


The Effectiveness of the *Absentee Ownership* Ban in Supporting National Food Security

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Abstract

Introduction: Agricultural land constitutes a strategic foundation for national food security and food sovereignty. However, absentee ownership – where land is held by individuals who neither reside near nor actively cultivate it – continues to weaken agricultural productivity and distort land governance. Although the Basic Agrarian Law formally prohibits such practices, structural and normative deficiencies hinder effective enforcement.

Purposes of the Research: This study aims to analyze the effectiveness of absentee ownership prohibition regulations and formulate policy recommendations to improve their implementation in order to support food security.

Methods of the Research: The research employs a normative juridical (doctrinal) method focusing on positive legal norms governing absentee land ownership. It utilizes statutory, conceptual, and public policy approaches to assess regulatory coherence, enforcement limitations, and the need for reform, particularly in strengthening agrarian governance and its integration with national food policy frameworks.

Findings of the Research: The findings demonstrate that the existing regulatory regime remains weak in supervision, operational definitions of active management, progressive sanctioning mechanisms, and integration with sustainable agricultural land protection policies. This study advances agrarian scholarship by repositioning the expansion of the absentee prohibition as a strategic governance instrument directly linked to land productivity, sustainable utilization, and national food security enhancement. This research offers a new perspective by integrating the prohibition of absentee ownership into a comprehensive food security policy framework, which has not been widely explored in the literature.

Keywords: Absentee Land Ownership; Agrarian Law; Food Security; Land Productivity; Land Policy.

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INTRODUCTION

Land constitutes a vital national asset and serves as a fundamental instrument for advancing the welfare of the entire population. Research indicates that persistent inequalities in land distribution significantly hamper national food security objectives because agricultural land tends to be concentrated rather than equitably shared, which undermines both access to productive resources and local food production capacity.¹ Access to land is a prerequisite for meeting basic human needs, particularly food and shelter; inequitable land tenure systems negatively affect farmers' capacity to adopt effective cropping strategies and technologies, thus reducing overall agricultural productivity². Redistributive land policy has been recognized as an important component for addressing ownership disparities and enhancing farmer welfare, supporting broader development

¹ Iwan, Priyanto Yuwono Sukamto, "Konsistensi Kaidah Hukum tentang Ketimpangan Distribusi Tanah dan Pengaruhnya Terhadap Ketahanan Pangan," *Litigasi* 24, no. 1 (2023): 1-13, <https://doi.org/10.23969/litigasi.v24i1.6213>.

² Dani Lukmito Utomo, "Tren Penelitian Penatagunaan Tanah dalam Kebijakan Pertanahan: Analisis Bibliometrik dari Perspektif Negara Berkembang," *Tunas Agraria* 8, no. 3 SE-Artikel (2 September 2025): 290-304, <https://doi.org/10.31292/jta.v8i3.477>.

outcomes aligned with national food security goals.³ Trends in global land policy research further highlight the critical role of *land tenure*, governance, and equitable land management in sustainable development agendas.⁴

Agricultural land occupies a strategic position within the architecture of food security, as it constitutes both the productive base of food commodities and the economic living space of rural communities. The constitutional mandate enshrined in Article 33(3) of the 1945 Constitution of the Republic of Indonesia – which places land, water, and natural resources under the control of the State for the greatest prosperity of the people – conceptually requires that land tenure not be confined to the mere legality of title. Rather, it must culminate in utilization that is productive, equitable, and sustainable. Within this normative framework, agricultural land cannot properly be treated as a mere “investment asset” left in a passive condition. Such an approach carries direct implications for food availability, price stability, and the welfare of farmers, thereby affecting the broader objectives of national food resilience and socio-economic justice.

One of the enduring yet persistently relevant problems in agrarian practice is absentee ownership of agricultural land (*commonly referred to as guntai*), namely the control of land by individuals who neither reside in the locality where the land is situated nor cultivate it directly. In practice, this pattern frequently generates an imbalanced “owner–cultivator” relationship: land management is delegated to another party under short-term lease or share-based arrangements, while the landowner’s incentive to maintain productivity, soil fertility, irrigation systems, and long-term cultivation investment correspondingly weakens⁵.

