



How to Overcome Agricultural Land Ownership Absentee in Boro Wetan Village?

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Abstract. Land is one of the most important productive factors for human life and even supports the progress of a nation. The State of Indonesia has regulated the land in the Law Number 5 of 1960 concerning the Basic Agrarian Law. Article 10 of this Act provides that every person or business entity that owns agricultural land is obliged to actively engage in its own farmland. But the reality is a lot of land left unmanaged called absentee land, as happened in the village of Boro Wetan, Purworejo Regency. Found absentee land covering 684,672 m² of the total area of Boro Wetan village covering 2,054.017 m² or the area of absentees land is 1/3 of the overall area of the village. The study aims to identify the causes of absentee land ownership in the village of Boro Wetan and provide recommendations for the optimization of agricultural land in Boro Village. This empirical law research is conducted using a field research approach using indepth interviews to farmers in the village of Boro Wetan to get the problems that occur in farmers' lives. These problems can be overcome through: (1) coordination and participation of the community, village government, local government and the land office (BPN) of Purworejo Regency; (2) land management measures that, in addition to addressing the problem of absentee land tenure, can also prevent the occurrence of similar problems and land conflicts related to land ownership in the future.

Keywords: Agricultural Land, Land Ownership, Absentee Land

1. Introduction

Soil is the surface of the earth, including the body of the earth beneath it, which is under water.[1] In this regard, it must be given certainty and legal protection for the land's supply, control, and maintenance.[2] The majority population in Indonesia has eyes livelihood as a farmer. In this case, preserving the land and giving Legal protection for agricultural land is also a benchmark for the progress of agriculture and the nation's economy. In addition, land is a valuable resource most important for the community, whether it is used for farming or as a place to carry out an activity.[3]

The land is a factor of production that is very important for life humans even support a nation's progress over time. A country occurs development carried out by

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A. A. Nassihudin et al. (eds.), *Proceedings of the 3rd International Conference on Law, Governance, and Social Justice (ICoLGaS 2023)*, Advances in Social Science, Education and Humanities Research 805,
https://doi.org/10.2991/978-2-38476-164-7_22

the rulers to progress the country. Hence, the land becomes essential as it can be used as an example of housing, industry, or managed as land agriculture.[4] It, however, becomes very complex as time goes by population growth is increasing and requires a broader area so that it will automatically result in a reduction in the supply of land for the benefit of human life.

The State of Indonesia has special provisions governing land use, namely stated in Law Number 5 of 1960 concerning the Basic Agrarian Law (UUPA). This regulation came into force on 24 September 1960. Many land problems can be said to be very difficult because it is not easy to solve. Article 2 Paragraph 3 of the UUPA explains that the state is given the authority to control and obtain rights with attention to the welfare of the people as much as possible and can provide happiness, well-being, and prosperity. However, until now, in the field of land affairs, there are 5 (five) problems, namely those contained in Article 6 of the UUPA, which regulates the social function of Land, Article 7 regulates the maximum limit land ownership, Article 10 regulates absentee land ownership, Article 13 regulates the monopoly of land ownership and Article 18 which regulates determination of compensation for land in the public interest.

The formation of UUPA has important aspects, namely the "*Land reform program*".[5] This land reform program is in the form of:

- a. Prohibition to control agricultural land that exceeds the limit;
- b. Prohibition of absentee ownership of agricultural land;
- c. Redistribution of Land that is more than the maximum limit as well as land that is subject to absentee ban, ex-self-governing land, and other state land;
- d. Arrangements regarding the return and redemption of agricultural lands mortgaged;
- e. Re-arrangement of agricultural land production sharing agreements; and
- f. Determination of minimum limits for agricultural land ownership accompanied by prohibitions for committing acts that result in the division of land ownership agricultural land into too small parts.

