

Socialization of Absente Land Prohibition Regulation in Tanara Village, Serang Banten Regency

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Abstrak

Masalah tanah tidak selalu menyangkut pendaftaran, pelepasan hak, sertifikat ganda tetapi menyangkut kepemilikan tanah, itulah sebabnya banyak orang tidak mengerti sehingga banyak orang tidak mengerti sehingga banyak orang melakukan pembebasan kepada orang-orang di luar kabupaten. Permasalahan ini juga terjadi di desa tanara kecamatan tanara kabupaten serang dimana masyarakat setempat banyak yang tidak mengetahui tentang pelarangan ini, tujuan dari penulisan ini adalah hasil dari suatu bentuk sosialisasi pengaturan tanah absente di desa tanara dengan metode penyuluhan langsung ke perwakilan masyarakat di kantor desa tanara. Adapun dari hasil pembahasan dan juga analisis tanah absente, sebagian besar masyarakat tanara belum memahami pengertian tanah absente. Larangan tanah absentee diatur dalam pasal 9 Undang-Undang Dasar Agraria dan juga pasal 3 ayat 5 dan 6 Peraturan Pemerintah No. 224 Tahun 1961 yang menjelaskan bahwa jika terbukti tidak ada kepemilikan tanah, maka negara mengambil alih atau dicabut haknya dan akan dibagikan kepada masyarakat sesuai dengan ketentuan yang berlaku

Abstract

The issue of land does not necessarily concern registration, waiver of rights, double certificates but concerns about land ownership, which is why many people do not understand so that many people do not understand so that many people exercise waivers to people outside the district. This problem also occurs in tanara village, tanara district, Serang regency, where many local people do not know about this ban, the purpose of this writing is the result of a form of socialization of absente land regulation in tanara village by direct counseling method to the community representing in tanara village office. As for the results of the discussion and also the analysis of the absente land, most of the tanara people do not understand the meaning of absente land. The prohibition of absentee land is regulated in article 9 of the Agrarian Basic Law

and also article 3 paragraphs 5 and 6 of Government Regulation No. 224 of 1961 which explains that if it is proven that land ownership is absent, the state will take over or revoke its rights and will be distributed to the community in accordance with applicable regulations.



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INTRODUCTION

As a country of law and an agricultural country, Indonesia itself has specific land regulations, namely Law Number 5 of 1960 concerning the Basic Agrarian Law. (Hutagalung & Gunawan, 2008) Regarding land, there needs to be regulatory renewal with the aim and hope that the farming community gets legal protection and can improve their standard of living, and most importantly to avoid the object of extortion of landlords. (Mandala, 1988) One of the programs of landreform is the prohibition of absentee land ownership. (Tristanto, 2018) The implementing regulations of the Basic Agrarian Law governing absentee land ownership are regulated in Article 3 paragraph (1) of Government Regulation Number 224 of 1961 concerning the Implementation of Land Division and Compensation (amended and supplemented by Government Regulation Number 41 of 1964), stating "landowners residing outside the sub-district where the land is located, Within a period of 6 months, it is mandatory to transfer the rights to the land to another person in the district where the land is located or move to the sub-district where the land is located". The regulation shows that absentee/guntai land ownership is not allowed and violates the principle in article 10 of the Agrarian Basic Law . (Astutiningsih, 2018).

The problem of farmer welfare that occurs in Tanara Subdistrict, Serang Regency, turns out to have an impact on the large number of absentee land ownership, as the author got data from the local village that almost some of the rice fields located in tanara village in particular and also overall in tanara district almost about 60% have been controlled or owned by people who are not domiciled in tanara district. Dan sebagaimana kita ketahui bahwa mayoritas masyarakat Desa Tanara His livelihood is farmers, where many rice fields or agricultural land are suitable for planting several crops, especially rice and also fish and shrimp ponds. However, in this case, a lot of people from different sub-districts buy paddy fields or ponds that are not their territory and cause the rice fields and ponds to be controlled by outsiders and cannot be enjoyed by the local community. As the information that the author got from the informant in this case, Mr. Saefudin as the Head of Government Section in Tanara village revealed that the land purchased



by outsiders from tanara sub-district was also cultivated and also used the local community so that it would not be detected by the land office of Serang district.

