



### Juridical Analysis of The Control of Abandoned Land Based on Government Regulation Number 20 of 2021 Concerning The Control of Abandoned Areas and Land

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	<b>Abstract</b>
<b>Keywords:</b> <i>Control, Area, Abandoned Land</i>	<i>The aim of the research is to find out about the mechanism for controlling abandoned land based on Government Regulation Number 20 of 2021 concerning Controlling Abandoned Areas and Land and to analyze the legal consequences of determining control over abandoned land. The research method used is normative research, legal materials sourced from primary legal materials, secondary legal materials and non-legal materials, analyzed descriptively qualitatively. Based on the results of research and discussions, it shows that the mechanism for determining areas indicated as abandoned, the authority to carry out an inventory rests with the leadership of state institutions, ministries, non-ministerial government institutions, provincial regional governments, or district/city regional governments. Meanwhile, land indicated as abandoned is carried out by the land office. The stages taken to control abandoned areas and land are: 1) evaluation of abandoned areas and land; 2) warning of abandoned areas and lands; and 3) determination of abandoned areas and land. Based on the evaluation, warnings were carried out 3 (three) times, if they were not heeded, the head of the regional office, within a maximum period of 30 (thirty) working days, proposed the designation of abandoned land to the Minister of Agrarian Spatial Planning. As a legal consequence of determining an area as an abandoned area, this determination can also include: 1) revocation of permits and/ or, 2) confirmation that it is an area controlled directly by the state. Meanwhile, for abandoned land, the determination of abandoned land results in: 1) the abolition of land rights or management rights, 2) the severing of legal relations, and 3) confirmation as state land, former abandoned land which is controlled directly by the state, if only part of it is designated as abandoned land. from the expanse, it can also contain orders to carry out extensive revisions of land rights.</i>
<b>Kata Kunci:</b> <i>Penertiban, Kawasan, Tanah Terlantar</i>	<b>Abstrak</b> Tujuan penelitian untuk mengetahui tentang mekanisme penertiban tanah terlantar berdasarkan Peraturan Pemerintah Nomor 20 Tahun 2021 tentang Penertiban Kawasan dan Tanah Terlantar dan untuk menganalisis akibat hukum atas penetapan

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penertiban tanah terlantar tersebut. Metode penelitian yang dipergunakan jenis penelitian normative, bahan hukum bersumber dari bahan hukum primer, bahan hukum sekunder dan bahan non hukum, dianalisis secara deskriptif kualitatif. Berdasarkan hasil penelitian dan pembahasan menunjukkan bahwa mekanisme penetapan untuk kawasan terindikasi terlantar, kewenangan untuk melakukan inventarisasi berada pada pimpinan lembaga negara, kementerian, lembaga pemerintah non-kementerian, pemerintah daerah provinsi, atau pemerintah daerah kabupaten/kota. Sedangkan untuk tanah terindikasi terlantar dilaksanakan oleh kantor pertanahan. Tahapan yang dilakukan untuk penertiban kawasan dan tanah terlantar adalah: 1) evaluasi kawasan dan tanah terlantar; 2) peringatan kawasan dan tanah terlantar; dan 3) penetapan kawasan dan tanah terlantar. Berdasarkan evaluasi dilakukan peringatan sebanyak 3 (tiga) kali, apabila tidak diindahkan maka kepala kantor wilayah dalam jangka waktu paling lama 30 (tiga puluh) hari kerja mengusulkan penetapan tanah terlantar kepada Menteri Agraria Tata Ruang. Akibat hukum ditetapkannya suatu kawasan menjadi kawasan terlantar, maka penetapan tersebut juga dapat memuat :1) pencabutan Izin dan/atau, 2) penegasan sebagai kawasan yang dikuasai langsung oleh negara. Sedangkan untuk tanah terlantar, penetapan tanah terlantar mengakibatkan: 1) hapusnya hak atas tanah atau hak pengelolaan, 2) putusya hubungan hukum, dan 3) penegasan sebagai tanah negara bekas tanah terlantar yang dikuasai langsung oleh negara, jika yang ditetapkan sebagai tanah terlantar hanya sebagian dari hamparan, maka dapat juga memuat perintah untuk melakukan revisi luas hak atas tanah.

