

Juridical Analysis of the Determination of Abandoned Land by the Government on Land Owned by the Community

Hanifah Fairuz Wibowo¹; Taupiqqurrahman².

Faculty of Law, National Development University "Veteran" Jakarta, Depok, West Java, Indonesia

E-mail: hanifahfairuz04@gmail.com, taupiqqurrahman@upnvj.ac.id

Manuscripts received : 17/10/2025, Revision and Review : 17/11/2025, Approved 17/12/2025

Abstract

The research was conducted to legally analyze the regulations and mechanisms for determining abandoned land by the government for community-owned land and to examine the potential legal impacts arising from this policy. Land has an important position in the lives of Indonesian people, but when land is not utilized according to its intended purpose, the state has the authority to determine it as abandoned land, which is sourced from the provisions of Law Number 5 of 1960 concerning the Basic Agrarian Law, Government Regulation Number 20 of 2021, and Regulation of the Minister of ATR/BPN Number 20 of 2021. This type of research is normative legal research with data collection techniques through library research, the results obtained are that the mechanism for determining abandoned land includes the stages of inventory, evaluation, warning, and determination by the Minister of Agrarian Affairs and Spatial Planning. This policy has a positive impact in realizing equitable control and utilization of land through redistribution and agrarian reform, while supporting national development goals. However, on the other hand, there is the potential for negative impacts such as agrarian conflict, loss of land ownership rights, legal uncertainty, and social unrest if the determination procedure is carried out without regard to the principles of justice and community participation. Therefore, regulations are needed to be more clear, transparent, and equitable so that the implementation of the determination of abandoned land truly reflects legal protection and community welfare.

Keywords: *Abandoned Land, Property Rights, Agrarian*

A. Introduction

Soil is the earth's surface that plays a crucial role in all joints of life, both social, economic, and cultural of the Indonesian people. As a country with an agrarian character, the governance and use of land in Indonesia is regulated strictly and in detail through various regulations, especially Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). It is known that in agrarian law, land is not only seen as a physical asset, but also an object of rights that can be owned, controlled, and utilized by

various groups, both individuals, legal entities, and the state.¹ Constitutionally, Article 33 paragraph (3) of the 1945 Constitution emphasizes that all natural resources under the control or territory of a country must be used solely for the maximum benefit to increase the prosperity of the people.² This provision affirms the principle that all management and utilization of natural resources, including land, must be directed to the welfare of the community at large and fair. Along with these principles, if the land owned by the community is not cultivated, not actively used, not optimally utilized, or not properly maintained, the government has the authority to determine the abandoned land. This allows the government to revoke land rights for effective management purposes. The regulation regarding this matter is regulated in Government Regulation Number 20 of 2021, and refers back to the main provisions in the UUPA, which together provide a legal basis for government actions in dealing with abandoned land for the prosperity of the community and orderly land administration.

Based on the provisions of Article 7 paragraph (2) of Government Regulation Number 20 of 2021, it is explained that land with property rights can be designated as an object of control of abandoned land if the right holder deliberately does not use, does not use, and/or does not maintain the land. Such a condition can cause several consequences, namely the land is then taken by the community until it develops into a densely populated area, the land is used by others for twenty years without a valid legal relationship with the owner of land ownership, or social functions are not carried out.³ If you look at the Regulation of the Minister of ATR/BPN RI as the implementing regulation, basically the government can carry out the process of determining abandoned land 2 years after the right is issued, this applies to all land rights. However, if you look at it in the context of land with a title of ownership, of course, this provision is very unfair and causes legal uncertainty, because the time is considered very short for land, especially with the basis of ownership. So in this provision, it has not provided a detailed explanation of the exact period that is the basis for declaring a land title to be unproductive.

Land ownership has the principle that property rights can be given from generation to generation with the strongest and fullest legal force. If we understand one by one, this hereditary nature shows that the rights to the land can be passed down or transferred to the family, heirs or other people who are qualified and legal to receive the property rights as stated in the Civil Code. The strength of property rights is indicated by the absence of a specific time limit for use so that it cannot be easily removed because it does not depend on or be dependent on other land rights. The fullest principle of property rights is all-encompassing and most complete to be used for various purposes.⁴

In principle, the Indonesian government has tried to regulate strictly the legal

¹ Arba H.M, 2015, *Indonesian Agrarian Law*, Sinar Grafika: Jakarta, p. 11.

