

LEGAL CONSEQUENCES OF AN ABANDONED LAND: AGRARIAN JUSTICE AGAINST RIGHTS OF PROPERTY

Rahma Dwi Maulana Saputra^{1*}, Yuniar Rahmatiar^{2**}, Muhamad Abbas^{3***}
Faculty of Law, Universitas Buana Perjuangan Karawang

Abstract

Land ownership and utilization in Indonesia has important dimensions both economically, socially, and politically, and is expressly regulated in the Basic Agrarian Law of 1960 and Article 33 paragraph (3) of the 1945 Constitution which emphasizes the social function of land. However, in practice, there is still a lot of land that is abandoned, causing social inequality, injustice, and obstacles to development. This research aims to analyze the implementation of Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land as well as the legal consequences for rights holders who do not use their land. The research method is a normative juridical approach with descriptive analysis, based on a literature study of laws and regulations and related literature. The results of the study show that the implementation of PP 20/2021 in regulating unused land, that land that is deliberately left vacant or not used according to its intended purpose can be designated as abandoned land and has legal implications as explained in articles 3, 6, 7, and 30, both for individual rights holders and legal entities, except in certain conditions that are indeed excluded by regulations. The legal consequence of land abandonment is the abolition of land rights for the sake of law and the transition of its status into state land that can be used for public purposes, agrarian reform, and national development programs as explained in articles 30, 31, and 32. Therefore, this regulation not only emphasizes the aspect of legal certainty, but also acts as a strategic means to realize agrarian justice, equity, and maximum land use for the welfare of the community.

Keywords: *Abandoned Land, Government Regulation No. 20 of 2021, Legal Consequences.*

A. Background

Land ownership and utilization are important in the process of state development, especially in Indonesia which has a diverse region and population. This problem is not only related to economic aspects, but also closely related to social, political, and justice issues. Land is the main source of life, People who control the land mean they control food sources, and those who control food will have power, including in the political field.⁴ On a national scale, land has a social function which is expressly regulated in Article 33 paragraph (3) of the 1945 Constitution, “That the earth, water, and natural resources contained in it are controlled by the state to be used as much as possible for the prosperity of the people.”⁵

Possession of land by the State does not mean that the land belongs to the State. This means that the State is authorized to control all matters related to land. These authorities include regulations regarding the granting of land rights, the determination of their functions and use, management and maintenance, and regulation of various actions

^{1*} Corresponding Author: Hk21.rahmasaputra@mhs.ubpkarawang.ac.id

^{2**} yuniar@ubpkarawang.ac.id

^{3***} muhamad.abbas@ubpkarawang.ac.id

⁴ Mochammad, Tauchid. *Agrarian Problems*. Yogyakarta, Stpn Press, 2009. Page 15

⁵ Article 33 Paragraph (3). Constitution of the Republic of Indonesia in 1945

and legal relationships that arise related to land use.⁶ This principle affirms that the right to land is not absolute or completely private property. Land ownership must still pay attention to the public interest and not cause losses to the community. Thus, land use should not only be oriented to individual profits, but must be adjusted to the type and character of land rights owned in order to contribute to the welfare and prosperity of the community and the state.⁷

This understanding is clarified in UUPA 5/1960, especially Article 6 which states that "All land rights have a social function."⁸ This rule restricts the freedom of the owner to use his land as he pleases. This means that land ownership rights are not absolute, but must prioritize the public interest for the sake of achieving social justice. This view distinguishes Indonesia's agrarian law from the liberal land law system, which tends to prioritize individual rights over the common good. Social Functions based on the interpretation of national agrarian law are not individualistic and Social Functions are absolute but dual in nature where personal interests and community interests must be balanced that support each other.⁹

However, conditions on the ground often show that there is a gap between this ideal principle and reality. The problem that arises is that in the implementation of its policies, the authority of the State in regulating the legal relationship between the subject and the object of rights often ignores the main purpose of the management.¹⁰ In addition, there are still many lands that are abandoned or not used according to their designation. Situations like this can hinder development and cause social injustice. Land that should be productive is left behind, thereby reducing the country's economic potential and hampering government programs such as infrastructure development and public housing. In addition, abandoned land reflects inequality, where some people control large tracts of land without utilizing it, while many people find it difficult to obtain land for basic needs.

The problem of land that is not used or left abandoned is one of the major challenges in the enforcement of agrarian law in Indonesia. Agrarian affairs are one of the important aspects in government administration. Good and fair management of agrarian affairs can support national development, social justice, and equitable distribution of community welfare.¹¹ Efforts to handle it have actually been carried out through various previous regulations, but their implementation is often constrained by unclear procedures and overlapping authority between institutions. Therefore, the issuance of Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land is an important step that provides a stronger and more structured legal basis. This regulation expressly regulates the stages of controlling abandoned land, starting from the process of inventory and identification by the government, then continued with a thorough research related to the status and use of the land.

