

Conflict of Interest in Absentee Agricultural Land Ownership by Civil Servants**I Wayan Mustika Eko Yuda, Evita Isretno Israhadi**

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Abstract

The ownership of absentee agricultural land by Civil Servants (PNS) in Indonesia has led to conflicts of interest, resulting in land distribution inequality, reduced agricultural productivity, and increased social tensions. This situation threatens the sustainability of agrarian resource management and marginalizes small farmers. This study aims to examine the impact of absentee land ownership by civil servants on land distribution and agricultural productivity, while identifying strategies to resolve these conflicts through policy, regulation, and community empowerment. The research employs a qualitative approach, utilizing document analysis, interviews with stakeholders, and field observations. Data were collected from relevant legal documents, policy reports, and interviews with agricultural officials, civil servants, and farmers affected by absentee land ownership. Findings reveal that absentee land ownership contributes to decreased agricultural productivity, social inequality, and limited access to agrarian resources for small farmers. The lack of enforcement of existing land regulations and insufficient community participation in land management exacerbate the issue. Resolving conflicts of interest in absentee agricultural land ownership requires comprehensive policy reforms, enhanced regulatory enforcement, transparency, and accountability measures. Empowering communities and promoting sustainable land management through participatory decision-making processes are essential for equitable and productive agrarian development.

Keywords: Absentee land ownership, Civil Servants (PNS), Conflict of interest**INTRODUCTION**

Agricultural land plays a vital role in the lives of the Indonesian people, both economically, socially, and culturally. As a country with more than 270 million inhabitants, Indonesia relies on the agricultural sector as a primary source of food and livelihood. Agricultural land not only provides food for the population but also serves as the basis for the economic livelihood of many families, especially in rural areas. With more than 30% of the workforce engaged in the agricultural sector, the existence of fertile and sufficient agricultural land is crucial for maintaining national food security. Without adequate land for agriculture, Indonesia risks facing serious food issues, particularly considering the challenges of climate change and population growth. Agricultural land also serves as a natural resource that must be managed sustainably. Good agriculture not only yields optimal results but also preserves the environment (Pittelkow et al., 2015). Therefore, sustainable management of agricultural land is essential to maintain ecosystem

balance, protect biodiversity, and preserve soil quality. The adoption of environmentally friendly agricultural practices can contribute to the achievement of sustainable development goals (SDGs), which include poverty reduction, ensuring food security, and environmental protection (Viana et al., 2022).

In Indonesia, land management and ownership are regulated by various laws and regulations. The Basic Agrarian Law (UUPA) No. 5 of 1960 serves as the main legal framework governing land control, ownership, and use. The UUPA aims to guarantee legal certainty in land ownership and encourage productive land use for the benefit of society. [2] In agriculture, the UUPA also emphasizes the need to maintain a balance between individual interests and the common good. This includes the necessity for regulations on land use for agriculture to ensure that it benefits the wider community. In addition to the UUPA, there are various other regulations that govern agricultural land use, including Government Regulation (PP) on Sustainable Agricultural Land Use. This regulation provides protection for productive agricultural land from conversion to non-agricultural uses, such as residential or industrial development. These regulations are crucial for safeguarding agricultural land from changes of use that could threaten food security. In its implementation, these legal regulations must be complemented by strict oversight and effective law enforcement to prevent violations that could harm the community (Tyler et al., 2015).

As an agrarian country, Indonesia has a diverse array of agricultural commodities produced with high quality. The various types of crops include rice, corn, soybeans, vegetables, and various tubers. Additionally, Indonesia is also known for its plantation products, such as rubber, palm oil, tobacco, coffee, and sugarcane. The diversity and quality of these commodities highlight the significant potential of Indonesia's agricultural sector in supporting food security and the national economy. One important aspect of agricultural law is the determination of legal subjects who are entitled to own and control land (Kowalczyk et al., 2021). This is related to who is permitted to manage and utilize agricultural land. It is important to identify and regulate the rights of landowners, both individuals and groups, in order to prevent disputes or conflicts of interest. With clear regulations regarding legal subjects, the state can ensure that land management is carried out fairly and sustainably, thereby supporting the welfare of the people and strengthening the agricultural sector (Visser et al., 2019).

