

IMPLEMENTASI JUAL BELI TANAH HUTAN MENURUT HUKUM ISLAM

(Studi Kasus Desa Tidar Kuranji Kecamatan Maro Sebo Ilir Kabupaten Batang Hari

Provinsi Jambi)

ABSTRAK

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Penelitian ini bertujuan untuk mengetahui tingkat pemahaman masyarakat terhadap konsep kepemilikan, implementasi jual beli, serta untuk mengetahui pandangan hukum Islam terhadap implementasi jual beli tanah hutan di Desa Tidar Kuaranji.

Jenis penelitian ini adalah kualitatif dengan menggunakan *purposive random sampling*. Data dalam penelitian ini dikumpulkan dengan metode observasi, dokumentasi, dan wawancara secara langsung terhadap responden yakni masyarakat Desa Tidar Kuaranji yang pernah melakukan jual beli tanah hutan baik yang berkedudukan sebagai penjual 3 orang responden maupun pembeli 7 orang responden dan Dinas Lingkungan Hidup dan Perhutanan 1 orang responden.

Hasil dari penelitian ini menunjukkan bahwa mayoritas masyarakat adat memiliki pemahaman bahwa tanah hutan merupakan milik adat. Sedangkan mayoritas masyarakat pendatang yakni 57% dari 7 responden memiliki pendapat bahwa tanah hutan merupakan milik pemerintah. Praktik jual beli tanah hutan dilakukan berdasarkan kebiasaan yang terjadi sejak dulu namun kebiasaan tersebut merupakan kebiasaan yang buruk (*'urf batil*). Menurut hukum Islam jual beli tanah hutan tersebut termasuk dalam jual beli *batil* karena status kepemilikan tanah hutan merupakan milik sempurna pemerintah (negara) berdasarkan SK Menteri No. 421 Tahun 1999 sedangkan masyarakat adat hanya memiliki kepemilikan manfaat saja yang diperoleh dengan cara menghidupkan tanah mati (*ihyaa' al mawat*).

Kata Kunci : Kepemilikan, Jual-Beli, Hukum Islam.

**THE IMPLEMENTATION OF FOREST LAND SELLING AND BUYING
ACCORDING TO ISLAMIC LAW**

**(Case Study of Tidar Kuranji Village Maro Sebo Ilir Sub-district Batanghari Regency
Jambi Povince)**

ABSTRACT

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The research aimed at finding out the level of the people understanding towards the concept of ownership and buying and selling implementation, and at finding out the Islamic law perspective towards the implementation of forest land selling and buying in Tidar Kuranji Village.

The research was qualitative in nature by using purposive random sampling. The data in the research were obtained by observation method, documentation, and interview directly towards the respondents, i.e. the people of Tidar Kuranji who had ever done selling and buying forest land. They were 3 respondents as the sellers, 7 respondents as the buyers and 1 respondent from Department of Environment and Forestry.

The result of the research showed that the majority of the indigenous people had understanding that the forest land belonged to the tribe. Meanwhile, the majority of the immigrants was 57% of the 7 respondents had belief that the forest land belonged to the government. The practice of selling and buying of forest land was done based on the habit that happened since a long time ago, but it was a had habit (*'urf batil*). According to Islamic law, the forest land selling and buying was regarded as *batil* selling and buying because the ownership status of the forest land absolutely belonged to the government (state) based on the Ministerial Decree No. 421/1999 while the indigenous people only had the benefit ownership obtained by reviving dead land.

Keywords: Ownership, Selling-Buying, Islamic Law.