

IMPLEMENTATION OF ABSENTEE LAND MANAGEMENT IN THE COMMUNITY ENVIRONMENT

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Abstrak

This research is based on the background Absentee land is land owned by individuals or legal entities that do not physically live on or are near the land. The focus of absentee land management implementation is to identify the challenges and impacts associated with land ownership by owners who are not in the area concerned. This study aims to analyze how absentee land management affects the environment and local communities

Key Word: *Land Absentee, Role of Government, Role of Community, Impact of Land Absentee*

Introduction

Land with various attributes that reflect and strengthen social relations within society and state-community interaction¹. The land has a close relationship with the existence of every human being. Soil can be called a growing medium or planting medium for growing crops^{2,3}. Soil is not only a place for plants but also serves as one part of the ecosystem⁴. The function of the soil must be considered because if a decline in soil function occurs, it will have an impact on living things around it, especially humans⁵.

The best approach to managing the use and development of land resources is through land management⁶. Soil management is a series of actions carried out with the aim of maintaining and utilizing land effectively and sustainably⁷. The basic component of land management relates to tenure rights. Intensive soil management is essential to

¹ Tsegaye Moreda, "The Social Dynamics of Access to Land, Livelihoods and the Rural Youth in an Era of Rapid Rural Change: Evidence from Ethiopia," *Land Use Policy* 128 (May 1, 2023), <https://doi.org/10.1016/j.landusepol.2023.106616>.

² Valentina Rubio, Jorge Sawchik, and Harold van Es, "Soil Health Benefits from Sequence Intensification, Fertilization, and No-Tillage in Annual Cropping Systems," *Soil Security* 9 (December 2022): 100074, <https://doi.org/10.1016/j.soisec.2022.100074>.

³ Jifa Chen et al., "Semi-Supervised Semantic Segmentation Framework with Pseudo Supervisions for Land-Use/Land-Cover Mapping in Coastal Areas," *International Journal of Applied Earth Observation and Geoinformation* 112 (August 1, 2022), <https://doi.org/10.1016/j.jag.2022.102881>.

⁴ Luigi Marfella et al., "Medium-Term Effects of Wildfire Severity on Soil Physical, Chemical and Biological Properties in Pinus Halepensis Mill. Woodland (Southern Italy): An Opportunity for Invasive Acacia Saligna Colonization?," *Forest Ecology and Management* 542 (August 2023): 121010, <https://doi.org/10.1016/j.foreco.2023.121010>.

⁵ Binyan Wang, Junfeng Tian, and Shijun Wang, "Process and Mechanism of Transition in Regional Land Use Function Guided by Policy: A Case Study from Northeast China," *Ecological Indicators* 144 (November 1, 2022), <https://doi.org/10.1016/j.ecolind.2022.109527>.

⁶ Mahmoud Fayyad and Abdel Raouf Al-Sinnawi, "Challenges of Sporadic Land Registration in Palestine," *Land Use Policy* 131 (August 1, 2023), <https://doi.org/10.1016/j.landusepol.2023.106723>.

⁷ Fatma Bunyan Unel and Sukran Yalpir, "Sustainable Tax System Design for Use of Mass Real Estate Appraisal in Land Management," *Land Use Policy* 131 (August 1, 2023), <https://doi.org/10.1016/j.landusepol.2023.106734>.

having productive soil⁸. Land and land management systems form the basis for governance⁹.

Indonesia's economy in the agricultural sector is that of an agricultural country. The agricultural sector plays an important role in the economic development and income of most of Indonesia's population¹⁰. Farmland contributes to development as an economic activity and livelihood¹¹. Managing the land itself means taking on the responsibility of caring for and utilizing the land. Involvement in managing land has an important role as a general factor that differentiates the way land is managed between people who live on their land and those who do not live in the domicile of the land¹²

Absentee landowners may be less concerned about financial incentives for land management change^{13,14}. Insecurity of land tenure and a lack of established tenure rights are considered to be the main causes of neglect of privately owned land¹⁵. Absenteeism is land ownership whose domicile is outside the residence of the landowner. The absentee land ownership area is not only about the location of absentee land plots but also about the location where the owner lives¹⁶. Agricultural land neglect is the reduction of land management in agriculture¹⁷. Neglect is one of the dominant processes of land use change¹⁸.

