

ELECTRONIC IDENTITY CARD FOR LAND JUSTICE: LEGAL POLICY ON THE IMPLEMENTATION OF ABSENTEE BASED ON ISLAM AND PANCASILA VALUES

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Abstract: The research was motivated by the government's failure to finalize ownership of agricultural land in absentia. Pancasila as a guide to the value of justice should be used as government legal politics in carrying out preventive and repressive actions in synergy with the use of Information technology, which currently continues to grow. The Indonesian population, which is the majority of Muslims, certainly intersects between ideological, religious, and national ideologies. This research does not find new theories but wants to identify and examine how the perspective of Indonesian society in energizing religious ideology and Pancasila values which are believed by the Indonesian people as the basic foundation of national and state life. This research offers solutions for the use of E-KTP and data synergy between authorized institutions as an effort to prevent the absence of land ownership in terms of the perspective of Islamic legal values and Pancasila ideology. This research was conducted using normative research methods with a legal approach and legal doctrine.

Keywords: Pancasila And Islam Justice; Land Absentee; The Politics Of Land Law; E-KTP; Data Synergy

Introduction

The high demand for land is not proportional to the availability of land. Land has economic power because the value or price of land is highly dependent on supply and demand¹ The increasing demand raises the problem of limited agricultural land² Land availability is important for agricultural land management and equity³ The availability of land for agricultural purposes is a stage in land tenure.

¹ Anders Winther Rennuit-Mortensen, Kasper Dalgas Rasmussen, and Maria Grahn, "How Replacing Fossil Fuels with Electrofuels Could Influence the Demand for Renewable Energy and Land Area," *Smart Energy* 10 (May 2023): 100107, <https://doi.org/10.1016/j.segy.2023.100107>.

² Hongxi Liu et al., "How to Balance Land Demand Conflicts to Guarantee Sustainable Land Development," *IScience* 26, no. 5 (May 19, 2023), <https://doi.org/10.1016/j.isci.2023.106641>.

³ Jianhui Peng, Zhiqing Zhao, and Guojun Yin, "Evaluation of Urban Land Resource Value Based on Sustainable Environment Space Governance," *Alexandria Engineering Journal* 61, no. 7 (July 1, 2022): 5585–93, <https://doi.org/10.1016/j.aej.2021.11.042>.

Land tenure in Indonesia requires everyone who has rights to agricultural land to actively cultivate it. Land tenure in an area, both in urban and rural areas, is very important so that it can be used for agricultural land, plantations, and housing⁴The government's strategy is to continue to convey the importance of improving land tenure security⁵ Land tenure has focused on the security of property rights and land ownership⁶ Land ownership is a staple of regional planning and land policy⁷ Property rights are very important to ensure legal certainty for landholders⁸

Part of the land reform program is the prohibition of absentee land ownership. Land reform is defined by changes in the tenure structure of land ownership Absentee land ownership is the ownership of agricultural land whose owner resides outside the sub-district where the agricultural land is located⁹ Agricultural land owners must reside in the sub-district where the land is located.¹⁰ Absentee land is based on the provisions in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles. The ban on owning absentee land aims to make agricultural land in the sub-district manageable by farmers in the sub-district where the land is located so that the results are maximized¹¹

Although there is a ban in Indonesia on absentee land ownership, which has been regulated in Government Regulation No. 41 of 1964, in practice absentee land tenure is a problem because often dual population identity or population administration is not strict.¹² Absentee landowners are often closed to or not connected to the area where the land is located.¹³

⁴ Ryan Abman and Conor Carney, "Land Rights, Agricultural Productivity, and Deforestation," *Food Policy* 94 (July 1, 2020), <https://doi.org/10.1016/j.foodpol.2020.101841>.

⁵ Taiwo Oladapo Babalola, "Land Tenure Security, Place Satisfaction and Loyalty in the Peri-Urban Area of Ibadan City, Nigeria," *Regional Sustainability* 3, no. 4 (December 1, 2022): 346–55, <https://doi.org/10.1016/j.regsus.2022.11.004>.

⁶ Patrick H. Kavanagh et al., "Drivers of Global Variation in Land Ownership," *Ecography* 44, no. 1 (January 1, 2021): 67–74, <https://doi.org/10.1111/ecog.05205>.

⁷ Stefano Moroni, "Property as a Human Right and Property as a Special Title. Rediscussing Private Ownership of Land," *Land Use Policy* 70 (January 1, 2018): 273–80, <https://doi.org/10.1016/j.landusepol.2017.10.037>.

