



## Legal Effects of Land Abandonment in the Perspective of Justice Theory

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### Abstract

*This research was conducted with the aim of knowing and analyzing the legal consequences of land abandonment in the perspective of justice theory. Abandoned land, especially land that is deliberately abandoned and not used by land rights holders does not reflect the principle of justice for the state and society in the social function of land rights, so the state must put it in order. This research is a normative juridical research with a statute approach. The results showed that the legal consequences of land abandonment can lead to the abolition of Land Rights or Management Rights. In addition, it can also cause legal relations and affirmation as state land former Abandoned Land directly controlled by the state. The results showed that the legal consequences of land abandonment can lead to the abolition of Land Rights or Management Rights. In addition, it can also cause legal relations and affirmation as state land former Abandoned Land directly controlled by the state. The legal consequences in terms of the theory of justice have fulfilled the values of justice because the regulation of abandoned land is not carried out unilaterally, but still involves the role of Rights Holders, Management Rights Holders, or Basic Land Tenure Holders.*

**Keywords:** Legal consequences, land rights holders, land abandonment, abandoned land, and theories of justice

### A. Introduction

Land is the main asset in the development process with the aim of improving community welfare, advancing the nation, and strengthening the sovereignty of the Indonesian state. Article 33 Paragraph (3) of the 1945 Constitution (1945 Constitution) stipulates that "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". The article affirms that land is part of the earth and natural wealth is not only a means of economic development, but also an instrument to achieve the welfare of the people as a whole.

Indonesia has special provisions on agrarian issues, namely Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) as a follow-up to Article 33 Paragraph (3) of the 1945 Constitution. Article 2 Paragraph (2) of the UUPA expressly regulates the authority of the state in controlling land. Article 4 of the UUPA also stipulates that the state, through the Government, has the authority to determine the various types of land rights and can grant these rights to individuals and legal entities, both individually and collectively.<sup>1</sup>

Land rights granted to individuals or legal entities are part of the government's efforts to delegate land management in the hope of achieving more equitable and sustainable prosperity in accordance with the spirit of the 1945 Constitution. The government grants land rights to rights holders with the aim that the land can be cultivated, used, utilized, and maintained optimally. The purpose of granting this right is not only for the welfare of individual rights

<sup>1</sup> Amiratul Fatihah, "Kajian Hukum Penertiban Tanah Terlantar Menurut Peraturan Pemerintah Nomor 20.

holders, but also to improve the welfare of society, nation, and state as a whole. There are obligations that must be complied with when the land right is granted, namely in accordance with the provisions stipulated in the UUPA and the decree accompanying the granting of the right. The right holder is prohibited from neglecting his responsibility for the land he owns.

Optimal use of land is important to manage, utilize, and achieve maximum prosperity. Many lands have been acquired with freehold or land rights, either through the acquisition of legitimate land and left abandoned. This hinders realization to improve people's welfare, especially in the field of resilience.

Land neglect or abandoned land is a condition of land that is deliberately left unused in accordance with its function. Lack of optimality in land use can indicate an element of negligence or intentionality on the part of land rights holders, resulting in land abandonment. The act of land delivery is unwise and inefficient because it can result in lost opportunities to explore the economic potential of the land, unfair, cause social inequality, decline in environmental quality and violate obligations that should be carried out by rights holders or parties who have obtained the basis of land tenure.<sup>2</sup> Land neglect also has an impact on people's welfare.

Any individual or legal entity is prohibited from carrying out land abandonment as stated in the provisions of Article 27, Article 34, and Article 40 of the UUPA. The three articles essentially regulate the consequences of the loss of rights to the land concerned and the termination of legal relations between the land and its owner (holder of land rights) which will then be recognized as state land. That is, if the holder of land rights does not exercise or maintain land in accordance with the provisions of Article 16 of the UUPA that the purpose and requirements of its maintenance, the right to the land can be revoked, and the land will become a state asset, or referred to as state land.<sup>3</sup>

Prevention of land neglect in Indonesia is carried out on the basis of existing law, namely Government Regulation (PP) Number 20 of 2021 concerning the Control of Abandoned Areas and Land (hereinafter referred to as PP Number 20 of 2021) and Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 20 of 2021 concerning Procedures for the Control and

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<sup>2</sup> Harris Y. P. Sibuea, "Efektifitas Pengaturan Penertiban Tanah Terlantar", *Kajian*, Vol. 26 No. 1, Desember 2021, h. 92.