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## INTRODUCTION

Land is the main source for Indonesian farmers in increasing the production of agricultural products to support the country's food security.<sup>1</sup> Based on the provisions of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) outlines that the earth, water, and natural resources contained in it are controlled by the State and used as much as possible for the prosperity of the people. As a norm of authority (bevoegdheidsnorm).<sup>2</sup>

The implementation of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia was then born Law Number 5 of 1960 concerning the Basic Regulation

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<sup>1</sup> Hikmah, N., & Pranata, E. O, 2023, Cooperative Farming: Sebuah Strategi Menuju Ketahanan Pangan Berkelanjutan. *The Journalish: Social and Government*, 4(5).

<sup>2</sup> Sigit Sapto Nugroho, I Wayan Kartika Jaya Utama, 2023, *Pokok-Pokok Hukum Agraria Indonesia*, Lakeisha, Klaten, hal.41

of Agrarian Principles (hereinafter referred to as UUPA). The UUPA is prepared based on eight basic principles as explained in the general explanation of the UUPA, namely:<sup>3</sup>

1. The principle of nationalism (Article 1 jo. Article 9 paragraph (1) of the UUPA);
2. The principle of the right to control the State and the abolition of domain statements (Article 2 of the UUPA);
3. The principle of recognition of customary rights (Article 3 of the UUPA) and the basis of recognition of customary law as the basis of national agrarian law (Article 5 of the UUPA);
4. The principle of social function of land rights (Article 6 of the UUPA);
5. The principle that only Indonesian citizens can have property rights (Article 9 Jo. Article 21 paragraph (1) of the UUPA);
6. The principle of equality between men and women (Article 9 paragraph (2) of the UUPA);
7. Principles of agrarian reform and land reform (Articles 7, 10, and 17 of the UUPA);
8. Principles of land planning (Article 14 of the UUPA).

Land has a fairly broad meaning not only in physical aspects, but also in economic, cultural, social, political, legal, economic, production, defense and security aspects. Land is an asset that can realize a just and prosperous Indonesian society.<sup>4</sup> As an agrarian country, the people of Indonesia depend on agricultural products for their livelihoods.<sup>5</sup>

Regulation on abandoned land is needed to improve the welfare of the community and land rights holders. This is hoped that there will be no land neglect in the future. Because in reality there are currently many land abandonments that have an impact on the community.<sup>6</sup> Government Regulation Number 20 of 2021 related to the Control of Abandoned Areas and Land, hereinafter referred to as PP 20/2021, which explains the difference between abandoned areas and abandoned land, where the difference lies in the attachment of Land Rights. Abandoned areas are indeed areas that do not have Land Rights, while abandoned land basically has only been abandoned by its owners.

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<sup>3</sup> Ibid, hal 51-69

<sup>4</sup> Yasir, M, 2023, Sinergitas Antara Lembaga Pemerintahan, Non Pemerintahan, dan Masyarakat untuk Mewujudkan Reforma Agraria di Kabupaten Bojonegoro. *Binamulia Hukum*, 12(1), 1-10.

<sup>5</sup> Pandamdari, E, 2023, Penguatan Reforma Agraria Untuk Kemakmuran Rakyat Dalam Perspektif Hukum Tanah Nasional. *Jurnal Hukum Nawasena Agraria*, 1(1), 49-63.

<sup>6</sup> Sinjar, M. A., Yuli, Y., & Lewoleba, K. K, 2023, Pemanfaatan Tanah Terlantar Dan Problematika Hukumnya. In Prosiding *Seminar Nasional Pengabdian Kepada Masyarakat* (Vol. 4, No. 1, pp. NPPM2023SH-116).