The significance of this regulation lies in its ability to create legal certainty for all parties. With detailed procedures, government actions in ordering abandoned land cannot

⁶ Wardatul Muniroh Laili Saiful Et.Al.. The use of abandoned land is based on the Minister of Agrarian and Spatial Planning/Head of Bpn N0. 20 of 2021, *Journal of Political and Religious Law*, Vol. 4 No. 01, March 2024, p. 3 <https://doi.org/10.61974/Justness.V4i01.57>

⁷ Budi Mulyatno. *Agrarian reform and land conversion*. Agraria Expoke, Jakarta, 2014. Page 35

⁸ Article 6. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles

⁹ Wanahyu Erwiningsih. *Politics and Law of Land Use Policy as an Agrarian Reform Agenda*. Faculty of Law, Islamic University of Indonesia, 2024, p. 20

¹⁰ Ap. Protection. *Commentary on the Basic Agrarian Law*. Bandung, Mandar Maju, 1998. p. 25.

¹¹ Suyono Sanjaya, Yuniar Rahmatiar. *Fundamentals of Agrarian Law*. Yogyakarta, K-Media, 2018. Page 4

be done carelessly. The control stage, which includes sending three warning letters to the rights holder, provides sufficient opportunities for the owner to fulfill his obligations. This reflects the application of the *principle of due process of law*, where landowners have the right to defend themselves before their land is designated as abandoned land.¹² The main goal is to encourage rights holders to use land productively, rather than simply storing it as a passive investment.

Furthermore, this regulation provides an effective legal tool for the government in supporting the national development agenda in Article 33 paragraph (4) of the 1945 Constitution, which takes place based on the principle of sustainability and pays attention to environmental sustainability aspects.¹³ Land that has been successfully ordered can be reused for the public interest, such as strategic infrastructure development, public housing programs, and land redistribution in the context of agrarian reform.

The management of abandoned land has an important role socially, namely to create justice and equity in the use of land resources. This step is a form of state intervention to overcome inequality, so that land as a strategic asset can be used optimally for the benefit of the community. Land that has been successfully ordered can be reallocated through the Agrarian Reform program or used for public purposes, such as housing development, educational facilities, health services, and productive agricultural land.

An example of a case related to abandoned land, recently in July 2025 it was very much discussed in the country's cyberspace, abandoned land for 2 years can be taken by the state. Reporting from the news published by [kompas.com](https://www.kompas.com)¹⁴ on 16/7/2025, 20:30 the head of the Legal and Protocol Bureau of the Ministry of ATR/BPN Harison Mocodompis confirmed the news. According to him, since 2010 the government has determined the fate of abandoned land through Government Regulation Number 11 of 2010 which has now been amended to Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Lands.

In accordance with these provisions, land that is not used or utilized in accordance with its intended purpose for a certain period of time is considered as abandoned land. "If the abandoned lands are deliberately not used, not used, not maintained, starting from 2 years from the issuance of rights, then they will be identified by the state." Said harison mocodompis, when confirmed [Kompas.com](https://www.kompas.com), Wednesday (16/7/2025). However, Harison emphasized that the rule only applies to vacant land that is left unattended, such as not being built as buildings, fences, or used as plantations.

Land that is considered abandoned will be recorded first by the National Land Agency (BPN) through several stages. Harison emphasized that this process does not mean that the land is directly confiscated by the state. BPN will send a letter to the owner to confirm whether the land is being used or not. If the land is not cultivated in three months, BPN will give three warnings. If it is still ignored, then the land will be designated as abandoned land and controlled.

¹² Renata Christha Auli, Meaning of Due Process Of Law, Law Online. Com, 2024 <https://www.hukumonline.com/klinik/a/arti-due-process-of-law-lt64edc30233bb7/>

¹³ Yuniar Rahmatiar, Deny Guntara. Environmental insurance as one of the efforts to prevent and overcome environmental pollution caused by textile industry activities. Journal of Legal Justice, Vol. 6, No. 1. 2021. p. 1 <https://doi.org/10.36805/jjih.v6i1.1421>

¹⁴ Alinda Hardianto, Ahmad Naufal Dzulfaroh, Abandoned Land for 2 Years Can Be Taken by the State, This Is the Explanation of Mr. <https://www.kompas.com/tren/read/2025/07/16/203000065/tanah-telantar-selama-2-tahun-bisa-diambil-negara-ini-penjelasan-bpn?page=all>

After that, land that is categorized as abandoned land will be transferred to State General Reserve Land (TCUN), which can be used for agrarian reform programs, state needs, or managed as a land bank. According to Harison, this kind of situation is generally found on large-scale land owned by companies with the status of Business Use Rights, or Building Use Rights. This regulation also emphasizes to the community to maintain and utilize the land that has been given their rights, because from the beginning the owner has promised to use the land. He added that the obligations of landowners are listed in the Decree (SK) on the Granting of Rights, and after two years the state has the right to question whether the land is really used. Meanwhile, cases of abandoned land rarely occur on land with certified ownership (SHM) of individuals, because usually the owner immediately manages it as soon as he receives a reprimand from the village head. Minimal forms of management that can be done are for example by building fences, clearing land, or giving signs of ownership, so that the land is not considered abandoned.

