

Legal Validity of Absentee Ownership of Agricultural Land Rights

Agus Zaenal Anwar

Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail:
aguszaenal28@gmail.com

Abstract. *This study aims to analyze: 1) Practices regarding absentee ownership of agricultural land rights in Pati Regency. 2) The legal validity of absentee ownership of agricultural land rights in Pati Regency based on applicable laws and regulations. This type of research is an empirical legal research. The approach method in this research is sociological juridical. The types of data in this research are primary and secondary data. The data collection method uses interviews, observations and library techniques (document study). The analysis in this research is descriptive, with the theory of legal certainty and legal validity. The results of the research concluded: 1) The practice of absentee ownership of agricultural land rights in Pati Regency, namely that there are still agricultural land ownerships by rights holders who reside outside the sub-district where the land is located. This practice is basically not in line with Article 10 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Principles and Article 3 of Government Regulation Number 224 of 1961 as amended by Government Regulation Number 41 of 1964, which prohibits absentee ownership of agricultural land with certain exceptions. Based on the analysis of Gustav Radbruch's Theory of Legal Certainty, this condition indicates that legal certainty has not been fully realized, so that consistent implementation and supervision of the prohibition on absentee ownership of agricultural land is needed. 2) The legal validity of absentee ownership of agricultural land rights in Pati Regency must be assessed based on Article 10 of Law Number 5 of 1960 concerning Basic Agrarian Principles, which requires agricultural land owners to actively work or cultivate their own land, as well as Article 3 of Government Regulation Number 224 of 1961 as amended by Government Regulation Number 41 of 1964, which regulates the prohibition on absentee ownership of agricultural land and the obligation to transfer or adjust ownership. These provisions must still pay attention to exceptions for certain subjects as regulated in Government Regulation Number 4 of 1977, including provisions regarding civil servants and retired civil servants. Based on Hans Kelsen's Theory of Legal Validity, ownership can be considered valid if the basis*

for acquisition, subject, object, transfer process and registration are sourced and in accordance with applicable legal norms.

Keywords: *Absentee; Land; Legitimacy; Ownership.*

1. Introduction

Indonesia is an agrarian nation, so every activity undertaken by the majority of its people constantly requires and involves land. In fact, most people consider land sacred, as it symbolizes their social status.¹ The basic thinking of Indonesian agrarian law is rooted in the nation's outlook on life, which also places land as a gift from God Almighty for all Indonesian people, so that it...Land has a very important function for people's lives, which makes people try to obtain land in various ways.²

According to Boedi Harsono, the concept of land rights in the Indonesian legal system has a social dimension that cannot be separated from the function of the land itself.³ Rights holders may not use land arbitrarily, but must consider the interests of the community and the surrounding environment. Meanwhile, Notonagoro emphasized that the relationship between humans and land is individualistic and socialistic, recognizing individual rights without eliminating the social responsibilities inherent in those rights.⁴ A similar view was expressed by AP Parlindungan, who explained that the aim of Indonesian agrarian law is to achieve a balance between individual interests and social interests within the framework of social justice.⁵

The increase in land use has given rise to various forms of land control and management, and on the other hand, has given rise to the development of normative law, both through statutory and doctrinal approaches.⁶ Normatively, the Indonesian land law system explicitly regulates the procedures for transferring land rights. These provisions are outlined in Government Regulation No. 24 of 1997 concerning Land Registration, which requires every transfer of

¹Bagas Imam Arianto & Gunarto, 2019, Legal Review of the Implementation of Complete Systematic Land Registration (PTSL) at the BPN Office of Grobogan Regency, Proceedings: Unissula Student Scientific Conference (KIMU) 2, Unissula Semarang, p. 353

²Syarifah Lia & Lathifah Hanim, 2017, Legal Certainty in Resolving Disputes Arising from Overlapping Land Ownership Certificates (SHM) (Case Study at the Pontianak City Land/Agrarian Affairs and Spatial Planning Office), Jurnal Akta, Vol. 4. No. 1, p. 35

³Boedi Harsono, 2005, Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Its Contents and Implementation, Djambatan, Jakarta, p. 287

⁴Notonagoro, 1984, Legal Politics and Agrarian Development in Indonesia, Gajah Mada University Press, Yogyakarta, p. 42.