When examining from the considerations, some of the considerations for the birth of the Government Regulation are:<sup>7</sup>

1. Implement the provisions of Article 180 of Law Number 11 of 2020 concerning Job Creation;
2. Implement the provisions of Articles 27, 34, 40 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles related to the abolition of land rights due to abandonment;
3. Prevention and control of abandoned land with the aim of eliminating the negative impact of the abandonment of the land, as mandated by the 1945 Constitution and UUPA.
4. Replacing Government Regulation Number 11 of 2010 concerning the Control and Utilization of Abandoned Land.

The criteria for abandoned land according to Article 1 number 2 of PP 20/2021 are:<sup>8</sup>

- a. Land of Ownership but not used by other parties for 20 years so that the social function is not fulfilled whether there is a right holder or not.
- b. Land for Building Rights, Use Rights, and Management Rights that are not cultivated starting from 2 years from the issuance of the right.
- c. Land with uncultivated business use rights starting from 2 years from the grant of rights.
- d. Tamah on the basis of unattempted control starting from 2 years from the issuance of the basis of control.

The existence of abandoned land is still a fairly complicated problem, and the process of solving it tends to be protracted. In fact, the regulation regarding this matter has been clearly contained in Article 2 paragraph 1 of the UUPA and Article 33 paragraph 3 of the 1945 Constitution which states that control is carried out by the state.<sup>9</sup>

Based on this description, the author is interested in examining problems related to the management of abandoned land based on Government Regulation Number 20 of 2021

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<sup>7</sup> Koesiderans Peraturan Pemerintah Nomor 20 Tahun 2021 tentang Penertiban Kawasan Dan Tanah Terlantar.

<sup>8</sup> Pasal 1 angka 2 Peraturan Pemerintah Nomor 20 Tahun 2021 tentang Penertiban Kawasan Dan Tanah Terlantar

<sup>9</sup> Ramadhan, A. R., Muntaqo, F., & Rumesten, I, 2022, Penertiban Tanah Terlantar Dalam Rangka Penatagunaan Dan Pemanfaatan Tanah. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 11(1), 92-103.

concerning the Management of Abandoned Areas and Land, by formulating the following problems:

1. What is the mechanism for controlling abandoned land based on Government Regulation Number 20 of 2021 concerning the Control of Areas and Abandoned Land?
2. What are the legal consequences for the determination of the control of abandoned land?

## RESEARCH METHODS

This research uses a type of normative juridical research, namely legal research that lays the law as a building of a norm system. The norm system in question is about the principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings).<sup>10</sup> The sources of legal materials include: primary legal materials, namely: 1) the 1945 Constitution; 2) Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA); 3) Law Number 11 of 2020 concerning Job Creation, as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law; 4) Government Regulation Number 20 of 2021 concerning the Control of Abandoned Areas and Land; 5) Regulation of the Minister of ATR/BPN Number 20 of 2021 concerning Procedures for the Control and Utilization of Abandoned Areas and Land. Secondary legal materials consist of books or legal journals that contain basic principles (legal principles), views of legal experts (doctrines), results of legal research, legal dictionaries and legal encyclopedias as well as non-legal materials.

The collection of legal materials is carried out by conducting library research on legal materials, both primary legal materials, secondary legal materials and non-legal materials.<sup>11</sup> Meanwhile, the analysis of legal materials is carried out in a qualitative descriptive manner.

## RESULTS AND DISCUSSION

### Mechanism for Controlling Abandoned Land Based on Government Regulation Number 20 of 2021 concerning the Control of Abandoned Areas and Lands

The problem of abandoned land is very crucial in terms of area and urgency of its use faced with the reality of land tenure inequality in Indonesia today. Inequality of land tenure is

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<sup>10</sup> Sigit Sapto Nugroho, Anik Tri Haryani, Farkhani, 2020, *Metodologi Riset Hukum*, Oase Pustaka Surakarta, hal. 29