The foundational norm designed to prevent such a pattern has long been embedded within Indonesia’s national agrarian law. Article 10 of the Basic Agrarian Law (Law Number 5 of 1960) expressly affirms the obligation that agricultural land must be actively cultivated or worked by the holder of the right, as an embodiment of the social function principle attached to land rights. The underlying rationale is unequivocal: ownership must be aligned with actual cultivation in order to prevent land from becoming an object of speculation, from being left idle, or from restricting local farmers’ access to productive land⁶

However, a relatively firm normative design does not automatically translate into compliance at the operational level. Recent scholarship reveals recurring patterns of impediments: (i) inconsistent administrative supervision that is heavily contingent upon institutional capacity at the regional level; (ii) evidentiary challenges in establishing “active cultivation” and the authenticity of cultivation arrangements – whether the land is genuinely managed by the owner or merely nominally so; (iii) the complexity of rights transfers through sale and purchase, grants, and inheritance, which may be used to circumvent the prohibition; and (iv) the weakness of enforceable and operational sanctions, rendering the prohibition, in many instances, a norm that exists only “on paper.” Implementation studies across various regions emphasize that, in the absence of clear enforcement instruments and a robust land administration data system, the prohibition of

³ Rangga Ditya Yofa; Sri Hery Susilowati; Sumedi, “Penguasaan Lahan dan Pola Tanam: Implikasinya Pada Produktivitas Lahan Pertanian,” *Analisis Kebijakan Pertanian* 23, no. 1 (2025): 77–92, <https://doi.org/10.21082/akp.v23n1.2025.77-92>.

⁴ Raffinov Quraisy et al., “Redistribusi Tanah Dalam Meningkatkan Kesejahteraan Petani,” *Pamulang Law Review* 7 (14 November 2024): 271–85, <https://doi.org/10.32493/palrev.v7i2.44833>.

⁵ Marthin L Sheva Reinaldy Lumenta; Ronald J. Mawuntu; Lambonan, “Tinjauan Hukum terhadap Larangan Kepemilikan Tanah Pertanian Absentee,” *Lex Administratum* 13, no. 4 (2025).

⁶ BPHN, “Pemerintah Republik Indonesia Nomor 224 Tahun 1961,” 1961.

absentee ownership is unlikely to effectively close the loopholes that enable patterns of land control deviating from the objectives of equitable distribution and enhanced productivity ⁷

The weaknesses in enforcement become more consequential when examined in relation to the food security agenda. In recent years, policies on the protection of sustainable agricultural food land (*Lahan Pertanian Pangan Berkelanjutan – LP2B*) have been positioned as key instruments to curb the rate of land conversion and to ensure the continuity of food production spaces. This framework is principally regulated under Law Number 41 of 2009 concerning the Protection of Sustainable Agricultural Food Land. However, the protection of “land status” alone is insufficient if patterns of control and tenure do not incentivize intensive, responsible cultivation. Policy analyses on LP2B implementation demonstrate that the effectiveness of land protection is significantly influenced by its integration into spatial planning regimes, the availability of incentive mechanisms, and the institutional capacity of regional governments to implement and supervise the regulatory framework. In other words, land that is formally “protected” yet suboptimally managed remains at risk of generating diminished food output, thereby undermining the broader objectives of national food resilience ⁸

Previous studies have identified a range of implementation-related challenges. Consistent with the principle of the social function of land rights, the effectiveness of the prohibition on absentee ownership is largely contingent upon its capacity to promote active, sustainable land management aligned with national food production interests. Contemporary scholarship further underscores that land policies that are not systematically integrated with the food security agenda tend to produce merely normative protection, without generating a measurable impact on agricultural output enhancement. ⁹ Accordingly, any expansion of the prohibition on absentee ownership must be systematically aligned with policies on the protection of sustainable agricultural food land, the strengthening of land administration databases, and the establishment of realistic supervisory and incentive mechanisms. Only through such an integrated framework can agricultural land genuinely function as a source of food production, rather than merely as an object of formal legal control or economic speculation. ¹⁰

Within the public policy framework, such an integrative approach is consistent with the view that food security is not determined solely by the quantitative availability of land, but also by the quality of governance governing its control and utilization. Effective food security policy therefore requires not only sufficient land resources, but also sound institutional arrangements, transparent tenure systems, and accountable mechanisms that ensure land is productively and sustainably managed ¹¹. Research on the implementation of agricultural land protection demonstrates that, in the absence of effective regulation of ownership and land management structures, the State faces heightened risks of idle land,

⁷ Reza Refaldi dan Habib Adjie, “Implementasi Larangan Kepemilikan Tanah Secara Absentee,” *Widya Yuridika: Jurnal Hukum* 8, no. 2 (2025): 335–50, <https://doi.org/https://doi.org/10.31328/wy.v8i2.6430>.

⁸ Widyono Dayanti, Widi Rahma; Soetjipto, “Dampak Kebijakan Perlindungan Lahan Pertanian Pangan Berkelanjutan (LP2B) terhadap Sektor Pertanian,” *SYNTAX IDEA* 6, no. 04 (2024): 1771–84, <https://doi.org/https://doi.org/10.46799/syntax-idea.v6i4.3172>.