⁵AP Parlindungan, 1991, Commentary on the Basic Agrarian Law, Mandar Maju, Bandung, p. 63

⁶Zakie & Mukmin, 2016, Agrarian Conflicts That Never Subside, Legality Scientific Journal of Law, Volume 24, Number 1, p. 42.

rights to be registered to ensure legal certainty, as well as in the National Land Agency (BPN) regulations concerning the registration of transfers of rights.

The purpose of land registration in Indonesia is to provide legal certainty (*rechts kadaster*) for land rights and legal protection for land ownership. This is because by registering a plot of land, the owner of the plot will receive a document confirming ownership. *proofRights* as proof of ownership, the data of which is guaranteed by law. This document, which proves ownership, is referred to as a land certificate under Government Regulation Number 10 of 1961 and Government Regulation Number 24 of 1997. The government has continuously strived to implement land registration throughout the country to ensure legal certainty.⁷ In line with these objectives, the UUPA launched a land reform program to increase farmers' incomes and living standards and to achieve justice in land ownership. The land reform program includes limiting the maximum land area, prohibiting absentee land ownership, redistributing land exceeding the maximum limit and certain types of land, and establishing a minimum area of agricultural land ownership to prevent land fragmentation into too small portions..⁸

The provisions regarding prohibitions in the implementation of land reform as stated in Article 7, Article 10, and Article 17 of the Basic Agrarian Law (UUPA), are further elaborated through Government Regulation in Lieu of Law Number 56 of 1960 concerning Determination of Agricultural Land Area, and detailed in Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 18 of 2016 concerning Control of Agricultural Land Ownership. These regulations are intended to provide legal certainty, protect public interests, reduce social disparities, strengthen food security, and realize equitable distribution of community welfare, so that land ownership that exceeds the stipulated limits is not permitted.⁹

Based on Article 3 of the Regulation of the Minister of ATR/Head of BPN Number 18 of 2016, the maximum area of agricultural land ownership and control is determined based on population density. This regulation is in line with Article 10 of the UUPA and PP Number 224 of 1961 as amended by PP Number 41 of 1964, which essentially requires that agricultural land be actively cultivated by its owner and prohibits absentee land ownership. Owners domiciled outside the sub-district where the land is located are required to transfer their rights or adjust their domicile in accordance with applicable regulations. The

⁷Maulida Soraya Ulfah & Denny Suwondo, 2019, Implementation of Complete Systematic Land Registration (PTSL) in Demak Regency, Proceedings: Unissula Student Scientific Conference (KIMU) 2, Unissula Semarang, p. 2

⁸Supriadi, 2007, *Agrarian Law*, Sinar Grafika, Jakarta, p.203

⁹Sigit Prabowo, 2016, Absentee Ownership of Agricultural Land and Legal Responsibility of the Boalemo Regency Land Agency for the Issuance of Certificates, *Brawijaya University Law Journal*, p. 5

implementation of this prohibition in Pati Regency has not been fully effective because agricultural land ownership is still found by parties not domiciled in the land location, including land used as investment assets. This condition has the potential to create inequality between landowners and tenant farmers, because owners gain profits without directly cultivating the land, while tenant farmers are in a weaker economic position. Ownership of agricultural land by non-residents also reduces land productivity and weakens the land's social function. The absence of a landowner often leads to under-utilization of land and the potential for it to become abandoned. According to Gunawan Wiradi, unequal land ownership structures are a major cause of social injustice in rural areas, as farmers lose control over their livelihoods.¹⁰ This situation shows that the ideals of equality and social justice as mandated in the Basic Agrarian Law have not been fully realized.

From a legal perspective, the practice of absentee agricultural land ownership in Pati Regency demonstrates a gap between legal norms and their implementation. Imperative prohibitions in agrarian regulations have not been fully enforced due to weak oversight, low public legal awareness, and strong economic motives for using agricultural land as an investment vehicle.

2. Research Methods

This research is an empirical legal research. The approach used is sociological juridical. The data used are primary and secondary data. Data collection methods include interviews, observation, and library research (document study). The analysis is descriptive, incorporating theories of legal certainty and legal validity.

3. Results and Discussion

3.1 Practices Concerning Absentee Ownership of Agricultural Land Rights in Pati Regency

Agricultural land has an important function for the welfare of the community so that its control and utilization must take into account the interests of the owner, the community, and the social function of the land. Based on Article 10 paragraph (1) of the UUPA, agricultural land in principle must be actively cultivated by its owner, so that absentee land ownership, namely by owners who are domiciled outside the sub-district where the land is located, is limited to prevent unproductive land control and ensure that the land provides benefits to the community.