<sup>3</sup> Sukma Nurdiana Puspasari, 2015, *Problematika Penertiban Tanah Terlantar (Studi Tanah Hak Guna Usaha PT. Sumber Mahardika Graha di Kabupaten Lamandau, Provinsi Kalimantan Tengah)*, Skripsi, Sekolah Tinggi Pertanahan Nasional Yogyakarta, h. 2.

Utilization of Abandoned Areas and Land (hereinafter referred to as Minister of ATR / Head of BPN Number 20 of 2021). The regulation provides more detailed guidance regarding procedures for implementing the regulation and reuse of abandoned land.

Abandoned land, especially land that is deliberately abandoned and not used by land rights holders does not reflect the principle of justice for the state and society in the social function of land rights. Maintenance and utilization of land in accordance with its function is not only a right, but also a social and environmental obligation that must be considered by land rights holders in order to achieve justice in land resource management. The government has a major role in land management, including preventive measures and handling of abandoned land. Enforcement of existing regulations is important to encourage land rights holders to use and care for land in accordance with applicable regulations. The government must also be active in monitoring soil conditions in various regions to detect potential abandoned land.

This research is original and has never been done before, so to compare this research, previous studies were presented, namely the first research by Elbert and Gustianus Fernando with the title Legal Analysis of Abandoned Property Rights Land Based on Government Regulation No. 20 of 2021 concerning the Issuance of Abandoned Areas and Land. The research discusses the legal certainty of abandoned property rights and the regulation of abandoned land in terms of PP Number 20 of 2021.<sup>4</sup> The second study by Blessinta Joice Sinaga, Sani Chablitta Siregar, and Yanti Agustina entitled Juridical Review of the Abolition of Land Property Rights Due to Neglect Reviewed from Article 27 of the Basic Agrarian Law. The study discusses the criteria, legal consequences, and legal protection for land abandonment based on the UUPA.<sup>5</sup> The third research by Muhammad Erwandi, Arba and Widodo Dwi Putro entitled Law Enforcement Against Neglect of Building Use Rights (HGB) by Rights Holders (Case Study in Sekotong District, West Lombok Regency). The study discusses law enforcement and legal consequences for HGB land abandonment in Sekotong District, West Lombok Regency.<sup>6</sup>

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<sup>4</sup> Elbert, Gustianus Fernando, "Analisa Hukum Atas Tanah Hak Milik yang Terlantar Berdasarkan Peraturan Pemerintah No. 20 Tahun 2021 Tentang Penerbitan Kawasan dan Tanah Terlantar", *Jurnal Hukum Adigama*, Vol. 4 No. 12, Desember 2021, h. 1.

<sup>5</sup> Blessinta Joice Sinaga, Sani Chablitta Siregar, Yanti Agustina, "Tinjauan Yuridis Terhadap Hapusnya Hak Milik Atas Tanah Akibat Penelantaran Ditinjau dari Pasal 27 Undang-Undang Pokok Agraria", *Jurnal Ilmiah Indonesia*, Vol. 7 No. 5, Mei 2022, h. 1.

<sup>6</sup> Muhammad Erwandi, Arba, Widodo Dwi Putro, "Penegakan Hukum Terhadap Penelantaran Hak Guna Bangunann (HGB) Oleh Pemegang Hak (Studi Kasus di Kecamatan Sekotong Kabupaten Lombok Barat)", *Jurnal Risalah Kenotariatan*, Vol. 4 No. 1, Januari-Juni 2023, h. 1.