⁹ Nalista. Marwiyah; A’yun, Qurota; Putri, “Pengaturan Hukum Tanah Absentee Dalam Perspektif Keadilan Agraria Di Indonesia,” *AMAR* 3, no. 1 (2025): 25–35, <https://doi.org/https://doi.org/10.62734/amar.v3i1.757>.

¹⁰ Lalu Panca; Muhammad; Ade Sultan Louk Faggi, Prandy Arthayoga; Tresna, “Pembaharuan Aturan Larangan Kepemilikan Tanah Pertanian Secara Absentee di Indonesia,” *Jurnal Private Law Fakultas Hukum Universitas Mataram* 5, no. 2 (2025): 407–16, <https://doi.org/https://doi.org/10.29303/prlw.v5i2.7212>.

¹¹ Nia; Amiludin Rosmiati, “Pelaksanaan Larangan Pemilikan Tanah Pertanian Secara Absentee di Kecamatan Mauk Kabupaten Tangerang (Studi Kasus di Kantor Pertanahan Kabupaten Tangerang),” *Jurnal Hukum Replik* 7, no. 2 (2019): 18–37, <https://doi.org/https://doi.org/10.31000/jhr.v7i2.2936>.

covert land conversion, and weakened incentives for farmers to enhance productivity. Such conditions undermine the regulatory objectives of agricultural land protection and diminish the capacity of land policy to contribute meaningfully to sustainable food production¹². Therefore, the reformulation of the prohibition on absentee ownership of agricultural land—adapted to the dynamics of contemporary agrarian structures—through the strengthening of substantive norms, the establishment of operational administrative sanctions, and its synchronization with food policy frameworks, constitutes a strategic measure to bridge the objectives of agrarian justice with the imperative of sustainably increasing national food production.

The novelty of this research lies in its effort to reposition the expansion of the prohibition on absentee ownership of agricultural land not merely as an instrument for controlling land tenure within the agrarian law regime, but as an integral component of a broader strategy to enhance national food production. This study explicitly links the strengthening and expansion of the absentee land prohibition with policies on the protection of sustainable agricultural food land, thereby reframing the prohibition beyond a purely administrative norm. Instead, it is conceptualized as a strategic policy instrument oriented toward optimizing land utilization, increasing agricultural productivity, and reinforcing national food security in a sustainable manner.

In light of the foregoing analysis, this research is guided by three principal inquiries. First, how is the legal regulation governing the prohibition of absentee ownership of agricultural land structured within the existing agrarian law framework? Second, what normative and implementation-related constraints hinder the effective enforcement of such prohibition? Third, what direction should policy expansion take in order to ensure that the prohibition meaningfully contributes to the enhancement of national food production?

METHODS OF THE RESEARCH

This research employs a normative (doctrinal) legal method, focusing on the examination of positive legal norms governing the prohibition of absentee ownership of agricultural land and their relevance to policies aimed at increasing food production. The approaches adopted include a statutory approach to assess the consistency, normative gaps, and interrelationship of provisions within the 1945 Constitution of the Republic of Indonesia, the Basic Agrarian Law, and Government Regulation Number 224 of 1961, along with related regulations; a conceptual approach to formulate and clarify key concepts such as the social function of land rights, active cultivation, and absentee land ownership; and a policy approach to evaluate the absentee prohibition as a public policy instrument that must be aligned with the national food security agenda. This design is consistent with the principles of normative legal research, which position legislation and legal doctrine as the primary foundations of legal argumentation. Primary legal materials consist of the 1945 Constitution, the Basic Agrarian Law, and Government Regulation Number 224 of 1961, while secondary legal materials include relevant journal articles, books, and research findings; where necessary, tertiary materials are employed to clarify terminology. The analysis is conducted qualitatively through library research, utilizing systematic interpretation (reading legal norms as an integrated part of the broader legal system) and teleological interpretation (linking the meaning of norms to their social objectives). Accordingly, the evaluation of the

¹² D.M.P.A Chandra, "Penerapan Larangan Pemilikan Tanah Pertanian Secara Absentee," *Jurnal Hukum dan Kenotariatan* 3, no. 2 (2019): 143–60, <https://doi.org/https://doi.org/10.33474/hukeno.v3i2.3364>.

absentee prohibition does not remain confined to the textual formulation of provisions, but extends to assessing the direction of normative reform and enforcement mechanisms within the broader framework of enhancing land productivity and national food security.