B. Identified Problems

1. How is the implementation of Government Regulation number 20 of 2021 in regulating unused land?
2. What are the legal consequences for land rights holders who do not use their land after the enactment of Government Regulation number 20 of 2021?

C. Research Methods

This research uses a normative approach with a qualitative method. A normative approach is applied in legal studies that focuses on the analysis of literature materials or secondary data as the main source, by examining various laws and regulations and other documents that are in accordance with the problem being researched.¹⁵ In this case, the secondary data for which the author of the research is based on PP 20/2021 concerning the Management of Abandoned Areas and Lands.

This type of research is descriptive analytical. The consideration in choosing this specification is to present a complete representation and an in-depth study of how to do a juridical analysis of unused land by referring to GR 20/2021 concerning the Management of Abandoned Areas and Lands.

D. Research Findings and Discussions

Implementation of Government Regulation Number 20 of 2021 in Regulating Unused Land

Land has a social function as affirmed in Article 6 of the Basic Agrarian Law Number 5 of 1960, namely that all rights to land basically have a social function.¹⁶ This means that land ownership should not only be oriented to personal interests, but must provide benefits to the wider community.¹⁷ Thus, land that is abandoned or not used can cause legal and social problems, because it is contrary to the principle of social function. It is important for the government to enforce existing regulations and encourage landowners to make optimal use of their land, for the welfare of the community and in accordance with the UUPA. The government needs to consider policies that are more

¹⁵ Soerjono Soekanto, Sri Mamuja. *Normative Law Research (A Brief Overview)*. Jakarta, Rajawali Press, 2001. pp. 13-14

¹⁶ Principal Agrarian Law No. 5 of 1960. Article 6

¹⁷ Deni Mardias, Yuniar Rahmatiar, et all. *Juridical Review of the Settlement of Land Tenure in Forest Areas in the Context of Agrarian Reform in Karawang Regency*. *Journal Of Swara Justice*, Vol. 9, No. 2. 2025. p. 296 <https://doi.org/10.31933/mgavrn34>

supportive of land use, so that there are no violations of the general principles of good governance and to avoid the status of abandoned land that is detrimental to the community.¹⁸ The definition of abandoned land refers to A.P. Parlindungan stated,

"The concept of abandoned land with reference to customary law is in accordance with the character of abandoned land (physical condition that has changed in a certain time of 3.5 to 10 years), then the rights are lost and return to customary rights."¹⁹

Sudarto Gautama, stated, "That the term abandoned means that it is interpreted between the circumstances if the land that is not used is in accordance with the conditions."²⁰ Based on this description, abandoned land can be understood as land that is physically no longer used productively and does not have a party that controls or manages it.²¹

The phenomenon of abandoned land in Indonesia has become a serious problem. Although many lands have a clear legal status, such as Right to Use Business or Property Rights, the reality is that many owners leave their land empty and unproductive. As a result, land use is inefficient and detrimental to the community because land that should be used for public purposes does not produce anything.²² In Government Regulation 20/2021 concerning the Management of Abandoned Areas and Lands, it is stated that, "Land is the basic capital in development to improve welfare conditions for the people, nation, and state of Indonesia."

Thus, land must be managed, utilized, and used as much as possible for the sake of achieving people's welfare, including land that is the right of ²³ individuals, it can be limited for the sake of the greater interest, namely the public interest.²⁴

Previously, the regulation on abandoned land was already in PP 36/1998 and was replaced by PP 11/2010. However, both regulations are not effective. This is because the rules are unclear, especially in terms of supervision, and there are no firm sanctions. As a result, many land rights holders do not feel obliged to use their land properly. To answer these weaknesses, the government then stipulated PP 20/2021 concerning the Management of Abandoned Areas and Land as a new regulation that is more strategic and responsive. The presence of this regulation is an important milestone because it reaffirms the social function of land as mandated in Article 33 of the 1945 Constitution²⁵ and the 1960 UUPA. This PP not only reorganizes land management procedures, but also