² Article 33 of the 1945 Constitution of the Republic of Indonesia.

³ Article 7 Paragraph 2 of Government Regulation (PP) Number 20 of 2021 concerning the Management of Abandoned Areas and Land

⁴ Winanti, A., Taupiqurrahman, & Agustanti, R. D. (2021). Increasing the status of building use rights to property. *Journal of Indonesian Community Service*, 3(2), p. 435

consequences that arise for land rights holders who deliberately abandon or do not use the land under their control. This arrangement is outlined in various laws and regulations that are prepared to create order in land tenure and prevent inequality in land distribution.⁵ If reviewed further, regulations regarding abandoned land are basically designed so that land management in Indonesia can be carried out more optimally, both in terms of the quality of land use and in terms of improving the welfare of the community at large. Unused land also has the potential to hinder the successful achievement of various national development goals, especially those related to the provision of land for housing, agriculture, and public facilities.⁶ From the perspective of agrarian law, the state can grant land rights to certain individuals, legal entities, or institutions so that the land can be managed, utilized, and maintained responsibly. Therefore, the existence of regulations that regulate abandoned land is very important and relevant, because it functions as a legal instrument to prevent the abuse of land rights and ensure that land continues to provide optimal benefits for common life.

However, in practice there are still a number of weaknesses in the regulation related to abandoned land. Until now, there is no clear and detailed standard regarding conditions or criteria that can be objectively used to determine when a plot of land can be declared unproductive and as abandoned land. The absence of specific regulations regarding these criteria, including a certain period of time that can be used as a basis for assessment, creates a vacuum in norms and a blurring of legal rules that have the potential to have negative impacts, such as conflicts of interest between the state and rights holders, and increase the risk of legal uncertainty in society.⁷ This situation becomes even more complex when it is linked to the practice of communities who use land not for direct use, but as a long-term investment asset or as a form of hereditary inheritance. Many rights holders continue to carry out their obligations, for example, routinely pay land and building taxes, but do not immediately use the land because it is positioned as an economic instrument or guarantee of future welfare. In such conditions, the lack of clarity on regulations regarding abandoned land can cause losses for the rights holders, as well as make it difficult for the government to balance the interests of individuals with the interests of the public.

Based on this explanation, the researcher made this article to answer the question of how the regulations and mechanisms apply in determining abandoned land to land ownership? What are the potential impacts caused by the determination of abandoned land by the government on land ownership?

B. Research Methods

The research method applied to this research uses a normative juridical method, with

⁵ Muchtar Wahid, 2008, *Interpreting the Legal Certainty of Land Title*, Republika Publisher: Jakarta, p. 126.

⁶ Farhan Z. & Amad S., 2023, *Determination of Abandoned Land as a Form of Legal Protection and Certainty in the Management of Abandoned Land Areas*. UNES Law Review, Vol. 6 No. 2,

⁷ Rastra A. I., Fendi S., & Moh Ali, 2023, *The Authority of the National Land Agency in the Management and Utilization of Abandoned Lands*. HUKMY: Journal of Law, Vol. 3 No. 1, pp. 308-329.

the study of doctrines, principles, and basic principles in law. The focus of this research is on written laws and regulations and various other legal sources relevant to the research. The approach in normative legal research includes several main dimensions, namely the examination of legal principles, legal systematics, historical developments of laws and regulations, and comparative analysis of laws in order to obtain a comprehensive understanding of the problems being studied.⁸ The researcher uses data collection techniques through *library research*, which includes the study of various relevant legal materials and literature, such as the results of previous research, scientific books, laws and regulations, and other library sources.