Based on the studies that have been presented, there are differences with this study. This study aims to discuss and analyze the legal consequences of land abandonment in the perspective of justice theory. The formulation of the problem to be discussed in this study is what are the legal consequences of land abandonment in the perspective of justice theory?

## B. Research Method

This research is a normative juridical research with a statute approach. This study used secondary data consisting of primary legal material and secondary legal material. The primary legal materials in this study are Law Number 5 of 1960 concerning Basic Regulations of Agrarian Principles (UUPA), Government Regulation (PP) Number 20 of 2021 concerning the Control of Abandoned Areas and Land (PP Number 20 of 2021) and Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 20 of 2021 concerning Procedures for the Control and Utilization of Abandoned Areas and Land (Minister of ATR / Head of BPN Number 20 of 2021). The secondary material in this study is journals on the legal consequences of land abandonment and the perspective of justice theory.

## C. Results and Discussion

Land has an important role in the economic field that is significant and has strategic value in various aspects, both socially and culturally. Juridically, land is defined as the surface of the earth, and land rights are limited rights to a certain part of the earth's surface with two dimensions, having a length and width. Legal certainty regarding land in Indonesia is regulated in written regulations as an implementation of the Basic Agrarian Law No. 5 of 1960 concerning Agrarian Principles (UUPA). The existence of this regulation, parties who have an interest in understanding the applicable legal provisions, rights, obligations and authorities related to the land owned.<sup>7</sup>

The definition of soil in the Big Dictionary Indonesian is the surface or layer of earth located above it. The definition of land according to the UUPA is contained in Article 4 that what can be called land is that which can be given to and owned by people, either alone or together with other people and legal entities. The UUPA provides a legal basis for the recognition of land rights to individuals, groups, or legal entities, in line with the agrarian principles applicable in Indonesia.

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<sup>7</sup> Firda Sorina Huza, Masyhur, "Tinjauan Hukum Pendaftaran Aset Berupa Tanah Oleh Pemerintah Daerah Kabupaten Lombok Timur", *Juridica*, Vol. 4 No. 2, Mei 2023, h. 50.

Land in general can be classified into two types, namely Land Rights and State Land. Land Rights are land that has been owned with a certain right, such as Right to Use, Right to Build, and Right to Use. These rights grant ownership or use of land to a particular individual or entity for a specific period of time and purpose. The process of acquiring Land Rights usually involves submitting an application to the government, land that initially has the status of State Land can be requested certain rights for desired purposes, for example for agricultural, developmental, or residential purposes. State Land is land directly controlled by the state without any other party having rights to the land. This land includes land that is not given to any party through certain rights and is managed directly by the state for various public purposes, such as land reserves for infrastructure development, green open space, or other strategic interests.

According to the Basic Agrarian Law (UUPA) and the Indonesian Constitution, all land located in the territory of the Republic of Indonesia is generally controlled by the state. This means that the state has the highest authority in regulating, managing, and supervising land use throughout Indonesia. This control by the state aims to ensure that land is used as well as possible for the benefit of the community, maintain the balance of the ecosystem, and support sustainable national development.<sup>8</sup>

Basically, the land must be used optimally for the balance of ecosystems and the environment, economic use and for the welfare of the people. The state grants land rights to holders of the right to use, care for and protect the land as appropriate. In fact, it is not uncommon for land rights to be left unused by rights holders. This results in the land becoming unproductive and potentially causing environmental problems. In addition, unused land can also hinder economic and social development in the area.