As an important legal instrument in the field of agrarian affairs, the Basic Agrarian Law (UUPA) serves as the main reference for the regulation and preparation of various laws related to land. The UUPA triggered fundamental changes in land ownership and control to address the shortcomings in existing regulations. One of the regulations that emerged as a complement and explanation of the UUPA is Law No. 56 PRP of 1960 concerning the Determination of Agricultural Land Area, commonly known as the Land Reform Program Law. This program aims to improve the income and living standards of farmers, especially those who cultivate the land, while also serving as a prerequisite for economic development towards a just and prosperous society in accordance with the values of Pancasila. The objectives of the Land Reform Program in Indonesia are outlined

through several points that emphasize the importance of regulating agricultural land ownership. One of the main aspects of this program is the prohibition against land ownership exceeding the established limits. This measure aims to prevent the concentration of land ownership in the hands of a few individuals, thus providing a more equitable opportunity for small farmers to access agricultural land (Glass et al., 2018). Additionally, the prohibition of absentee land ownership is also a focus, aimed at ensuring that agricultural land is managed by those who actually cultivate it, thereby increasing productivity and community welfare.

The Land Reform Program also includes land redistribution, whereby land that exceeds the maximum ownership limit, land owned absentee, former priyayi land, and other state land will be redistributed to farmers. This redistribution is expected to provide better access for small farmers to own agricultural land and promote a more equitable distribution of land resources. Furthermore, this program also regulates the return and redemption of agricultural lands that were previously mortgaged, allowing landowners to regain their rights over the land and continue farming activities. The regulation of profit-sharing agreements in the context of land reform becomes important. This aims to create a fairer agreement between landowners and cultivators, so both parties can benefit from agricultural outputs in a balanced manner (Graddy-Lovelace, 2021). Additionally, the establishment of minimum ownership limits for agricultural land is also regulated, accompanied by a prohibition on fragmenting land ownership into excessively small parcels. This provision aims to ensure that land ownership remains efficient and productive, while also avoiding the instability that can arise from fragmented land ownership.

Land reform has been normatively regulated in Article 10 paragraph (1) of the Basic Agrarian Law (UUPA), which emphasizes that every individual and legal entity that has rights to agricultural land is required to manage and cultivate it directly. This provision aims to prevent extortion practices, where landowners in urban areas only wait for results from land that is managed by others (Tellman et al., 2021). Thus, this regulation encourages landowners not to be passive landlords but to be actively involved in managing their agricultural land. It is hoped that this will reduce the issues of injustice caused by the phenomenon of "absentee landlords," where landowners are not directly involved in agricultural activities but only gain profits without any real contribution. However, in the implementation of Article 10 paragraph (1) of the UUPA, there is a possibility of making certain exceptions regulated in Article 10 paragraph (3). These exceptions indicate that although the basic principle requires landowners to cultivate their land, there is still room for more specific regulations and other provisions that may be addressed through legislative mechanisms. This shows that land reform in Indonesia is not rigid but can be adapted to certain conditions and needs, potentially helping to address more complex land management situations.

In Indonesia, land ownership by civil servants (PNS) is regulated by several regulations aimed at maintaining integrity and preventing conflicts of interest. One of the most relevant provisions is Article 8 of Government Regulation No. 37 of 1998

concerning Land Control and Ownership by Civil Servants. This regulation emphasizes that civil servants are prohibited from owning agricultural land that exceeds the designated limits, as well as land obtained through illegal means. This policy aims to prevent the accumulation of land ownership in the hands of a few individuals, which has the potential to harm the public and ensure that civil servants focus on their duties as public servants.

Additionally, applicable agricultural policies also significantly influence land ownership by civil servants. Policies such as the Land Reform Program and regulations regarding sustainable agricultural land use seek to regulate land ownership and use in order to enhance the welfare of farmers and ensure food security. In this context, land ownership by civil servants can be a source of conflict, especially if the land is not well managed. Civil servants who own agricultural land may find themselves in a situation where their personal interests conflict with public duties, particularly in decision-making regarding land management.