C. Results and Discussion

a. Applicable Arrangements and Mechanisms in the Determination of Abandoned Land to Title Land

Abandoned land is known as land with the granting of ownership rights by the state to certain individuals or legal subjects through the issuance of a basis of rights, but it is not utilized, not used productively, and/or not cared for as it should be so that the social functions attached to the land are not fulfilled. In such a situation, the state has the authority to carry out procedures and determine that land is considered abandoned, which can then be transferred to state land without ownership by anyone. However, the determination of a plot of land as abandoned land should not be done arbitrarily, but must go through systematic mechanisms and stages and in accordance with applicable legal regulations. This procedure requires quite a long time and administrative process, as stipulated in Government Regulation Number 20 of 2021 and Regulation of the Minister of ATR/BPN RI Number 20 of 2021 as the implementing regulations. This regulation describes in detail the stages, mechanisms, and administrative requirements that must be met so that the determination of abandoned land has strong legal legitimacy and is carried out objectively, transparently, and fairly for all parties involved. Thus, the determination of abandoned land is a form of planned and proportional law enforcement, with the aim of realizing orderly land administration, maintaining public interests, and optimizing land use for community prosperity.⁹

The object of controlling abandoned land is explicitly regulated in Article 7 paragraph (1) of Government Regulation Number 20 of 2021. The provision emphasizes that the object of regulation includes all types of land rights. This regulation emphasizes that every form of land rights without exception, contains an obligation to be used and utilized according to its designation, including proprietary land. Furthermore, Article 7 paragraph (2) also provides further elaboration on the criteria for land with property rights that can be used as the target of the management

⁸ Bambang Waluyo, 2002, *Legal Research in Practice*, Sinar Grafika, Jakarta, p. 14.

⁹ Mujiburohman, D. A., & Soetarto, E. (2019). *Law Enforcement of the Control and Utilization of Abandoned Land*. Yogyakarta: STPN Press and Amongkarta, p. 23.

of an abandoned land. Proprietary land is defined as abandoned land if the owner deliberately does not use, utilize, and maintain the land. These conditions can cause legal consequences, including that the land is illegally controlled by the community and develops into a settlement, or controlled by other parties continuously for a period of twenty years without a valid legal basis. In addition, title land can also be categorized as abandoned land if the social functions attached to the right are not fulfilled, both when the right holder is still alive and after the person concerned dies. Thus, it can be known that the determination of tenure land as one of the objects of management of abandoned land must meet a number of certain legal criteria:¹⁰

- 1) There is a legal subject in the form of a legal owner or holder of land rights.
- 2) There are land objects that are land with a certain right status that should be cultivated, utilized, or used according to its designation, but in fact it is left unmanaged or abandoned.
- 3) There are physical conditions of soil that have decreased quality, for example, the soil is not well maintained so that it returns to a naturally forested area, loses its fertility level, or no longer has a productivity value.
- 4) There is an element of a certain period of time if the land is not used or is not used sustainably, so that the land has an unproductive status.
- 5) There is an element of intentionality on the part of the rightholder, who consciously does not use, does not maintain, or does not utilize the land in accordance with the nature, purpose, and designation of the land

In the implementation of the procedure for controlling abandoned land, the government is guided by the Regulation of the Minister of ATR/BPN RI Number 20 of 2021. The implementing regulation contains provisions that comprehensively regulate the stages that must be carried out for the management of abandoned land. The initial stage that has a strategic role is the inventory stage, which is carried out by the Head of the local Land Office. This inventory aims to identify land that is indicated to be unutilized and regulated so that it can be carried out at least two years after the land rights are issued. The inventory process is carried out as a follow-up to reports or information from various parties as well as the results of periodic monitoring and evaluation of land use, as well as information obtained from relevant ministries or institutions, local governments, and communities around the location of the land concerned.

The inventory process of land that is indicated to be abandoned is carried out by collecting comprehensive data that includes two types of information, namely textual data that is administrative and spatial data that contains geographical information. After all the data is collected and goes through the analysis stage, the results of the inventory will be given to the Head of the Land Regional Office for further review. Then a recapitulation is prepared related to the results of the inventory of land

¹⁰ Dr. Suhariningsih, S.H., S.U., 2009, *Abandoned Land Principles and Concept Renewal Towards Control*, Achievement of Pustakakaraya, Jakarta, pp. 119-120.

that is indicated to be abandoned comprehensively, then submitted to the Minister of ATR/BPN RI through the director general of ATR/BPN RI to be responsible for administering, maintaining, and managing the inventory data results. The data serves as a strategic source of information to conduct further analysis and becomes the basis for policy decision-making and follow-up steps in the context of controlling and optimizing the use of abandoned land in Indonesia.