The definition of abandoned land in the UUPA is not clearly defined, but Article 27 of the UUPA states that freehold land will fall to the state if the land is abandoned. Article 1 Paragraph (2) of PP Number 20 of 2021 contains a definition of abandoned land, that abandoned land is land of rights, land of Management Rights, and land obtained based on the Basis of Land Tenure, which is deliberately not cultivated, not used, not utilized, and/or not maintained. Abandoned land must be regulated by the state through the government. There are objects of control of abandoned land as stated in Article 7 Paragraph (1) of PP

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<sup>8</sup> Relinawati Simanjuntak, Maarthen Y. Tampanguma, Rudy M. K. Mamangkey, "Tinjauan Yuridis Terhadap Tanah Negara (Lahan Kosong) Yang Dikuasai Oleh Masyarakat", *Lex Administratum*, Vol. 11 No. 4, Mei 2023, h. 3.

Number 20 of 2021, namely land Ownership Rights (HM), Building Use Rights (HGB), Business Use Rights (HGU), Right of Use (HP), Management Rights (HPL), and land obtained based on the basis of land control.

Furthermore, in Article 7 Paragraphs (2), (3), (4), and (5) of PP Number 20 of 2021, it is explained the conditions or criteria for land based on these rights that can be used as objects of regulation of abandoned land, namely:

1. Freehold Land (HM) will become the object of control of abandoned land if it is deliberately not used, not used, and/or not maintained, resulting in the following consequences:
  - a. controlled by the community and become a village area;
  - b. controlled by other parties continuously for 20 (twenty) years without any legal relationship with the Right Holder; or
  - c. the social function of Land Rights is not fulfilled, whether the Right Holder still exists or no longer exists.
2. Land Right to Build (HGB), Right of Use (HP), and Right to Management can become objects of control of abandoned land if it is deliberately not cultivated, not used, not used, and/or not maintained starting from 2 (two) years from the issuance of the right.
3. Land Use Rights (HGU) become the object of regulation of abandoned land if it is deliberately uncultivated, not used, and/or not utilized starting from 2 (two) years from the issuance of the right.
4. Land acquired based on the Land Tenure Policy becomes the object of control of abandoned land if it is in a condition deliberately not cultivated, not used, not utilized, and/or not maintained starting from 2 (two) years from the issuance of the Land Tenure Policy.

The four criteria for land mentioned above, there are 2 (two) types of land that are excluded as objects of abandoned land control, namely land Management Rights of customary law communities and Land Management Rights which become Land Bank Assets. This is stated in Article 8 of PP Number 20 of 2021.

Land neglect is a serious problem. Land neglect can be caused by various factors, such as economic factors, physical factors, community institutional factors, and socio-cultural

factors.<sup>9</sup> Other factors that can influence the occurrence of land abandonment include the inability of landowners to manage or utilize it, ownership conflicts, or even lack of awareness of the importance of optimal use of land.

Quoted from the CNN Indonesia page uploaded on December 15, 2021, the National Land Agency (BPN) noted that there are around 1.2 million hectares of land that show signs of being unutilized in Indonesia. Based on this total, the majority is land with Right to Use (HGU) status, reaching 1.19 million hectares and divided into 1,172 fields. There is land that has the status of Right to Use Building (HGB) covering an area of 67,605 hectares or equivalent to 3,113 fields. Right of Use (HP) land that has a certain time limit reaches 6,043 hectares with 18 plots.<sup>10</sup>

The area of land rights for the HGU category reaches 2.72 million hectares, while for HGB it reaches 82,037 hectares, and HP has a rights area of 7,080 hectares. Based on these data, only about 89,869 hectares have been identified as completely abandoned land. An area of 226 thousand hectares, has been used and removed from the database as abandoned land.<sup>11</sup>

These problems show the importance of effective and sustainable land management. Although control and reuse measures have been taken, there is a large amount of unused land. The data also underscores the need for stronger policies and consistent implementation to optimize land use in Indonesia, in order to support economic growth and community welfare. Especially, attention should be paid to HGU lands that have great potential to improve the agricultural and industrial sectors if put to good use.

