

## *SUMMARY*

Olvin Hady, A Master's in Notarial Law, Faculty of Law, Universitas Brawijaya Malang, 25 January 2018, the Protection of *Ulayat* Forest of *Adat* Law Community of Sawai, Regency of Central Halmahera, the Province of North Maluku from Mining Activities Conducted by PT. Weda Bay Nickel, Prof. Dr. I Nyoman Nurjaya, S.H., M.S., Dr. Istislam.S.H., M.Hum.

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This thesis is focused on violation of *Ulayat* right of *Adat* law community of Sawai by PT. WBN. This research aims to understand and analyze whether there is irrelevance of National Law in terms of rejection by *Adat* law community to protect their communal land from mining activities done by PT. WBN, and how the dispute between *Adat* law community of Sawai and PT. WBN is settled as a legal protection.

The land-related dispute between *Adat* law community of several villages such as Gemaf, Kobe, Sagea, and Lelilef arose, in which the development of mining company serves as a threat to the rights of *Adat* law people. Their rights of lands located within the area dominated by PT. WBN have been violated. Not only their land that have been taken over, but they are prone to being relocated, for their village is within the concession of the mining company. The conflict was also triggered by low compensation given to the community which was irrelevant to what was agreed by the community. According to the research background, this thesis focuses on the following research problems:

1. What measures are taken by *Adat* law community of Sawai to protect their *Ulayat* forest from mining activities conducted by PT. Weda Bay Nickel in the Province of North Maluku, Regency of Central Halmahera?
2. What attempts are taken to settle the dispute between the *Adat* law community of Sawai and PT. Weda Bay Nickel as a legal protection and to achieve justice for the community of Sawai?

This research employed juridical empirical method with socio-juridical approach. The data was taken by doing literature review and by conducting analyses of legal materials with descriptive qualitative method.

The result of the research shows that the fight of *Adat* law community of Sawai against the violation done by PT. WBN occurred simply because the mining company has failed to acknowledge traditional rights of *Adat* law community of Sawai. The riot took place from 2011 to 2013, which can be considered that some of their action against the company is in line with National Law, and some is irrelevant to National Law, in which the latter is shown by the community erecting a signpost to mark that the *Ulayat* forest belongs to the community. This action is relevant to the decision of Constitutional Court Number 35/PUU-IX/2012 stating that *Ulayat* forest which was formerly owned by the state has now become communal forest that sits on the area of *Adat* law community. The settlement of dispute between PT. WBN and *Adat* law community of Sawai has not come to a solution. This is caused by the low compensation of the land taken over which is seen irrelevant to what has been

agreed by *Adat* law community of Sawai and the government tendency of Central Halmahera Regency that seems to be more on the side of PT. WBN.

**Keywords:** protection, *ulayat* forest, *Adat* law community