Abandoned land control will be carried out if a land is indicated to be abandoned and further action needs to be taken after the release of the results of the abandoned land inventory. Enforcement of abandoned land is carried out through various stages, namely:

1) Evaluation of Abandoned Land

The evaluation of land identified as abandoned is carried out after the results of the inventory. This evaluation process was carried out by Committee C, which was formed by the Regional Head of Land, by carrying out a series of activities including checking soil data/documents physically and judicially, verifying land books and warkahs, as well as reviewing other supporting files accompanied by direct field inspections to assess the actual condition of the land and analyze the factors causing land abandonment, which are then outlined in the evaluation report results. All results are the basis for consideration for the Regional Head of Land in further decision-making. If the results of the evaluation prove that the right holder deliberately does not fulfill his obligations to his land, then the Regional Land Office issues an official notification letter that requires the right holder to immediately use and maintain the land within a maximum period of 180 calendar days from the date of issuance of the notification letter. At this stage, it is basically a direct study of the object of the dispute based on the data that has been obtained at the inventory stage and new data at further examination.¹¹

2) Warning of Abandoned Land

The provision of warnings for land that has been identified as abandoned is carried out based on the results of previous evaluations. The process of giving this warning is carried out through three staged stages in accordance with applicable regulations. The first warning is delivered to the right holder containing to use and maintain their land with a maximum period of 90 (ninety) days from the receipt of the warning letter. If within that period of time the obligation has not been fulfilled, a second warning will be given with similar provisions, but with a shorter period of time, which is a maximum of 45 (forty-five) days from the issuance of the second warning letter. However, if there is still no result, the third warning will be issued in writing as a last warning, which gives the opportunity for 30 (thirty) calendar days to fulfill its obligations. Thus, the entire series of commemoration processes has a total

¹¹ Rahman, Muh Pajrin, Baso Madiiong, and Muhammad Halwan. "Juridical Analysis of Abandoned Land Management by the National Land Agency of Maros Regency, South Sulawesi" *Clavia* 22, no. 1 (2024), p. 151

time of 165 (one hundred and sixty-five) days until the deadline of the last commemoration, before the next administrative step is taken by the government regarding the determination of the status of land as abandoned land. This warning is carried out as a protection and an effort by the government to make the land reused optimally by rights holders before it is actually designated as abandoned land.¹²

3) Determination of Abandoned Land.

The ratification of the status of abandoned land is carried out by the Minister of ATR/BPN RI by looking at the results of the evaluation and a series of warnings that have been carried out previously. Land that is confirmed as abandoned land includes the status of land rights and management rights, both in whole and in part of a stretch of territory. In the determination process, there are several legal aspects that are of important substance, namely the determination and ratification of the status of a plot of land as abandoned land, including the elimination of land rights previously attached to it, the termination of civil and legal relations between the owner and his land, and the affirmation that land changes its status to land managed by a non-individual state. It is known that the determination of the status of abandoned land does not only have administrative implications, but also has legal consequences in the form of the termination of the civil rights of landowners and the transfer of full control authority to the state to be used in accordance with the public interest and national land policy. Land that has been declared as abandoned land becomes an asset of the Land Bank or is used as State Public Reserve Land by being used for various activities to support the interests of the community and the interests of the state.¹³

b. Potential Impact of the Determination of Abandoned Land by the Government on Land Ownership

The determination of abandoned land by the government against land owned by the community certainly causes legal implications that become complex in the midst of people's lives. This needs to be a concern so that it does not become a prolonged conflict. However, the placement of abandoned land can also cause potential legal impacts both negative and positive, the potential impacts are as follows:

1) Negative Impact

The negative impact that arises from the determination of abandoned land by the government is often a dispute that is difficult to resolve because it causes problems that can involve many parties, here are some potential negative impacts

¹² Dewi, Putu Sinta, Komang Febrinayanti Dantes, and I. Dewa Gede Herman Yudiawan. "Juridical Study of Government Regulation Number 20 of 2021 as a Mechanism for Determining Rights to Abandoned Land in Indonesia" *Journal of the Judicial Community* 6, no. 2 (2023): 24-34.