⁸ De Tong, Yuxi Yuan, and Xiaoguang Wang, "The Coupled Relationships between Land Development and Land Ownership at China's Urban Fringe: A Structural Equation Modeling Approach," *Land Use Policy* 100 (January 1, 2021), <https://doi.org/10.1016/j.landusepol.2020.104925>.

⁹ Endry Mayuni and Maria Suhita, "Auction Winner Legal Protection Execution of Liability for Land Rights in Absentee," *International Journal of Social Science Research and Review* 3, no. 4 (December 9, 2020): 39–46, <https://doi.org/10.47814/ijssrr.v3i4.57>.

¹⁰ Roswandi Roswandi, Anis Mashdurohaturun, and Sri Endah Wahyuningsih, "Legal Reconstruction of Absentee Land Registration Arrangements through Complete Systematic Land Registration Based on Justice Value," *Scholars International Journal of Law, Crime and Justice* 6, no. 02 (February 14, 2023): 108–14, <https://doi.org/10.36348/sijlcj.2023.v06i02.008>.

¹¹ Taylor Shelton, "Gameday Homes: Mapping Emerging Geographies of Housing Speculation and Absentee Ownership in the American South," *Cities* 115 (August 1, 2021), <https://doi.org/10.1016/j.cities.2021.103230>.

¹² Hermann Kam et al., "Engaging Absentee Landholders in Ecosystem Service Delivery in South-Eastern Australia," *Ecosystem Services* 39 (October 1, 2019), <https://doi.org/10.1016/j.ecoser.2019.100988>.

¹³ Amina Maharjan et al., "Understanding Rural Outmigration and Agricultural Land Use Change in the Gandaki Basin, Nepal," *Applied Geography* 124 (November 1, 2020), <https://doi.org/10.1016/j.apgeog.2020.102278>.

In making land deeds, people are often negligent in identity checks.¹⁴ Absentee land ownership is difficult to prove because it is done through the use of other people's identities.¹⁵

This research method uses Normative research methods. Research conducted with the approach of Law and legal doctrine The first step is to formulate critical questions related to the field of land law and then explore the extensive legal literature by referring to legal principles and legal sources, which then build normative arguments aimed at proposing changes to the legal framework supported by ethical and philosophical considerations.

The focus of this research is the synchronization of digital population data with land data. The digital population is useful in preventing misuse of one's identity data.¹⁶ Land data is data obtained from the results of land registration. The land registration program includes surveying, mapping, and certifying land parcel boundaries.¹⁷This program ensures land ownership in every village, sub-district, and district as a whole.¹⁸

Literatur Review

1. Pancasila as Filosofische Grondslag and Islam as a guideline for the preparation of just agrarian law.

Absentee land is a manifestation of justice and land distribution to all Indonesian people. Absentee land is known as agricultural land located outside the landowner's seat area.¹⁹ The manifestation of justice is fairness and mutual respect for the rights of everyone.²⁰ Land distribution is an important step to advance land rights and land use policies.²¹ Land distribution increases the average size of agriculture and reduces soil inequality.²²

Pancasila as Filosofische Grondslag is a guideline for the Indonesian nation in determining the politics of state law. Pancasila is the basis of the state and state ideology of the

¹⁴ 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>.

¹⁵ Stephanie A. Snyder et al., "Relationships between Absenteeism, Conservation Group Membership, and Land Management among Family Forest Owners," *Land Use Policy* 91 (February 1, 2020), <https://doi.org/10.1016/j.landusepol.2019.104407>.

¹⁶ Ayesha Ali, Agha Ali Raza, and Ihsan Ayyub Qazi, "Validated Digital Literacy Measures for Populations with Low Levels of Internet Experiences," *Development Engineering* 8 (November 1, 2023), <https://doi.org/10.1016/j.deveng.2023.100107>.

¹⁷ Trias Aditya et al., "Validation and Collaborative Mapping to Accelerate Quality Assurance of Land Registration," *Land Use Policy* 109 (October 1, 2021), <https://doi.org/10.1016/j.landusepol.2021.105689>.

¹⁸ S. Krishnapriya and Greeshma Sarath, "Securing Land Registration Using Blockchain," in *Procedia Computer Science*, vol. 171 (Elsevier B.V., 2020), 1708–15, <https://doi.org/10.1016/j.procs.2020.04.183>.

¹⁹ 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>.

