

ABSTRAK

Kepemilikan tanah secara absentee dilarang oleh Undang-Undang Pokok Agraria. Namun kenyataan dalam masyarakat dijumpai kepemilikan tanah absentee. Saat diluncurkan program pendaftaran tanah melalui program Pendaftaran Tanah Sistematis Lengkap (PTSL) di Kabupaten Demak, bidang tanah yang dimohonkan sebagian berstatus tanah absentee.

Tujuan penelitian untuk mengetahui pelaksanaan pendaftaran tanah melalui program Pendaftaran Tanah Sistematis Lengkap (PTSL) dan cara mengatasi kendala terhadap status tanah absentee dalam pelaksanaan Pendaftaran Tanah Sistematis Lengkap (PTSL) di Kabupaten Demak.

Penelitian menggunakan pendekatan yuridis empiris, bahan hukum dan data diperoleh melalui penelitian pustaka dan survey lapangan dengan alat pengumpul kajian dokumen dan wawancara terhadap pejabat di Kantor Agraria dan Tata Ruang/Badan Pertanahan Nasional, kepala desa dan ketua tim pendaftaran tanah sistematis lengkap (PTSL) di Kabupaten Demak.

Berdasar analisis kualitatif, diketahui kepemilikan tanah absentee dilarang tetapi kenyataannya kepemilikannya tidak bisa dihindari. Hasil penelitian menunjukkan faktor penyebab terjadinya kepemilikan tanah absentee adalah akibat adanya peristiwa hukum pewarisan, hibah dan jual beli. Untuk memenuhi kebutuhan ekonomi keluarga, pemilik tanah menjual tanahnya kepada orang yang tinggal di luar kecamatan dari tanah pertanian tersebut berada.

Adanya larangan kepemilikan tanah absentee bisa menghambat pelaksanaan program pendaftaran Pendaftaran Tanah Sistematis Lengkap (PTSL). Hambatan tersebut diatasi dengan membuat pernyataan kesanggupan pemiliknya mengalihkan hak atas tanahnya dan menyerahkan pengelolaan tanah pertanian tersebut kepada petani setempat.

Kata Kunci : Pendaftaran Tanah Sistematis Lengkap (PTSL), Tanah Absentee, Kabupaten Demak

ABSTRACT

Absentee ownership of land is prohibited by The Main Agrarian Law. However, the reality in the community is that there is absentee ownership of land. When the land registration program was carried out through the Complete Systematic Land Registration (PTSL) program in Demak Regency, part of the land plots that were being applied for had the status of absentee land.

The research objective was to determine the implementation of land registration through the Complete Systematic Land Registration (PTSL) program and how to overcome obstacles to absentee land status in implementing Complete Systematic Land Registration (PTSL) in Demak Regency.

The research used an empirical juridical approach, legal materials and data were obtained through library research and field surveys with document review collection tools and interviews with officials at the Agrarian and Spatial Planning Office / National Land Agency, village heads and heads of the complete systematic land registration team (PTSL) in Demak Regency.

Based on qualitative analysis, it is known that absentee ownership of land is prohibited but in fact ownership cannot be avoided. The results showed that the factors causing absentee land ownership were due to legal events of inheritance, grants and buying and selling. To meet the economic needs of the family, the land owner sells his land to people who live outside the sub-district from which the agricultural land is located.

The prohibition on absentee land ownership could hinder the implementation of the Complete Systematic Land registration program (PTSL). This obstacle was overcome by making a statement of the owner's ability to transfer the management of agricultural land to local farmers.

Keywords: Complete Systematic Land Registration (PTSL), Absentee Land, Demak Regency