

ABSTRACT

Land is a natural resource that is used as a means to achieve the welfare of the nation's life. In accordance with Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles or called UUPA. All types of land rights can be granted to all Indonesian people, both men and women. Article 10 of the UUPA paragraph (1) states that agricultural land at the time of cultivation must be actively produced. It is not explicitly stated that land ownership is prohibited (absentee), but this article can be explained that way. However, the prohibition on ownership of absentee land does not apply to Civil Servants (PNS) and those who are equated with those who are carrying out State duties.

This study aims (1) to find out and apply the principle of equality of land rights in absentee land ownership at the Karanganyar Regency Land Office, (2) to find out and analyze the application of the principle of equal land rights to absent land ownership at the Karanganyar Regency Land Office, (3) To find out and analyze how to make an Absent Land Deed at the Karanganyar Regency Land Office. This research uses normative juridical method. Absent land or gunta land is land ownership whose land is outside the agricultural sub-district where the owner lives.

The application of the principle of equality of land rights between civil servants and citizens on the basis of nationality, the principle of the right to control the state, recognition of customary rights, the principle of national agrarian law, as a social function, as equal rights to land and the principle of land use. Meanwhile, according to the land reform principle and the land registration principle, the equal rights of civil servants and the general public are not the same. From research in the field, it can be seen that land ownership locking in absence in Karanganyar Regency is not in accordance with the principle of equality between Civil Servants and the general public.

Keywords : Equal Rights Principle, Absentee Land

ABSTRAK

Tanah merupakan sumber daya alam yang dijadikan sarana untuk mencapai kesejahteraan hidup bangsa. Sesuai Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar pokok-Pokok Agraria atau disebut UUPA. Semua macam hak atas tanah dapat diberikan kepada seluruh rakyat Indonesia baik laki-laki maupun perempuan. Pasal 10 UUPA ayat (1) menyatakan tanah pertanian pada asasnya diwajibkan mengerjakan atau mengusahakannya sendiri secara aktif. Tidak dijelaskan secara tegas kepemilikan tanah pertanian secara guntai (*absentee*) dilarang, tetapi pasal ini dapat dimaksudkan demikian. Namun larangan kepemilikan tanah *absentee* tidak berlaku bagi Pegawai Negeri Sipil (PNS) dan yang dipersamakan dengan mereka yang sedang menjalankan tugas Negara

Penelitian ini bertujuan (1) Untuk mengetahui dan menganalisis penerapan prinsip kesamaan hak atas tanah dalam kepemilikan tanah *absentee* di Kantor Pertanahan Kabupaten Karanganyar, (2) Untuk mengetahui dan menganalisis kesesuaian penerapan prinsip kesamaan hak atas tanah terhadap kepemilikan tanah *absentee* di Kantor Pertanahan Kabupaten Karanganyar, (3) Untuk mengetahui dan menganalisis cara pembuatan Akta Tanah *Absentee* di Kantor Pertanahan Kabupaten Karanganyar. Penelitian ini menggunakan metode Yuridis normatif. Tanah *Absentee* atau tanah guntai adalah kepemilikan tanah pertanian yang letak tanahnya di luar Kecamatan tempat tinggal pemilik.

Penerapan prinsip kesamaan hak atas tanah PNS dengan warga umum sama pada asas nasionalitas, asas hak menguasai negara, asas pengakuan hak ulayat, asas hukum agraria nasional, asas fungsi sosial, asas persamaan hak atas tanah dan asas tata guna tanah. Sedangkan pada asas asas landreform dan asas pendaftaran tanah persamaan hak PNS dengan warga umum tidak sama. Dari penelitian di lapangan dapat disimpulkan larangan kepemilikan tanah secara *absentee* di Kabupaten Karanganyar belum sesuai dengan prinsip persamaan hak antara Pegawai Negeri Sipil dan warga umum.

Keywords : *Prinsip Kesamaan Hak, Tanah Absentee*