RESULTS AND DISCUSSION

A. Legal Regulation of the Prohibition on Absentee Ownership of Agricultural Land

The prohibition on absentee ownership of agricultural land constitutes a concrete manifestation of the social function principle of land rights, which emphasizes that land rights are not merely formal legitimations to control or possess land, but also entail moral and legal obligations to manage land for the welfare of society and the public interest. Within the Indonesian legal context, this principle is explicitly enshrined in Article 10 of the Basic Agrarian Law (Law Number 5 of 1960), which obliges holders of agricultural land rights to actively cultivate their land. This provision underscores that the legal relationship between the subject of law (the owner) and the object of law (the land) must be continuously maintained and may not be severed due to the owner's domicile distance or purely investment-driven motives. In other words, ownership rights over agricultural land cannot be detached from the responsibility of productive management, as agricultural land carries a social function that must be realized in concrete practice.

In practice, absentee ownership generates a range of structural and economic distortions. Land that ought to be productive is frequently left suboptimally managed, while strategic decisions concerning cultivation patterns, soil maintenance, and agricultural investment are effectively delegated to third parties, such as tenants or land managers. This separation between ownership and active management weakens long-term incentives for sustainable land stewardship. The phenomenon not only diminishes land productivity but also engenders economic inequities at the local level, as traditional cultivators often operate under lease arrangements that are economically disadvantageous. Recent studies indicate that absentee ownership correlates with patterns of land concentration, whereby certain actors are able to accumulate substantial landholdings without meaningfully contributing to local food production. As a result, the economic benefits derived from agricultural land are unevenly distributed within farming communities, reinforcing structural disparities in rural economies.¹³

Legally, the prohibition of absentee ownership is not merely a restrictive measure, but rather a corrective instrument designed to ensure that agricultural land remains productive, sustainable, and socially beneficial. The norm aligns with the principle of sustainable resource governance, under which ownership cannot function as a passive entitlement exercised solely for investment purposes. In this sense, the prohibition operates as a land governance mechanism that prioritizes social interests over speculative individual gains, while simultaneously providing a legal basis for administrative intervention where land utilization deviates from national objectives, particularly in relation to food security.

Furthermore, the implementation of this prohibition requires an adaptive understanding of modern agricultural dynamics, including collective ownership models, agribusiness partnerships, and the integration of agricultural technologies. Even where land is managed through partnerships or cooperatives, the right holder must remain substantively involved

¹³ Nawang Wahyu Wulandari, Muhammad Rizqi, dan Miha Merlyan, "Problematika Hukum Tanah Absentee serta Dampak Pengecualian bagi Aparatur Sipil Negara terhadap Ketimpangan Agraria," *Tunas Agraria* 9, no. 4 (2026): 135–49, <https://doi.org/https://doi.org/10.31292/jta.v9i1.537>.

in strategic decision-making and bear responsibility for land productivity. Such a requirement prevents the transformation of land control into a passive asset-holding practice that distorts the distribution of economic benefits and destabilizes local food systems.

The legal framework governing the absentee prohibition becomes increasingly relevant when linked to national policies aimed at protecting productive agricultural land from conversion. In Indonesia, pressures arising from urbanization and industrialization have intensified land-use conversion, posing significant risks to domestic food production capacity. In this context, the prohibition of absentee ownership functions as a preventive instrument against land speculation, as owners who fail to actively manage their land may be subject to administrative or fiscal sanctions, thereby encouraging continued productive use. Comparative empirical studies indicate that jurisdictions with similar regulatory frameworks, such as Japan and South Korea, have succeeded in limiting passive landholding practices through a calibrated combination of regulatory restrictions and incentives for active cultivators, contributing to strengthened food security outcomes.

Accordingly, the legal regulation of the prohibition on absentee ownership of agricultural land serves three principal functions: first, to ensure that agricultural land is managed productively and sustainably; second, to safeguard the equitable distribution of economic benefits within local communities so that gains are not concentrated in the hands of formal landholders detached from cultivation; and third, to integrate land governance with national strategies aimed at increasing food production and reinforcing food security. These functions position the absentee prohibition as a legal instrument intrinsically linked to the broader objectives of agrarian development and food security policy, while also encouraging the transformation of land governance frameworks to respond to contemporary challenges, including urbanization, demographic shifts among farmers, and the digitalization of land administration.

Ultimately, the effectiveness of this legal framework depends not solely on formal norms, but equally on the clarity and measurability of its implementation mechanisms. These include consistent administrative supervision, an operational definition of active cultivation, the establishment of electronic land registration systems, and progressive sanctions capable of effective enforcement. Absent such mechanisms, the prohibition risks remaining a doctrinal norm devoid of tangible impact on land productivity or farmer welfare ¹⁴.