<sup>11</sup>*Ibid*, hal 70

one of the strategic issues in the field of land, inequality of ownership, control, use, and utilization of land which is characterized by a small number of people controlling most of the land and vice versa, most people only control land with a small area. On the other hand, the condition of ownership of very large assets is not proportional to the ability to manage them, because not all land rights that have been granted are properly managed by the rights holders, resulting in a large amount of abandoned land. So that the land loses its economic and social function, there are also many prolonged conflicts in areas that have been designated as abandoned land.<sup>12</sup>

Abandoned land will also interfere with the course of development considering the increasingly limited land supply and the increasing need for land for development, besides that the existence of abandoned land will cause the growth of slum areas that reduce the beauty and reduce the efficiency of land use and can cause unwanted social problems. In addition, the existence of abandoned land will reduce the meaning and function of land rights that function socially.<sup>13</sup>

After the issuance of PP 20/2021 concerning abandoned land, anyone who is proven to have abandoned the land will be disciplined for the benefit of the people, the nation and the State. So far, land neglect has made the access of the community, the government, and the business world to land closed. The State losses born from the loss of benefits due to land neglect are very large.

The regulation of land control, ownership and use needs to be more directed in order to ensure order in the field of land law, land administration, land use, or land and environmental maintenance so that the provision of legal certainty in the field of land law can be realized. Abandoned land is land that has been granted rights by the State, in the form of property rights, business use rights, building use rights, use rights, and management rights, but this land is not used in accordance with its designation and is left abandoned.

The number of objects indicated as abandoned land in Indonesia is a problem in itself. This is Given the fact that land is a non-renewable natural resource and considering the importance of land for human life. Indonesia as an agrarian country views the importance of regulating land control and maximum utilization.

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<sup>12</sup> Akramin, A., Riwanto, A., & Subekti, R., 2022, Perlindungan Hukum terhadap Pemegang Hak Atas Tanah Terlantar di Wilayah Bekas Konflik. In *Proceeding of Conference on Law and Social Studies*.UNIPMA, hal 7

<sup>13</sup> Sinjar, M. A., Yuli, Y., & Lewoleba, K, 2023, Op-Cit

According to Article 7 of PP 20/2021, the criteria for abandoned land are divided into four parts: Part One regarding land Ownership Rights, Business Use Rights, Building Use Rights, Use Rights, and Management Rights as well as land obtained based on the Basis of Land Ownership. Based on the explanation in Regulation PP 20/2021 concerning the Control of Abandoned Land Areas, it is considered ineffective in accommodating the problems faced in the implementation of the control and utilization of Abandoned Land. These problems include objects, warning periods, procedures for removing land that has been used from the database of abandoned land, and so on.<sup>14</sup>

Based on the provisions of PP 20/2021 concerning the Management of Abandoned Areas and Land, the formulation of the criteria for abandoned land is determined that abandoned land is land that has been granted rights by the State in the form of Ownership Rights, Business Use Rights, Building Use Rights, Use Rights, and Management Rights, or the basis of control over land that is not cultivated, not used, or not utilized in accordance with the existence or nature and purpose of granting rights or the basis of its control, and warnings to rights holders and related agencies according to its provisions are 1 month after the first warning letter is sent, 1 month after the second warning letter, and 1 month after the third warning in accordance with Article 8 paragraphs (1), (2), (3), (4), (5), and (6) Then in Article 6 of Government Regulation Number 11 of 2010 it is stated that identification and research are carried out: starting from 3 (three) years from the issuance of the Right to Ownership, Building Rights, Use Rights or from the expiration of permits/decisions/primaries of control over land and authorized officials, the rules change in PP 20/2021 regarding the period of written warning in namely the first warning of 180 days, the second warning of 90 days, and the third warning of 45 days as explained in article 15 paragraph (1), (2),(3),(4),(5),and (6) and according to Article 7 shall not be used for 2 consecutive years as permitted for land with Building Rights, Business Use Rights, Use Rights and Management Rights.

Along with the dynamics of national development, in addition to Abandoned Land, currently based on facts on the ground there are also quite a lot of Abandoned Areas. The Abandoned Area is a non-forest area that has not been attached to the rights to land that already has, concessions/business licenses, which are deliberately not cultivated, not used, and/or not utilized.