¹³ Saiful, Wardatul Muniroh Laili, and Kholidazia Elhamzah Fathullah. "Utilization of Abandoned Land Based on the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 20 of 2021" *Justness: Journal of Political and Religious Law* 4, no. 1 (2024).

of the determination of abandoned land by the government:

a) Causing agrarian conflicts between the community and the government or third parties

Agrarian conflict is one of the problems that has a high level of complexity in Indonesia, especially because it is closely related to the issue of land control and utilization. This conflict generally involves various parties, including the community, corporations, the government, and other related institutions. The root of agrarian conflicts often stems from the uncertainty of the legal status of land, as well as conflicts between economic, social, and political interests. In many cases, economic and political interests tend to take precedence over social interests and the protection of people's rights, thus potentially causing human rights violations due to weak monitoring and law enforcement mechanisms that are supposed to protect affected communities.¹⁴ Those in power often act arbitrarily against the determination of abandoned land. This condition is reflected in the rampant public lawsuits against the government regarding the administrative process of determining abandoned land submitted through the judicial mechanism. The inconsistency between government policies and factual conditions on the ground can cause tension and prolonged conflicts between the public and the government, especially when the implementation of policies does not reflect the principles of justice and balanced public participation.

b) Loss of ownership of land

The provisions regarding abandoned land in Indonesia result in the loss of their civil rights in their entirety, which is due to the expiration of the term of the land rights, violation of any of the provisions in the grant, revocation, or exemption of land rights by the government.¹⁵ Loss of land ownership rights is a fundamental issue and has become a complex historical issue in the development of agrarian law in Indonesia. Given that land rights have a central role in supporting the economy and community welfare, the loss of these rights has significant negative impacts, both socially, economically, and legally for the affected parties.¹⁶ Comprehensive efforts are needed to overcome these problems in the hope that land ownership rights can be effectively protected and able to bring equitable and sustainable benefits to all communities.

c) Social anxiety

The determination of the status of abandoned land has the potential to cause social unrest because it can trigger ownership disputes, a sense of

¹⁴ Aksnudin, S. (2023). Implications of Land in Handling Agrarian Conflicts in Indonesia. *Litigation*, 24 (2), 184–204.

¹⁵ Andini, A. N., & Winanti, A. (2020). Legal Due to Loss of Ownership Rights to Abandoned Land. In *National Conference of Law Studies* (pp. 539-1).

¹⁶ Sa'adah, Fatkhiyatus, Habib Adjie, and Moh Saleh. "Loss of Ownership Rights to Abandoned Land (Analysis of Government Regulation Number 20 of 2021)." *Journal of Law* 20, no. 2 (2023): 860-872.

injustice, and the loss of community rights to land. This injustice arises in the context of legal utility, where the principle of utility should support the realization of the value of justice and legal certainty. However, in practice, the determination of abandoned land often creates social uncertainty and potential instability, because the affected communities feel that they are treated unfairly, thus giving rise to social unrest and tension. If a legal norm actually causes social unrest, disproportionately harms individual interests, or even triggers new agrarian conflicts, then the norm can be said to fail to meet the value of legal utility. Therefore, the management of land that is considered abandoned must consider sociological and economic aspects in depth, so that the policies implemented do not cause social turmoil. Thus, when individual rights are violated in the name of efficiency and organization without participatory mechanisms, the state is not enforcing the law substantively, but using the law as a repressive instrument that has the potential to harm the principle of social justice.¹⁷

d) Legal uncertainty regarding land title holders

The determination of land status as abandoned is carried out based on the UUPA, Government Regulation Number 20 of 2021, and the Minister of ATR/BPN RI Number 20 of 2021. Based on this provision, the process of inventorying land that is suspected of being abandoned can be started at least two years from the time the right to land is issued and applies on all types of rights grounds. However, the provision that allows the abolition of property rights just because the land is not used for a relatively short period of 2 years raises serious problems, especially for land that has the status of ownership, legally has the strongest, fullest, and hereditary nature. Property rights are the basis for rights or the basis for the issuance of building use rights and business use rights. These provisions are considered not to fully reflect the protection of the basic principle of property rights, so that they have the potential to create legal uncertainty for rights holders. In addition, the implementation of the determination of abandoned land that has not been supported by optimal coordination and long and bureaucratic administrative procedures can open up opportunities for abuse of authority by certain parties. This condition further strengthens the risk of legal uncertainty in the implementation of abandoned land management policies in Indonesia.¹⁸

2) Positive Impact

¹⁷ Saputra, T. D. R. P., & Miladiyanto, S. (2025). The potential conflict over abandoned land between the government and the community after Government Regulation No. 20 of 2021 concerning the management of areas and abandoned land is reviewed from justice according to Gustav Radbruch. *Journal of Intellectuals and Scholars*, 2(7), 13497-13503.

