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Efforts to Resolve Agricultural Land Ownership in Absentee Cases in Blitar Regency

Ferry Adam[1*], Huzaimah Al-Anshori[2], Agus Manfaluthi[3]
[1] Universitas Islam Kadiri, Kediri, Indonesia, ferryadam@student.uniska-kediri.ac.id.
[2] Universitas Islam Kadiri, Kediri, Indonesia, huzaimah@uniska-kediri.ac.id.
[3] Universitas Islam Kadiri, Kediri, Indonesia, agusmanfaluthi@uniska-kediri.ac.id.

[*]Corresponding Author: ferryadam@student.uniska-kediri.ac.id

Abstract: This study aims to analyze agricultural land ownership in absentee cases, which constitutes one of the agrarian issues potentially hindering increased productivity and farmers' welfare. Absentee practices still occur in Blitar Regency. The academic problems addressed in this study are: 1) How are efforts to resolve absentee agricultural land ownership carried out by the government and related agencies in Blitar Regency? 2) What obstacles are encountered in the efforts to resolve absentee agricultural land ownership in Blitar Regency? The research employs a normative sociological approach, with data obtained through both fieldwork and literature studies, including primary and secondary sources. Data collection techniques include interviews, literature review, and document analysis. This study used descriptive qualitative analysis. This study showed two results. The first efforts to resolve the issue include land data inventory, administration of ownership transfer regulation, legal socialization, and land redistribution under the agrarian reform program. Legal prohibitions have been stipulated in Law No. 5 of 1960 concerning the Basic Agrarian Principles and clarified through Government Regulation No. 224 of 1961 in conjunction with Government Regulation No. 4 of 1977. The contributing factors include urbanization, the inheritance of land by heirs residing at a distance, and changes in the occupations of landowners. The second, obstacles such as limited data, suboptimal inter-agency coordination, and low public legal awareness still impede effective handling. Therefore, it is essential to strengthen administrative regulations, enhance inter-agency coordination, and ensure consistent law enforcement to achieve agrarian justice in Blitar Regency.

Keyword: Efforts to Resolve, Absentee Land in Blitar, Land Ownership

INTRODUCTION

Agricultural land is a vital agrarian resource that plays a central role in supporting both the social and economic well-being of society, notably for farmers, who serve as its primary cultivators. To achieve social justice and equitable welfare, the state, through Law No. 5 of 1960 concerning the Basic Agrarian Principles (UUPA), emphasizes that land ownership and control must provide the greatest possible benefit to the people. One of the fundamental principles of the UUPA is the obligation for agricultural landowners to actively cultivate their

land themselves, as stipulated in Article 10 of the UUPA. However, in practice, absentee ownership of agricultural land is still found. This refers to land ownership by individuals residing outside the area where the land is located and who do not directly manage the land. This situation has the potential to lead to suboptimal land management, decreased agricultural productivity, and hindered improvements in the welfare of the cultivator farmers. Consequently, the government issued Government Regulation No. 224 of 1961 in conjunction with Government Regulation No. 4 of 1977, which explicitly prohibits absentee ownership of agricultural land, except under certain conditions as specified by the legislation.

Blitar Regency, a region with considerable arable land, is also confronted with the issue of absentee land ownership. Social and economic dynamics in the community, such as urbanization, occupational shifts, and increased land investment by parties residing outside the region, contribute to the occurrence of land ownership without direct management by the owners. As a result, the land ownership structure becomes imbalanced, reducing local farmers' access to agricultural land. Efforts to resolve absentee agricultural land ownership in Blitar Regency are important to study, considering that the issue is closely related to the implementation of agrarian reform, legal certainty of land rights, and the protection of farmers as the main subjects of agricultural development. The effective resolution of absentee land ownership necessitates the active participation of the local government and the Land Office. In addition, achieving this objective depends on coordinated collaboration with village authorities to perform land inventories, administer regulations, and implement land redistribution in full compliance with statutory provisions.