Accordingly, the legal regulation of the prohibition on absentee ownership of agricultural land requires harmonization among substantive norms, supervisory mechanisms, and fiscal policy instruments. When implemented consistently, such measures not only strengthen the governance of the national agricultural sector but also reaffirm the role of agrarian law in ensuring that agricultural land functions as a source of production, a foundation of social welfare, and a pillar of national food security.

B. Normative and Implementation Constraints in the Enforcement of the Prohibition on Absentee Ownership of Agricultural Land

In addition, the issue of absentee land ownership is closely connected to the regulation of abandoned land and the modernization of land administration. Post-Government

¹⁴ Herlina Putra, Brata Yudha; Rosmidah; Manik, "Penertiban Kawasan dan Tanah Terlantar Menurut Peraturan Perundang-Undangan," *Hangoluan Law Review* 1, no. 1 (2022): 175–203.

Regulation Number 20 of 2021 establishes a structured framework for assessing abandoned land, which may serve as a conceptual reference for strengthening the enforcement design of the absentee prohibition. This framework introduces measurable indicators of land management status, a staged supervisory and guidance process prior to corrective action, and administrative consequences that may be executed independently of criminal proceedings¹⁵ Although the legal norms embodied in the Basic Agrarian Law and Government Regulation Number 224 of 1961 are, in theory, relatively clear, the enforcement of the prohibition on absentee ownership of agricultural land encounters complex and multidimensional challenges.

First, from the perspective of administrative supervision, structural weaknesses and limited institutional capacity constitute primary obstacles. In practice, regional land offices frequently lack adequately trained human resources capable of technically verifying the degree of land management exercised by right holders. Moreover, land administration data systems across governmental institutions remain insufficiently integrated. This fragmentation creates informational discontinuities between central and regional authorities, as well as among related agencies, thereby complicating the determination of whether agricultural land is genuinely cultivated by its registered owner.

Empirical studies further highlight that, in practice, many agricultural landowners retain formal title despite having no direct involvement in land management, particularly through contract-based arrangements. For example, a case study in Indragiri Hilir Regency reveals a recurring pattern whereby individuals residing in urban areas own agricultural land in rural districts and subsequently delegate cultivation to local farmers under sharecropping schemes. Although daily farming activities are carried out by the cultivators, the land remains legally registered in the name of the owner domiciled far from the land's location. Consequently, strategic control and key decision-making authority continue to reside with the absentee owner, absent direct administrative engagement in the land's management.¹⁶

Second, the complexity of inheritance introduces an additional layer of normative and practical difficulty. In inheritance contexts, agricultural land is frequently co-owned by multiple heirs who reside in different locations, sometimes dispersed across various provinces. Such differences in domicile create a disconnect between the factual management of the land and its formal legal status, thereby complicating efforts to regulate absentee ownership and increasing the potential for intra-family conflict. This condition often results in administrative deadlock, as the designation of an active manager or the imposition of corrective measures typically requires the consent of all registered co-owners. In practice, however, achieving such consensus is frequently difficult, rendering enforcement measures procedurally constrained and legally sensitive. Research conducted by Putra, Brata Yudha, Rosmidah, and Manik (2022) underscores that collective inheritance arrangements and complex distributions of rights constitute significant impediments to the enforcement of the absentee prohibition, particularly in the absence of adequate legal mechanisms to determine managerial priority and to clearly allocate responsibility among co-owners

Third, the absence of progressive administrative sanctions diminishes the coercive force of the legal norm. Under the current legal framework, sanctions for violations of the

¹⁵ Andi Renald, Muhammad Riyan, dan Kachfi Boer, "Optimalisasi Pajak Progresif sebagai Instrumen Penertiban Tanah Terlantar: Studi Komparatif dan Rekonseptualisasi Kebijakan Pertanahan di Indonesia," *Widya Bhumi* 5, no. 1 (2025): 1-18, <https://doi.org/https://doi.org/10.31292/wb.v5i1.236>.

