

ABSTRAK

Pemanfaatan lahan tidur Perhutani merupakan salah satu upaya pemberdayaan masyarakat sekitar hutan melalui skema Kemitraan Kehutanan Perhutani (KKP). Masyarakat yang tergabung dalam Lembaga Masyarakat Desa Hutan (LMDH) memperoleh hak untuk memanfaatkan lahan di bawah tegakan pohon tanpa memperoleh hak kepemilikan atas tanah tersebut. Kondisi ini menimbulkan pertanyaan mengenai kedudukan hukum hak yang dimiliki *pesanggem* dalam perspektif fiqih muamalah. Penelitian ini bertujuan untuk mengetahui praktik pemanfaatan lahan tidur Perhutani oleh *pesanggem* di Desa Bajang, Kecamatan Ngluyu, Kabupaten Nganjuk, serta menganalisis praktik tersebut berdasarkan konsep *ḥaq al-intifā'* dalam fiqih muamalah.

Penelitian ini menggunakan metode penelitian kualitatif deskriptif dengan pendekatan empiris yang didukung analisis normatif. Data primer diperoleh melalui observasi, wawancara, dan dokumentasi dengan pihak Perhutani, pengurus LMDH Sendang Sooko, dan *pesanggem*. Data sekunder diperoleh dari literatur fiqih muamalah, peraturan perundang-undangan, dan dokumen terkait. Analisis data dilakukan melalui reduksi data, penyajian data, dan penarikan kesimpulan.

Hasil penelitian menunjukkan bahwa praktik pemanfaatan lahan tidur Perhutani dilaksanakan melalui mekanisme Kemitraan Kehutanan Perhutani berdasarkan perjanjian kerja sama antara Perhutani dan LMDH. *Pesanggem* memperoleh hak untuk memanfaatkan lahan dengan menanam tanaman semusim di bawah tegakan pohon serta berkewajiban menjaga tanaman pokok, memelihara kelestarian kawasan hutan, dan mematuhi ketentuan yang berlaku. Berdasarkan analisis fiqih muamalah, hak yang dimiliki *pesanggem* tidak termasuk *al-milk al-tāmm* (kepemilikan sempurna), melainkan termasuk *Al-Milk Al-Nāqish* dalam bentuk *ḥaq al-intifā'*, yaitu hak untuk mengambil manfaat dari suatu harta tanpa memiliki kepemilikan atas benda tersebut. Hak tersebut lahir melalui izin yang diberikan Perhutani, bersifat terbatas sesuai perjanjian, tidak dapat dialihkan sebagai hak milik, serta berakhir apabila masa kemitraan selesai atau terjadi pelanggaran terhadap ketentuan yang telah ditetapkan. Dengan demikian, praktik pemanfaatan lahan tidur Perhutani oleh *pesanggem* di Desa Bajang telah sesuai dengan konsep *ḥaq al-intifā'* dalam fiqih muamalah karena memberikan hak pemanfaatan tanpa memindahkan hak kepemilikan serta tetap memperhatikan prinsip kemaslahatan, keadilan, dan keberlanjutan pengelolaan hutan.

Kata Kunci: *Pesanggem*, *ḥaq al-intifā'*, Kemitraan Kehutanan.

ABSTRACT

The utilization of Perhutani's idle land is one of the efforts to empower communities around the forest through the Perhutani Forestry Partnership (KKP) scheme. Communities who are members of the Forest Village Community Institution (LMDH) are granted the right to utilize land under tree stands without obtaining ownership rights to the land. This condition raises questions regarding the legal status of the rights held by *pesanggem* from the perspective of muamalah fiqh. This study aims to determine the practice of utilizing Perhutani's idle land by *pesanggem* in Bajang Village, Ngluyu District, Nganjuk Regency, and analyze this practice based on the concept of *ḥaq al-intifā'* in muamalah fiqh..

This study employed a descriptive qualitative method with an empirical approach supported by normative analysis. Primary data were obtained through observation, interviews, and documentation with Perhutani officials, the Sendang Sooko LMDH management, and the *pesanggem* (Islamic boarding school). Secondary data were obtained from literature on muamalah jurisprudence, laws and regulations, and related documents. Data analysis was conducted through data reduction, data presentation, and drawing conclusions.

The results of the study indicate that the practice of utilizing Perhutani's idle land is carried out through the Perhutani Forestry Partnership mechanism based on a cooperation agreement between Perhutani and LMDH. *Pesanggem* obtains the right to utilize the land by planting annual crops under tree stands and is obliged to maintain the main crops, maintain the sustainability of the forest area, and comply with applicable provisions. Based on the analysis of muamalah fiqh, the rights held by *pesanggem* do not include *al-milk al-tāmm* (perfect ownership), but rather include *Al-Milk Al-Nāqish* in the form of *ḥaq al-intifā'*, namely the right to take advantage of an asset without having ownership of the object. This right arises through a permit granted by Perhutani, is limited according to the agreement, cannot be transferred as ownership rights, and ends when the partnership period ends or there is a violation of the established provisions. Thus, the practice of utilizing Perhutani's idle land by *pesanggem* in Bajang Village is in accordance with the concept of *ḥaq al-intifā'* in muamalah fiqh because it provides utilization rights without transferring ownership rights and still pays attention to the principles of benefit, justice, and sustainability of forest management.

Keywords: *Pesanggem, ḥaq al-intifā', Forestry Partnership.*