Neglect of land must be regulated and enforced. Law enforcement of abandoned land is theoretically in line with the granting of land rights aimed at ensuring that the exercise of such rights does not conflict with applicable legal or regulatory provisions. Once the state grants land rights to individuals or legal entities, those rights turn into private or private rights. The Indonesian legal constitution guarantees and protects the ownership and exercise of such personal rights from interference by any party. The possession and exercise of private rights does not make these rights superior to public rights owned by the state. On a practical

<sup>9</sup> Ahsanal Rizky Ramadhan, Firman Muntaqo, Iza Rumesten RS, "Penertiban Tanah Terlantar dalam Rangka Penatagunaan dan Pemanfaatan Tanah", *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, Vol. 11 No. 1, Mei 2022, h. 102.

<sup>10</sup> Cnnindonesia.com, BPN: 1,2 Juta Hektare Lahan RI Terindikasi Terlantar, sumber: <https://www.cnnindonesia.com/ekonomi/20211214161122-92-733968/bpn-12-juta-hektare-lahan-ri-terindikasi-terlantar>, diakses 10 Januari 2024.

<sup>11</sup> *Ibid.*

level, abandoning land is considered an unlawful act that can result in law enforcement, and this can only be done by the state in the interest of law and justice.<sup>12</sup>

The holder of land rights will not lose or be deprived of his rights to land provided that the holder of the right makes proper use of his land, in accordance with the law, and in accordance with the permits he has. Legal action in the regulation of abandoned land will only be carried out against holders or owners of land rights who deliberately do not care for or utilize the land they own. This is in line with the principle of legal justice which emphasizes the need for accountability in land ownership and management.<sup>13</sup>

The regulation of abandoned land is carried out in several stages, as stipulated in Article 22 to Article 33 of PP Number 20 of 2021. These stages include the evaluation of abandoned land, warning of abandoned land, and determination of abandoned land.

First, the evaluation of abandoned land is carried out with the aim of ensuring that the Right Holder, Management Rights Holder, or Land Tenure Base Holder cultivates, uses, utilizes, and/or maintains the land owned or controlled. Evaluation is carried out by examination of land rights documents. If the evaluation results find that the Right Holder, Management Rights Holder, or Land Tenure Base Holder deliberately does not utilize and manage the land in accordance with its function, a notification letter will be given in advance by the Head of the Regional Office to immediately utilize the land. If within 180 (one hundred and eighty) calendar days since notified there is no follow-up, a warning letter is given.

Second, the warning of abandoned land is carried out 3 (three) times. The letter of explanation is not only submitted to the Right Holder, Management Rights Holder, or Land Tenure Base Holder, but also submitted to the Minister, the dependent rights holder (in the case of land burdened with dependent rights), as well as the heads of agencies that manage state/regional property or assets of state/regional owned enterprises, in the case of land status as state/regional property or assets of state/regional owned enterprises.

Third, the determination of abandoned land, if within 30 (thirty) working days from the third written warning there is no follow-up from the Right Holder, Management Rights Holder, or Land Tenure Policy Holder. The determination of abandoned land includes the

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<sup>12</sup> Gunanegara, 2020, *Tanah Terlantar, Melanggar Hukum. Catatan Sejarah Hukum, Latar Belakang, dan Penegakan Hukum Penertiban Tanah Terlantar*, Gunanegara: Jakarta, h. 4.

<sup>13</sup> *Ibid*, h. 5.

abolition of land rights or management rights, the termination of legal relations, and affirmation as state land of former abandoned land directly controlled by the state.

The act of abandonment of land certainly has legal consequences. Arifin defines legal consequences as something caused by a legal action or event, in the sense that the legal action or event requires an effect.<sup>14</sup> Furthermore, Mochtar and Susanti suggest that legal consequences can be in the form of 3 (three) things, namely: birth or loss of a legal condition, birth or loss of a legal relationship, and sanctions.<sup>15</sup>

These three forms of legal consequences can also be implemented against the consequences of land abandonment as regulated in Government Regulation Number 20 of 2021. After going through several stages in the process of regulating abandoned land, the legal consequences of neglect can be seen in Article 30 PP Number 20 of 2021. In determining abandoned land, it contains the following:

