

ABSTRAK

Judul Penelitian **“Deskripsi Tentang Dasar Kepemilikan Barang Milik Desa Berdasarkan Permendagri Nomor 1 Tahun 2016 Tentang Pengelolaan Aset Desa (Studi di Desa Hinga, Kecamatan Kelubagolit, Kabupaten Flores Timur)”**. Rumusan masalah dalam penelitian ini adalah: apakah aset desa masuk barang milik daerah dan mengapa tanah milik desa belum memiliki bukti sertifikat yang sah. Tujuan penelitian ini adalah untuk mengetahui alasan aset desa masuk barang milik daerah dan untuk mengetahui alasan tanah milik desa yang belum memiliki bukti sertifikat yang sah. Metode penelitian yang digunakan adalah penelitian hukum empiris dengan sifat penelitian deskriptif. Data diperoleh melalui observasi non-partisipatif, wawancara dengan pihak Pemerintah Desa Hinga, tokoh adat, tokoh masyarakat, serta pihak BPN Kabupaten Flores Timur, dan studi dokumentasi terhadap peraturan perundang-undangan serta literatur hukum yang relevan. Hasil penelitian menunjukkan bahwa Aset desa tidak dapat dialihkan menjadi barang milik daerah karena: (1) aset desa tidak termaksud barang milik daerah karena desa bersifat otonom, (2) barang milik desa dapat berubah menjadi barang milik daerah apabila terjadi perubahan status desa menjadi kelurahan dan alasan tanah desa belum memiliki sertifikat yang sah antara lain adanya benturan antara legitimasi hak asal-usul berbasis tradisi lisan (ritual adat *Peri Tuak*) dengan asas legalitas hukum positif, kekhawatiran akan risiko konflik horizontal akibat struktur kepemilikan komunal (tanah ulayat), serta inefisiensi penatausahaan aset desa dan kurangnya pendampingan teknis dari instansi terkait. Oleh karena itu, disarankan agar Badan Pertanahan Nasional (BPN) meningkatkan sosialisasi dan pendampingan teknis mengenai prosedur sertifikasi aset desa, Pemerintah Desa Hinga perlu segera melakukan penatausahaan aset secara tertib menggunakan standar Kartu Inventaris Barang (KIB) guna mewujudkan kepastian hukum.

Kata kunci: Aset Desa, Barang Milik Daerah

ABSTRACT

The title of the research is **“Description of the Basis of Ownership of Village Property Based on the Minister of Home Affairs Regulation Number 1 of 2016 Concerning Village Asset Management (Study in Hinga Village, Kelubagolit District, East Flores Regency)”**. The problem formulation in this research is: whether village assets are included in regional property and why village-owned land does not yet have valid certificate evidence. The purpose of this research is to find out the reasons why village assets are included in regional property and to find out the reasons why village-owned land does not yet have valid certificate evidence. The research method used is empirical legal research with a descriptive nature. Data were obtained through non-participatory observation, interviews with the Hinga Village Government, traditional leaders, community leaders, and the National Land Agency (BPN) of East Flores Regency, and documentation studies of relevant laws and legal literature. The results of the study indicate that village assets cannot be transferred to regional assets because: (1) village assets are not considered regional assets because villages are autonomous, (2) village assets can be changed to regional assets if there is a change in the status of the village to a sub-district and the reasons for the village land not having a valid certificate include the conflict between the legitimacy of original rights based on oral tradition (the traditional ritual of the Fairy Tuak) and the principle of positive legal legality, concerns about the risk of horizontal conflict due to communal ownership structures (customary land), as well as inefficiency in administering village assets and the lack of technical assistance from related agencies. Therefore, it is recommended that the National Land Agency (BPN) increase socialization and technical assistance regarding village asset certification procedures, and that the Village Government immediately carries out orderly asset administration using the Goods Inventory Card (KIB) standard to achieve legal certainty.

Keywords: Village Assets, regional property