¹⁸ Harris Y. P. Sibuea, 2023, *Effectiveness of Abandoned Land Management Arrangements, Study*, Vol. 26 No. 1, p. 94.

In addition to negative impacts, basically the determination of abandoned land also has a positive impact felt by the government and the community regarding the optimal use and use of land. The following are some of the positive impacts arising from the determination of abandoned land:

a) Overcoming Gaps and Land Utilization

The preparation of government regulations and policies related to the determination of abandoned land is a strategic effort to overcome the problem of disparities in land ownership and utilization. The increase in demand for land is influenced by rapid economic growth and an increase in population, which directly puts pressure on land availability. One of the fundamental problems that arises is the inequality of land tenure, which is the root of various agrarian problems in Indonesia.¹⁹ Thus, the policy of determining abandoned land is essentially intended as a government instrument to achieve justice, reduce poverty levels, expand people's access to economic assets, especially land, and reduce gaps in the ownership, utilization, and use of agrarian resources. If the phenomenon of land neglect is not immediately dealt with systematically, it has the potential to widen social and economic inequality, as well as damage environmental conditions due to unproductive and poorly managed soil.²⁰

b) Increasing Land Redistribution

The Agrarian Reform Policy is a strategic effort to be taken by the government in order to reorganize the structure of land control in a more equitable manner. The policy is not only about asset management but also includes access with the ultimate goal of realizing equitable welfare and increasing the prosperity of the Indonesian people.²¹ One form of implementation of this policy is the existence of a land redistribution program, by granting or distributing land rights by the government to the community. The redistribution process is accompanied by the issuance of a certificate as a form of legal recognition of legal ownership. Land that is not used optimally or is not used according to its designation becomes unproductive and loses value for the welfare of rights holders and the surrounding community. Therefore, the government has established and implemented Government Regulation Number 20 of 2021 as a concrete step to overcome this problem. Through this policy, abandoned land can be re-optimized to contribute to improving community welfare and national economic growth.²² Land has a strategic role as the main

¹⁹ Saimar, Hamda Afsuri, Azmi Fendri, and Titin Fatimah. "The Steep Road of Land Redistribution Towards Equitable Distribution of Land Rights in Pasaman Regency." *Tunas Agraria* 7, no. 2 (2024), pp. 183-200.

²⁰ Arnowo, Hadi. "The role of land banks in the arrangement of land provision." *Journal of Research Innovation* 2, no. 9 (2022): 3077-3088.

²¹ Wardhana, Y. S. (2020). Implementation of the Land Redistribution Program in the Customary Land Area of Papua Province. *Cosmic Law*, 20(1), 64-72.

²² Kurniawan, Heru Yudi. "Juridical Review of Land Utilization Indicated for Community Productive

means in realizing community welfare, so it is important to ensure that land use has been carried out optimally and as it should. Land that is not used effectively should be converted into land with useful value in order to provide economic added value for the community and the state.²³

c) Achieving National Development Goals.

Land is a strategic and fundamental asset in supporting the implementation of various infrastructure development projects. Every development activity that is held to meet the public interest always requires the availability of land as the main means of implementation. In this context, the determination of public interest serves as a normative foundation that governs all parties involved in the land acquisition and utilization process. This provision serves as a legal guideline in every stage of land acquisition and development activities, so that its implementation runs in accordance with applicable legal procedures, as well as ensuring the protection and fulfillment of the rights of the affected communities.²⁴ Optimal land use through development activities plays an important role in opening access to economic growth and providing real benefits to all levels of society. Along with the continuous increase in the population and the limited amount of available land, it is necessary to manage and use land more carefully, efficiently, and fairly so that its use is in line with national interests. As the basic capital of national development, land has a vital function in realizing the nation's ideals towards a just and prosperous society.²⁵ Given the strategic role of land in the structure of state life, the government has taken various steps in order to provide legal guarantees and certainty for the control and use of land through the establishment of laws and regulations in the field of land, one of which is abandoned land.