¹⁶ M.Bagus Syaputra, Didi, Al-Amin, "epemilikan tanah pertanian absentee dan pola penggarapannya di Kabupaten Indragiri Hilir," *Al-Dalil* 3, no. 1 (2025): 1-7, <https://doi.org/https://doi.org/10.58707/aldalil.v3i1.529>.

absentee prohibition tend to be normative and singular in character, lacking a tiered mechanism that would allow for initial warnings, corrective measures, and proportionate penalties. As a consequence, landowners who neglect their obligation to actively manage agricultural land may continue to retain formal title without facing meaningful legal consequences. Recent studies suggest that a graduated sanctioning model—ranging from written warnings and financial penalties to restrictions on administrative services and, ultimately, revocation of rights—constitutes a more realistic and effective approach to enforcing the absentee prohibition. Such a model provides landowners with an opportunity to rectify deficiencies in land management prior to the imposition of more severe administrative measures, thereby strengthening compliance while preserving procedural fairness.¹⁷

In addition, the issue of absentee land ownership cannot be separated from the problem of abandoned land and the modernization of land administration. Following the enactment of Government Regulation Number 20 of 2021, the government developed an evaluative framework for abandoned land that emphasizes indicators of land utilization, phased administrative guidance, and enforceable administrative consequences without the need to await lengthy criminal proceedings. These principles are highly relevant to the design of enforcement mechanisms for the absentee land prohibition. Agricultural land that is not managed in accordance with established productivity standards may first be subjected to formal warnings, facilitated management arrangements by third parties, or the imposition of negative fiscal incentives before the state undertakes more drastic measures, including the reordering or revocation of land rights. Such an approach aligns corrective action with administrative efficiency while preserving the broader objective of maintaining productive and sustainable land use.¹⁸ In other words, the design of progressive and measurable sanctions becomes a crucial instrument to ensure that the absentee prohibition does not remain merely an “ideal rule” on paper, but instead produces tangible effects on land management practices and agricultural productivity

Another factor complicating implementation is the interaction between legal norms and socio-economic realities. Many absentee agricultural landowners rely on land rent as a source of passive income, reducing their incentive to actively cultivate or supervise the land. At the same time, local cultivators often lack strong legal certainty to optimize the land they manage, since formal title remains vested in the absentee owner. In contemporary agrarian literature, this phenomenon is described as a “dual governance problem,” referring to the mismatch between formal rights and factual control. Such a disconnect generates production distortions, discourages long-term investment in land maintenance, and contributes to local economic inequality.¹⁹

Therefore, the normative and implementation challenges of the absentee land prohibition are not merely matters of institutional weakness or insufficient legal sanctions. They also involve the need to synchronize legal norms with administrative capacity, information technology systems, and the economic behavior of landowners. An effective solution

¹⁷ Renald, Riyan, dan Boer, “Optimalisasi Pajak Progresif sebagai Instrumen Penertiban Tanah Terlantar: Studi Komparatif dan Rekonseptualisasi Kebijakan Pertanahan di Indonesia.”

¹⁸ Radhityas Kharisma Nuryasinta dan Padhina Pangestika, “Legalitas Aset dan Manajemen Lahan Sebagai Penguatan Reforma Agraria: Studi Peningkatan Kesejahteraan Petani Gurem,” *Tunas Agraria* 8, no. 2 (2025): 236–51, <https://doi.org/https://doi.org/10.31292/jta.v8i2.421>.

¹⁹ Lily Kalyana dan Widodo Budidarmo, “Dynamics of Land Ownership Rights in the Perspective of Indonesian Agrarian Law in the Perspective of Legal Certainty and Social Justice,” *Journal of Sharia* 04, no. 02 (2025): 234–43, <https://doi.org/https://doi.org/10.55352/josh.v4i02.2021>.

requires integration between land policy, fiscal policy, and programs aimed at strengthening agricultural management capacity. This includes the digitalization of land registration systems, accurate mapping of landowners and cultivators, and the development of incentive–disincentive mechanisms designed to encourage active and productive land management.²⁰ Thus, strengthening the legal norm alone is insufficient; the enforcement of the prohibition on absentee ownership of agricultural land must be complemented by operational, measurable, and contextually adaptive implementation mechanisms suited to the dynamics of modern agrarian systems.

Overall, the normative and implementation challenges in enforcing the prohibition on absentee ownership of agricultural land are multidimensional in nature. They encompass weaknesses in administrative supervision, the complexities of inheritance structures, the absence of progressive sanctioning mechanisms, the misalignment between legal norms and socio-economic realities, and the limited integration of land administration data systems. Addressing these constraints requires a comprehensive legal and policy strategy that combines regulatory reform, modernization of land administration, calibrated sanction–incentive mechanisms, and the active involvement of local communities. Only through such an integrated approach can the absentee prohibition function effectively as an instrument for safeguarding land productivity, promoting agrarian justice, and reinforcing national food security.