In research on efforts to resolve agricultural land ownership in absentee cases, although the legislation in Indonesia explicitly prohibits agricultural land ownership by owners who do not reside in the location of the land, its implementation and resolution still face various obstacles (Yuris & Sudiro, 2023). Related regulations, such as the Basic Agrarian Law and related government regulations, have not been fully effective in practice, so there is still much agricultural land that is left unmanaged by owners who live far from the location (Dewi & bin Muhamad Amin, 2024). The factors causing absentee ownership include low legal awareness, socio-economic limitations, and weak enforcement of sanctions against rule violations (Syaputra et al., 2024). Robot et al. (2020) found that the decision-making process of relevant officials regarding absentee land ownership is less effective in resolving the problem. Thus, a firmer approach by the state is needed to protect rights and prevent socio-economic inequality resulting from absentee ownership (Handayani & Setiawati, 2025). In addition, protection for heirs who live far from the location of the land remains minimal if they do not actively manage the land (Sariwati & Wisuda, 2023), while the role of land deed officials highlights the ethical and legal challenges in absentee transactions, as legal clarity remains questionable (Putri & Fadli, 2025). Hence, there is an urgent need for research that develops conflict resolution models, evaluates the effectiveness of law enforcement, and designs more concrete policy strategies in handling cases of absentee agricultural land ownership.

Based on the foregoing, the study on Efforts to Resolve Absentee Agricultural Land Ownership in Blitar Regency is both relevant and necessary to understand the forms of efforts that have been or can be undertaken, as well as the obstacles encountered in achieving orderly land administration and agrarian justice. Accordingly, the research problems of this study are formulated as follows: (1) How are efforts to resolve absentee agricultural land ownership carried out by the government and related agencies in Blitar Regency? (2) What obstacles are faced in the efforts to resolve absentee agricultural land ownership in Blitar Regency?

METHOD

This study employs a combined normative and sociological research design, a type of legal research that integrates a normative legal approach which focuses on legal norms,

statutory regulations, and legal principles with a sociological approach, which emphasizes the application of law in society and its social impacts (Fajar & Achmad, 2010). This type of research is often referred to as field research (Fajar & Achmad, 2010). According to Soerjono Soekanto, empirical legal research is synonymous with non-doctrinal legal research (Soekanto, 2012). Employing multiple approaches in legal research allows the researcher to examine issues from diverse perspectives. In this study, the socio-legal, historical, philosophica (Gazalba, 1967), case approach, juridical, and conceptual approaches are employed to provide comprehensive answers to the research problems (Efendi et al., 2016).

RESULTS AND DISCUSSION

Efforts to Resolve Absentee Agricultural Land Ownership in Blitar Regency

Efforts to resolve absentee agricultural land ownership in Blitar Regency are carried out through several measures, including land inventory and registration, administrative regulation of land, and supervision of land rights transfers. The Land Office, in collaboration with the local government and village authorities, plays a role in identifying land plots that have the potential to be absentee-owned. In addition, resolution efforts are conducted through land redistribution mechanisms within the framework of agrarian reform, whereby absentee-owned agricultural land can be designated as land reform objects and subsequently allocated to qualified cultivator farmers (Al-Anshori et al., 2024). Another equally important effort is the socialization of statutory regulations to the public, so that landowners understand their legal obligations concerning land ownership and management (Santoso, 2015).

Absentee ownership of agricultural land fundamentally contradicts the principles of national agrarian law as regulated in Law No. 5 of 1960 concerning the Basic Agrarian Principles (UUPA). Article 10 of the UUPA explicitly obliges every agricultural landowner to actively cultivate their land. This provision reflects the principle that land has a social function and must not be used solely for speculative purposes (Harsono, 1997). Government Regulation No. 224 of 1961, together with Government Regulation No. 4 of 1977, further reinforces the ban on absentee ownership, preventing individuals from holding agricultural land while residing outside the sub-district in which the land is situated. This policy aims to prevent land control by parties not directly engaged in agricultural activities, while enhancing land productivity and the welfare of cultivator farmers (Santoso, 2017). Consequently, the prohibition of absentee ownership serves as a legal instrument employed by the state to ensure equitable land distribution and support the implementation of agrarian reformin line with the ideals of social justice (Al-Anshori & Febriana, 2023; M. S. Sumardjono, 2006).

In practice, absentee ownership of agricultural land is still found in Blitar Regency. This condition is influenced by various factors, including increased urbanization, inheritance of land by heirs residing outside the sub-district, and the shift of landowners' livelihoods from agriculture to non-agricultural sectors (M. S. Sumardjono, 2006; M. S. W. Sumardjono, 2008). Such land is generally utilized through profit-sharing or rental arrangements by local cultivator farmers (Harsono, 1997). Although the land appears to be cultivated, its management is often suboptimal. Landowners who do not reside near their land tend to pay less attention to sustainability and prodctivity. As a result, agricultural yields are not maximized, and cultivator farmers remain in economically vulnerable positions (Al-Anshori, 2021). This practice also contributes to imbalances in land ownership structure in Blitar Regency, as agricultural land is increasingly concentrated in the hands of parties who do not rely directly on farming for their livelihood (Arifin et al., 2022).