¹⁸ Yunior, L. V. (2019). Government Authority in Determining Criteria for Abandoned Land. *Jurisdiction*, Vol. 2 No 6. p. <https://doi.org/10.20473/Jd.V2i6.15948>

¹⁹ A. P. Parlindungan. *The End of Land Rights According to the UUPA System*. Bandung, Mandar Maju, 1990. Page 7

²⁰ Sudarto Gautama. *Interpretation of the Agrarian Basic Law*, 9th Edition. Bandung, Pt. Citra Adityabakti, 1993. p. 136

²¹ Agus Jatmiko, Arditya Wicaksono. *Policy Review of Land/Abandoned Land Areas*. West Java, Center for Development and Standardization of Agrarian, Spatial and Land Policies of the Ministry of Agrarian and Spatial Planning/National Land Agency, 2020. Page 5

²² Pratama, M. Y. J. (2022). Implementation of Government Regulation of the Republic of Indonesia Number 20 of 2021 concerning the Management of Abandoned Areas and Land in South Sumatra Province. *Journal of Administrative Science and Policy Studies*, Vol. 5 No. 1 2022. Pages 124-125 <https://doi.org/10.48093/Jiask.V5i1.114>

²³ Situmorang. *Technical instructions for the management and determination of abandoned land*. Ministry of Agrarian and Spatial Planning/National Land Agency. 2022

²⁴ Suyono Sanjaya, Yuniar Rahmatiar. *Land procurement for the public interest, legal and social aspects (for public and private interests)*. Yogyakarta, K-Media, 2025. Page 17

²⁵ Constitution of the Republic of Indonesia. Article 33

emphasizes that unused land must be directed for the greater benefit of society and the state.²⁶

This new regulation is not just a matter of order, but also has a bigger purpose and touches on socio-economic aspects. Lands that were previously left vacant will now be used for the public interest and various national strategic projects, ranging from food security, public housing, infrastructure, to renewable energy. So, Government Regulation No. 20 of 2021 has two main functions: ensuring that landowners are responsible, as well as being a way for the government to reduce inequality and provide wider opportunities for the community to manage agrarian resources.

Based on the Regulation of the Minister of Agrarian Affairs 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 Areas and Abandoned Lands, the objects of control of abandoned land include:

"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, or the basis of control over land that is not cultivated, not used, or not utilized in accordance with its circumstances or the nature and purpose of granting rights or the basis for its control".²⁷

"Land that already has Property Rights, Business Usage Rights, Building Use Rights, Use Rights, or Management Rights is declared as abandoned land if the land is not cultivated, not used or not utilized in accordance with the circumstances or nature and purpose of the right".²⁸

With regard to abandoned land, when referring to the provisions contained in Government Regulation 20/2021 concerning the Management of Abandoned Land, it can be understood that:

"Land with business use rights, land with building use rights, or use rights owned by the subject of legal entities or companies granted on state land is the main target of the object of abandoned land control. Land that is owned or used by buildings in the name of an individual that is accidentally not used in accordance with the circumstances or nature and purpose of granting the right is excluded as abandoned land. Likewise, land controlled by the government, either directly or indirectly, and whether or not it has the status of State/Regional Property that is not intentionally used in accordance with the circumstances or nature and purpose of granting its rights, is excluded or excluded from the object of control of abandoned land".²⁹

PP 20/2021 concerning the Management of Abandoned Areas and Land, especially in Article 7 Paragraph (2), There are legal consequences that arise if Land Title is

²⁶ Dewi, P. S. Et.Al. Juridical Study of Government Regulation Number 20 of 2021 as a Mechanism for Determining Rights to Abandoned Land in Indonesia. *Journal of Judicial Communities*, Vol. 6 No. 2, 2022. Page 5 <https://doi.org/10.23887/jatayu.v6i2.93196>

²⁷ Article 10. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 20 of 2021 concerning Procedures for the Management and Utilization of Abandoned Areas and Land

²⁸ Amiratul Fatimah. Legal Study of Abandoned Land Harvesting According to Government Regulation Number 20 of 2021 concerning the Management of Abandoned Land. *Journal of Notarius*. Vol 2 No. 1. 2023. p. 25

²⁹ Supriyadi. Legal aspects of regional asset land (finding justice, usefulness, and certainty over the existence of regional asset land. Jakarta, Prestasi Pustaka, 2016. p. 13.

categorized as Abandoned Land because it is deliberately not used, not utilized, and/or not maintained, namely:

"1) the land can be controlled by the community and become a village area; 2) the land can be controlled by other parties continuously for 20 years without any legal relationship with the Rightholder; 3) the social function of the Land Rights is not fulfilled, whether the Right Holder still exists or no longer exists".