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<sup>14</sup> Sukananda, S, 2020, Politik Hukum Pengaturan Penertiban Dan Pendayagunaan Tanah Terlantar Di Indonesia. *Jurnal Politik Hukum Indonesia*, Vo. 6 No.5, hal 105.

Based on the hierarchy of land control rights, the right to control from the state is the embodiment and right of the nation to authorize the state to regulate the use, cultivation and allocation of land, the implementation of which can be given to individuals/individuals or legal entities in the form of land rights. Land rights give authority to the right holder to use their land.<sup>15</sup>

In addition, land rights determine the obligations that must be carried out by land rights holders. Article 10 of the UUPA states that every person and legal entity that has a right to agricultural land is basically obliged to actively work or cultivate themselves, by preventing extortion methods. Then Article 15 states that preserving the land, including increasing its fertility and preventing its damage is the obligation of every person, legal entity or agency that has a legal relationship with the land by paying attention to economically weak parties.

Land rights holders who do not carry out their obligations in accordance with the provisions of Article 27 letter a number 3, Article 34 letter e, Article 40 letter e which determines all land rights will be erased and fall into the hands of the state if the land is abandoned. Juridically, land rights are deleted if they are canceled by the authorized officials as a sanction for the non-fulfillment of these obligations or the violation of a prohibition by the right holder concerned. Furthermore, Boedi Harsono stated that the official's decision was constitutional, in the sense that the rights concerned were only abolished with the issuance of the decree. If the primary land rights are removed, then the land concerned becomes state land.<sup>16</sup>

So it can be said that the status of abandoned land eventually becomes state land or returns to the right of state control. Furthermore, it can be handed over to other subjects to be immediately re-empowered or re-attempted. The authority to control abandoned land is the authority of a delegation from the government (President) to the National Land Agency of the Republic of Indonesia. This provision is implied in Article 11 paragraph (1) of PP 20/2021 which states that: "Land inventory indicated to be abandoned is carried out by the Land Office." In the implementation of the control of abandoned land, a committee was formed. The membership structure is formed by the Head of the Regional Office of the National Land Agency (Article 23 paragraph 2 PP 20/2021). Seeing these provisions, there is a blurring of norms because the relevant agencies in question are not clear. As a follow-up to the provisions

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<sup>15</sup> Soedikno Mertokusumo, 2018, *Hukum Dan Politik Agraria*, Edisi Revisi Universitas Terbuka. Kanurika. Jakarta, hal.56

<sup>16</sup> Boedi Harsono, 2016, *Hukum Agraria Indonesia*, Jilid 1, Universitas Trisakti, Jakarta, hal 89



of Article 23 of PP 20/2021, the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 20 of 2021 concerning Procedures for the Control and Utilization of Abandoned Land was issued.

### **Legal Consequences for the Determination of Abandoned Land Control**

The increasing number of lands that are abandoned by their owners needs to receive serious attention from the Government, both central and regional, to control abandoned lands because it will interfere with the course of development. In fact, these abandoned lands, if utilized, can provide welfare to the community and can contribute to regional and state income.<sup>17</sup>

Characteristics of abandoned land, namely:<sup>18</sup>

1. The land has been granted by the state in the form of property rights, business use rights, building use rights, use rights, and management rights or the basis of land management;
2. The land is not cultivated, used, or utilized in accordance with its circumstances or the nature and purpose of granting rights or the basis of its control.

The government through Government Regulation 20/2021 concerning the Management of Abandoned Areas and Lands 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 Wastelands has mandated all parties who have land rights to use, maintain and utilize the land rights that have been granted by the state in accordance with the principles of land function by utilizing to the land he controls so that it is beneficial for him, the wider community, the nation and the state. Ways to utilize the land include cultivating the soil so that its fertility increases by making the land it controls as agricultural land. The facts in the field, especially are still rampant allegations of land abandonment.