Efforts to resolve absentee agricultural land ownership in Blitar regency. Resolution efforts are carried out through several legal and administrative mechanisms. One primary measure is land inventory and registration conducted by the Land Office in collaboration with

the local government and village authorities, aiming to identify land plots potentially subject to absentee ownership (Anshori et al., 2024).

However, the phenomenon of absentee ownership in various regions shows that its causes are not merely formal legal factors, but also a combination of socio-economic and institutional determinants. Low legal awareness among the public, the incapacity of law enforcement officials, weak supervisory facilities, and the culture of transferring land rights without active management are the main factors that complicate the implementation of the prohibition on absentee agricultural land ownership, indicating that public knowledge, economic factors, and the lack of law enforcement constitute real barriers to preventing this practice in the field (Marwiyah et al., 2025). The continuation of absentee land ownership is caused by weak law enforcement, speculative acquisition by investors, and ineffective institutional coordination, which has the impact of reducing land availability for local farmers and weakening the social cohesion of agrarian communities (Wahyudi et al., 2025). On the other hand, Widiyanto & Handayani (2025) explain that land registration and data update programs have not significantly strengthened the identification and handling of absentee land, because integrated data is still inadequate and the verification process for owner domicile has not been optimal.

From a global perspective, the phenomenon of absentee land ownership is also identified outside of Indonesia, for example in Japan where land ownership by owners who live far away requires management through land surveys and dialogue with local cultivators, which could be a policy necessity for maintaining sustainable land use (Takeo, 2011). Additionally, administrative regulation of land rights transfers is enforced, particularly in the process of transferring agricultural land rights. Officials of the Land Deed Making Authority (PPAT) and the Land Office are expected to reject or postpone transfers that could result in absentee ownership. This measure acts as a preventive step to prevent future violations of agrarian law. Other efforts include land redistribution within the framework of agrarian reform, whereby absentee-owned land can be designated as a land reform object and allocated to qualified cultivator farmers. Furthermore, the government conducts socialization of statutory regulations to increase public awareness of the legal obligations of agricultural landowners (Al-Anshori, 2023).

Solution Measures for Absentee Agricultural Land Ownership

1) Strengthening Land Inventory and Data Updates

   The local government, in collaboration with the Blitar Regency Land Office, should conduct periodic inventories of agricultural land ownership and control. Accurate and integrated land data are crucial for identifying plots that may be subject to absentee ownership. With valid data, supervision and regulation of agricultural land ownership can be executed more effectively and efficiently (Santoso, 2019).

2) Administrative Regulation of Land Rights Transfers

   The next solution is to tighten administrative procedures in every land rights transfer. Officials of the PPAT and the Land Office must consistently enforce the prohibition of absentee ownership by verifying the domicile of prospective land rights holders. Rejecting transfers that may lead to absentee land ownership serves as an important preventive measure in agrarian law enforcement.

3) Optimizing Agrarian Reform and Land Redistribution Programs

   Absentee-owned agricultural land can be allocated as part of land redistribution under agrarian reform. The government needs to optimize land reform programs by prioritizing local cultivator farmers as recipients of land rights. This measure not only addresses absentee ownership but also provides legal certainty and improves farmers' welfare in a sustainable manner (M. S. W. Sumardjono, 2008).

4) Increasing Socialization and Legal Awareness

Socialization regarding the prohibition of absentee land ownership and landowner obligations must be enhanced, particularly at the village and sub-district levels. The local government, village authorities, and the Land Office should actively provide legal education to the public, fostering higher legal awareness. Increased public understanding minimizes potential violations of agrarian law (M. S. W. Sumardjono, 2008).

5) Strengthening Interagency Coordination

Resolving absentee agricultural land ownership requires effective coordination between the Land Office, local government, village authorities, PPAT, and other relevant agencies. Establishing a clear and sustainable coordination mechanism will accelerate the handling of absentee land and prevent overlapping authority in the execution of agrarian policies.

6) Consistent Law Enforcement and Sanctions

Proposed solutions must be supported by firm and consistent law enforcement against violations of the prohibition on absentee land ownership. Administrative sanctions, in accordance with statutory provisions, should be enforced to create a deterrent effect and strengthen legal compliancew (Al-Anshor et al., 2024). Fair and proportional law enforcement strengthens the authority of national agrarian law (Mertokusumo, 2009).

