

Permits for the Transfer of Agricultural Land Functions to Non-Agriculture in the Land Purchasing and Sale Process

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Abstract-The purpose of this research is to examine the process of purchasing and selling land that requires a permission to be converted from agricultural to non-agricultural use. This study employs secondary data to conduct normative legal research. According to the findings of the study, the process of purchasing and selling agricultural land in Sleman Regency that requires a permit to convert agricultural land to non-agricultural land is as follows: the seller and buyer sign a Sale and Purchase Agreement in front of a Notary. By sending a letter of request for spatial information to the Sleman Regency's Regional Development Planning Agency (BAPPEDA), the notary double-checks the land designation zone. The Sleman Regency Regional Development Planning Agency (BAPPEDA) will respond with information on the land designation zone based on the attachment of the Sleman Regency Regional Regulation Number 12 of 2012 pertaining to the Sleman Regency Spatial Plan for 2011-2031.

Keywords- Permission, Functional shift, Agriculture.

I. INTRODUCTION

Agricultural land and non-agricultural land are concepts used in agrarian law. Agricultural land also includes all plantation land, ponds for fisheries, land for grazing livestock, former scrubland fields, and forests for those entitled, according to the joint instruction of the Minister of Home Affairs and Regional Autonomy with the Minister of Agrarian Affairs dated January 5, 1961, No. Sekera 9/1/12. In the meantime, there are non-agricultural land islands, in addition to the ones mentioned above.[1]

Agricultural land is available for sale and buy. However, if the farmland is purchased by persons from outside the sub-district where the land is located, this is illegal because the land will subsequently become absentee land. A land island owned by someone who is not present in the sub-district where the land is located.[2] Article 10 of the Logga, Government Regulation Number 41 of 1964 concerning Amendments and Supplements to Government Regulation Number 224 of 1961 concerning

Implementation of Land Distribution and Compensation, and Government Regulation Number 4 of 1977 concerning Ownership of Agricultural Land by Guntai (Absentee) For Retired Civil Surgeons are the legal bases for prohibiting absentee land ownership.[3] When agricultural land is bought and sold, the farmland that is the subject of the sale and purchase must first be converted from agricultural to non-agricultural land. The goal of the function transfer is to prevent absentee land ownership.[4]

The conversion of agricultural land is governed by Government Regulation No. 1 of 2011 of the Republic of Indonesia on the Determination and Transfer of Agricultural Land Functions for Sustainable Food.[5] According to the government regulation, the conversion of sustainable food agricultural land refers to the permanent or temporary conversion of agricultural land to non-agricultural land. Sleman Regency Regional Regulation Number 3 of 2015 concerning Space Utilization Permits, as well as its implementing regulations in Sleman Regent's Regulation Number 21 of 2017 concerning Instructions for Implementation of Sleman Regency Regional Regulations Number 3 of 2015 concerning Space Utilization Permits, are in effect in Sleman Regency. The permit to convert agricultural land to non-agricultural land is governed by the Regional Regulation.[6]

Sleman Regency is a component of Yogyakarta Province's Special Region, which is a hub for tourism, education, and culture. Sleman Regency sees a lot of land purchasing and selling, notably agricultural land, due to its advantageous geographical location. According to the Central Statistics Agency, rice farms totalled 24,517.36 hectares in Sleman Regency in 2018. Rice fields in Sleman Regency, according to BPS, tend to decline from year to year. This is largely due to agricultural land being converted to non-agricultural land.[7]

In fact, people who live beyond the sub-district of the property are frequently buying and selling agricultural land in Sleman Regency. The land sale and purchase are conducted in the presence of PPAT. Agricultural land sales and purchases must, of course, be accompanied by a permit to convert the land to non-agricultural use.[8] As a result, before converting agricultural land to non-

agricultural land, PPAT must first apply for a license. The status of the paddy fields is transformed to a yardland after the application for a transfer of function permission is approved. Sleman Regency Regional Regulation Number 3 of 2015 about Space Utilization Permits regulates the conversion of agricultural land to non-agricultural land. According to Sleman Regency Regulation Number 3 of 2015 on Space Utilization Permits, a permission for the conversion of agricultural land to non-agricultural property is issued with the intention of doing business or housing.[9]

Purchasing and selling agricultural land that requires a permit to convert it to non-agricultural land is a time-consuming process. Acceptance or rejection of the transfer permission is a possibility. Acceptance or denial of the license will almost probably have an impact on the land sales and purchases that are made. The subject addressed in this study is how converting agricultural property to non-agricultural land necessitates obtaining a permission.