Land reform is a fundamental change regarding ownership, land tenure, and legal relations related to land entrepreneurs.[6] In Indonesia, land reform aims to increase income and living standards for farmers, especially morning rice field cultivators. This is the basis for developing appropriate economic sectors with the aim of land reform.[7] Apart from that, it is also to improve people's lives especially the peasant people to achieve socio-economic goals, socio-political goals and social psychological goals.[8]

Provisions constituting a prohibition against land reform are stipulated in Article 7, Article 10, and Article 17 of the UUPA, and their implementation has been established Government Regulation instead of Law Number 56 of 1960 concerning the Determination of Agricultural Land Area and further regulated by Ministerial

Regulation Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 18 of 2016 concerning Agricultural Land Tenure Control which aims to get legal certainty so that land ownership that exceeds the limit does not allow.

Article 3 Paragraph (1) Government Regulation Number 224 of 1961 Concerning Implementation of Land Distribution and Compensation has confirmed that the decision to grant rights determines ownership restrictions for legal entities. Landowners who live outside the sub-district where the land is located within 6 (six) months must transfer the right to the land to another person in the district where the land is located or move to the district where it is located. The land owner must reside in the sub-district the location of the land, with the aim that the owner of the agricultural land can work on it the land is in accordance with the principles contained in Article 10 of the UUPA. Ownership and absentee land tenure can create bad things such as productivity that is less than optimal, the rental price for cultivators is very high large compared to agricultural products, on the other hand the land owner is far from his location the land receives profits without working its land and earns bigger profit. Despite the ban on absentee land ownership has been confirmed in the legislation Article 4 paragraph (1) Regulation Number 18 2016 concerning Control of Agricultural Land Tenure.

Absentee land ownership continues to occur where most of the land is not yet registered at the District Land Office or with a Certificate of Ownership (SHM) whose name has not been reversed. And buying and selling are not even in front of public officials/ PPAT but only known by local village officials. It happened due to people's ignorance of it and can be used as an opportunity to own Land absentee. The problem with this regulation requires the role of law enforcers in land affairs as stipulated in the Regulation of the President of the Republic of Indonesia Number 20 of 2015 Article 2 concerning the National Land Agency. In this case, The authorized National Land Agency (BPN) can complete the problem of agricultural land owned by outsiders or what is often referred to as absentees.

Boro Wetan village was chosen because there is a lot of vacant land in the village, which often leads to ownership conflicts. Land that is left unmanaged is called absentee land, and this problem often occurs in Boro Wetan Village, Purworejo Regency. There are 684,672 m² of absentee land out of the total area of Boro Wetan Village of 2,054,017 m² or the area of absentee land is 1/3 of the total area of the village. This research aims to determine the causes of absentee land ownership in Boro Wetan Village and provide recommendations for the optimization of agricultural land in Boro Village.

2. Problems

As an Effort to Resolve Land Ownership Absentee Conflicts in Boro Wetan Village. How to Overcome Agricultural Land Ownership Absentee in Boro Wetan Village?

3. Method

The method in this study uses a type of empirical juridical research to examine the implementation of Law Number 5 of 1960 concerning the Basic Agrarian Law. The approach is carried out qualitatively to describe the extent of the absentee land ownership. Sources of data used are obtained from primary data sources obtained from interviews and observations whatever secondary data obtained from favorable legal regulations relevant to the topic of the study.[9] The field research approach in this study using indepth interviews with farmers in Boro Wetan Village is used to analyze the problems that occur in depth that occur in the lives of farmers. This enabled researchers to analyze the problem in depth to find the right solution.

4. Discussion

The government has the authority to carry out legal actions related to public law and private law and must have a source of legislation. This authority has the following meanings rights and powers to act or also to govern, which can be obtained by way of attribution and delegation.[10] Solving the problem of land ownership in absentee is a form of responsibility of a government agency, namely the Land Agency National Land Agency (BPN) in this case, the Purworejo Regency Land Office. Legal action is the authority given by the government to the Land Agency National Land Agency (BPN). It is implemented based on statutory regulations known as the principle of legality in the rule of law that provides tools as collateral for government organs in carrying out their duties.