7) Social and Substantive Justice Approaches

In addition to legal measures, resolving absentee agricultural land ownership should also consider the social and economic conditions of the community. Persuasive approaches through deliberation with landowners and cultivator farmers can provide alternative solutions that emphasize substantive justice, without disregarding existing legal provisions (Rahardjo, 2009).

Obstacles in Resolving Absentee Agricultural Land Ownership

In practice, efforts to resolve absentee agricultural land ownership in Blitar Regency continue to face various obstacles. These include the low level of public legal awareness, weak oversight of landowners' domiciles, and suboptimal coordination among relevant agencies. Moreover, the lack of accurate and up-to-date land data complicates the process of identifying plots that may be subject to absentee ownership (Anshori et al., 2025). Another obstacle is resistance from landowners who are reluctant to relinquish their rights, even when they no longer meet legal requirements. This situation has resulted in the enforcement of regulations prohibiting absentee ownership of agricultural land being less than optimal, meaning that the objectives of agrarian reform still require sustained and integrated efforts.

Despite multiple initiatives, efforts to resolve absentee agricultural land ownership in Blitar Regency continue to encounter several obstacles. A primary barrier is the low level of legal awareness among the public, including both landowners and village officials. Many landowners are unaware that absentee ownership of agricultural land is prohibited under the law. Limited access to accurate and current land data is another significant barrier, making it difficult to identify absentee land plots. Furthermore, coordination among relevant agencies, such as the Land Office, local government, and village authorities, has yet to operate optimally. Social and economic factors also contribute to the problem, particularly resistance from landowners who refuse to surrender their rights despite not complying with legal provisions. As a result, the enforcement of regulations prohibiting absentee ownership has not been fully effective.

Based on this discussion, it can be analyzed that absentee agricultural land ownership in Blitar Regency reflects a gap between legal norms (*das sollen*) and their practical implementation (*das sein*). Normatively, statutory regulations clearly prohibit absentee ownership, yet in practice, enforcement still encounters structural and cultural obstacles

(Rahardjo, 2009). Therefore, it is necessary to strengthen the roles of local government and the Land Office, enhance public legal awareness, and maintain up-to-date land data, so that the objectives of agrarian law particularly equitable land distribution and improved welfare for farmers can be realized in practice (Al-Anshori, 2018).

Beyond the structural and institutional barriers that have been discussed, absentee agricultural land ownership also has a significant impact on local social and economic aspects. Tenant farmers often experience limited access to productive land, which has implications for declining income, livelihood uncertainty, and the potential for social conflict with landowners (Yuda & Israhadi, 2024). This phenomenon indicates a gap between legal norms and social practices, in line with the theory of legal implementation and the theory of legal compliance, where legal compliance is not only determined by formal regulations but also by the social, economic, and cultural context in the field (Koeswahyono & Masykur, 2024).

To address these social and economic impacts, a more integrative and participatory strategy is needed, encompassing the strengthening of digital land information systems to facilitate the identification of absentee land, the involvement of village officials and local communities in land management, as well as legal education programs and socialization of farmers' rights (Syaputra & Al-Amin, 2025). This approach is expected to strengthen law enforcement while simultaneously improving the welfare of farmers and realizing agrarian justice more comprehensively.

CONCLUSION

Absentee ownership of agricultural land is legally prohibited, as it contradicts the principles of the Basic Agrarian Law (UUPA), which emphasizes the social function of land and the obligation of landowners to actively cultivate their land. This prohibition is further clarified through Government Regulation No. 224 of 1961 in conjunction with Government Regulation No. 4 of 1977. Efforts to resolve absentee land ownership in Blitar Regency have included land data inventory, administrative regulation, and legal socialization. In addition, land redistribution within the framework of agrarian reform serves as a mechanism to provide legal certainty for cultivator farmers.

Obstacles to resolving absentee land ownership in Blitar Regency include low public legal awareness, limited access to valid land data, suboptimal coordination among relevant agencies, and resistance from landowners. These conditions have resulted in the incomplete and ineffective enforcement of the prohibition on absentee ownership. Potential solutions include strengthening land data and inventory systems, tightening administrative procedures for land transfer, enhancing agrarian reform programs, increasing legal socialization, improving inter-agency coordination, and ensuring consistent law enforcement. This integrated approach is expected to reinforce administrative order in land management and realize agrarian justice for farmers in Blitar Regency.

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