C. Policy Expansion Direction to Support National Food Production

The linkage between the prohibition of absentee ownership of agricultural land and national food policy constitutes a strategic issue grounded not only in agrarian legal doctrine, but also in the imperative to ensure food security, food sovereignty, and the sustainability of food production in Indonesia. Contemporary threats to food security do not stem solely from limitations in agricultural output, but increasingly from the conversion of productive agricultural land into non-agricultural uses – a phenomenon that continues to intensify alongside population growth, urbanization, and broader economic development dynamics. In response, policies on the protection of sustainable agricultural food land (*Lahan Pertanian Pangan Berkelanjutan – LP2B*) have emerged as critical instruments to control land-use conversion and curb the rate of transformation, thereby preserving the stock of productive land necessary to meet long-term food demands. This policy framework is principally governed by Law No. 41 of 2009. Quantitative studies indicate that LP2B can slow the decline in the area of rice fields and other productive lands when accompanied by firm designation commitments and consistent policy implementation at both national and local levels – ultimately contributing to the stabilization of national food production.²¹

Nevertheless, the implementation of LP2B has revealed significant challenges, particularly in terms of cross-sectoral coordination, the provision of adequate technical resources, and bureaucratic consistency between central and regional governments. Implementation studies in several regencies indicate that, although landowners are generally willing to participate in land protection policies, administrative constraints and limited technical understanding remain principal obstacles to ensuring that land

²⁰ Anak Agung dan Ayu Intan, “Pendaftaran Tanah Secara Elektronik : Kajian atas Keamanan Data E-Sertipikat,” *Acta Comitas : Jurnal Hukum Kenotariatan* 10, no. 03 (2025): 526–35, <https://doi.org/https://doi.org/10.24843/AC.2025.v10.i03.p5>.

²¹ Muhamad Nur Saifuddin, Rahmawan; Dawud, Joni; Abdullah, Sait; Afandi, “Strategi kebijakan perlindungan lahan pertanian pangan berkelanjutan (LP2B) di Kota Sukabumi,” *Jurnal Media Administrasi* 05, no. 1 (2024): 34–44, <https://doi.org/https://doi.org/10.31113/jmat.v5i1.96>.

governance operates in accordance with regulatory objectives. These findings suggest that policy reformulation cannot be confined to the promulgation of formal regulations alone. It must also account for socio-economic factors and the practical dimensions of inter-institutional coordination at the operational level, so that normative commitments are effectively translated into consistent and measurable implementation outcomes²².

In relation to the prohibition of absentee land ownership, the direction of policy expansion must position this norm as part of an integrative strategy aimed at optimizing productive and sustainable land management, rather than treating it as a merely theoretical restriction. First, the expansion of the definition of “active management” within the framework of the Basic Agrarian Law and its implementing regulations must be made more operational and measurable. Such a definition should incorporate clear criteria regarding the owner’s involvement in production-related decision-making, agronomic risk management strategies, and indicators of sustainable land stewardship. This is crucial because administrative practices that separate formal ownership rights from factual management arrangements risk undermining agrarian objectives centered on land productivity. A comprehensive operational definition would enable the prohibition norm to be effectively applied in assessing compliance with the obligation of active management, including within the context of equitable farming partnerships or agricultural cooperative structures that meaningfully involve local communities as primary stakeholders.²³

Second, policy reformulation must encompass the development of an integrated, digital-based data system capable of mapping essential information in real time, including the domicile of landowners, cultivation status, land-use history, and patterns of inheritance. Such data integration would enable more precise supervision of productive land utilization patterns and provide an evidentiary foundation for appropriate administrative action where indications of absentee prohibition violations arise. Spatial mapping technologies (GIS) and land registration systems linked to LP2B maps can furnish a robust empirical basis for determining land protection priorities and evaluating the effectiveness of proposed complementary policies. Research on mapping the potential of LP2B-designated land demonstrates that alignment between spatial data and spatial planning frameworks is a decisive factor in ensuring the sustainability and overall success of land conversion control strategies.²⁴

Furthermore, the direction of policy expansion should integrate progressive administrative sanctions and phased corrective mechanisms as part of the enforcement instrumentation of agrarian law. A tiered sanctioning model—beginning with formal administrative warnings, followed by the obligation to formulate a land management plan, the imposition of financial penalties or fiscal disincentives, restrictions on land-related administrative services, and, where non-compliance persists, subsequent administrative measures such as modification of land-right status—constitutes an effective approach to strengthening compliance without triggering acute social conflict. Such a graduated framework provides landowners with a structured opportunity to rectify deficiencies in land governance before more severe administrative consequences are imposed. In this way,

²² Aminah Putri dan Bambang Wibisono, “Implementasi Kebijakan Lahan Pertanian Pangan Berkelanjutan,” *Jurnal Kebijakan Publik* 13, no. 4 (2022): 323–30, <https://doi.org/http://dx.doi.org/10.31258/jkp.v13i4.8163>.