Although the regulation regarding absentee land already exists, it remains an issue both in legal policy and implementation¹⁹. The dominant factors are weak regulations,

⁸ Wirastuti Widyatmanti and Deha Agus Umarhadi, "Spatial Modeling of Soil Security in Agricultural Land of Central Java, Indonesia: A Preliminary Study on Capability, Condition, and Capital Dimensions," *Soil Security* 8 (September 2022): 100070, <https://doi.org/10.1016/j.soisec.2022.100070>.

⁹ Robert A. Fligg and Derek T. Robinson, "Reviewing First Nation Land Management Regimes in Canada and Exploring Their Relationship to Community Well-Being," *Land Use Policy* 90 (January 1, 2020), <https://doi.org/10.1016/j.landusepol.2019.104245>.

¹⁰ Istriningsih et al., "Farmers' Knowledge and Practice Regarding Good Agricultural Practices (GAP) on Safe Pesticide Usage in Indonesia," *Heliyon* 8, no. 1 (January 1, 2022), <https://doi.org/10.1016/j.heliyon.2021.e08708>.

¹¹ Faizal Rahmanto Moeis et al., "A Longitudinal Study of Agriculture Households in Indonesia: The Effect of Land and Labor Mobility on Welfare and Poverty Dynamics," *World Development Perspectives* 20 (December 1, 2020), <https://doi.org/10.1016/j.wdp.2020.100261>.

¹² Michael G. Sorice, Kiandra Rajala, and Urs P. Kreuter, "Understanding Management Decisions of Absentee Landowners: More Than Just Presence-Absence," *Rangeland Ecology and Management* 71, no. 2 (March 1, 2018): 159–62, <https://doi.org/10.1016/j.rama.2017.12.002>.

¹³ Antheia J. Bond, Patrick J. O'Connor, and Timothy R. Cavagnaro, "Who Participates in Conservation Incentive Programs? Absentee and Group Landholders Are in the Mix," *Land Use Policy* 72 (March 1, 2018): 410–19, <https://doi.org/10.1016/j.landusepol.2017.12.067>.

¹⁴ Ann Grubbström, "Emotional Bonds as Obstacles to Land Sale-Attitudes to Land among Local and Absentee Landowners in Northwest Estonia," *Landscape and Urban Planning* 99, no. 1 (January 30, 2011): 31–39, <https://doi.org/10.1016/j.landurbplan.2010.08.010>.

¹⁵ Unel and Yalpir, "Sustainable Tax System Design for Use of Mass Real Estate Appraisal in Land Management."

¹⁶ Jules Pretty et al., "Assessment of the Growth in Social Groups for Sustainable Agriculture and Land Management," *Global Sustainability* 3 (2020), <https://doi.org/10.1017/sus.2020.19>.

¹⁷ Andrzej N. Affek et al., "Pockets of Persistence of Agricultural Land Use during the Socioeconomic Shock of Forced Post-WWII Displacements in the Carpathians," *Land Use Policy* 131 (August 1, 2023), <https://doi.org/10.1016/j.landusepol.2023.106678>.

¹⁸ Thymios Dimopoulos et al., "Different Responses to Mega-Trends in Less Favorable Farming Systems. Continuation and Abandonment of Farming Land on the Islands of Lesbos and Lemnos, Greece," *Land Use Policy* 124 (January 1, 2023), <https://doi.org/10.1016/j.landusepol.2022.106435>.

government institutions in the land sector, and community participation in preventing absentee land tenure. The focus of this research is on legal policy, community participation, and government institutions in the prevention and enforcement of absentee land. This research is expected to contribute as a reference for knowledge and become a guideline for government policy in addressing land justice issues. In this study, the research method used is normative research with a focus on legal approaches. The initial stage of research is to formulate critical questions related to land law. Furthermore, a thorough review of the legal literature covering legal principles and related legal sources is conducted. After that, normative arguments are developed to propose changes in the existing legal framework. During the process of argument development, ethical and philosophical aspects are also considered to maintain the sustainability and conformity of the proposed legal changes with relevant ethical values and philosophical principles.