Absentee land ownership by civil servants can have significant social impacts, especially in the context of inequity in land distribution. The practice of civil servants owning land without actively managing it can lead to many small farmers losing access to the land they need to farm. This has the potential to exacerbate social inequality, where a handful of individuals control vast land while many others lack access to adequate agricultural resources (Rotz et al., 2019). Such injustice can create tension within society, reduce social solidarity, and generate conflicts between landowners and farmers working the land.

From an economic perspective, absentee land ownership by civil servants can negatively impact agricultural productivity and food security. When land is managed by inactive owners, the potential for agricultural land to achieve optimal yields cannot be realized. This ultimately leads to a reduction in overall agricultural productivity, which in turn affects national food security. In an era when Indonesia is striving for food self-sufficiency, this situation has become increasingly critical. Poorly managed land can lead to soil degradation and reduced production capacity, which ultimately threatens the country's ability to meet its citizens' food needs (Smith et al., 2020). Furthermore, land ownership by absentee civil servants can also create uncertainty in agricultural markets. Farmers who should have access to fertile land often have to compete with civil servants who own land but do not cultivate it, which can distort land prices and rental costs. Thus, the social and economic impacts of absentee agricultural land ownership by civil servants not only affect the individuals involved but also potentially impact the overall social and economic stability.

Absentee land ownership of agricultural land by civil servants presents significant conflicts of interest due to the dual roles they occupy. In the absence of prior research on this issue, this study aims to explore how such ownership creates a dilemma between public responsibilities and personal interests. Civil servants who own but do not manage agricultural land contribute to unproductive land use and potential power abuse, using their positions for personal gain without fostering agricultural sector development. This

situation can limit small farmers' access to essential land resources, cause unequal land distribution, and heighten social inequality. Furthermore, inactive landownership by civil servants may influence policy decisions related to natural resource management, blurring the lines between personal and public interests and reducing public trust in government institutions. The study intends to uncover the implications of these dynamics and propose solutions to mitigate conflicts of interest.

RESEARCH METHOD

The normative juridical research method emphasizes the analysis of legal norms as outlined in legislation and various other legal documents. This study employs a legislative approach to examine relevant legal rules, including the Basic Agrarian Law (UUPA) and regulations concerning land ownership by civil servants (PNS), to understand the legal framework governing such practices. Additionally, a philosophical approach is applied to explore the underlying values and principles of these legal regulations, such as justice, equality, and utility, which serve as the foundation for agrarian policy development. However, the explanation provided in the method section remains brief and lacks a more detailed elaboration.

RESULTS AND DISCUSSION

The Impact and Conflict of Interest of Absentee Agricultural Land Ownership by Civil Servants (PNS)

Etymologically, the term "absentee" comes from English, meaning "not present" or "not being in one's place." In the context of agricultural land, absentee land refers to ownership of agricultural land by individuals or legal entities who do not directly manage or operate the land. The Joint Instruction of the Minister of Home Affairs and Regional Autonomy and the Minister of Agrarian Affairs, issued on January 5, 1961, provides a clearer definition of agricultural land, encompassing all types of land used for agricultural activities, such as gardens, fisheries ponds, grazing lands, and other lands that serve as a source of livelihood for those entitled. Historically, land ownership during the Dutch colonial period did not reflect justice. The term "landlord" emerged as a depiction of monopolistic landowners who abused their rights, leading to suffering for the community. This practice resulted in injustice in land distribution and exacerbated social inequality. The remote control of land by landlords clearly contradicts the principles of social justice upheld by society and the state.

Currently, the National Medium-Term Development Plan (RPJMN) for 2015-2019 sets a vision for national development focused on sovereignty, independence, and sustainability. This vision aims to create a progressive, prosperous, and character-integrated society, where agricultural land must be managed for the welfare of the people. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency aims to ensure that natural resources, including land, are controlled by the state and utilized fairly. To achieve this goal, it is necessary to enhance the welfare of the community through fair and sustainable agrarian utilization. An essential aspect of agricultural land management

is land reform, which is understood as systematic changes in land ownership and use to achieve more equitable economic development goals (Tai, 2023). Law No. 1 of 1958 regulates that extensive land ownership by individuals or legal entities should be avoided to prevent detrimental land accumulation for society. Without stipulated maximum and minimum limits, achieving the ideals of land reform will become increasingly difficult.