²³ Wulandari, Rizqi, dan Merlyan, “Problematika Hukum Tanah Absentee serta Dampak Pengecualian bagi Aparatur Sipil Negara terhadap Ketimpangan Agraria.”

²⁴ Westi Muryono, Slamet; Utami, “Pemetaan Potensi Lahan Pertanian Pangan Berkelanjutan Guna Mendukung Ketahanan Pangan,” *BHUMI: Jurnal Agraria dan Pertanahan* 6, no. 2 (2020): 201–18, <https://doi.org/https://doi.org/10.31292/bhumi.v6i2.431>.

the absentee prohibition may operate as an adaptive and responsive policy instrument, capable of accommodating diverse socio-economic dynamics within agricultural communities while maintaining its regulatory integrity.²⁵

Beyond sanctions, the policy direction must also strengthen incentives for active cultivators. Such incentives may include prioritized access to government programs that support agricultural production, including concessional credit schemes, input subsidies, advanced agricultural technology training, and sustained technical assistance. These measures not only enhance farmers' competitiveness in food production but also reinforce their position in managing land productively and responsibly. A combined approach that integrates both sanctions and incentives creates a policy framework capable not merely of enforcing compliance with agrarian norms, but also of motivating landowners and cultivators to invest in sustainable land management practices that contribute directly to long-term food production.

Finally, the direction of policy expansion must encompass the harmonization of land potential with regional spatial planning policies (*Rencana Tata Ruang Wilayah – RTRW*), so that regional governments possess regulatory and planning instruments aligned with national food security objectives. The designation of LP2B areas supported by accurate spatial mapping can provide a robust foundation for land-use planning and the prevention of uncontrolled land conversion, while simultaneously safeguarding the rights of productive and sustainable cultivators. Such policy integration should also involve broad participation of local stakeholders as part of participatory governance, ensuring that regulatory measures are not merely top-down directives but also reflect the aspirations and capacities of local communities.

Accordingly, the expansion of policy to support national food production through the strengthening of the prohibition on absentee ownership of agricultural land must be designed in a holistic and operational manner. Normative reformulation, digitalization of land administration data, progressive sanctioning mechanisms, incentives for active cultivators, and harmonization with spatial planning policy constitute interrelated policy pillars capable of reinforcing the contribution of the absentee prohibition to maintaining agricultural land productivity and effectively advancing national food security objectives.

Within this framework, the prohibition of absentee ownership is not merely a formal legal norm, but a strategic instrument aimed at optimizing national food production. The principal challenge lies not in the foundational doctrine, but in its implementation within the context of modern agrarian dynamics characterized by high mobility, complex family structures, dynamic land markets, and data-driven governance demands. Policy reformulation must therefore transform doctrinal norms into operational, measurable, and systemically integrated instruments within the national food system, ensuring that the contribution of the absentee prohibition to food security becomes both tangible and sustainable.

CONCLUSION

The prohibition of absentee ownership of agricultural land affirms the role of agrarian law as a regulatory instrument that does not merely confer legitimacy of ownership, but

²⁵ Arjena Nayunda Risdianto dan Felix Marshal Jotham, "Analisis Implementasi Kebijakan 'Food Estate' Dalam Upaya Perlindungan Keberlanjutan Lahan Pertanian Dan Ketahanan Pangan Di Provinsi Kalimantan Tengah," *Jurnal Kajian Agraria dan Kedaulatan Pangan* 3, no. 1 (2024): 50-59, <https://doi.org/10.32734/jkakup.v3i1.14748>.

also emphasizes social responsibility and the obligation to utilize land for the public interest. This norm represents a concrete manifestation of the social function principle of land rights, aimed at ensuring that agricultural land remains productive, sustainable, and capable of generating economic and social benefits for local communities. In this sense, the absentee prohibition is not simply a formal restriction, but a corrective instrument that links legal compliance with the broader objectives of agrarian development. Accordingly, policy reformulation becomes imperative. First, the absentee prohibition must be operationally conceptualized, including the establishment of a clear definition of active management and the owner's substantive involvement in agronomic decision-making. Second, the integration of digital-based land administration systems must be maximized to enable accurate and efficient monitoring, evaluation, and verification of land utilization. Third, the implementation of progressive, tiered administrative sanctions should be combined with incentives for active cultivators, ensuring that the policy framework is not only corrective but also capable of promoting productivity and farmer welfare. Fourth, the absentee prohibition must be aligned with national food security policy and sustainable agricultural land protection strategies, so that land management efforts translate into measurable improvements in food production, the reduction of land speculation, and the advancement of inclusive agrarian development

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