights, as mandated by the UUPA. Article 19 of the UUPA details land registration, while the second dictum of the UUPA outlines conversion provisions. These efforts aim to align land rights with national agrarian law changes, thus providing legal certainty for land in Indonesia (Sudarmanto et al., 2023).

Article 19 of the Basic Agrarian Law Number 5 of 1960 provides an essential legal basis for land registration in Indonesia, including for Pantai Bahagia residents. Land registration can ensure legal certainty for landowners. To achieve this, Article 19 outlines several key provisions as operational guidelines. The government must conduct land registration across the entire Republic of Indonesia according to regulations set by the government. This registration includes measuring, mapping, and recording land, registering land rights, and transferring these rights. Issuing proof of ownership documents is recognized as having legal proof and certainty. Land registration must consider the country's and society's realities, socio-economic traffic needs, and feasibility. These aspects are overseen by the Minister of Agrarian Affairs. Finally, Article 19 allows for registration fee exemptions for the poor, ensuring equitable access to land registration.

## **B. Efforts That Can Be Made by the Community to Obtain Land Rights Protection**

### **1. Submitting a Request for Forest Area Land Release**

The community in Bahagia Beach Village can submit a request for the release of forest area land to the Ministry of Environment and Forestry (KLHK) through the Directorate General of Forest Area Confirmation and Utilization. This aligns with the current actions taken by the Bahagia Beach Village community, which has been submitting requests since 2018. The request is one method of forest area release, as stated in Article 56, paragraph (1) of Government Regulation No. 23 of 2021: "Changes in the designation of Forest Areas are partially carried out based on requests." Paragraph (2) explains that the request can be submitted by:

- a. Ministers or heads of agencies;
- b. Governors or regents/mayors;
- c. Heads of legal entities; or
- d. Individuals, groups of people, and/or communities.

These requests are made through the OSS system or the KLHK counter. The request is directly received by the Minister of Environment and Forestry, who then conducts a technical requirements verification through the Directorate General of Forest Area Confirmation and Utilization. After verification, an on-site verification is conducted by an integrated team (Sumardjono, 2018). The integrated team reports its findings back to the Minister. If the Minister proceeds, the matter is returned to the Directorate General for further verification of requirements. Once the Directorate General completes the final verification, it is forwarded to the Secretary General for legal review. If there are no legal issues, the Minister will issue the approval for the release of the forest area.

The request must meet several requirements, which are provided from the beginning of the application process, including administrative and technical requirements, as well as a commitment statement. The content of the administrative and technical requirements includes:

1. Proposal and technical plan
2. Map of the requested area
3. Strategic Environmental Assessment (KLHS)
4. Consideration from the Governor
5. Consideration from Perhutani (if within Perhutani area)
6. Satellite imagery with a resolution of less than 5 meters
7. Integrity Pact

Additionally, the commitment statement includes: a) Completing environmental documents b) Obtaining business permits in the relevant field (for companies) c) Boundary setting d) Paying non-tax state revenue (PNBP) e) Paying Reforestation Funds (DR) and Forest Resource Provision (PSDH) (for companies) f) Securing the forest area to be released. Submitting a request is the easiest method and does not require much cost. Communities wishing to apply can meet the requirements and submit their applications to the Ministry of Environment and Forestry, represented by local officials or community groups.

## **2. Submitting a Request for Land Registration**

Once the forest area land has been released and its status is converted to state land, the community should register their land with the National Land Agency (BPN) to obtain ownership rights. According to Article 20, paragraph 1 of the Basic Agrarian Law (UUPA), "ownership rights are hereditary, strongest, and fullest rights a person can have on land." The application for land registration to gain ownership rights over state land must adhere to applicable regulations. Professor Maria states that land registration for rights recognition requires 20 years of continuous physical possession, conducted in good faith and clearly, referring to Article 24, paragraph (2) of Government Regulation No. 24 of 1997 (Sudarmanto et al., 2023). This provision applies to the Bahagia Beach Village community, given that their current proof of ownership only includes a map from 1942. Further proof of ownership over more than 20 years includes SKD and SPPT PBB, which the community has been paying since 1992.

