

Pelaksanaan Aturan tentang Larangan Kepemilikan Tanah Pertanian Secara *Absentee* di Daerah Istimewa Yogyakarta

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INTISARI

Penelitian mengenai pelaksanaan aturan tentang larangan kepemilikan tanah pertanian secara *absentee* di DIY ini bertujuan untuk menganalisis penyebab terjadinya kepemilikan tanah pertanian secara *absentee*, untuk menganalisis penyebab terjadi perbedaan pelaksanaan aturan tentang larangan kepemilikan tanah pertanian secara *absentee* dan untuk mengidentifikasi akibat-akibat hukum dari pelaksanaan aturan tentang larangan kepemilikan tanah secara *absentee* di DIY.

Jenis Penelitian ini merupakan yuridis empiris dengan data primer didapat dengan cara melakukan wawancara dengan responden dan narasumber. Responden penelitian ini adalah Kepala Seksi Penataan dan Pemberdayaan Kantah dan masyarakat pemilik tanah pertanian. Sedangkan narasumber merupakan dosen hukum pertanahan.

Hasil penelitian ini adalah terjadinya kepemilikan tanah pertanian secara *absentee* di DIY karena secara *de facto* pemilik tanah tidak berdomisili di Kecamatan letak tanah meskipun secara *de jure* mereka memiliki identitas kependudukan di Kecamatan letak tanah. Selain itu pelaksanaan aturan tentang larangan kepemilikan tanah pertanian secara *absentee* berbeda-beda karena masing-masing Kantah menerapkan aturan yang berbeda-beda sesuai dengan kebijakan masing-masing daerah. Selain itu, pelaksanaan aturan tersebut juga dipengaruhi oleh kebijakan dan penafsiran hukum yang dilakukan oleh Kepala Seksi Penataan dan Pemberdayaan pada setiap masing-masing Kantah. Kemudian akibat hukum dari pelaksanaan aturan tentang larangan kepemilikan tanah pertanian secara *absentee* di DIY menyebabkan tujuan tanah pertanian untuk petani menjadi tidak terwujud karena banyaknya tanah pertanian yang dilakukan alih fungsi lahan.

Kata Kunci: Kepemilikan Tanah Pertanian, Perbedaan Pelaksanaan Aturan, Akibat Hukum

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Implementation of The Rules Regarding The Prohibition of Absentee Farmland Ownership in Daerah Istimewa Yogyakarta

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ABSTRACT

This research on the implementation of the rules on prohibiting absentee ownership of agricultural land in DIY is aimed to analyze the causes of absentee agricultural land ownership, determine the causes of differences in the implementation of rules absentee prohibition agricultural land ownership and to identify the legal consequences of implementing the rules regarding prohibition of absentee land ownership in DIY.

This type of research is empirical juridical with primary data obtained by conducting interviews with respondents and resources. The respondents of this study were the Head of the Management and Empowerment Section of Land Office and the people who own agricultural land. While the resource person is a lecturer in land law. This study found that there was absentee ownership of agricultural land in Yogyakarta Special Region which caused by de facto landowners do not reside in the land-located sub-district even though they have a residential identity in the land-located sub-district. In addition, the implementation of the rules regarding the prohibition of absentee agricultural land ownership varies because each Land Office applies different rules according to the policies of each region. Furthermore, the implementation of these rules is also influenced by the policy and legal interpretations carried out by the Head of the Management and Empowerment Section in each Land Office. Therefore, due to application of implementation of the rules regarding the prohibition of absentee ownership of agricultural land in Yogyakarta Special Region, the purpose of agricultural land for farmers was not realized because of the large amount of agricultural land that was carried out over the function of the land.

Keywords: Agricultural Land Ownership, Differences in Rule Enforcement, Due to Law

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