²⁰ Aliu Oladimeji Shodunke et al., "Establishing the Nexus among Mob Justice, Human Rights Violations and the State: Evidence from Nigeria," *International Journal of Law, Crime and Justice* 72 (March 1, 2023), <https://doi.org/10.1016/j.ijlcj.2022.100573>.

²¹ 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>.

²² Jean Paul Faguet, Fabio Sánchez, and Marta Juanita Villaveces, "The Perversion of Public Land Distribution by Landed Elites: Power, Inequality and Development in Colombia," *World Development* 136 (December 1, 2020), <https://doi.org/10.1016/j.worlddev.2020.105036>.

Republic of Indonesia.²³ The function of Pancasila is to carry out Indonesia's national development.²⁴ Philosophisches is a free and universal way of thinking to obtain truth.²⁵ Philosophisches includes knowledge about human knowledge, about nature, and about values.²⁶ Legal politics as a basic guideline in the process of determining values and forming and developing national law in Indonesia.²⁷ Legal politics greatly influences differences in perceptions of law enforcement.²⁸

The politics of agrarian law are promulgated by the birth of the Basic Agrarian Law (UUPA) as a representation of social justice for all Indonesians. Agrarian law politics is a dynamic that occurs in legal arrangements related to ownership, control, and use of land in the context of politics and power.²⁹ The UUPA guarantees land laws run by the National Land Agency.³⁰ Fair representation is given to ensure equality in society.³¹ Social justice is a process encompassing the vision of a society where the distribution of resources is equitable and guaranteed³²

Guarantee and ensure that land regulations and land policies support the strengthening of land rights and land allocation. Land use regulation is generally an effective and beneficial tool for regional agriculture.³³ Land regulation has an effect on the surrounding legal authority.³⁴ Land policy is defined as a tool implemented by the government to manage land use and distribution.³⁵ Strengthening land rights refers to efforts to strengthen and protect individual rights related to land ownership and use.³⁶ Most urban agriculture is done on allotment land.³⁷ Land allocation is land use planning carried out through the division of allotment areas for certain functions.³⁸

²³ 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>.

²⁴ Dwiyani Sudaryanti et al., "Critical Analysis on Accounting Information Based On Pancasila Value," *Procedia - Social and Behavioral Sciences* 172 (January 2015): 533–39, <https://doi.org/10.1016/j.sbspro.2015.01.399>.

²⁵ Kamarudin Zaelani, "Philosophy of Science Actualization for Islamic Science Development," *Pacific Science Review B: Humanities and Social Sciences* 1, no. 3 (November 2015): 109–13, <https://doi.org/10.1016/j.psr.2016.06.004>.

²⁶ Zaelani.

²⁷ Zaelani.

²⁸ Zaelani.

²⁹ Abubakari Ahmed, Elias Danyi Kuusaana, and Alexandros Gasparatos, "The Role of Chiefs in Large-Scale Land Acquisitions for Jatropha Production in Ghana: Insights from Agrarian Political Economy," *Land Use Policy* 75 (June 1, 2018): 570–82, <https://doi.org/10.1016/j.landusepol.2018.04.033>.

³⁰ Zaelani, "Philosophy of Science Actualization for Islamic Science Development."

³¹ Ahmed, Kuusaana, and Gasparatos, "The Role of Chiefs in Large-Scale Land Acquisitions for Jatropha Production in Ghana: Insights from Agrarian Political Economy."

³² Ahmed, Kuusaana, and Gasparatos.

³³ Wenjing Han, Xiaoling Zhang, and Xian Zheng, "Land Use Regulation and Urban Land Value: Evidence from China," *Land Use Policy* 92 (March 1, 2020), <https://doi.org/10.1016/j.landusepol.2019.104432>.

³⁴ Pengyu Zhu et al., "Land Use Regulations, Transit Investment, and Commuting Preferences," *Land Use Policy* 122 (November 1, 2022), <https://doi.org/10.1016/j.landusepol.2022.106343>.

³⁵ Tuulia Puustinen, Pauliina Krigsholm, and Heidi Falkenbach, "Land Policy Conflict Profiles for Different Densification Types: A Literature-Based Approach," *Land Use Policy* 123 (December 1, 2022), <https://doi.org/10.1016/j.landusepol.2022.106405>.

³⁶ Puustinen, Krigsholm, and Falkenbach.

³⁷ Puustinen, Krigsholm, and Falkenbach.

³⁸ Puustinen, Krigsholm, and Falkenbach.