Meanwhile, in Article 30 Paragraph (4) of Government Regulation 20/2021 concerning the Control of Abandoned Areas and Land, it is explained that:

"If the land designated as Abandoned Land is state/regional property or the assets of state/regional owned enterprises, the determination as Abandoned Land also includes 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 the land".³⁰

Land is not included in the object of derelict land management when, "Individual rights holders are not economically able to manage, use, or utilize the land in accordance with the character and purpose of granting their rights. This exception also applies if the limitations of the state or regional budget become an obstacle in cultivating, using, or utilizing the land properly."³¹

Supriyanto (2010) in his journal mentions the criteria for abandoned land as follows:

"The criteria for abandoned land are land that is deliberately not worked by the cultivator/owner for a certain time which then becomes a bush again. To measure whether the land can be said to be abandoned or not according to Customary Law is to look at the real/concrete whether the land is in fact deliberately not cultivated or actively worked by the cultivator/owner. So, in determining whether it has been abandoned or not, it is not dependent on a certain period of time, but only by looking at the reality if the land is allowed to regrow because it is no longer to be replanted, then this can be qualified as abandoned".³²

Land is said to be abandoned if it is not cultivated, used, utilized, and/or maintained according to its intended purpose within a certain period of time, which varies depending on the status of the right. For Property Rights (SHM), there is no specific term provision, but the land can become abandoned if it is not controlled or used for more than 20 years. Meanwhile, for HGU, HGB, and Right of Use, the deadline is two years from the time the right is issued or issued.³³

Government Regulation 20/2021 concerning the Control of Abandoned Areas and Lands, contains provisions regarding objects that are included in the management of areas and abandoned lands. Based on Article 6, the object of controlling abandoned areas as

³⁰ Javiera Yuna Crysantho. The legal status of abandoned land is associated with Government Regulation Number 20 of 2021. *Journal of Contemporary Law and Society Studies*. Vol. 2 No. 2. 2023. p. 8

³¹ Op.Cit., p. 14

³² Supriyanto. Criteria for Abandoned Land in Indonesian Laws and Regulations. *Journal of Legal Dynamics*, Vol. 10 No. 1, 2010. Page 54 doi:[10.20884/1.Jdh.2010.10.1.139](https://doi.org/10.20884/1.Jdh.2010.10.1.139)

³³ Nafiatal Munawaroh. Does Abandoned Land Become State Property?. *The law Online.Com*. 2023 <https://www.hukumonline.com/klinik/a/apakah-tanah-terlantar-menjadi-milik-negara-Lt60543ed4e6b17/>

described in Article 3 paragraph (1) includes several types of areas that are determined as the target of control:

"a) mining areas; b) plantation area; c) industrial areas; d) Tourism areas; such as residential areas, e) large-scale/integrated settlements; or other areas whose business, use, and/or utilization are based on Concession Permits/Business Licenses related to the use of land and space."

Object of Abandoned Land Control Article 7 verse:

"1) The object of controlling Abandoned Land as referred to in Article 5 paragraph (1) includes property rights, building use rights, business use rights, use rights, management rights, and land obtained based on the Land Control Policy. 2) Title land becomes the object of control of Abandoned Land if it is deliberately not used, not utilized, and/or not maintained so that: a) it is controlled by the community and becomes 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 the Land Rights is not fulfilled, both the Right Holder still exists or no longer exists. 3) Land with building use rights, right of use, and management rights shall be the object of the control of Abandoned Land if it is deliberately not cultivated, not used, not utilized, and/or not maintained starting from 2 (two) years from the issuance of the right. 4) Land with business use rights becomes the object of the control of Abandoned Land if it is deliberately not cultivated, not used, and/or not utilized starting from 2 (two) years from the issuance of the right. 5) Land obtained under the Land Control Policy shall be the object of the control of Abandoned Land if it is deliberately not cultivated, not used, not utilized, and/or not maintained starting from 2 (two) years from the issuance of the Land Control Policy."

The handling of abandoned land is the responsibility of the state to ensure its management in the public and private sectors, so that all communities can benefit proportionately in accordance with legal provisions and constitutional principles. The government gives land rights to its holders to be managed, used, utilized, and maintained as well as possible. Therefore, the right holder is not allowed to leave the land in a state of abandonment.³⁴

Testing of Justice and Human Rights Protection against the Elimination of Land Rights

1. Due Process of Law in Government Regulation No. 20 of 2021

Government Regulation Number 20 of 2021 regulates the due process of law mechanism through the stages of inventory, evaluation, and the provision of three written warnings before the elimination of land rights. This mechanism emphasizes that the abolition of rights is not carried out directly, but through a tiered administrative procedure that provides opportunities for rights holders to improve their land use.