Absentee ownership of agricultural land is prohibited; however, there are exceptions regulated by legislation. Certain parties, such as landowners living in nearby districts, civil servants (PNS), and those carrying out state duties or having accepted special reasons by the Head of the National Land Agency, are permitted to own land absentee. This aims to ensure that land ownership can still be managed properly and does not neglect the principle of social justice. Although PNS are allowed to own land absentee in certain circumstances, there is an obligation to report and transfer ownership rights if they leave their residence for a certain period. This regulation creates a mechanism to prevent land abandonment, which could lead to the forfeiture of ownership rights by the state if the land is not well-managed. The absentee ownership of agricultural land by civil servants also has significant implications for land management and agricultural productivity (Gorgan & Hartvigsen, 2022). In practice, there are often transfers of land rights that do not comply with applicable regulations, where land is controlled by parties with no direct connection to it. This can lead to difficulties in obtaining ownership permits and create disputes over land control.

The absentee landownership by civil servants (PNS), which is not actively managed, has significant social consequences, particularly concerning injustice in land distribution. When PNS own land but do not cultivate it, access to land for small farmers becomes limited. This creates a condition where land that could be used to enhance the income and livelihoods of local farmers is not utilized. This injustice can exacerbate economic disparities between small farmers and large landowners, leading to frustration and dissatisfaction among farmers struggling to gain equitable access to existing agricultural resources (Eisenberg, 2020).

Moreover, injustices in land control can lead to increased social tension within society. When small farmers feel marginalized and lose access to land that should rightfully belong to them, conflicts can arise both between individuals and groups. This dissatisfaction can develop into protests or social movements demanding justice in land distribution (Woods, 2017). In this context, social tensions not only threaten the stability of local communities but can also disrupt social security on a broader scale. Communities that feel neglected by the existing land tenure system may develop negative perceptions towards authorities, including PNS, who should play roles in maintaining justice and community welfare.

Public perception of PNS is also affected by absentee land ownership. When PNS are seen to own land but do not actively manage it, their image can be tarnished, and public trust in government institutions may decline. The public may view PNS as individuals exploiting their positions for personal gain, neglecting their social and professional responsibilities. This can create doubts about the integrity and commitment

of PNS to serve the community, thus reducing public trust in government institutions as a whole.

From an economic standpoint, the impact of inactive land management by absentee landowners is significant for agricultural productivity. When land is not well-managed, agricultural yields decrease, negatively impacting farmers' incomes and local economic stability. Land that should be utilized for food production does not function optimally, worsening the economic situation of small farmers who rely on agricultural output to meet their living needs. Therefore, inaction in land management not only harms absentee landowners but also directly affects small farmers who lose opportunities for income generation (Ntihinyurwa & de Vries, 2021).

Long-term implications for national food security are also an important concern. Suboptimal usage of land that should be designated for agriculture can disrupt food supply and affect the food security of a country. When agricultural land is poorly managed, food production stalls, potentially leading to price instability and increased vulnerability to food crises (Ihle et al., 2020). Weak food security will impact society broadly, especially vulnerable groups dependent on accessible and sufficient food supplies.

The absentee land ownership by PNS also has far-reaching impacts on the local economy. When land is not managed, not only agricultural outputs decline, but broader economic impacts are felt in the form of lost job opportunities in the agricultural sector and related industries (Pretty & Bharucha, 2014). Inactivity in land management can affect local supply chains and decrease economic activity within the community. This results in reduced incomes for workers in the agricultural sector and a broader impact on the local economy, creating a cycle of instability that is difficult to break.