Islamic law views absentee land ownership from the standpoint that although people are free to use and enjoy the property, it is a trust from God and that ownership is managed for the good of everybody. In Islamic land ownership, the property becomes redundant and the owner's rights are nullified if the landowner does not cultivate or produce anything on it for three years in a row. nations, absentee ownership of agricultural land is strictly prohibited by government restrictions to enable farmers to actively and efficiently use their land for maximum yield.³⁹

The viewpoint on absentee land ownership in Islamic law holds that people are granted the freedom to use the land as a trust from God. This viewpoint is consistent with the Islamic theory that property, including land, can be owned privately and can be alienated in a number of ways, including by purchase, sale, rental, inheritance, or bequest, so long as it is used and enjoyed within reasonable bounds.⁴⁰

2. Social and economic impact on absentee land ownership.

Absentee land ownership can lead to economic and social inequality. Absentee land ownership is used for landowners who do not live in the sub-district where the land is located.⁴¹ Social inequality refers to significant differences in the distribution of resources or living conditions between groups or individuals within a society⁴². Social inequality is seen in various aspects of life, such as income, education, health, and housing. Social inequality means that income generated in a country cannot be distributed fairly between individuals, regions, or social classes.⁴³

Absentee land tenure can interfere with local community interests and landowner engagement with land and communities. Many private landowners know that land ownership has many meanings other than providing material resources or agricultural products.⁴⁴ There is still a lack of understanding of the exact situation in which the feeling of ownership towards the land occurs.⁴⁵ Community stakeholder governance enables community participation and accountability.⁴⁶ Special attention is paid to the role of local communities and the importance of public involvement in various land businesses⁴⁷

³⁹Iqbal, N., & Gill, Z. A. (2000). The Concept of Land Ownership in Islam and Poverty Alleviation in Pakistan [with Comments]. *The Pakistan Development Review*, 39(4), 649–662. <http://www.jstor.org/stable/41260289>

⁴⁰Wilkinson, J. C. (1990). Muslim Land And Water Law. *Journal of Islamic Studies*, 1, 54–72. <http://www.jstor.org/stable/26195667>

⁴¹ Caleb Gallemore, Darla Munroe, and Derek van Berkel, “Rural-to-Urban Migration and the Geography of Absentee Non-Industrial Private Forest Ownership: A Case from Southeast Ohio,” *Applied Geography* 96 (July 1, 2018): 141–52, <https://doi.org/10.1016/j.apgeog.2018.05.010>.

⁴² Gallemore, Munroe, and van Berkel.

⁴³ Gallemore, Munroe, and van Berkel.

⁴⁴ Kiandra Rajala and Michael G. Sorice, “Sense of Place on the Range: Landowner Place Meanings, Place Attachment, and Well-Being in the Southern Great Plains,” *Rangelands* 44, no. 5 (October 1, 2022): 353–67, <https://doi.org/10.1016/j.rala.2021.07.004>.

⁴⁵ 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>.

⁴⁶ Helen M. Haugh, “The Governance of Entrepreneurial Community Ventures: How Do Conflicting Community Interests Influence Opportunity Exploitation?,” *Journal of Business Venturing Insights* 16 (November 1, 2021), <https://doi.org/10.1016/j.jbv.2021.e00265>.

⁴⁷ Alison Martin, Anke Fischer, and Rob McMorran, “Who Decides? The Governance of Rewilding in Scotland ‘between the Cracks’: Community Participation, Public Engagement, and Partnerships,” *Journal of Rural Studies* 98 (February 1, 2023): 80–91, <https://doi.org/10.1016/j.jrurstud.2023.01.007>.

Lack of supervision and direct responsibility for absentee land impacts the potential for unsustainable land management, including overexploitation of natural resources. Responsible land governance basically refers to a system that can recognize the rights of local communities in the context of large-scale land acquisition for agricultural investment rights.⁴⁸ Excessive exploitation of natural resources can damage the economies of regions that depend on them.⁴⁹

3. Electronic Identity Card) for the purposes of government service transactions and personal data security to prevent absentee land ownership.