D. Conclusions and Recommendations

Based on the results of the research, it can be concluded that the government can optimize the use of land by determining abandoned land by the government for proprietary land which is a legal step with a strong basis in various laws and regulations in Indonesia. The procedure for determining abandoned land is carried out through various stages such as inventory, evaluation, warning, and determination by the Minister to ensure that it can be fulfilled optimally in accordance with its designation. In practice,

Activities (Improving Economic Status) in Review of Government Regulation No. 11 of 2010 concerning the Utilization and Utilization of Abandoned Land." *Journal of Nestor Master of Law* 1, no. 1 (2015): 209653.

²³ Puspita, Fidri Fadillah, Fitri Nur Latifah, and Diah Krisnaningsih. "The Urgency of the Presence of Land Banks as an Alternative to Restoring the Economy in Indonesia." *Scientific Journal of Islamic Economics* 7, no. 3 (2021): 1761-1773.

²⁴ Taupiqurrahman, T., & Dalimunte, S. N. I. S. (2023). Problems of Land Acquisition for Development for the Public Interest in Indonesia. *Crimson Tide*, 116-132.

²⁵ Ramadhan, A. R., Muntaqo, F., & Rumesten, I. (2022). Management of abandoned land in the context of land stewardship and utilization. *Repertoire: Scientific Journal of Notary Law*, 11(1), 92-103.

the mechanism still has fundamental weaknesses, such as the lack of clarity on the time limit for declaring land as abandoned and the potential for abuse of authority that can cause legal uncertainty for rights holders. In addition, the determination of abandoned land also has the potential to cause negative impacts in the form of agrarian conflicts, loss of land ownership, and social unrest in the community if it is not done carefully and fairly. However, in principle, the determination of abandoned land can support efforts to equalize land use and support Agrarian Reform policies through land redistribution for small communities

The regulation and implementation of the determination of abandoned land must always pay attention to the principles of justice, legal certainty, and legal usefulness so as not to conflict with the constitutional rights of citizens and be able to realize national development goals that create social justice for all Indonesian people. In addition, the government needs to clarify and regulate in detail the clear period of time in determining abandoned land for property rights in order to provide legal certainty for property rights holders. Efforts to empower and educate the community on land-related regulations, especially abandoned land, are also very necessary to find out the rights and obligations in managing land in accordance with applicable laws by knowing the process of determining and abolishing rights to abandoned land that is carried out openly, based on valid data, so as to provide opportunities for rights holders to file objections or self-defense as legal protection so as not to cause social unrest and legal uncertainty.

References

A. Legislation

- Indonesia. *The 1945 Constitution of the Republic of Indonesia* (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945).
- Indonesia. *Government Regulation No. 20 of 2021 on the Control of Abandoned Areas and Land* (Peraturan Pemerintah Nomor 20 Tahun 2021 tentang Penertiban Kawasan dan Tanah Terlantar).
- Indonesia. *Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 20 of 2021 on Procedures for the Control and Utilization of Abandoned Areas and Land* (Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 20 Tahun 2021).