The first-time land registration in Bahagia Beach Village falls under the category of initial land registration. Article 13, paragraph 1 states: "Initial land registration is conducted through systematic and sporadic methods." Systematic registration is carried out simultaneously based on a work plan designated by the Minister in a specific area, while sporadic registration is done through applications by interested parties. If, after the release of the forest area, there is no further action from the government, the community must submit an application to the BPN.

The initial land registration in Bahagia Beach Village whether systematic or sporadic, must comply with Minister of Agrarian Affairs and Spatial Planning/National Land Agency Regulation No. 18 of 2021 on Procedures for Establishing Management Rights and Land Rights. Considering that the land released from the forest area is state land, the application must follow Article 54, paragraph (1), which includes:

Requirements for applying for Ownership Rights originating from State Land:

- a. Regarding the applicant:
  1. Applicant's identity, or the identity of the applicant and their representative, along with a power of attorney if authorized;
  2. For applicants who are government-designated legal entities:
    - a) Articles of incorporation and the latest amendments, along with approval from the relevant authority or company establishment regula-

- tions;
  - b) Business Identification Number from OSS/Company Registration Certificate (TDP)/Foundation Registration Certificate (TDY);
  - c) Decision letter appointing the entity as a legal body entitled to ownership rights, for religious and social bodies designated by the government; and/or
  - d) Land acquisition permit;
- b. Regarding the land:
- 1. Basis of control or legal basis, such as:
    - a) Certificate, deed of transfer, deed/letter of relinquishment of rights, letter of designation or purchase of plots, proof of payment for land and houses and/or land purchased from the government, auction minutes, court decisions, or other proof of land acquisition; or
    - b) In the absence of ownership evidence as stated in point a), physical control of the land is documented in a statement of physical land control witnessed by at least two local witnesses who know the land's history and have no family ties, acknowledged by the village head/urban village chief or equivalent;
  - 2. Land plot map;
  - c. Tax evidence related to the requested land, if available;
  - d. A statement of physical land control and civil and criminal liability, stating that:
    - 1. The land is truly owned by the applicant and not by others, and its status is State Land;
    - 2. The land has been physically controlled;
    - 3. The control was conducted in good faith and openly by the rightful party;
    - 4. Land acquisition was done according to actual data, and if problems arise later, the applicant assumes full responsibility and will not involve the Ministry;
    - 5. No objections from other parties or ongoing disputes;
    - 6. No objections from creditors if the land is used as loan collateral;
    - 7. The land is not an asset of the Central/Local Government or a State-Owned Enterprise;
    - 8. The land is outside forest areas and/or regions with suspended permits for primary natural forests and peatlands;
    - 9. The applicant agrees not to block public thoroughfares, public access, and/or water channels; and
    - 10. The applicant agrees to relinquish the land for public purposes, in whole or part, if needed.

Once the application documents are complete, they will be received by the head of the land office for verification of the physical and legal data of the applicant. After verification, the land office head will review the application to decide its acceptance. If approved, it will be recorded by the land office as per Article 56 (Rohman & Sugiyono, 2020). The community will then receive land rights certificates to secure legal certainty as stated in Article 4, paragraph (1): "To provide legal certainty and protection, as mentioned in Article 3(a), a certificate of land rights is issued to the holder."

Considering the requirements in Article 54, paragraph (1), the community should prepare the necessary documents early to facilitate the application process for land registration and secure legal certainty over their land.

### CONCLUSION

The form of land rights protection that can be given to 2014 household of Pantai Bahagia Village Community who occupy land in forest areas can be realized through the release of forest areas. The release of the forest area is carried out through an application to the MoEF by considering evidence of land ownership and historical data that the community owns. With the release of forest areas, later the community can register the land as property rights so that the community has legal certainty over their land. Legal efforts that can be taken by the community to obtain protection of their land rights first, the community requests the release of forest areas to the Ministry of Environment and Forestry to release their land status from forest areas to state land; Secondly, after the land is released from the forest area to state land, then the community can apply for property rights registration through the local land office, the object registered is the land that has been actively and continuously controlled, If the land registration request is approved, the community will get a title certificate (SHM) with this SHM the community has legal certainty over their land.

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