Further regulations regarding absentee land are contained in Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Provision of Compensation as amended by Government

¹⁰Gunawan Wiradi, 2009, *Agrarian Reform: An Unfinished Journey*, Insist Press, Yogyakarta, p. 71.

Regulation Number 41 of 1964. This provision places agricultural land whose owners reside outside the sub-district where the land is located as one of the objects related to the implementation of land reform. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 18 of 2016 concerning Control of Agricultural Land Ownership also provides regulations regarding the control of agricultural land ownership, including ownership of agricultural land with a different domicile from the location of the land. This provision is one of the administrative instruments in controlling agricultural land ownership.¹¹

The research results show that the practice of absentee agricultural land ownership is still found in Pati Regency. This practice occurs for various reasons, such as buying and selling, inheritance, changes in domicile, investment interests, and the owner's employment outside the region. Administratively, a Statement of Non-Guntainty has been issued, but factual domicile verification still faces obstacles because the address on population documents does not always match the actual place of residence. Furthermore, temporary domicile changes were found to fulfill the transfer of rights requirements, with the owner then returning to their original domicile after the registration process was completed. Agricultural land owned absenteeely is generally still managed by local farmers through a rental or profit-sharing system, so the land remains productive even though it is not directly cultivated by the owner. This condition indicates a gap between legal provisions regarding direct land cultivation by the owner and prevailing practices in the community. Therefore, controlling absentee ownership requires more factual domicile verification, increased public legal understanding, and coordination between the Land Office, Land Deed Officials (PPAT), and local or village governments in overseeing agricultural land ownership.

The practice of absentee agricultural land ownership in Pati Regency needs to be placed within the national agrarian legal system, which positions land not merely as an object of individual ownership but also as having a social function. Article 6 of Law Number 5 of 1960 concerning Basic Agrarian Regulations affirms that all land rights have a social function. This principle indicates that land rights holders cannot exercise their rights solely based on personal interests, but must consider the interests of the community and the intended use of the land.

The principle of the social function of land is directly related to Article 10 paragraph (1) of the UUPA which stipulates that every person and legal entity that has rights to agricultural land is in principle obliged to work or actively

¹¹Adi Perwira, Ardiansah and Bagio Kadaryanto, 2021, Transfer of Agricultural Land Ownership with Different Domiciles (Absentee) According to the Regulation of the Minister of ATR/BPN Number 18 of 2016 concerning Control of Agricultural Land in Indonesia, *Journal of Legal Science*, Vol. 10, No. 1, p. 16.

cultivate it themselves by preventing extortion. This provision is the main basis for regulating the prohibition on absentee ownership of agricultural land. Agricultural land is basically directed to be actively worked or cultivated by its owner so that the benefits of the land are not only enjoyed by the rights holder, but also support the interests of the agricultural community. The prohibition on absentee ownership is one part of the land reform program. Its regulation cannot be separated from the goal of equalizing control and ownership of agricultural land. Supriadi places the prohibition on absentee land ownership as one of the land reform programs that aims to reduce the gap in land ownership and improve the welfare of farmers.¹²

The regulation regarding this prohibition was then elaborated through Government Regulation Number 224 of 1961 as amended by Government Regulation Number 41 of 1964. Article 3 of this regulation stipulates that agricultural land owners who reside outside the sub-district where the land is located are in principle required to transfer their land rights to another party domiciled in the sub-district where the land is located or to move to the sub-district where the land is located within a specified time period. This provision shows that the measure of absenteeism is not only related to the location of the land object, but also to the residence of the rights holder. The relationship between the owner's domicile and the location of the land is important because the main purpose of this prohibition is to enable the owner to actively cultivate the land. Boedi Harsono explained that the prohibition on absentee agricultural land ownership is related to the principle that basically the owner of agricultural land must reside in the sub-district where the land is located. This regulation is intended to enable land owners to actively cultivate the land and prevent the emergence of forms of land ownership that are inconsistent with the objectives of land reform.¹³

Research in Pati Regency revealed problems when these provisions were applied to the actual conditions of the community. Informant S, an absentee landowner, stated that he acquired the rice paddy land as savings for the future because he worked as a civil servant outside Pati Regency. He didn't cultivate the land himself but rented it to local farmers.¹⁴ This situation demonstrates that absentee ownership of agricultural land can arise due to a shift in land orientation. Land is no longer viewed solely as a means of production that must be managed directly, but also as an economic asset that can be preserved for future use. This situation demonstrates the divergence between the economic interests of the owner and the legal objectives of land reform, which require active management of agricultural land.