B. Journal Articles

- Aksnudin, S. "Land Tenure Implications in the Handling of Agrarian Conflicts in Indonesia." *Litigasi*, no. 24 (2023): 184–204.
- Andini, Aghniya Nisya, and Atik Winanti. "Legal Consequences of the Loss of Ownership Rights over Abandoned Land." In *National Conference of Law Studies*, 539–551. 2020.
- Arnowo, Hadi. "The Role of the Land Bank in Regulating Land Supply." *Jurnal Inovasi Penelitian* 2, no. 9 (2022): 3077–3088.
- Dewi, Putu Sinta, Komang Febrinayanti Dantes, and I. Dewa Gede Herman Yudiawan. "A Juridical Review of Government Regulation No. 20 of 2021 as a Mechanism for Determining Rights over Abandoned Land in Indonesia." *Jurnal Komunitas Yustisia* 6, no. 2 (2023): 24–34.
- Irawan, Rastra Ardani, Fendi Setyawan, and Moh. Ali. "The Authority of the National Land Agency in the Control and Utilization of Abandoned Land." *HUKMY: Jurnal Hukum* 3, no. 1 (2023): 308–329.
- Kurniawan, Heru Yudi. "A Juridical Review of the Utilization of Indicated Abandoned Land for Community Productive Activities (Improving Economic Welfare) Viewed from Government Regulation No. 11 of 2010 on the Utilization of Abandoned Land." *Jurnal Nestor Magister Hukum* 1, no. 1 (2015): 1–20.
- Permadi, Iwan. "Land Mafia Crimes as a Threat to Legal Certainty in Land Control." *Perspektif Hukum* (2024): 1–25.
- Puspita, Fidri Fadillah, Fitri Nur Latifah, and Diah Krisnaningsih. "The Urgency of the Land Bank as an Alternative to Economic Recovery in Indonesia." *Jurnal Ilmiah Ekonomi Islam* 7, no. 3 (2021): 1761–1773.
- Rahman, Muh. Pajrin, Baso Madihong, and Muhammad Halwan. "Juridical Analysis of the Control of Abandoned Land by the National Land Agency of Maros Regency, South Sulawesi." *Clavia* 22, no. 1 (2024): 142–157.
- Ramadhan, Ahsanul Rizky, Firman Muntaqo, and Iza Rumesten. "Control of Abandoned Land in the Context of Land Use Planning and Utilization." *Repertorium: Jurnal Ilmiah Hukum Kenotariatan* 11, no. 1 (2022): 92–103.
- Sa'adah, Fatkhiyatus, Habib Adjie, and Moh. Saleh. "The Loss of Land Ownership Rights over Abandoned Land (An Analysis of Government Regulation No. 20 of 2021)." *Jurnal Hukum* 20, no. 2 (2023): 860–872.
- Saiful, Wardatul Muniroh Laili, and Kholidazia Elhamzah Fathullah. "Utilization of Abandoned Land Based on Regulation of the Minister of Agrarian Affairs and

- Spatial Planning/Head of the National Land Agency No. 20 of 2021." *Justness: Jurnal Hukum Politik dan Agama* 4, no. 1 (2024).
- Saimar, Hamda Afsuri, Azmi Fendri, and Titin Fatimah. "The Uphill Path of Land Redistribution toward Equal Ownership of Land Rights in Pasaman Regency." *Tunas Agraria* 7, no. 2 (2024): 183–200.
- Saputra, Tessa Derry Rahmatullah Pradur, and Sulthon Miladiyanto. "Potential Land Ownership Conflicts between the Government and Society after Government Regulation No. 20 of 2021 on the Control of Abandoned Areas and Land Viewed from Gustav Radbruch's Concept of Justice." *Jurnal Intelek Insan Cendikia* 2, no. 7 (2025): 13497–13503.
- Sibuea, Harris Y. P. "The Effectiveness of the Regulation on the Control of Abandoned Land." *Kajian* 26, no. 1 (2023): 91–103.
- Taupiqqurrahman, and Siti Nurul Intan Sari Dalimunte. "Problems of Land Acquisition for Development in the Public Interest in Indonesia." *Simbur Cahaya* (2023): 116–132.
- Wardhana, Yudhistira Setya. "Implementation of Land Redistribution Programs in Customary Land Areas of Papua Province." *Kosmik Hukum* 20, no. 1 (2020): 64–72.
- Winanti, Atik, Taupiqqurrahman, and Rosalia Dika Agustanti. "Upgrading Building Use Rights to Ownership Rights." *Jurnal Bakti Masyarakat Indonesia* 3, no. 2 (2020).
- Zarbiyani, Farhan, and Amad Sudiro. "Designation of Abandoned Land as a Form of Legal Protection and Certainty in the Control of Abandoned Land Areas." *UNES Law Review* 6, no. 2 (2023): 5195–5201.

C. Books

- Arba, Muhammad. *Indonesian Agrarian Law*. Jakarta: Sinar Grafika, 2021.
- Mujiburohman, Dian Aries, and Endriatmo Soetarto. *Law Enforcement on the Control and Utilization of Abandoned Land*. Yogyakarta: STPN Press and Amongkarta, 2019.
- Suhariningsih. *Abandoned Land: Principles and Conceptual Renewal toward Land Control*. Jakarta: Prestasi Pustakakarya, 2009.
- Wahid, Muchtar. *Interpreting Legal Certainty of Land Ownership Rights*. Jakarta: Republika Publisher, 2008.
- Waluyo, Bambang. *Legal Research in Practice*. Jakarta: Sinar Grafika, 2008.