2. Protection of Owners' Rights and Fair Opportunities

Inventory and evaluation are carried out to ensure that land abandonment occurs intentionally and not due to limited rights holders. Gradual warnings also reflect the principle of *fair hearing* by giving the owner the opportunity to improve the

³⁴ Brenda Brilliant Thenny, Et.Al. Juridical Study of the Use of Abandoned Land according to Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Lands. *Lex Administratum*. Vol 12. No. 2 (2024). Page 4

situation. Thus, Government Regulation No. 20 of 2021 has normatively provided minimal legal protection for land rights holders.

3. International Human Rights Perspective (Right to Property)

Land rights are part of property rights recognized as human rights in Article 17 of the Universal Declaration of Human Rights (UDHR). The abolition of land rights based on Government Regulation Number 20 of 2021 can be justified in terms of human rights as long as it is carried out in accordance with the law, for the public interest, and through fair procedures, so that it is not arbitrary.

In the perspective of distributive justice, the implementation of abandoned land management needs to be assessed proportionately. Government Regulation No. 20 of 2021 focuses more on the regulation of land controlled by legal entities, while certain individual owners are excluded due to economic limitations, thus reflecting efforts to implement substantive justice.

Thus, the elimination of land rights in Government Regulation No. 20 of 2021 normatively does not contradict the principles of human rights and the theory of justice, as long as the due process of law procedure is carried out consistently, is non-discriminatory, and takes into account the socio-economic conditions of the rights holders.

Legal Consequences for Land Rights Holders Who Do Not Use Their Land After the Enactment of Government Regulation Number 20 of 2021

The primary and final goal of agrarian reform is to create agrarian justice and eliminate poverty.³⁵ In an effort to achieve this goal, the government is taking steps by supervising abandoned land as part of the process of identifying and regulating these lands, so that they can be optimally utilized to support land management both at the regional and national levels.³⁶

Procedure for Determining Abandoned Land

The process of determining land that is suspected of being abandoned land until it is officially designated as Abandoned Land is carried out with several procedures, as stipulated in GR 20/2021, which include:

1. Stage 1 Inventory

Article 11

"1) The inventory of land indicated to be abandoned is carried out by the Land Office. 2) The inventory as intended in paragraph (1) shall be carried out no later than 2 (two) years after the issuance of the Land Rights, Management Rights, or Land Control Basis. 3) The inventory as mandated in paragraph (1) is carried out based on reports or information sourced from: a) Rights Holders, Management Rights Holders, or Land Ownership Holders; b) the results of monitoring and evaluation of Land Rights and Land Tenure Policies conducted by the Land Office, Regional Office, and Ministry; c) Ministries/Institutions; d) local governments; and/or e) the community."

Article 12

³⁵ Nurlinda. Comparison of Abandoned Land Handling in Tasikmalaya Regency and Sukabumi Regency in Realizing Food Security in West Java Province. *Ius Quia Iustum Legal Journal*. Vol 21. No. 1 (2014). Pp. 120–138. <https://doi.org/10.20885/iustum.vol21.iss1.art7>

³⁶ Ramadhan, A. R., Muntaqo, F., & Rs, I. R. Abandoned Land Management in the Context of Land Stewardship and Utilization. *Scientific Journal of Notary Law*. Vol 11. No. 1 (2022). pp. 92– 103. <https://doi.org/10.28946/Rpt.V11i1.1799>

"1) The results of the land inventory indicated that it is abandoned are attached with textual data and spatial data. 2) The results of the implementation of the inventory of land indicated by abandonment as intended in paragraph (1) are processed into data on land indicated by abandonment."

2. Stage 2 evaluation

Article 23

"1) The Abandoned Land Evaluation aims to ensure that the Right Holder, Management Rights Holder, or Holder of the Land Control Basis cultivates, uses, utilizes, and/or maintains the land owned or controlled. 2) The evaluation of Abandoned Land is carried out by a committee formed and determined by the head of the Regional Office. 3) Evaluation of Abandoned Land as intended in paragraph (1) shall at least include: a) examination of the document of Land Rights, Management Rights, or Basis of Land Tenure; b) examination of the plan for the business, use, utilization, and/or maintenance of the land; c) examination of the factual exploitation, use, utilization, and/or maintenance of the land; and d) notification to the Right Holder, Management Rights Holder, or the Holder of the Land Tenure Policy to cultivate, use, utilize, and/or maintain the land owned or controlled. 4) The evaluation as intended in paragraph (1) shall be carried out within a period of 180 (one hundred and eighty) calendar days. 5) In the event that based on the evaluation it is known that the Right Holder, Management Rights Holder, or Land Ownership Basis Holder deliberately does not cultivate, does not use, does not utilize, and/or does not maintain the land owned or controlled, the head of the Regional Office shall submit a notification to the Right Holder, Management Rights Holder, or Land Ownership Basis Holder to cultivate, use, utilize, and/or maintain the land that is owned or controlled. owned by A-TAU within a maximum period of 180 (one hundred and eighty) calendar days from the date of issuance of the notice. 6) In the event that the period as intended in paragraph (5) ends and the Right Holder, Management Rights Holder, or Holder of Land Ownership Basis still does not cultivate, does not cultivate, does not cultivate, does not utilize, and/or does not maintain the land owned or controlled, the process of giving a warning shall be carried out."