The use of Identity cards for government service transactions and the importance of paying attention to personal data security. The government allocates large funds to collect data and implement biometric systems in national identity card schemes. With the widespread use of the Internet, governments around the world have adopted e-government services, and their use has grown rapidly.⁵⁰ Data security issues such as the compromise of personal information can compromise data privacy.⁵¹ The security of personal data can be exploited if the data and its security are not managed effectively.⁵²

Need protection of electronic data of nature. Some more sensitive data must be specifically protected, such as general factual data such as name and date of birth.⁵³ Maintaining large amounts of sensitive data in various forms is one of the challenges.⁵⁴ The slightest data protection error can result in fatal losses.⁵⁵ Misuse of data access is where the processing of personal data violates restrictions or is not in accordance with the purpose of data use as determined by the data subject.⁵⁶

Identity Card usage risks and vulnerabilities due to insufficient servers. The risk of identity theft is associated with government and corporate data breaches and other experiences of being

⁴⁸ Achamyelch Gashu Adam et al., "Responsible Governance of Land Tenure in the Context of Investment from Theory to Practice: Lessons from Ethiopia," *Research in Globalization* 6 (June 1, 2023), <https://doi.org/10.1016/j.resglo.2023.100131>.

⁴⁹ Vito Pipitone and Francesco Colloca, "Recent Trends in the Productivity of the Italian Trawl Fishery: The Importance of the Socio-Economic Context and Overexploitation," *Marine Policy* 87 (January 1, 2018): 135–40, <https://doi.org/10.1016/j.marpol.2017.10.017>.

⁵⁰ Kit Yeng Iong and Jenny O.L. Phillips, "The Transformation of Government Employees' Behavioural Intention towards the Adoption of E-Government Services: An Empirical Study," *Social Sciences and Humanities Open* 7, no. 1 (January 1, 2023), <https://doi.org/10.1016/j.ssaho.2023.100485>.

⁵¹ Iong and Phillips.

⁵² Iong and Phillips.

⁵³ Yuanxin Li and Darina Saxunová, "A Perspective on Categorizing Personal and Sensitive Data and the Analysis of Practical Protection Regulations," in *Procedia Computer Science*, vol. 170 (Elsevier B.V., 2020), 1110–15, <https://doi.org/10.1016/j.procs.2020.03.060>.

⁵⁴ Li and Saxunová.

⁵⁵ Zhiyan Xu et al., "Sanitizable Signature Scheme with Privacy Protection for Electronic Medical Data Sharing," *Cyber Security and Applications* 1 (December 2023): 100018, <https://doi.org/10.1016/j.csa.2023.100018>.

⁵⁶ L. Genga, Nicola Zannone, and Anna Squicciarini, "Discovering Reliable Evidence of Data Misuse by Exploiting Rule Redundancy," *Computers and Security* 87 (November 1, 2019), <https://doi.org/10.1016/j.cose.2019.101577>.

victims of crime.⁵⁷ The government designed a code and identity privacy vulnerability detection system.⁵⁸ Excessive and unerased server heat leads to server slowdown and failure⁵⁹

Legal protection and personal data Law enforcement mechanisms will impact the compliance and accountability of government employees in managing Identity cards. Personal data protection is one of the actual problems facing information protection institutions in the world today.⁶⁰ Personal data protection must keep pace with technological developments to provide legal regulation on the positive aspects of various technologies.⁶¹ Accountability is defined largely by incorporating and emphasizing the concept of accountability.⁶² From a data protection perspective, law enforcement access scenarios are not necessarily well calculated.⁶³ Data protection has issued guidelines against data reuse for law enforcement purposes⁶⁴

Method

The method used in this study is normative research, namely doctrinal legal research that focuses on analysis and interpretation or the opinions of legal experts, this method is principally theoretical research that examines laws and regulations, court decisions, legal literature and legal doctrines that have ever existed. With activities to conduct normative analysis and theoretical aspects and conduct an inventory of applicable laws, both laws and court decisions.

Result and Discussion

Islam as the majority of the Indonesian population has entered various aspects of life and statehood so that it has influenced many aspects of statehood, for example the birth of various laws that tend to be influenced by Islamic law such as the Sharia Banking Law, Waqf, Marriage and the establishment of courts that specifically adjudicate certain disputes for Indonesian residents who are Muslim.

Pancasila has a role as philosophische grondslag, a reference to legal politics, in the formation and application of land law in Indonesia. Land law politics creates and upholds the principles of justice, equality, welfare, and land distribution in accordance with the values of Pancasila. The political conception of land law was established by the establishment of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA). The

⁵⁷ David Burnes, Marguerite DeLiema, and Lynn Langton, "Risk and Protective Factors of Identity Theft Victimization in the United States," *Preventive Medicine Reports* 17 (March 1, 2020), <https://doi.org/10.1016/j.pmedr.2020.101058>.

⁵⁸ Jitao Wang et al., "ConGradetect: Blockchain-Based Detection of Code and Identity Privacy Vulnerabilities in Crowdsourcing," *Journal of Systems Architecture* 114 (March 1, 2021), <https://doi.org/10.1016/j.sysarc.2020.101910>.