In addition, other information that the author got regarding the control of absente land based on the statement of the Head of Tanara Village In 1980 Mr. Hiswara Natawidjaja bought paddy fields owned by residents located in Dungun in the Tanara Region with the border of Pedaleman Village and Tenjoayu Village, with a land area of 28 hectares 776 meters, at a relatively low price with a price range of Rp. 400 @ the meter and rice field belong to the residents of Tanara. In addition to pak hiswara, there is also H. Murinan who makes many transactions to buy rice fields and ponds in the Tanara district area where in population data he is domiciled in Pasar Kemis Tangerang Regency.

Based on the information above, we want to provide socialization by means of counseling to the community and also policymakers to continue to prioritize welfare through agricultural land with the theme **Socialization of Absente Land Prohibition Regulations in Tanara Village, Serang Banten Regency**.

METHODS

The manifestation of the implementation of Chatur Dharma in Muhammadiyah universities and one of them is community service, so we in the implementation of the socialization of the absente land prohibition regulation by means of counseling to the local community and also the policy makers in tanara village in this case are village heads and also village officials.

The counseling mechanism (Al-Fatih & Siboy, 2021) is carried out by presenting at the village office and explaining the regulations for the prohibition of absentee land, including legal consequences if there has been an implementation of the purchase of paddy fields and ponds by residents outside the tanara district itself.

RESULTS AND DISCUSSION

Before entering the analysis and discussion related to the socialization of this regulation, we the author will describe the location of community service that tanara district is in the north of Serang Regency with an area of 33.73 KM², with a western boundary with Tirtayasa district, east with Mekar Baru district, Tangerang Regency, south of carenang district and for the north bordering the North Sea.

Tanara Subdistrict consists of 9 villages, including Bendung, Cerukcuk, Cibodas, Lempunyang, Pedaleman, Sukamanah, Tanara, and Tenjoayu Villages As for the location used as an extension location in Tanara village.



The problem of land, both rice fields and ponds in Tanara District, Serang Banten Regency, is not only a problem of absente land or guntai land, but also overlapping ownership, the problem of land pawns that exceed the time limit that has been determined by law. The first step we take in counseling at the Tanara Village Office in Serang Regency is to explain in advance about the land problems that occur in Indonesia in general, and after that have a discussion with local residents who are present at the village office whether the problems we mentioned in this counseling are detected in the tanara area or not, and based on discussion and analysis, it turns out that the practice of buying and selling paddy fields or ponds to people outside tanara district is very much and almost half of it is said that half of it has been controlled by people outside tanara district such as residents of Tangerang regency and also residents of Jakarta.

As for the data that the author got in the search for absente land in tanara village alone, almost a part of the area of the number of rice fields or ponds controlled, the data is as follows:

Table 1. List Of Absente Land Holdings in Tanara District

No	Village Name	Number of Owners	Land Area (M2)
1	Bendung	22	144.470
2	Cerukcuk	2	11.470
3	Cibodas	4	25.735
4	Lempuyang	5	199.460
5	Pedaleman	8	73.616
6	Siremen	12	153.722
7	Sukamanah	6	127.225
8	Tanara	18	2.355.841
9	Tenjo Ayu	10	800.358
<i>Total</i>			3.891.902



Figure 1. Socialization in Tanara Village, Serang

Based on the data above, it is very clear that the practice of absentee land ownership in Tanara District is very large, especially in tanara village with a total of 2,355,841M². The extension mechanism is carried out by explaining in advance that One of the problems about agrarian or land that is still "controversy" about the ownership of absentee land (Guntai), what is meant by Absentee land is the ownership of land owned by a person while the person is not domiciled in the place where the land is located. Absentee land ownership is one of the things prohibited by Agrarian law. The prohibition of absentee land ownership is prohibited in principle because it violates the principle of nationality contained in Article 9 paragraph (1), specifying that, "only Indonesian citizens can have a full relationship with the earth, water and space.(Wijaya, 2022)

The purpose of this prohibition in Law Number 5 of 1960 concerning the Basic Agrarian Regulations, does not allow absentee land ownership, on the grounds of social interests and land protection. (Abdurahman, 2016) It is feared that if absentee land ownership is not cultivated, it will become abandoned or unproductive because the owner is far away and this also happens as did Mr. Hiswara and also Pak Murinan who have

some paddy fields and ponds that have not been cultivated until now and do not provide social benefits to the local community.