II. RESERCH METHOD

Field research is the name given to this form of study (field research). Field research (field research) entails inspecting the location being studied directly. In this scenario, a notary/PPAT is involved, as well as other parties, in the process of buying and selling land that requires a permission to convert agricultural land to non-agricultural land.[10] The author also spoke with representatives from the National Land Agency (BPN), the Land and Spatial Planning Service (DISPERTARU), and the Sleman Regency Integrated Investment and Licensing Service (DPMPPPT), all of which deal with permits for agricultural land conversion to non-agricultural land. The results of the field study are then compared to reference materials such as books, laws, and scientific papers. Although the researcher must be objective, this research is qualitative, i.e. the data is gathered in relative values. In social research, this type of qualitative study is commonly utilized. In this study, however, the approach is normative-empirical (applied law research), which begins with a review of applicable laws and regulations and then moves on to specific legal events that occur in society.[11]

III. FINDINGS AND DISCUSSION

1. *The Permit for the Conversion of Agricultural Land to Non-Agricultural Use was Issued.*

The concept of a permit is defined in Article 1 of Minister of Home Affairs Regulation Number 20 of 2008 concerning Guidelines for the Organization and Work Procedure of the Integrated Licensing Service Unit in the Region. Land-use change permits, also known as drying permits, are used to convert agricultural land to non-agricultural usage. The agricultural land in question is not tangible rural land, but the land rights certificate's status of rice fields or dry land. Non-agricultural land, on the other hand, has the status of yardland in the certificate of land rights.[12]

The land office, or in other words, the regional land control office, receives most of these permits, but some are handed to the land office (KPPD). The KPPD is made up of regencies or cities that each have their own regional sovereignty. A permission has been granted following the approval of the application for the transfer of function. The applicant is responsible for submitting to the land office the application for the land use transfer stated on the land rights certificate.[13]

Article 15 to Article 17 of Sleman Regency Regional Regulation Number 3 of 2015 concerning Space Utilization Permits and Article 22 to 30 of Sleman Regent's Regulation Number 21 of 2017 concerning Instructions for Implementing Sleman Regency Regulations Number 3 of 2015 concerning Space Utilization Permits govern the permit for the conversion of agricultural land to non-agricultural use in Sleman Regency. The permit for changing agricultural land to non-agricultural use is known as a Land Utilization Permit under this rule (IPPT). The Investment and Integrated Licensing Service (DPMPPPT) Sleman Regency is the agency in charge of the license. According to Article 23 of Sleman Regent Regulation Number 21 of 2017 concerning Instructions for Implementing Sleman Regency Regulations Number 3 of 2015 concerning Space Utilization Permits, Materials for Permits to Use Land Utilization (IPPT).[14]

According to Sleman Regent Regulation Number 21 of 2017 concerning Instructions for Implementing Sleman Regency Regulations Number 3 of 2015 concerning Space Utilization Permits, there are two types of applications for permits for the conversion of agricultural land to non-agricultural uses in Sleman Regency. For non-commercial purposes.[15] The permit for non-business land use is for the construction of individual private residences, according to Article 1 point 6 of the Sleman Regent's Regulation Number 21 of 2017 concerning Instructions for the Implementation of the Sleman Regency Regional Regulation Number 3 of 2015 concerning Space Utilization Permits. Following Article 28 of the Sleman Regent's Regulation Number 21 of 2017 about Instructions for the Implementation of the Sleman Regency Regional Regulation Number 3 of 2015 concerning Space Utilization Permits, permission to utilize the land for residential purposes is given for a maximum of 600 m². [16]

2. *The Procedure of Purchasing and Selling Land that Requires A Permission for Agricultural Land Conversion to Non-Agricultural Usage*

The Land Deed Making Official handles the selling and acquisition of land (PPAT). When a prospective buyer is domiciled outside the sub-district of the land to be purchased, however, the process of buying and selling land cannot be carried out directly by making a Land Sale and Purchase Deed (AJB) at the Land Deed Making Officer (PPAT), because the process of buying and selling agricultural land requires first obtaining a permit (IPPT).[17]

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