¹²Supriadi, 2007, *Agrarian Law*, Sinar Grafika, Jakarta, p. 203.

¹³Boedi Harsono, 2008, *Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Its Contents and Implementation*, Djambatan, Jakarta, p. 386.

¹⁴Interview with Informant S, as absentee landowner, August 4, 2026

This pattern was also evident in an interview with Informant K, a sharecropper. Land owned by parties not residing in Pati Regency is still managed through a profit-sharing system, or *maro*, and rent. Owners don't visit the land regularly, and communication with sharecroppers is more about harvesting or rent payments.¹⁵ This relationship demonstrates that absentee land is not always unproductive. The land can still be used and provide economic benefits through cultivation. However, the land's productive condition does not automatically eliminate the issue of absenteeism, as Article 10 of the UUPA emphasizes active agricultural land management by the owner.

Research on the effectiveness of the ban on absentee land ownership indicates that the ban is primarily intended to prevent agricultural land ownership by parties not residing in the district where the land is located, thereby preventing the land owner from actively cultivating it. Absenteeism is also seen as leading to less efficient land management and potentially creating control relationships that are detrimental to the cultivator.¹⁶ These findings are relevant to conditions in Pati Regency. Landowners do not cultivate their land themselves; agricultural activities are carried out by local farmers through leases or crop-sharing. This pattern demonstrates that the productive function of land continues, but there is a separation between ownership and land use.

The main issue with absentee agricultural land ownership in Pati Regency lies in the difference between administrative and actual domicile. Even though applicants have fulfilled the formal requirements through their local ID cards (KTP) and a Statement of Non-Guntai (Surat Tidak Guntai), there is still the possibility of changing domicile simply to fulfill the transfer of rights requirements. This situation indicates that absentee land ownership control is not yet fully effective, as audits still face difficulties in determining the owner's actual residence.

Furthermore, the effectiveness of the absentee land ban is also influenced by the public's low level of legal understanding, the need to examine certain exceptions, and suboptimal monitoring after land registration. The study revealed a gap between administrative and substantive compliance, necessitating enhanced synchronization of population and land data, as well as coordination between the Land Office and Land Deed Officials (PPAT) to ensure the effective implementation of the ban on absentee agricultural land ownership.

Legal certainty is an important element in the implementation of law because society needs rules that can provide guidance regarding rights, obligations and limitations in carrying out a legal act. Legal certainty is not only related to the

¹⁵Interview with Informant K, as a Sharecropper, August 4, 2026

¹⁶Putri Holida, 2019, "Effectiveness of the Prohibition on Absentee Land Ownership Based on Law No. 56 Prp of 1960 concerning the Determination of Agricultural Land Area," *Dinamika: Scientific Journal of Legal Studies*, Vol. 25, No. 8, p. 1

existence of written regulations, but also related to the clarity of norms, their application to the facts that occur and the consistency of their implementation. Gustav Radbruch connects legal certainty with certainty regarding the law itself, so that the law must be able to provide clear and enforceable guidelines. According to Gustav Radbruch, there are four things related to the meaning of legal certainty, namely the law must be positive law or statutory regulations, the law must be based on facts, the facts must be formulated clearly so as not to cause errors in interpretation and easy to implement, and positive law must not be easily changed.¹⁷Based on Gustav Radbruch's Theory of Legal Certainty, the practice of absentee agricultural land ownership in Pati Regency can be analyzed through four elements, namely the law must be positive law, which has been fulfilled through the existence of UUPA and implementing regulations regarding the prohibition of absenteeism; the law must be based on facts, which has not been fully fulfilled because there are still differences between the administrative domicile and the factual domicile of the owner; the facts must be formulated clearly so as not to cause errors, which indicates the need for a clearer domicile verification mechanism and examination of exceptions; and positive law must not be easily changed, which has basically been fulfilled because the regulation of the prohibition of absenteeism is relatively stable, although the monitoring mechanism needs to be adjusted to the development of community conditions.