At the time of the counseling, we received questions from residents who felt that their brother had bought a plot of rice fields in pedaleman village which if by definition of absentee land buyers did not come from one place but bordered tanara village in this case is a beard village in Mekar Baru district, Tangerang Regency, whether it is permissible to make buying and selling transactions for paddy fields or ponds. From this question we as extension workers explain that there is an exception for persons or legal entities who can own agricultural land on an absentee basis if the location of the land and the residence of the landowner are adjacent to his district. But for now, the distance between other districts is not too far, in fact, it feels close, because with the development in the field of transportation that is increasingly advanced, it allows people whose residences are not directly adjacent to the location of the land to own agricultural land in absenteeism.

In this counseling, we also received information from residents that in practice there was fraud on absentee land. Usually land owners get around this by making an absolute power of attorney or making an Identity Card (, but it turns out that the prohibition on absentee land ownership is only for agricultural land, not for land to be used for property buildings.

In accordance with the applicable rules that absentee land ownership is very clearly prohibited and this is stated in article 3a of Government Regulation No. 41 of 1964 if changing places or leaving the place of residence outside the district where the land is located, must report to the authorized official, then one (1) year from the end of the period of two (2) years he leaves his place of residence, obliged to leave the rights to his land to another person residing in the district. If he does not report, then the obligation must be performed within two (2) years from the time he leaves his place of residence. (Mujtahidah, 2018; Salim dkk., 2019)

Specifically for land acquired through inheritance, then (heirs) within one (1) year from the time the heir dies they are required to transfer their land rights to another person who is domiciled in the sub-district where the land is located or moved to the place where the land is located (article 3c of Government Regulation No. 41 of 1964). (Rustiana & Hidayat, 2022; Sulistyorini, 2015)

When a landowner does not implement the above provisions, the agricultural land owned will be taken by the government and compensated and the land will be distributed



/ retributed, based on article 3 paragraphs 5 and 6 of Government Regulation No. 224 of 1961, it is stated that:

- a. If the obligations in paragraphs 1 and 3 are not fulfilled, then the land concerned is taken by the government, to be distributed according to the provisions of this regulation (article 3 paragraph (5)).
- b. The former landowners referred to in paragraph 5 of this article are compensated according to the provisions of this regulation (article 3 paragraph (6)).

Agrarian law is known as a legal institution called "disenfranchisement". What is meant by the revocation of land rights is to release land ownership from the owner with the consent of the landowner or if necessary by force, (Asri, 2014; Santoso & SH, 2017) which the government does in matters of public interest/ community desire, with a proper indemnity, so that as a result the ownership of the land passes to the State and the land becomes land controlled by the State. In this case, even the most powerful land rights (in casu hak milik) can be revoked land rights (if necessary, by force) if the public/ community interest is considered more important than the personal interests of the landowner. For example, on the land, roads, railways, irrigation, important buildings, and others must be made that are very beneficial to the community. (Kartanegara, 2022)

CONCLUSION

The ownership of absente land in tanara village has been quite long since the 1980s until now, and it is also not understood by the tanara community that the implementation of ownership of people outside tanara district is prohibited by law number 5 of 1961 article 9 and also article 3a of Government Regulation Number 41 of 1964. In addition, in the provisions of this article, if it is proven that the ownership of the land is absent and based on paragraphs 1 and 3 is not fulfilled, then the land concerned is taken by the government, and then distributed according to the provisions of this regulation (article 3 paragraph (5)).

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