Conflict of interest refers to situations where individuals or groups have conflicting interests, potentially affecting their decision-making. In the context of land ownership by civil servants (PNS), conflicts of interest arise when PNS own agricultural land but do not actively manage it. PNS, as state apparatus, are expected to act in the public interest; however, land ownership can create dilemmas between public responsibilities and private gains. For instance, PNS may be in a position to influence agricultural policies or regulations that impact land use, meaning decisions taken may benefit their land ownership rather than the general public interest (Saltelli et al., 2020).

The lack of clarity regarding the boundaries between private interests and public duties can exacerbate this situation, leading to distrust among the public regarding PNS integrity. Furthermore, the context in which land ownership occurs is crucial. If PNS own land in areas that are targets for government policies, such as infrastructure development or agricultural programs, they may leverage their positions to advocate for personal interests. Thus, the notion of conflict of interest in this case not only encompasses land ownership but also how decisions made can impact fairness and transparency in natural resource management (Cotula, 2019).

A tangible example of conflict of interest related to land ownership by PNS can be seen in cases of land ownership in agricultural areas. For instance, a PNS who serves as the head of the agricultural department in a district owns agricultural land that is not being

managed and is located near a site designated for public facility construction. In this capacity, the PNS has authority to influence decisions regarding land allocation for the project. In this situation, the PNS may strive to ensure that their land is not adversely affected by the development, while other more strategically positioned land might be recommended for takeover by the government. This situation creates injustice for small farmers who depend on land for their livelihood, especially if their land is more suitable for development yet does not receive the same protection. Moreover, such circumstances raise ethical and legal questions, where PNS should act in favor of the public but instead potentially benefit themselves. Public dissatisfaction stemming from this conflict of interest could lead to protests and demands for greater transparency in land management and public policy (Steinhardt & Wu, 2016).

The conflicts of interest arising from land ownership by PNS can have significant impacts on public policy decision-making, particularly in the agrarian sector. When decisions are made without considering the interests of the broader community, it can lead to unfair or ineffective policies. For instance, policies that more favor absentee landowners could induce discontent among small farmers and affected communities. In the long run, non-responsive policies to community needs can exacerbate social and economic conditions in the area. Furthermore, these conflicts of interest can also reduce community participation in the decision-making process. When communities feel that PNS leverage their positions for personal gain, public trust in the government diminishes. This can result in apathy or skepticism among citizens regarding proposed policies.

Efforts to Address Conflicts of Interest in Absentee Agricultural Land Ownership by Civil Servants

Conflicts of interest in absentee agricultural land ownership by civil servants (PNS) have become a complex issue that requires special attention. Absentee land ownership, where the landowner does not reside at the location of the owned land and does not directly manage the land, often leads to various problems, particularly concerning agrarian justice and sustainable land use. In the context of civil servants, absentee agricultural land ownership poses potential conflicts of interest, considering their roles as public servants who are tasked with serving the interests of the community. The imbalance between their responsibilities as public servants and the land ownership, which should be optimized for the welfare of the community—especially small farmers—can worsen land distribution, trigger social tensions, and affect public policy in the agrarian sector.

Efforts to address conflicts of interest in absentee agricultural land ownership by civil servants require comprehensive and sustainable measures. One key step is through clear regulations and policies. Reviewing existing regulations, such as Law No. 5 of 1960 on Basic Agrarian Law (UUPA), is crucial in this context. The UUPA stipulates that land must be optimally managed and utilized by its owners. However, the implementation of this regulation remains weak, particularly concerning civil servants who hold absentee agricultural land. Therefore, there is an urgent need to update existing policies or even draft new, more stringent, and specific regulations governing land ownership by civil

servants. Such policies should be designed to prevent inactive land ownership and ensure that agricultural land is utilized to improve the welfare of the community, especially in the agrarian sector (Liu et al., 2018).

Additionally, transparency and accountability must be pillars in addressing this issue. One way to achieve this is through implementing a mandatory reporting system for civil servants regarding their land ownership. This system will enable the community to monitor land ownership held by civil servants and ensure that they do not misuse their authority or positions for personal gain (Boone, 2014). Moreover, periodic audits and supervision are also necessary. The government needs to enforce audits on civil servants owning agricultural land to ensure that land ownership does not violate regulations, such as the limits on land ownership or the banned absentee status in agrarian regulations. Through a structured audit process, violations can be detected earlier, and corrective actions can be taken before injustice in land control occurs.

