

ABSTRAK

PT Kereta Api Indonesia (Persero) Daop 7 menghadapi masalah penguasaan tanah aset di Kartoharjo, Madiun, melibatkan beberapa lokasi yaitu di Jalan Jawa Nomor 6, Jalan TGP Nomor 8 dan Jalan Anggrek. Tanah ini dikuasai oleh keturunan mantan pegawai PJKA dan masyarakat setelah perjanjian sewa berakhir tanpa perpanjangan dan pembayaran sewa terhenti. Penelitian ini bertujuan untuk menganalisis keabsahan penguasaan tanah oleh keturunan mantan pegawai PJKA dan masyarakat dan mengkaji penyelesaian sengketa antara PT KAI (Persero) Daop 7 dengan keturunan mantan pegawai PJKA dan masyarakat di Kartoharjo, Madiun berdasarkan pada Peraturan Menteri ATR/BPN RI No. 21/2020 tentang Penanganan dan Penyelesaian Kasus Pertanahan.

Metode yang digunakan adalah penelitian hukum empiris dengan pendekatan fakta dan bersifat deskriptif. Teknik pengumpulan data dilakukan melalui wawancara dan data sekunder diperoleh dari analisis peraturan perundang-undangan dan literatur hukum. Hasil penelitian menunjukkan Peraturan Direksi PT Kereta Api Indonesia (Persero) Nomor PER.U/KL.104/I/2/KA-2018 tentang Standar Operasional Prosedur Kerjasama PT Kereta Api Indonesia (Persero) termasuk kedalam bentuk perjanjian kerjasama jangka pendek. Adapun bentuk pelaksanaan pemanfaatan aset tanah PT. KAI (Persero), khususnya yang dilaksanakan oleh PT. KAI (Persero) Daop 7 Madiun dengan pihak ketiga adalah sewa tanah aset PT. KAI (Persero). Tetapi fakta dilapangan alas hak yang dimiliki penghuni tanah asset PT KAI (Persero) Daop 7 tidak sesuai dengan Peraturan Direksi PT KAI (Persero) Nomor PER. U/KL. 104/I/2/KA-2018 tentang Standar Operasional Prosedur Kerjasama. Kasus ini termasuk dalam kategori sengketa pertanahan karena bersifat individual/terbatas pada penghuni tertentu. Kejaksaan Negeri Kota Madiun terlibat sebagai instansi berkompeten, dan PT KAI (Persero) Daop 7 juga dapat melaksanakan penyelesaian sebagai pihak yang bersengketa.

Kata Kunci: Sengketa Pertanahan, Aset PT KAI (Persero), Penguasaan Tanpa Hak, Penyelesaian Sengketa.

ABSTRACT

PT Kereta Api Indonesia Daop 7 is facing land ownership issues in Kartoharjo, Madiun, involving several locations Jawa street No. 6, TGP street No. 8, and Anggrek street. This land is controlled by descendants of former PJKA employees and the community after the lease agreement expired without renewal and rental payments ceased. This study aims to analyze the legality of land ownership by descendants of former PJKA employees and the community and examine the dispute resolution between PT KAI Operational Area 7, descendants of former PJKA employees and the community in Kartoharjo, Madiun, based on Regulation of the Minister of ATR/BPN RI No. 21/2020 concerning the Handling and Settlement of Land Cases.

The method used is empirical legal research with a factual and descriptive approach. Data collection techniques were conducted through interviews, and secondary data were obtained from analysis of laws and regulations and legal literature. The results of the study indicate that the Regulation of the Board of Directors of PT Kereta Api Indonesia Number PER.U/KL.104/I/2/KA-2018 concerning the Standard Operating Procedures for Cooperation of PT Kereta Api Indonesia is included in the form of a short-term cooperation agreement. The form of implementation of cooperation in the utilization of land assets of PT. KAI, especially those implemented by PT. KAI Daop 7 Madiun with third parties is the lease of Land Assets of PT. KAI. However, the facts in the field regarding the legal basis owned by the occupants of the land assets of PT KAI Daop 7 do not comply with the Regulation of the Board of Directors of PT KAI Number PER. U/KL. 104/I/2/KA-2018 concerning the Standard Operating Procedures for Cooperation. This case is included in the category of Land Dispute because it is individual/limited to certain occupants. The Madiun City District Attorney is involved as a competent agency, and PT KAI Daop 7 can also carry out the settlement as a disputing party.

Keywords: *Land Dispute, PT KAI (Persero) Assets, Unlawful Possession, Dispute Resolution.*