ANALYSIS AND DISCUSSION

Prohibition of Absentee Land Ownership as a form of justice in Indonesia

Policy is a strategic guide to how government goals will be achieved²⁰. There needs to be fair enforcement of legal policies aimed at preventing absentee land violations. By law, land tenure arrangements in Indonesia have traditionally been controlled by the state and indigenous peoples to ensure sustainable management of natural resources²¹. All agricultural systems in a country will not achieve the desired policy targets on a national scale if the functions of the soil are not aligned with tillage practices²².

Indonesia's land law policy adheres to the values of justice stated in Pancasila as Philosophic Grondslag. In general, Pancasila as the identity and ideology of the Indonesian state aims to create a welfare state²³. In Pancasila, democracy is deliberation and discussion among community members in creating legal policies²⁴. Legal politics acts as the main guide in determining values, creating, and developing the legal system in Indonesia²⁵.

²⁰ Carmen Sánchez-García et al., "Finding Common Ground: Co-Producing National Soil Policy in Wales through Academic and Government Collaboration," *Soil Security* 11 (June 2023): 100095, <https://doi.org/10.1016/j.soisec.2023.100095>.

²¹ Martin Roestamy et al., "A Review of the Reliability of Land Bank Institution in Indonesia for Effective Land Management of Public Interest," *Land Use Policy* 120 (September 1, 2022): 106275, <https://doi.org/10.1016/J.LANDUSEPOL.2022.106275>.

²² Kristine Valujeva et al., "Abandoned Farmland: Past Failures or Future Opportunities for Europe's Green Deal? A Baltic Case-Study," *Environmental Science and Policy* 128 (February 1, 2022): 175–84, <https://doi.org/10.1016/j.envsci.2021.11.014>.

²³ Dulon Roy et al., "Appraisal of Different Attributes of Fish Community in Andharmanik River of Coastal Bangladesh and Socio-Economic Conditions of Fishermen," *Heliyon* 8, no. 7 (July 1, 2022), <https://doi.org/10.1016/j.heliyon.2022.e09825>.

²⁴ Juneman, Eko A. Meinarno, and Wahyu Rahardjo, "Symbolic Meaning of Money, Self-Esteem, and Identification with Pancasila Values," *Procedia - Social and Behavioral Sciences* 65 (December 2012): 106–15, <https://doi.org/10.1016/j.sbspro.2012.11.099>.

²⁵ Firat Akova, "Artificially Sentient Beings: Moral, Political, and Legal Issues," *New Techno Humanities*, June 2023, <https://doi.org/10.1016/j.techum.2023.04.001>.

Government officials play an important role in evaluating the country's success rate in addressing land violations²⁶. The legal policy implications for absentee land are ways for the government to address land violations as well as the equitable distribution of land²⁷. Land distribution is an important step to advance land rights, land rights policies, and land use policies²⁸.

Community participation in preventive activities

The community's role in taking preventive and reactive actions on absentee land is very important in an effort to protect and maintain soil sustainability. Policies and decisions are set by individuals from outside the city who do not understand the reality of the local area²⁹. Neglect of agricultural land can have devastating ecological, economic and social impacts³⁰. Proper land and soil management is necessary to maintain soil quality³¹. Significant collaboration between communities, governments, and non-governmental organizations is needed to carry out land restoration³². The security of tenure over land is based on the sense of security felt by the landowner³³

The importance of community group formation and local community empowerment Local community empowerment is a process that aims to improve community capabilities. Government participation results in individual and community empowerment³⁴. making use of its important natural resources, rich farmland, and the hospitality of the local people³⁵. In its implementation, collaboration between local communities and government agencies is needed to achieve the goals of sustainable land use practices. Community group formation and

²⁶ Md Azmeary Ferdoush, "Flexible Land: The State and Its Citizens' Negotiation over Land Ownership," *Geoforum* 130 (March 1, 2022): 46–58, <https://doi.org/10.1016/j.geoforum.2022.02.003>.