Based on Gustav Radbruch's four elements of legal certainty, the practice of absentee agricultural land ownership in Pati Regency indicates that normative legal certainty is available, but legal certainty in its implementation has not been fully achieved. The first element has been fulfilled because there is a legal basis that regulates the prohibition and control of absentee agricultural land ownership. UUPA, PP No. 224 of 1961 as amended by PP No. 41 of 1964 and Regulation of the Minister of ATR/Head of BPN No. 18 of 2016 have provided a legal basis for limiting agricultural land ownership based on domicile. The second element has not been fully fulfilled because there are difficulties in ensuring that administrative data regarding domicile truly corresponds to the factual situation. Information regarding the use of newly issued local ID cards and changes in domicile before the AKB process indicates a possible discrepancy between administrative facts and actual facts.

Based on Gustav Radbruch's Theory of Legal Certainty, the problem of absentee agricultural land ownership in Pati Regency is not caused by the absence or instability of the law, but rather by the gap between legal norms, facts, and their application. Provisions regarding the prohibition on absentee ownership are available, but proving factual domicile, supervision after the transfer of rights, changes in administrative address, and low public understanding remain obstacles. Therefore, it is necessary to strengthen domicile verification,

¹⁷Satjipto Rahardjo, 2006, *Law in the World of Order*, UKI Press, Jakarta, p. 135

coordination between the Land Office, PPAT, regional and village governments, and increase socialization so that the implementation of the prohibition on absentee ownership can provide more optimal legal certainty.

Research on the role of the Pati Regency Land Office shows that its role in addressing absenteeism includes administrative oversight of agricultural land transfers and legal enforcement. However, its implementation still faces challenges from the community and from long-standing legal provisions.¹⁸ These findings demonstrate that absentee control requires a balance between administrative and legal measures. Document inspections are necessary to prevent improper ownership from occurring in the first place, while legal action is necessary if violations persist after an opportunity to comply is given.

3.2 Legal Validity of Absentee Ownership of Agricultural Land Rights in Pati Regency Based on Applicable Laws and Regulations

The legal validity of absentee ownership of agricultural land in Pati Regency is related to whether or not the legal requirements inherent in the subject of the rights holder, the land object, the process of acquiring rights, and special provisions regarding agricultural land control are met. The results of the study indicate that the existence of a certificate as proof of rights cannot be used as the sole basis for determining that absentee ownership of agricultural land is fully in accordance with legal provisions. The legal status of ownership still needs to be assessed based on the acquisition process and fulfillment of special provisions governing agricultural land.

The research results indicate that agricultural land in Pati Regency is owned by parties who reside outside the land's location. One such situation occurred with Informant S, who owned rice paddies in Pati Regency while working as a civil servant outside the regency. The land remained registered as his property and was used by another party.¹⁹ This situation indicates that, in fact, there are rights holders who have a legal relationship with agricultural land in Pati Regency even though they do not reside in the area where the land is located. The issue of legitimacy then relates to whether this situation meets the provisions regarding the prohibition of absenteeism or includes circumstances that are exempted under statutory regulations. Status as a civil servant is one of the factors that must be considered in determining the validity of such ownership. Government Regulation Number 4 of 1977 provides special provisions regarding the ownership of agricultural land in a non-permanent manner for retired civil servants. This provision shows that the law provides special treatment for certain

¹⁸Sugiyanto, Yusal Notarisa and Ana Silviana, 2023, *The Role of the Land Office in Addressing Absentee Land Ownership in Pati Regency*, Thesis, Faculty of Law, Diponegoro University, pp. 64–70.

¹⁹Results of Interview with Informant S, as absentee landowner, August 4, 2026

circumstances related to civil servants, but these exceptions have certain requirements and limitations.

The legal validity of absentee ownership of agricultural land must be assessed comprehensively based on the owner's status, the basis and time of acquisition of the rights, domicile, location of the land, and whether or not exceptions stipulated in the laws and regulations are met. Status as a civil servant or pensioner, acquisition through inheritance, or the existence of a Deed of Sale and Purchase (AJB) and certificate do not automatically make absentee ownership valid, because the provisions of Article 10 of the UUPA and regulations regarding the prohibition of absentee ownership must still be fulfilled. Therefore, every absentee ownership of agricultural land must be examined based on the legal circumstances and facts of its acquisition, including changes in domicile and compliance with applicable requirements and exceptions.