As for after being designated as an abandoned area, the determination also contains: 1) Revocation of permits/concessions/business licenses; 2) Affirmation as an area directly controlled by the state. As for abandoned land, in its determination it is also contained: 1) If abandoned land is in the form of land rights or land with management rights and constitutes

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<sup>17</sup> Fauzie Kamal Ismail, *Pendayagunaan Tanah Negara Bekas Tanah Terlantar Melalui Program Reformasi Agraria*, *Lex Jurnalica*, Vol. 10, No. 2, Agustus 2013, hal. 122.

<sup>18</sup> Ni Nyoman Adi Asti, *Akibat Hukum Terhadap Penelantaran Tanah Hak Guna Bangunan*, *Jurnal Ilmu Hukum Tambun Bungai*, Vol. 5, No. 2, September 2018, hal. 806.

the entire expanse: a. Abolition of land rights or management rights; b. Break up legal relationships; c. Affirmation as state land is a former abandoned land directly controlled by the state. 2) If the abandoned land is in the form of land rights or land with management rights and is part of the expanse: a. Abolition of land rights or management rights on abandoned parts; b. Termination of legal relations between the holder of rights or management rights and the abandoned part of the land; c. Affirmation as state land is a former abandoned land that is directly controlled by the state over the part of the abandoned land; d. An order to revise the area of land rights or management rights. 3) If the abandoned land is land with the basis of land control: a. Termination of legal relations with the holder of the basis of control over land; b. Affirmation as state land is a former abandoned land that is directly controlled by the state.

The legal consequences for parties who neglect land include<sup>19</sup> 1) Land that has been declared as abandoned land becomes land controlled by the state; 2) To the former right holder or the party who has obtained the basis of control over the land which is later declared as abandoned land, compensation is given in the amount of the acquisition price which based on the existing written evidence has been paid by the person concerned to obtain the right or basis for the control of the land which is determined by the Minister; 3) The right holder or the party who has obtained the basis of control over the land has incurred costs to build physical infrastructure or buildings on the land that is declared abandoned, the amount that has been spent is considered in the determination of compensation; 4) Compensation is charged to the party who is determined by the Minister as the new holder of the right to the land.

The legal consequences contained in the UUPA include the following:

1. Article 15 regulates the maintenance of land is the obligation of every person, legal entity or agency that has a legal relationship with land;
2. Article 27 stipulates that the right to property be removed if the land falls to the State because it is abandoned;
3. Article 34 regulates the right to use business deleted because it is abandoned;
4. Article 40 regulates the right to use a building to be deleted because it is abandoned.

The government through several provisions of these laws and regulations has regulated the legal consequences for all land rights owners who abandon the land they control, but unfortunately until now there is no definite benchmark regarding how the condition or

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<sup>19</sup> Tutiek Retnowati, 2018, Tinjauan Yuridis Perlindungan Hukum Pemilik Hak Atas Tanah Terlantar, *Lex Journal : Kajian Hukum & Keadilan*, Vol. 1, No. 2, 2018, hal. 285.

condition of a land can be considered abandoned so that the assessment is still only limited to the subjective land rights holders, there has not been an assessment of the condition or land controlled by the owner of the right to the land.

Land that has been designated as abandoned land, a right to land will be automatically deleted for the sake of law and if the right is deleted for the sake of the law, it means that there is a transfer of land rights that were previously owned by individuals, groups of people or legal entities, then it will automatically turn into the right to land of the State as a land regulator in Indonesia so that the purpose and function of the land can be applied as it should.

Abandoned land in Indonesia is not new in the course of the Agrarian Law order in this country. Since the issuance of the UUPA as the basis for land regulations in Indonesia, it has been stated that one of the causes of the abolition of land ownership rights due to abandonment is contained in Article 27 letter a number 3 of the UUPA on Property Rights, Article 34 letter e of the UUPA on Land Use Rights, and Article 40 letter e of the UUPA on Land Use Rights for Buildings. It is clear that the UUPA does not justify the holder of land rights not to utilize the land owned as the basis for applying for land rights.

