

## ABSTRAK

Triana Rejekiningsih, : 1007044/2014, PENEGAKAN HUKUM TANAH DALAM IMPLEMENTASI ASAS FUNGSI SOSIAL HAK ATAS TANAH (Studi Peran Pendidikan Kewarganegaraan untuk Pembentukan Kesadaran Hukum Warga Negara). Disertasi Program Studi Pendidikan Kewarganegaraan, Sekolah Pascasarjana Universitas Pendidikan Indonesia. Promotor : Prof. Dr. Astim Riyanto, Drs. SH. MH, Ko-Promotor : Prof. Dr. Sapriya, M.Ed, Anggota : Dr. Sunatra, SH., M.Si.

Disertasi ini meneliti : (1) Penggunaan tanah sebagai sumber daya alam; (2) Penegakan hukum tanah dalam implementasi asas fungsi sosial hak atas tanah; (3) Kendala penegakan hukum tanah dalam implementasi asas fungsi sosial hak atas tanah; (4) Pembentukan kesadaran hukum untuk penegakan hukum tanah dalam implementasi asas fungsi sosial hak atas tanah; (5) Peran Pendidikan Kewarganegaraan (PKn) untuk penegakan hukum tanah dalam implementasi asas fungsi sosial hak atas tanah. Penelitian ini merupakan jenis penelitian yang menggunakan pendekatan kualitatif, dengan metode yuridis sosiologis dan analisis data menggunakan model analisis interaktif. Sampel penelitian pada Kelompok Masyarakat Sadar Tertib Pertanahan Desa Kedungsono, Bulu, Sukoharjo dan Desa Maju Reforma Agraria di Pasawahan, Ciamis. Hasil penelitian diperoleh simpulan : (1) Penggunaan tanah dalam implementasi asas fungsi sosial hak atas tanah, belum memberikan kemanfaatan untuk kemakmuran rakyat, karena penggunaan tanah belum sesuai dengan potensinya sebagai tanah agraris; (2) Penegakan hukum tanah dalam implementasi asas fungsi sosial hak atas tanah mengandung pemahaman, kesadaran mentaati hukum agar tanah bermanfaat untuk meningkatkan kemakmuran seluruh rakyat; (3) Kendala penegakan hukum tanah dalam implementasi asas fungsi sosial hak atas tanah bersifat yuridis karena kurang termaknai dalam berbagai aturan hukum tanah, sedangkan yang bersifat non yuridis karena pergeseran nilai-nilai dalam masyarakat, yang berdampak pada munculnya perilaku warga negara yang bertentangan dengan hukum tanah; (4) Pembentukan kesadaran hukum tanah bagi warga negara dalam implementasi asas fungsi sosial hak atas tanah dilakukan melalui pendidikan non formal pada masyarakat; serta (5) Peran PKn untuk penegakan hukum tanah dalam implementasi asas fungsi sosial hak atas tanah melalui konsep PKn dalam domain *social cultural*, berkontribusi pada pembentukan *Civic Agriculture*, yang memiliki kesadaran mentaati asas fungsi sosial hak atas tanah, memiliki kompetensi menjaga keseimbangan antara kepentingan perorangan, kepentingan sosial dan kepentingan umum atas tanah, dan kemampuan memanfaatkan hak atas tanah. Berdasarkan hasil penelitian, dalam pengembangannya seharusnya PKn berkontribusi pada pembentukan kesadaran warga negara untuk menjaga kemanfaatan sumber daya alam yang berkelanjutan bagi generasi yang akan datang.

***Kata kunci : Hukum tanah, fungsi sosial hak atas tanah, dan pendidikan kewarganegaraan***

## **ABSTRACT**

Triana Rejekiningsih : 1007044/2014, THE LAND LAW ENFORCEMENT IN THE IMPLEMENTATION OF THE SOCIAL FUNCTION PRINCIPLES TO LAND RIGHTS (The Role of Citizenship Education Study for Establishment of Legal Citizen Awareness). Dissertation Civic Education Study Program, Postgraduate Program Indonesia University of Education, Promotor : Prof. Dr. Astim Riyanto, Drs. SH. MH, Co-Promotor : Prof. Dr. Sapriya, M.Ed, and Members of Promotor : Dr. Sunatra, SH., M.Sc.

This Dissertation to examines : (1) The usage of land for agraria resources; (2) The land law enforcement in the implementation of the social function principle of land rights; (3) The constraints of land law enforcement in the implementation of the social function principle of land rights; (4) Establishment of legal awareness for land law enforcement in the implementation of the social function principle of land rights; (5) Citizenship Education for land law enforcement in the implementation of the social function principle of land rights. This research employs a qualitative research approach, the method juridical sociological and data analysis by using interactive analysis model. Samples research were the Community Groups Land Conscious Discipline in Kedungsono, Bulu, Sukoharjo and the village population of Agrarian Reform Forward in Ciamis. The results were obtained some conclusions : (1) The usage of land in the implementation of the social function principle of land rights has not provided benefit for the welfare of the people, because the land use has not been up to its potential as an agricultural land; (2) The land law enforcement in the implementation of the social function principle of land rights an understanding, of awareness in order to comply with the law of the land is beneficial to improve the welfare of all people; (3) Land constraint is law enforcement in the implementation of the social function principle of land rights in the legal aspects arising as a result of less interpreted principle of the social function of land rights in various normative rules and constraints that are non-law in the legal aspects arising as a result of shifting values in society, impact on the emergence behavior of citizens that is contrary to law; (4) Establishment of land law of citizen in the implementation of the social function principle of land rights is non formal education in the community; and (5) The role of Citizenship Education for law enforcement in the implementation of the social function principle of land rights rights through non-formal education in the community that are relevant to Civics in the social and cultural domains contribute to the formation of the Civic Agriculture, who has the competence adhere to the principle of the social function of land rights, have the competence to maintain balance individual interests, social interests and the public interest on the ground, and the ability using the right to land. Based on this research, the development should contribute to the formation citizenship

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education awareness of citizens to keep the benefit of sustainable natural resources for future generations.

**Keywords : Land law, social function of land rights, and citizenship education**