Education and legal awareness also play a crucial role in addressing these conflicts of interest. Disseminating agrarian policies to civil servants should be a priority, focusing on explaining their rights and obligations regarding land ownership. This socialization program should also highlight the social impacts that may arise from absentee land ownership, especially for small farmers whose access to land is limited (Bryceson, 2019). Furthermore, specialized training for civil servants on public ethics and social responsibility in managing agrarian resources is also essential. This training will help civil servants better understand the implications of their land ownership on society and the local economy, encouraging them to be more prudent in managing the land they own.

Law enforcement is a key aspect of resolving conflicts of interest related to absentee agricultural land ownership by civil servants. One main step is to establish strict penalties for civil servants who violate relevant regulations. These penalties should serve as a deterrent as well as provide a chilling effect for those who do not comply with the rules. For example, civil servants found to hold land absentee without active management could face substantial fines or even forfeiture of their land rights. Effective law enforcement also includes regular monitoring, involving authorized agencies such as the National Land Agency (BPN) and other relevant parties (Pramadanty, 2024). Furthermore, there should be an efficient dispute resolution mechanism established to address various conflicts that may arise concerning land ownership. This mechanism must be designed to be easily accessible for affected communities and provide fair and transparent resolutions.

In community empowerment, active community participation is vital in land management and oversight of violations committed by civil servants. The community must be given space and opportunities to play a role in monitoring land use in their areas. This way, a strong collaboration between the government and citizens can be forged to uphold agrarian justice. Additionally, developing programs to empower small farmers must be a priority. These programs can include better access to land and agrarian resources, along with providing financial and technical support to enhance land productivity (Deininger et al., 2014). This approach will not only help small farmers

improve their livelihoods but also encourage more optimal land use, especially in underdeveloped areas.

Alternative land utilization should also be considered as a solution to these problems. Absentee civil servants can be directed to utilize their land following sustainable agricultural principles. This principle not only preserves soil productivity in the long term but also protects the environment and avoids conflicts with local communities. Sustainable agricultural approaches can encompass soil conservation techniques, organic fertilizer use, and efficient water management. Moreover, forms of cooperation between civil servants and small farmers in collective land management could be a mutually beneficial solution. This scheme allows small farmers to utilize unmanaged land while civil servants still derive benefits from their land ownership without violating absentee rules. This model of collaboration can be realized through formal partnerships regulated by the government, ensuring a fair profit-sharing arrangement between both parties (Wehrmann, 2018).

Oversight and policy enforcement must be strengthened to ensure that all the aforementioned efforts proceed in accordance with applicable regulations. The role of the National Land Agency (BPN) should be enhanced, especially in monitoring land ownership and usage by civil servants. BPN needs to have strong mechanisms to identify and act against violations while cooperating with law enforcement agencies to enforce necessary sanctions (Kasim & Rizal, 2023). Additionally, monitoring by independent institutions is also crucial to ensure transparency and accountability. Independent agencies can assist in overseeing policy implementation and provide recommendations for improvements in cases of discrepancies in land management. With strict and transparent oversight, conflicts of interest related to land ownership by civil servants can be minimized, and agrarian justice can be realized more effectively.

CONCLUSION

The issue of conflicts of interest in absentee agricultural land ownership by civil servants (PNS) poses significant challenges that can adversely affect small farmers and local communities. This situation arises from the inability of civil servants to actively manage the land they own, leading to unequal agrarian resource distribution and potential social tensions in rural areas. To address this issue effectively, policies must be aligned with the research objectives of reducing conflicts of interest, ensuring equitable land distribution, and promoting sustainable agricultural practices.

A comprehensive approach is essential, involving the formulation of stricter regulations and the enforcement of transparent legal frameworks governing absentee land ownership. Implementing clear penalties for violations can deter unlawful practices and reduce the potential for conflicts. Additionally, fostering active community participation in land management and decision-making processes ensures that local interests are represented and protected.

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