²⁷ Adriana Ackerschott et al., "Steering of Land Use in the Context of Sustainable Development: A Systematic Review of Economic Instruments," *Land Use Policy* 129 (June 2023): 106620, <https://doi.org/10.1016/j.landusepol.2023.106620>.

²⁸ Hossein Azadi et al., "Evolution of Land Distribution in the Context of Development Theories," *Land Use Policy* 97 (September 1, 2020), <https://doi.org/10.1016/j.landusepol.2020.104730>.

²⁹ Theresa Frei et al., "Narrating Abandoned Land: Perceptions of Natural Forest Regrowth in Southwestern Europe," *Land Use Policy* 99 (December 1, 2020), <https://doi.org/10.1016/j.landusepol.2020.105034>.

³⁰ E. Abolina and V. A. Luzadis, "Abandoned Agricultural Land and Its Potential for Short Rotation Woody Crops in Latvia," *Land Use Policy* 49 (January 1, 2014): 435–45, <https://doi.org/10.1016/j.landusepol.2015.08.022>.

³¹ Diwu Fan et al., "The Role of Bacterial Communities in Shaping Cd-Induced Hormesis in 'Living' Soil as a Function of Land-Use Change," *Journal of Hazardous Materials* 409 (May 5, 2021), <https://doi.org/10.1016/j.jhazmat.2020.124996>.

³² Mohammed Seid et al., "People's Attitudes and Perceptions towards Area Enclosure in Ethiopian Central Rift Valley: Implications for Land Restoration and Livelihood Improvement," *Trees, Forests and People* 11 (March 1, 2023), <https://doi.org/10.1016/j.tfp.2023.100376>.

³³ Heather Huntington and Caleb Stevens, "Taking Stock of Global Land Indicators: A Comparative Analysis of Approaches for a Globally Consistent Land Tenure Security Measure," *Land Use Policy* 124 (January 1, 2023), <https://doi.org/10.1016/j.landusepol.2022.106376>.

³⁴ Mark Chris M. Lapuz, "The Role of Local Community Empowerment in the Digital Transformation of Rural Tourism Development in the Philippines," *Technology in Society*, August 2023, 102308, <https://doi.org/10.1016/j.techsoc.2023.102308>.

³⁵ Eylla Laire M. Gutierrez, "Re-Examining the Participation and Empowerment Nexus: Applications to Community-Based Tourism," *World Development Perspectives* 31 (September 2023): 100518, <https://doi.org/10.1016/j.wdp.2023.100518>.

local community empowerment work together to create strong, empowered, and sustainable communities. By actively participating in resource development and management, local communities can achieve self-reliance and improve their own quality of life³⁶

Community participation needs the support of land regulations and institutions as a means of filing land complaints. The land board functions as the guardian of land rights held by the community as well as state or government institutions³⁷. Through land institutions as a means of complaint, individuals or groups can obtain legal certainty regarding their land rights³⁸. Collaboration between local governments and communities aims to improve their interaction. The initiative aims to strengthen the bond and trust between the parties.

Infrastructure Development Paradigm in Indonesia

The legal vacuum of absentee land ownership has far-reaching impacts on the environment. Absentee land law vacuum refers to a situation where the landowner is absent or inactive in the management and use of the land³⁹. These legal inconsistencies are part of numerous obstacles. Institutional failures and weak policy performance on how land resources are managed are key sources of development challenges⁴⁰.

Absentee ownership of agricultural land has a significant negative impact on environmental damage. Lack of oversight and involvement of landowners in land management can lead to extensive and ongoing environmental damage⁴¹. This widespread environmental damage occurs due to the low cost of lawlessness. The damage that arises can be in the form of erosion as well as.