1. In the case of land to be designated as Abandoned Land in the form of land rights or land Right to Management and cover the entire expanse, the determination of Abandoned Land shall also contain:
  - a. abolition of Land Rights or Management Rights. The removal of Land Rights or Management Rights on the abandoned part does not result in the removal of Land Rights or Management Rights on the unabandoned part of the land.
  - b. termination of legal relations; and
  - c. affirmation as state land of former Abandoned Land directly controlled by the state.
2. In the case of land to be designated as abandoned land in the form of Right land or Right of Management land and is part of the expanse, the determination of abandoned land shall also contain:
  - a. abolition of Land Rights or Management Rights on abandoned parts;
  - b. the termination of legal relations between the Right Holder or Management Right Holder and the abandoned part of the land;
  - c. affirmation as state land of former abandoned land directly controlled by the state over the abandoned part of the land;
  - d. an order to make extensive revisions to Land Rights or Management Rights.

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<sup>14</sup> Zainul Arifin, 2018, *Akibat Hukum Penguasaan Tanah yang Ditelanjarikan oleh Pemiliknya*, Skripsi, Universitas Jember, h. 24.

<sup>15</sup> Dewi Astuty Mochtar dan Dyah Ochtorina Susanti, 2012, *Pengantar Ilmu Hukum*, Bayumedia Publishing: Malang, h. 51-52.

3. In the event that the land to be designated as abandoned land is land that has been given the Basis of Tenure Over Land, the determination of abandoned land shall also contain:
  - a. termination of legal relations between the Basic Holder of Land Tenure and the land controlled; and
  - b. affirmation as former abandoned state land directly controlled by the state.
4. In the case of land to be designated as abandoned land with the status of state/regional property or assets of state/regional owned enterprises, the determination of abandoned land also contains recommendations to the heads of agencies that manage state/regional property or assets of state/regional owned enterprises to cultivate, use, utilize, and/or maintain land.

The legal consequences of land abandonment must be seen in terms of justice theory because justice is a basic principle that is the basis for law enforcement and public policy. The theory of justice, as expressed by jurists and philosophers, provides a framework for evaluating whether a legal act meets the standards of justice prevailing in society. In the context of land abandonment, reviewing its legal consequences from a justice perspective ensures that the legal process not only follows existing rules, but also takes into account the resulting social, economic, and moral impacts. This is important to ensure that the act of regulating abandoned land is not only legally valid, but also fair to all parties involved, including land rights holders and the wider community.

According to Notonegoro, justice is a state of justice if it is in accordance with applicable legal provisions<sup>16</sup>. So in this case it can be analyzed that the legal consequences of land abandonment have fulfilled the sense of justice. This is because the regulation of land abandonment is not necessarily done just like that without going through a clear procedure. Notonegoro also stated that something fair is in accordance with legal provisions, so even though the process of regulating abandoned land even though in the end causes legal consequences that are considered detrimental to rights holders, the process is still in accordance with applicable rules, so it does not violate applicable rules. This shows that the regulation of abandoned land is carried out based on the principles of justice and legal compliance. This process is carried out to ensure that unused land can be reallocated in the public interest and welfare of the community. In addition, the regulation of abandoned land is also an effort to optimize sustainable land use, prevent potential agrarian conflicts, and

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<sup>16</sup> I Gde Suranaya Pandit, 2016, *Konsep Keadilan dalam Persepsi Biotika Administrasi Publik, Jurnal Public Inspiration*, Vol. 1, No. 1, Desember 2016, h. 15.

support more equitable national development. Thus, although there are parties who may feel aggrieved, the end goal is to achieve a greater balance in the use of natural resources and social welfare.

Legal justice can be seen in terms of the conformity of an action with laws and regulations. Not only that, aspects of social and economic justice also need attention. In the context of wasteland regulation, social justice can be interpreted as an effort to achieve a more equitable distribution of resources and fair use of land for all communities. This shows that the ultimate goal of wasteland control is to ensure that all levels of society can enjoy the benefits of land resources in a fair and sustainable manner, in line with the principles of legal justice affirmed by Notonegoro.