Legal validity must also be considered in terms of land registration provisions. Government Regulation No. 24 of 1997 stipulates that land registration aims to provide legal certainty and legal protection to land rights holders. Data recorded in the land registration serves as the basis for proving land rights. However, this certainty remains within the framework of agrarian law, which regulates the restrictions and obligations of rights holders. This means that certificates are important evidence of registered rights, but their existence cannot be separated from provisions regarding restrictions on agricultural land ownership. The validity of ownership must be examined comprehensively, including whether the rights holder complies with the specific provisions applicable to agricultural land.

Research on absentee land control also shows that administrative issues are a contributing factor to the persistence of absentee ownership. Limited data on land owners and land tenure conditions can lead to suboptimal monitoring of ownership status.²⁰ These findings demonstrate that land administration data is a crucial, but not the sole, aspect in determining the legal validity of absentee ownership. This data must be linked to the basis for acquiring the rights and the legal provisions applicable to the owner and the land object.

Based on the research results, the legal validity of absentee agricultural land ownership cannot be determined solely based on the existence of a Deed of Sale and Purchase (AJB), certificate, or rights holder status, but must be assessed comprehensively based on the basis of acquisition, the status and domicile of the owner, the type and location of the land, and whether or not applicable exceptions are met. Ownership by civil servants or through inheritance may have

²⁰Sugiyanto, Yusal Notarisa, Ana Silviana and Mira Novana Ardani, 2023, The Role of the Land Office in Addressing Absentee Land Ownership in Pati Regency, Thesis, Faculty of Law, Diponegoro University, pp. 64–70.

special regulations, but is still subject to absentee provisions. Therefore, ownership that has been administratively registered must still comply with agrarian law restrictions, while ownership that does not meet the requirements may result in an obligation to adjust or transfer rights in accordance with applicable legal mechanisms.

The legal validity of absentee ownership of agricultural land is not solely determined by the existence of a certificate or the fulfillment of administrative requirements at the time of registration. Validity must be assessed from the overall process of acquiring and controlling rights in accordance with the legal norms that form the basis of its authority. Hans Kelsen defines validity as the question of whether a norm is valid based on a higher norm within a legal system. A norm is valid not solely because of its content, but because it is formulated based on the procedures and authority granted by the higher norm. Kelsen explains that the validity of a norm stems from another higher norm. Higher norms provide the basis for the formation of lower norms, thus forming a legal system with a hierarchical structure. This framework can be applied to examine the relationship between the provisions of the Basic Agrarian Law and implementing regulations regarding absenteeism, as well as their application in administrative and legal actions undertaken by landowners.

Based on the research results, the legal validity of absentee agricultural land ownership cannot be determined solely based on the existence of a Deed of Sale and Purchase (AJB), certificate, or rights holder status, but must be assessed comprehensively based on the basis of acquisition, the status and domicile of the owner, the type and location of the land, and whether or not applicable exceptions are met. Ownership by civil servants or through inheritance may have special regulations, but is still subject to absentee provisions. Therefore, ownership that has been administratively registered must still comply with agrarian law restrictions, while ownership that does not meet the requirements may result in an obligation to adjust or transfer rights in accordance with applicable legal mechanisms.

From the perspective of Hans Kelsen's theory of legitimacy, it can be understood that the legitimacy of absentee agricultural land ownership is multi-level. The basis of the right must be based on agrarian law, the transfer must be carried out based on legal authority and procedures, the registration must be carried out by an authorized official, and the status of the rights holder must comply with the specific restrictions applicable to agricultural land. This construction shows that the certificate is not the sole measure of legitimacy. While the certificate provides strong evidence of the registered right, legitimacy must be viewed in light of the entire set of underlying norms and legal acts.

4. Conclusion

The practice of absentee ownership of agricultural land rights in Pati Regency is still found and is not fully in accordance with Article 10 paragraph (1) of the UUPA and Article 3 of PP Number 224 of 1961 in conjunction with PP Number 41 of 1964. Based on Gustav Radbruch's Theory of Legal Certainty, this condition indicates the need for more consistent implementation and supervision so that agricultural land ownership obtains legal certainty. The legal validity of absentee agricultural land ownership must fulfill the provisions of Article 10 of the UUPA, PP Number 224 of 1961 in conjunction with PP Number 41 of 1964, as well as exceptions regulated in PP Number 4 of 1977. Based on Hans Kelsen's Theory of Legal Validity, ownership cannot be declared valid only based on the AJB and certificate, but must comply with all legal provisions governing the subject, object, and process of acquiring rights.