Absentee land ownership is prohibited even though it is regulated in the Regulations Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 18 Years 2016 concerning Control of Agricultural Land Tenure. So far, the Agency Office Land Affairs of Purworejo Regency has not taken many actions to minimize these problems, and this is evidenced by the presence of many absentee land ownership in the Boro Wetan Village. With regards to can be done cancellation of land rights due to defects in administrative law, in its issuance, it can be done because of the request of the interested party or by authorized official without a request.

The Purworejo Regency Land Office is responsible for overcoming absentee land ownership, which is a follow-up of that authority stating that the National Land Agency should settle the case of land submitted to the head of the National Land Agency (BPN) in order for land can be controlled, owned, used and exploited by the owner as well in the framework of legal certainty and protection. State Land Agency (BPN) is responsible for all issues regarding absentee agricultural land owned by people outside the sub-district where the land is located. Office Land Affairs of Purworejo Regency is trying to create law and order by counseling the Districts in Purworejo Regency and notification to the local Land Deed Official (PPAT).

This appeal aims to gather information and prevent it from happening ownership of agricultural land in absentee for the whole community to know about it.

And also, the order regarding this absentee land will not materialize and be implemented well if there is no cooperation between the Purworejo Regency Land Office and the whole community to report about land ownership absentee status. There are parties who are exempt from the provisions of the prohibition of absentee ownership of agricultural land. This has not been strictly enforced to land ownership throughout Indonesia because there are various obstacles in the field even though the regulations are very clear, so enforcement of the ban on absentee ownership of agricultural land is not firm. The absentee owners of agricultural land are not farmers but urban people who are not residents of the who acquired the land through sale and purchase, by sale, inheritance or other means, and the use of the land is not to be cultivated as the land was intended but only as a means of investment and later resale later on when the price is high. Agricultural land is still made an object of speculation which results in the area of agricultural land agricultural land is decreasing because it is converted. So juridically, this problem lies in the effectiveness of the laws and regulations governing the the land reform program itself, one of the principles of which is the prohibition of absentee land ownership. is the prohibition of absentee land ownership. Therefore, it can be said that the failure of land reform is due to the the prohibition of absentee land ownership based on the maximum limit of agricultural land based on the maximum limit of agricultural land cannot can not be implemented properly. In connection with the above background background above, it encourages the author to conduct study how to overcome absentee land ownership. [11]

The current state of the sanctions given is no longer relevant because they are considered too light, so it tends to be easily violated. This is due to the making of the rules had not adjusted to the situation at that time and were very different from the situation at this time and even though a Regulation of the Head of the National Land Agency has been issued Number 3 of 2011 concerning Management of Assessment and Handling of Cases Land as an affirmation of the previous regulations, but the provisions in The regulation does not provide legal sanctions for absentee landowners should be adjusted to the current situation, but the application of legal sanctions still using the old rules.

In connection with there are still a lot of unmanaged land called absentee land in Boro Wetan Village, Purworejo Regency which is the responsibility of the Purworejo Regency Land Office and the entire community to report the status of land ownership. Good coordination is needed between the National Land Agency of Purworejo Regency, Local Government, Village Government and Boro Wetan Village Community from the reporting stage from the community to the village government which is forwarded to the National Land Agency of Purworejo Regency and coordinates with the Local Government.