⁵⁹ A. M. Abbas et al., "Effect of Data Center Servers' Power Density on the Decision of Using in-Row Cooling or Perimeter Cooling," *Alexandria Engineering Journal* 60, no. 4 (August 1, 2021): 3855–67, <https://doi.org/10.1016/j.aej.2021.02.051>.

⁶⁰ Abbas et al.

⁶¹ Abbas et al.

⁶² Rachana Rajan and Stephanie M. Topp, "Accountability Mechanisms of Inquiries and Investigations into Australian Governments' Responses to the COVID-19 Pandemic," *Australian and New Zealand Journal of Public Health* 46, no. 4 (August 1, 2022): 488–94, <https://doi.org/10.1111/1753-6405.13258>.

⁶³ Rajan and Topp.

⁶⁴ Stephen Mollidrem, Mustafa I. Hussain, and Alexander McClelland, "Alternatives to Sharing COVID-19 Data with Law Enforcement: Recommendations for Stakeholders," *Health Policy* 125, no. 2 (February 1, 2021): 135–40, <https://doi.org/10.1016/j.healthpol.2020.10.015>.

philosophical foundation of UUPA is the establishment of Indonesian socialism (Pancasila) as its grand vision, namely equality and justice in society. Absentee ownership of agricultural land contradicts the values of Pancasila because it has an impact on inequality and a sense of justice for local communities.

The political act prohibits the ownership of agricultural land in absentia in terms of the issuance of Government Regulation Number 224 of 1961 concerning the implementation of land distribution and the purchase of compensation as a derivative of the UUPA, which in principle prohibits the ownership of agricultural land outside the local land domicile sub-district, including the ownership of freehold land beyond a certain limit. However, in its implementation, the legal policy of prohibiting absentee land in Indonesia is still constrained by more technical regulations, such as law enforcement procedures, institutions authorized to revoke rights, compensation processes, and the distribution of land that is declared absentee. To challenge legal politics against the ban, the government must prepare several regulations and institutions that function to enforce absentee land laws.

Legal policy prohibits absenteeism in its implementation at the Agrarian and Spatial Planning Office/National Land Agency (ATR/BPN) there is a regency or city level that is addressed personally, depending on each region. Multiple Office ATR/BPN conduct screening by utilizing an identity card (KTP) As data shows, a person is eligible or not to apply for land rights. Although the period before 2009 KTP in Indonesia, it is still manually issued by several institutions from the sub-district, including the civil registration office at the local government level. Impact of publishing KTP manually impacting ownership KTP multiple that could potentially invoke appropriate rights KTP but not in accordance with the actual domicile, for reasons of having KTP more than one. Reality of use KTP multiple has also piled up a row of absentee agricultural land tenures that are felt to have affected the sense of justice in the community.

Restriction of ownership of land to absentee ownership in the perspective of Pancasila and Islamic law by limiting ownership and ownership outside the owner's domicile area is an action that can suppress equality for everyone to ensure mutual welfare. With restrictions on the area of ownership and restrictions on the owner's domicile, this will open up space for local residents to have space to get agricultural land.

E- KTP based on national data that has been implemented in Indonesia, it should be a preventive solution by screening applicants for agricultural land in absentia. It is necessary to integrate population data with land agencies and related parties to prevent absentee land ownership. The land applicant will be rejected automatically by the system because the ownership of the land requested is not in accordance with the domicile of the land requested. It is necessary to synergize data, including regulations related to public data security that can be used by irresponsible parties.

Conclusions

Orderly population administration through E-KTP can prevent the first application for land registration and the maintenance of land data in absentia. Prevention can be done by rejecting the applicant if the applicant's domicile is outside the domicile of the land. But in reality, absentee land ownership is still found by doing legal smuggling, for example, by using other

people as applicants for land rights so that the real owner is different from the right applicant. This situation can actually be prevented by involving the village government.

Pancasila as the basis of the state has a function as a philosophical foundation covering important values in the life of the nation and state as well as guarantees for the protection of human rights. While Islam as a religion has been believed by the majority of the Indonesian population. Pancasila and Islam have been integrated for the community in carrying out the joints of national and state life. Islamic law is deeply rooted and developed in society, including the legal joints of property and property. Both Islamic law and in the perspective of Pancasila, absentee land ownership is contrary to the values contained in the values of Pancasila and Islamic law, because these two ideologies want equality and promote social principles for all people. So that absentee land ownership is very contrary to the principle of justice.

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