The legal consequences of land abandonment in the perspective of the concept of justice not only include the dimension of legality, but also involve moral and social considerations. A balance between compliance with the law and the implementation of policies that support social justice is key to achieving balanced and sustainable outcomes in the handling of wastelands. The handling of abandoned land must be carried out by considering all aspects of justice, both in terms of law, morals, and social, so as to provide maximum benefits and justice for all levels of society.

Although the process of regulating abandoned land has a legal effect that removes Land Rights or Management Rights, in its implementation it is not carried out immediately, but rights holders are also given the opportunity to improve land management efforts that have previously been ignored or abandoned. The granting of this right is a manifestation that the regulation of abandoned land is not carried out unilaterally, but still involves the role of the Right Holder, Management Rights Holder, or Basic Land Tenure Holder.

The regulation of abandoned land that causes legal consequences for the rights of Rights Holders, Management Rights Holders, or Basic Land Tenure Holders is in accordance with the mandate outlined in Government Regulation Number 20 of 2021. PP Number 20 of 2021 which regulates the Control of Abandoned Areas and Land also has a positive impact, including the following:

1. provide legal certainty for the utilization of land rights or land management rights resulting from the release of land rights/management rights by land rights holders/management rights holders during the process of regulating abandoned land;
2. Clarify the criteria for freehold land that can be the object of regulation of abandoned land. Wasteland control is an action that requires clear and well-defined criteria in order

to be carried out fairly and effectively. In this context, clarifying the criteria for freehold land that can be the object of regulating abandoned land is an important step in overcoming the problem of land abandonment;

3. provide a legal basis for freehold land that is controlled by another party continuously for 20 years or more without any legal relationship with the Right Holder and becomes a village area so that the land can be directly proposed to be designated as abandoned land;
4. provide a legal basis for the prohibition of legal action against land that has been included in the database of land indicated to be abandoned;
5. provide a legal basis for deletion from the database of land indicated abandoned at the warning stage in the event that it is known that the holder of land rights/holder of management rights/holder of DPAT has carried out his obligation to cultivate, use, utilize, and/or maintain the land he controls or owns at the time of the first, second, and/or third warning;
6. clarify provisions regarding the regulatory process for land that has the status of state/regional property or assets of state/regional owned enterprises only to the evaluation stage; and
7. Clarify transitional provisions, in the context of regulating abandoned land, clarifying transitional provisions is a crucial step to regulate the process of transferring land ownership after regulation.

The regulation of abandoned land is very important to be carried out in line with the fact on the ground where more and more land is not cultivated, not used, not used, and/or not maintained. The regulation of abandoned land is carried out to realize a just life, ensure the sustainability of the Indonesian community and national system, ensure environmental sustainability and sustainability, and strengthen social harmony. In addition, optimization of land tenure, use, and utilization in Indonesian territory is needed to reduce poverty, create jobs, and to improve food and energy security.

#### **D. Conclusion**

Legal consequences of land abandonment can lead to the elimination of Land Rights or Management Rights. The removal of Land Rights or Management Rights on the abandoned part does not result in the removal of Land Rights or Management Rights on the unabandoned part of the land. In addition, it can also cause legal relations and affirmation as state land former Abandoned Land directly controlled by the state. The legal consequences in terms of the theory of justice have fulfilled the values of justice because the regulation of

abandoned land is not carried out unilaterally, but still involves the role of Rights Holders, Management Rights Holders, or Basic Land Tenure Holders.

The target in this study is that it is necessary to socialize the regulation of abandoned land so that the community can better understand and not misperceive, so that the community is more aware of the law that the regulation of abandoned land is in accordance with valid and applicable regulations, and is carried out with an orderly mechanism and does not violate the values of justice.