Therefore, the exact ownership of the absentee land can be traced so that later it can be decided whether the management will be handed over to the individual landowner or to the central or regional government if it is included in the category of abandoned land. In addition, a further way related to the management of absentee land in addition to recording and preventing absentee land ownership is through Land Management.[12] Although in relation to absentee land ownership, land ownership

cannot be separated from the customary norms of each region or location where the land is located. Of course, regarding matters of a customary nature, its existence is also recognized by legal norms in social life. For parties undertaking certain legal actions related to land rights, in general, prospective rights recipients are required to make a statement letter as mandated by Article 99 of PMNA/KBPN Number 3 of 1997. The statement covers, among other issues, absentee land ownership and land reform. [13] Moreover, one of the important legal aspects of the enactment of the UUPA is the launching of the land reform program in Indonesia, which aims to increase the landreform program in Indonesia, which aims to increase the income and standard of living of tenant farmers, as a foundation or prerequisite for organizing economic development towards a just and prosperous society based on Pancasila. The reciprocal influence of "land reform" and agriculture is obvious, because one of the objectives of land reform is to increase in productivity. With land ownership that the size of the land is beyond the capacity to be cultivated, will ultimately result in low productivity. This is especially true if the owners are absentee landlords, who do not cultivate the land themselves. (landlords), who do not cultivate their own land, but leave its care and management to people who live on the land. The care and management of the land is left to people who live in the area.

Land Management is the process of making and implementing decisions about how land and its resources are applied, used and protected in society. Land management will be carried out optimally if land administration is carried out in an orderly manner. This is as proclaimed in the Decree of the Head of the National Land Agency Number 277 of 2012 concerning Orderly Land which consists of orderly administration, orderly budgeting, orderly budgeting, orderly equipment, orderly offices, orderly staffing, orderly work discipline, and orderly morale. Land Administration is also defined as part of State Administration which aims to provide services in the land sector to the community. In relation to the problems in this study, land management can find one efficient way to prevent land conflicts, as well as absentee land ownership in Boro Wetan Village. In addition, the prohibition and urgency of absentee land ownership can be influenced by several factors, among others: Knowledge factors, awareness factors, basic cultural factors of land acquisition, economic value factors and law enforcement factors. Where these various factors will affect the community.[14] In addition, agrarian policies that ignored the rights of the people and the occurrence of various conflicts were due to the fact that the concepts underlying the structure of land tenure during the colonial period were not rooted in the basic principles and values of the personality of the Indonesian nation. Therefore, since the agrarian reform took place, a paradigm of populist values has been established that is rooted in Pancasila. From a legal point of view, Pancasila is used as a law, Pancasila is used as a legal principle, becoming the legal ideals (rechtside) or the ideals of the state (stateside) of the Indonesian nation. nation (stateside) of the nation referred to as the state philosophy. state philosophy, which means that Pancasila is the basis and and purpose of every law in Indonesia. [15]

This is because in addition to the absence of technical SOPs in each region related to its management, absentee land ownership is very prone to conflict because it tends to lack legal certainty. Furthermore, this can affect the effectiveness of the implementation of agrarian law regulations related to land management so that land

management that should be managed and regulated properly does not run effectively and creates many conflicts of interest.

5. Conclusion

Land ownership that occurs at this time which is owned absentee has not been implemented effectively in Purworejo Regency despite the ban already regulated in the Basic Agrarian Law. Regulations for this prohibition are also held in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 18 of 2016 concerning Control of Agricultural Land Tenure. Reasons for the absence of agricultural land ownership by several factors such as ; (1) The owner of the agricultural land left the sub-district where the land was located; (2) Someone who received an inheritance of agricultural land located in another district; (3) Someone who buys farmland whose residence is located outside the sub-district that borders where the agricultural land is located ; (4) Lack of legal awareness from rural communities who do not understand applicable law so that buying and selling land under the hands and not made before the PPAT and the transfer cannot be registered at the Office Land, this is the reason National Land Agency does not know absentee landowners; (5) Law enforcement factors, especially the PPAT while here are mentioned by Camat, whose background is not a law degree, so do not know the rules of ownership of land in absentee.

These problems can be overcome through: (1) coordination and participation of the community, village government, local government and the land office (BPN) of Purworejo Regency; (2) land management measures that, in addition to addressing the problem of absentee land tenure, can also prevent the occurrence of similar problems and land conflicts related to land ownership in the future.

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