Land rights granted by the State to every citizen or legal entity, provide legal consequences to the holder of land rights to use his land in accordance with the designation and requirements as stipulated in the decision on granting his rights and to cultivate the lands himself, and especially not to abandon them. Awareness is a very basic thing for land use. The lack of awareness from land rights holders to carry out business development and the use of the land can trigger land abandonment. Neglect carried out by rights holders results in the reduced value of the land owned, especially for people who are in the location where the abandoned land is located.<sup>20</sup>

Land neglect is a wrong act because of the negative impact that can arise. The impact that may occur is the increasing social gap which, if left unattended without strict regulations, can cause social conflicts between communities. In addition, if the government does not expressly regulate abandoned land, slowly but surely the state will receive the impact in the form of weakening the nation's economy and decreasing the stability of the availability of domestic food reserves.

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<sup>20</sup> Ikhsan Budiman, 2018, *Kajian Atas Penentuan Syarat Peralihan Hak Atas Tanah Yang Bersertifikat Tanpa Akta Pejabat Pembuat Akta Tanah*, Tesis, (Tidak diterbitkan, Magister Kenotariatan Fakultas Hukum, Universitas Sumatera Utara, Medan, hal. 106.

The problem of abandoned land is not easy to solve. In terms of physical conditions, we can say that the land is abandoned land because the land has not been used for a long time and the land has been overgrown with weeds. However, juridically, it is not easy to declare a piece of land abandoned or not, because an inventory and data search must be carried out in order to arrive at the process of a piece of land being designated as abandoned land. Efforts to bring order to inequality in land ownership and use, the government in this case is carried out by the National Land Agency to implement a program to control abandoned land. Controlling abandoned land is a form of government activity to realize Agrarian Reform.

Land control is carried out based on PP 20/2021 concerning the Management of Abandoned Areas and Lands. In an effort to implement the management of abandoned land, the Government Regulation is supported by the 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.

The form of legal protection provided by the government to property rights holders of abandoned land based on PP 20/2021 concerning the Control of Abandoned Areas and Lands and the 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 Lands is associated with the theory of preventive legal protection, which is a form of protection provided by the government with The purpose of preventing the occurrence of a violation in the context of land neglect is a form of legal protection given to the holder of ownership of land designated as abandoned land in the form of providing a written warning that the land is indicated as abandoned land with the aim that the holder of the title to the land knows and is willing to use and utilize the land.

## **CONCLUSION**

The mechanism for controlling abandoned land is based on Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land, Determination for areas indicated to be abandoned, the authority to conduct an inventory lies with the leadership of state institutions, ministries, non-ministerial government agencies, provincial local governments, or regency/city local governments. As for the land indicated to be abandoned, it is carried out by the land office. The stages carried out for the control of

abandoned areas and land are: 1) evaluation of abandoned areas and land; 2) warnings of abandoned areas and lands; and 3) determination of abandoned areas and land. Based on the evaluation, warnings are carried out 3 (three) times, if they are not heeded, the head of the regional office within a maximum period of 30 (thirty) working days proposes the determination of abandoned land to the Minister of Agrarian and Spatial Planning.

As a result of the Law on the Determination of Abandoned Land Control, with the designation of an area as an abandoned area, the determination can also contain: 1) revocation of the Permit and/or, 2) affirmation as an area directly controlled by the state. As for abandoned land, the determination of abandoned land results in: 1) the abolition of land rights or management rights, 2) the termination of legal relations, and 3) the affirmation as state land of former abandoned land directly controlled by the state, if what is designated as abandoned land is only a part of the expanse, then it can also contain an order to revise the area of land rights. Thus, the provisions of Government Regulation Number 20 of 2021 have expanded the authority to the state to take over abandoned lands, which were previously limited to abandoned land, now it has been expanded to include abandoned areas.

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Peraturan Pemerintah Nomor 20 Tahun 2021 Tentang Penertiban Kawasan dan Tanah Terlantar;

### Book

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