## BIBLIOGRAPHY

Arifin, Zainul, 2018, *Akibat Hukum Pengusahaan Tanah yang Ditelanlarkan oleh Pemiliknya, Skripsi*, Universitas Jember

Cnnindonesia.com, BPN: 1,2 Juta Hektare Lahan RI Terindikasi Terlantar, sumber: <https://www.cnnindonesia.com/ekonomi/20211214161122-92-733968/bpn-12-juta-hektare-lahan-ri-terindikasi-terlantar>, diakses 10 Januari 2024

Elbert, Gustianus Fernando, "Analisa Hukum Atas Tanah Hak Milik yang Terlantar Berdasarkan Peraturan Pemerintah No. 20 Tahun 2021 Tentang Penerbitan Kawasan dan Tanah Terlantar", *Jurnal Hukum Adigama*, Vol. 4 No. 12, Desember 2021

Erwandi, Muhammad, Arba, & Widodo Dwi Putro, "Penegakan Hukum Terhadap Penelantaran Hak Guna Bangunan (HGB) Oleh Pemegang Hak (Studi Kasus di Kecamatan Sekotong Kabupaten Lombok Barat)", *Jurnal Risalah Kenotariatan*, Vol. 4 No. 1, Januari-Juni 2023

Fatihah, Amiratul, "Kajian Hukum Penertiban Tanah Terlantar Menurut Peraturan Pemerintah Nomor 20 Tahun 2021 Tentang Penertiban Tanah Terlantar", *Jurnal Notarius*, Vol. 2 No. 1, January-Juni 2023

Gunanegara, 2020, *Tanah Terlantar, Melanggar Hukum. Catatan Sejarah Hukum, Latar Belakang, dan Penegakan Hukum Penertiban Tanah Terlantar*, Gunanegara: Jakarta.

Huza, Firda Sorina, & Masyhur, "Tinjauan Hukum Pendaftaran Aset Berupa Tanah Oleh Pemerintah Daerah Kabupaten Lombok Timur", *Juridica*, Vol. 4 No. 2, Mei 2023

Mochtar, Dewi Astuty & Dyah Ochtorina Susanti, 2012, *Pengantar Ilmu Hukum*, Bayumedia Publishing: Malang

Pandit, I Gde Suranaya, 2016, *Konsep Keadilan dalam Persepsi Biotika Administrasi Publik*, *Jurnal Public Inspiration*, Vol. 1, No. 1, Desember 2016

Puspasari, Sukma Nurdiana, 2015, *Problematika Penertiban Tanah Terlantar (Studi Tanah Hak Guna Usaha PT. Sumber Mahardika Graha di Kabupaten Lamandau, Provinsi Kalimantan Tengah)*, Skripsi, Sekolah Tinggi Pertanahan Nasional Yogyakarta

Ramadhan, Ahsanul Rizky, Firman Muntaqo, Iza Rumesten RS, "Penertiban Tanah Terlantar dalam Rangka Penatagunaan dan Pemanfaatan Tanah", *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, Vol. 11 No. 1, Mei 2022

Sibuea, Harris Y. P., "Efektifitas Pengaturan Penertiban Tanah Terlantar", *Kajian*, Vol. 26 No. 1, Desember 2021

Simanjuntak, Relinawati, Maarthen Y. Tampanguma, & Rudy M. K. Mamangkey, "Tinjauan Yuridis Terhadap Tanah Negara (Lahan Kosong) Yang Dikuasai Oleh Masyarakat", *Lex Administratum*, Vol. 11 No. 4, Mei 2023

Sinaga, Blessinta Joice, Sani Chablitta Siregar, & Yanti Agustina, "Tinjauan Yuridis Terhadap Hapusnya Hak Milik Atas Tanah Akibat Penelantaran Ditinjau dari Pasal 27 Undang-Undang Pokok Agraria", *Jurnal Ilmiah Indonesia*, Vol. 7 No. 5, Mei 2022