Increasing public awareness through education and the role of government in regulation and law enforcement expected awareness, such as people's self-knowledge or self-reference⁴² (sitasi. Communities need government support to care more about

³⁶ Alexander Betts et al., "Refugees Welcome? Inter-Group Interaction and Host Community Attitude Formation," *World Development* 161 (January 1, 2023), <https://doi.org/10.1016/j.worlddev.2022.106088>.

³⁷ Thitiya Panichvejsunti et al., "Smallholder Farmers' Crop Combinations under Different Land Tenure Systems in Thailand: The Role of Flood and Government Policy," *Land Use Policy* 72 (March 1, 2018): 129–37, <https://doi.org/10.1016/j.landusepol.2017.12.046>.

³⁸ Adam D. Fine, Zachary Rowan, and Cortney Simmons, "Do Politics Trump Race in Determining America's Youths' Perceptions of Law Enforcement?," *Journal of Criminal Justice* 61 (March 1, 2019): 48–57, <https://doi.org/10.1016/j.jcrimjus.2019.01.003>.

³⁹ Marijana Andabaka, Krunoslav Teslak, and Andrej Ficko, "Private Forest Owners' Sense of Landownership: Motives, Influential Factors and Landscape Context," *Landscape and Urban Planning* 215 (November 1, 2021), <https://doi.org/10.1016/j.landurbplan.2021.104200>.

⁴⁰ Massimiliano Condotta and Elisa Zatta, "Reuse of Building Elements in the Architectural Practice and the European Regulatory Context: Inconsistencies and Possible Improvements," *Journal of Cleaner Production* 318 (October 10, 2021), <https://doi.org/10.1016/j.jclepro.2021.128413>.

⁴¹ Mark Rickenbach, "Serving Members and Reaching Others: The Performance and Social Networks of a Landowner Cooperative," *Forest Policy and Economics* 11, no. 8 (December 2009): 593–99, <https://doi.org/10.1016/j.forpol.2009.08.006>.

⁴² Steven C. Hayes and Stefan G. Hofmann, "A Biphasic Relational Approach to the Evolution of Human Consciousness: Un Enfoque Relacional Bifásico Para La Evolución de La Conciencia Humana," *International Journal of Clinical and Health Psychology* 23, no. 4 (October 1, 2023), <https://doi.org/10.1016/j.ijchp.2023.100380>.

protecting land⁴³. decreased fertility of agricultural land that has a negative impact on agricultural productivity, ecosystem sustainability, and the availability of natural resources⁴⁴.

CONCLUSION

Land law policies serve as a strategic guide to achieve government objectives and must be enforced fairly to prevent absentee land violations. Land tenure arrangements in Indonesia have traditionally been managed by the state and indigenous peoples to maintain the sustainability of natural resources. The impact of this policy on banning absentee land ownership is to reflect the principle of fairness in land and create a fairer distribution of land. Communities play an important role in maintaining soil sustainability, but cooperation with the government and non-governmental organizations is needed for land restoration. The formation of community groups and the empowerment of local communities are key to creating strong and sustainable communities. Through community participation and support from land regulations and institutions, the legal vacuum of absentee land tenure that has a broad impact on the environment can be overcome. Lack of oversight and involvement of landowners in management can also cause significant environmental damage, making the government's role in regulation and law enforcement as well as raising public awareness through education even more important.

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⁴³ H. P. van Dokkum, A. M.C. Loeber, and J. Grin, "Understanding the Role of Government in Sustainability Transitions: A Conceptual Lens to Analyse the Dutch Gas Quake Case," *Technological Forecasting and Social Change* 194 (September 1, 2023), <https://doi.org/10.1016/j.techfore.2023.122685>.

⁴⁴ Baslyd B. Nara, Monica Lengoiboni, and Jaap Zevenbergen, "Assessing Customary Land Rights and Tenure Security Variations of Smallholder Farmers in Northwest Ghana," *Land Use Policy* 104 (May 1, 2021), <https://doi.org/10.1016/j.landusepol.2021.105352>.

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