

## ABSTRAK

**Marlina Ullin Safitri. 2018. E0014254. Aspek Keadilan Perjanjian Pemberian Hak Guna Bangunan di atas Tanah Keraton Ngayogyakarta Hadiningrat. Penulisan Hukum (Skripsi). Fakultas Hukum Universitas Sebelas Maret.**

Penelitian ini bertujuan untuk mengetahui kedudukan Tanah Keraton dalam hukum tanah nasional dan pelaksanaan pemberian hak guna bangunan di atas Tanah Keraton. Metode penelitian yang digunakan adalah metode hukum normatif. Pendekatan yang digunakan adalah pendekatan perundang-undangan (*statute approach*), pendekatan historis (*historical approach*), pendekatan komparatif (*comparative approach*) dan pendekatan konseptual (*conceptual approach*). Sumber bahan hukum yang digunakan adalah bahan hukum primer dan bahan hukum sekunder. Bahan hukum primer terdiri dari perundang-undangan dan catatan resmi dalam pembuatan undang-undang. Bahan hukum sekunder berupa buku-buku, arsip dan literatur yang berkaitan dengan masalah yang diteliti.

Hasil penelitian menunjukkan bahwa kedudukan Tanah Keraton dalam hukum tanah nasional diakui keberadaannya, ditunjukkan dengan diundangkannya Undang-Undang Nomor 13 Tahun 2017 tentang Keistimewaan Daerah Istimewa Yogyakarta. Disebutkan bahwa Keraton sebagai badan hukum dan menjadi subyek hak milik atas Tanah Keraton. Teori Hans Kelsen tentang keadilan adalah adil menurut kelompok menjadikan perjanjian pemberian Hak Guna Bangunan adil. Teori keadilan Thomas Hobbes yaitu keadilan adalah sesuai dengan perjanjian, sesuai dengan Keraton yang mengambil kembali Tanah Keraton sesuai dengan perjanjian yang disepakati sehingga menjadikan perjanjian tersebut adil.

Kata kunci : tanah keraton, kedudukan tanah keraton, keadilan, keraton ngayogyakarta hadiningrat

## **Abstract**

**Marlina Ullin Safitri. 2018. E0014254. Justice Aspect Of The Allocation Of The Rights To Build On The Land Of The Keraton Ngayogyakarta Hadiningrat. Legal Writing (Thesis). Faculty of Law Sebelas Maret University**

This research is aimed to understand the standing of the soil of the palace within the national soil regulation and the implementation of the granting of the rights to use the building within the palace's soil. Research method that is used is normative method. approach techniques that are used are statute approach, historical approach, comparative approach, and conceptual approach. Source of legal materials that are used are primary and secondary materials. Primary legal material consists of legislations and official notes in drafting the legislations. Secondary legal material consists of books, archives, literatures that are related to the issues of the matter.

The outcome of this research has found that the standing of the palace soil is acknowledged by the national soil regulations, as it is stated with the promulgation of law regulation number 13/2017 regarding the Special Region Of Yogyakarta. It Is stated that the palace is a legal entity that has an ownership of the soil. The Rights granting agreement is considered to be fair. As It Is explained with the Hans Kelsen's theory that states that justice is a happiness of the greater people, it is shown as the palace serve as n institution that supervises a much larger group of people which is the people of Yogyakarta. The theory of Thomas Hobbes also states that justice is if it is in line with the agreement. According to the agreement the palace takes back the soil with the requirements that is agreed, that's make the rights itself is fair.

Keywords : Palace's soil, standing of the palace soil, justice, Ngayogyakarta Hadiningrat Palace