Article 24

"1) In the event that based on the results of the evaluation it is concluded that there is no land that has been deliberately abandoned, the head of the Regional Office proposes the removal from the database of land indicated to be abandoned to the Minister. 2) The Minister shall follow up on the proposed deletion as intended in paragraph (1) by removing it from the database of land indicated to be abandoned."

3. Phase 3 of the Abandoned Land Warning

Article 25

"1) In the event that based on the results of the evaluation it is concluded that there is an Abandoned Land, the head of the Wila-r,'ah Office shall give the first written warning to the Right Holder, Management Rights Holder, or Holder of the Basis of Control over the Land and other interested parties. 2) The first written warning as intended in paragraph (1) contains a warning that the Right Holder, Management Rights Holder, or Holder of Land Ownership Basis to cultivate, use, utilize, and/or maintain their land for a maximum period of 90 (ninety) calendar days from the date of receipt of the first warning letter. 3) In the event that the Right Holder, Management Rights Holder, or Land Tenure Basis Holder does not carry out the written warning of the Land as intended in paragraph (2), the head of the Regional

Office shall give a second written warning containing a warning that the Right Holder, Management Rights Holder, or Land Tenure Holder shall cultivate, use, utilize, and/or maintain their land within a maximum period of 45 (forty-five) days calendar from the date of receipt of the second warning letter. 4) In the event that the Right Holder, Management Rights Holder, or Land Tenure Basis Holder does not carry out the second written warning as intended in paragraph (3), the head of the Regional Office shall provide the third written warning containing a warning that the Right Holder, Management Rights Holder, or Land Tenure Holder shall cultivate, use, utilize, and/or maintain his land within a maximum period of 30 (thirty) calendar days from the date of receipt of the third warning letter. 5) In addition to being submitted to the Right Holder, Management Rights Holder, or Land Ownership Policy Holder, the first, second, and third written warnings shall also be submitted to: a. Ministers; b. holders of dependent rights, in the case of land encumbered with dependent rights; and c. heads of agencies that manage regional state-owned property or assets of state-owned enterprises/regions, in the event that land has the status of regional state-owned property or state-owned enterprise assets region."

Article 27

"In the event that the Right Holder, Management Rights Holder, or Holder of Land Control Policy does not carry out the third written warning as intended in Article 25 paragraph (4), the head of the Regional Office within a maximum period of 30 (three) working days proposes the determination of Abandoned Land to the Minister."

Article 28

"For the land proposed to be designated as Abandoned Land as referred to in Article 27, no legal action can be taken on the land until the issuance of the Ministerial Decree."

4. Stage 4 Determination of Abandoned Land

Article 30

"1) In the event that the land to be designated as Abandoned Land is in the form of land rights or land of Management Rights and covers the entire expanse, the determination of Abandoned Land also contains: a) the removal of Land Rights or Management Rights; b) the termination of legal relations; and c) affirmation as former state land of Abandoned Land that is directly controlled by the state. 2) In the event that the land to be designated as Abandoned Land is in the form of right land or Management Rights land and is part of an expanse, the determination of Abandoned Land also contains: a) the removal of Land Rights or Management Rights in the part that is abandoned; b) the termination of the legal relationship between the Right Holder or Management Right Holder and the part of the land that is abandoned; c) affirmation as former state land Abandoned Land that is directly controlled by the state over the part of the land the abandoned; and d. an order to conduct a broad revision of the Land Rights or Management Rights. 3) In the event that the land to be designated as Abandoned Land is land that has been given a Basis of Land Control, the determination of Abandoned Land also contains: a) termination of the legal relationship between the holder of the Land Ownership Policy and the land controlled; and b) affirmation as state land of former Abandoned Land that is directly controlled by the state. 4) In the event that the land to be designated as Abandoned Land has the status of state/regional property or the assets of state/regional owned business entities, the determination of Abandoned

Land also contains recommendations to the leaders of agencies that manage regional state-owned property or assets of local state-owned business entities to cultivate, use, utilize, and/or maintain land."