5. References

Journals:

- Adi Perwira, Ardiansah dan Bagio Kadaryanto, (2021), "Peralihan Kepemilikan Tanah Pertanian Beda Domisili (*Absentee*) Menurut Peraturan Menteri ATR/BPN Nomor 18 Tahun 2016 tentang Pengendalian Tanah Pertanian di Indonesia", *Jurnal Ilmu Hukum*, Vol. 10, No. 1.
- Bagas Imam Arianto dan Gunarto, (2019), "Tinjauan Yuridis Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (PTSL) di Kantor BPN Kabupaten Grobogan", *Prosiding Konferensi Ilmiah Mahasiswa Unissula (KIMU) 2*, Unissula Semarang.
- Maulida Soraya Ulfah dan Denny Suwondo, (2019), "Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (PTSL) di Kabupaten Demak", *Prosiding Konferensi Ilmiah Mahasiswa Unissula (KIMU) 2*, Unissula Semarang.
- Putri Holida, (2019), "Efektivitas Larangan Pemilikan Tanah Secara *Absentee* Berdasarkan Undang-Undang Nomor 56 Prp Tahun 1960 tentang Penetapan Luas Tanah Pertanian", *Dinamika: Jurnal Ilmiah Ilmu Hukum*, Vol. 25, No. 8.
- Sigit Prabowo, (2016), "Pemilikan Tanah Pertanian Secara *Absentee* dan Pertanggungjawaban Hukum Badan Pertanahan Kabupaten Boalemo atas Penerbitan Sertifikat", *Jurnal Hukum Universitas Brawijaya*.
- Sugiyanto, Yusal Notarisa dan Ana Silviana, (2023), *Peran Kantor Pertanahan dalam Mengatasi Kepemilikan Tanah Absentee di Kabupaten Pati*, Skripsi, Fakultas Hukum Universitas Diponegoro.
- Syarifah Lia dan Lathifah Hanim, (2017), "Kepastian Hukum dalam Penyelesaian Sengketa Timbulnya Tumpang Tindih Sertifikat Hak Milik (SHM) atas Tanah (Studi Kasus di Kantor Pertanahan/Agraria dan Tata Ruang Kota Pontianak)", *Jurnal Akta*, Vol. 4, No. 1.

Zakie dan Mukmin, (2016), "Konflik Agraria yang Tak Pernah Reda", *Legality Jurnal Ilmiah Hukum*, Vol. 24, No. 1.

Books:

- A.P. Parlindungan, (1991), *Komentar Atas Undang-Undang Pokok Agraria*, Bandung: Mandar Maju.
- Boedi Harsono, (2005), *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*, Jakarta: Djambatan.
- Boedi Harsono, (2008), *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*, Jakarta: Djambatan.
- Gunawan Wiradi, (2009), *Reforma Agraria: Perjalanan yang Belum Berakhir*, Yogyakarta: Insist Press.
- Notonagoro, (1984), *Politik Hukum dan Pembangunan Agraria di Indonesia*, Yogyakarta: Gadjah Mada University Press.
- Satjipto Rahardjo, (2006), *Hukum Dalam Jagat Ketertiban*, Jakarta: UKI Press.
- Supriadi, (2007), *Hukum Agraria*, Jakarta: Sinar Grafika.

Regulation:

- The 1945 Constitution of the Republic of Indonesia
- Civil Code
- Law Number 5 of 1960 concerning Basic Agrarian Regulations.
- Government Regulation in Lieu of Law Number 56 of 1960 concerning Determination of Agricultural Land Area
- Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law
- Government Regulation Number 24 of 1997 concerning Land Registration.
- Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration.
- Government Regulation Number 41 of 1964 concerning Amendments and Additions to Government Regulation No. 224 of 1961 concerning the Implementation of Land Distribution and Provision of Compensation.
- Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (BPN) Number 1 of 2021 concerning Electronic Certificates.
- Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities.
- Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 concerning Control of Agricultural Land Ownership.