Article 31

"1) The extensive revision as intended in Article 30 paragraph (2) letter d becomes the burden of the Right Holder, Management Rights Holder, or Holder of the Land Control Policy. 2) In the event that the extensive revision as intended in paragraph (1) has not been implemented, the Right Holder, Management Rights Holder, or Holder of the Land Ownership Basis cannot carry out other legal acts related to the land. 3) If within a maximum period of 180 (one hundred and eighty) calendar days the revision of the area as referred to in paragraph (1) is not carried out by the Right Holder, Management Rights Holder, or Holder of Land Ownership Policy, then the land that is not abandoned shall be considered as a unit with the abandoned land and become Abandoned Land for the rest of the year."

Article 32

"1) Land that has been designated as Abandoned Land, within a maximum period of 30 (thirty) calendar days from the date of determination, must be vacated by the former Right Holder, Management Rights Holder, or Holder of Land Ownership Policy. 2) In the event that the former Right Holder, Management Rights Holder, or Holder of Land Tenure Policy does not fulfill the obligations as intended in paragraph (1), the object on it becomes a neglected asset."

Article 33

Land that has been designated as Abandoned Land can become Land Bank and/or TCUN Assets.

The increasing amount of land left unmanaged by the owner needs serious attention from the government, both at the central and regional levels. The management of abandoned lands is important because its existence can hinder the development process. In fact, if the land is used optimally, it can provide economic benefits for the community and contribute to increasing regional and state income.

As for after the determination of abandoned land, the determination also contains:³⁷

"1) If the abandoned land is in the form of land of rights or land of management rights and is the entire expanse: a) Removal of land rights or management rights; b) Termination of legal relationship; c) Affirmation as state land is a former abandoned land that is directly controlled by the state. 2) If the abandoned land is in the form of land rights or land of management rights and is part of an expanse: a) Removal of land rights or management rights in the abandoned part; b) Severance of the legal relationship between the holder of the right or management right and the part of the land that is abandoned; c) Affirmation as the land of the former state of abandoned land that is directly controlled by the state over the part of the abandoned land; d) Order to revise the extent of the right to the land or management rights. 3) If the abandoned land is land with the basis of control over the land: a) Termination of legal relations with the holder of the basis of control over the land; b) Affirmation as state land of former abandoned land that is directly controlled by the state."

³⁷ Article 30 of Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Lands.

The legal consequences imposed on the parties who abandon the land include:

"1) Land that has been declared as abandoned land becomes land controlled by the state; 2) Former rights holders or parties who have obtained a policy of possession of land that is later declared to be abandoned land shall be given compensation 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 of possession of the land in the amount determined by the Minister; 3) The right holder or party who has obtained the basis for control of the land has incurred costs to make physical infrastructure or buildings on the land that is declared abandoned, then the amount that has been spent is considered in the determination of compensation; 4) Compensation shall be charged to the party designated by the Minister as the new holder of the right to the land."³⁸

Land that has been declared as abandoned land causes the right to the land to be automatically lost based on the provisions of the law. The loss of these rights means that there is a transfer of ownership from the previous party, both individuals, groups, and legal entities to the state as a land manager. Thus, the land becomes the property of the state so that the purpose and function of its use can be carried out in accordance with applicable regulations.

E. Conclusion

Based on the discussion, it can be concluded that the implementation of PP 20/2021 in regulating unused land, that land that is deliberately left vacant or not used according to its intended purpose can be determined as abandoned land and has legal implications, both for individual rights holders and legal entities, except in certain conditions that are indeed excluded by regulations. The presence of this PP is not only aimed at regulating land ownership in accordance with the law, but also directing its use for the public interest, including food security, public housing, infrastructure, and renewable energy. Thus, Government Regulation No. 20 of 2021, including Articles 3, 6, 7, and Article 30 not only ensures the accountability of landowners in carrying out their rights and obligations, but also becomes an important instrument for the state to prevent inequality, optimize agrarian resources, and ensure the achievement of social justice in land use for the welfare of all Indonesian people.

Meanwhile, the legal consequences imposed on the parties who abandon the land include articles 30, 31, 32, The legal consequences that arise for the right holder who abandon their land are quite significant, ranging from the abolition of land rights for the sake of the law, the transfer of the status of land to state land, to the regulation of limited compensation that is only given for the cost of acquisition or physical development that is legally proven. The enactment of Government Regulation 20/2021 provides legal certainty while affirming the responsibility of land rights holders to cultivate, use, and maintain land in accordance with their social functions, as well as provide a firm foundation for the state in ordering abandoned lands. Through the stages of inventory, evaluation, warning, and determination as abandoned land, the government ensures that the land is not misused or left unproductive, because basically land is a strategic resource for community welfare and national development.

³⁸ Tutiek Retnowati, Juridical Review of Legal Protection of Owners of Abandoned Land Rights, *Lex Journal: Legal & Justice Studies*, Vol. 1, No. 2, 2018, p. 285. <https://doi.org/10.25139/Lex.V5i2.4603>

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