

Abandoned Land as a Paradox of Prosperity

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ABSTRACT

Land in the context of human life is not merely a physical space, but also a social, economic, cultural, and political symbol that holds strategic functions for the sustainability of life. In the perspective of Indonesian agrarian law, land is positioned as a means to realize social justice as affirmed in Article 33 of the 1945 Constitution and the Basic Agrarian Law (UUPA). However, reality demonstrates that many lands are left uncultivated, giving rise to the phenomenon of abandoned land. This condition reflects a major paradox: on one hand, land is a fundamental and limited necessity, while on the other hand, land is often not utilized in accordance with its function. This research examines the conceptuality of abandoned land using a qualitative empirical approach, involving regional governments, the National Land Agency, village officials, and land certificate holders as informants. Research findings demonstrate that land abandonment is influenced by economic factors, ineffective policies, ownership disputes, and urbanization. In legal terms, abandoned land is considered a violation of the social function of land, whereby the state has the right to revoke land rights and return the land for public interest through a land administration mechanism. In conclusion, abandoned land is not merely an issue of land administration, but also a matter of social justice, economic sustainability, and environmental conservation. Proper handling through regulation, legal socialization, and community empowerment becomes the key to restoring land to its true function as a source of life and collective welfare.

1. Introduction

Land has continuously served as the primary stage of human existence from the dawn of civilization to the present day.¹ It not only supports a foothold, but also accommodates historical traces, preserves collective memory, and becomes a medium through which humanity cultivates life.² In the Indonesian context, land is not merely an economic asset, but rather a symbol of pride, identity, and even dignity. Like a home for the body, land serves as the foundation for social, political, and cultural continuity. It is present in human daily life: as agricultural land for food production, residential settlements, cultural spaces, and ultimately as the final resting place when the body returns to earth. From this understanding, we can comprehend why land perpetually gives rise to significant issues, as its scarcity confronts ever-expanding human needs and demands.³

In the framework of national development, land occupies a very strategic position. The Indonesian Constitution, through Article 33 paragraph (3) of the 1945 Constitution, affirms that the earth, water, and natural resources contained therein are controlled by the state for the greatest prosperity of the people. Thus, the state is not an absolute owner of land, but rather a manager who is given a mandate to regulate, allocate, and distribute its utilization. This principle is subsequently reaffirmed in the Basic Agrarian Law (UUPA) Number 5 of 1960, which provides a legal basis for the state in regulating the designation, use, and granting of rights over land. In other words, land is understood not merely as an individual right, but also as a collective instrument for realizing social justice. It is here that the concept of the social function of land gains its footing.⁴

The social function of land is explicitly stated in Article 6 of the Land Law (UUPA), which provides that every right to land contains a social function. This means that land ownership cannot be separated from social responsibility toward the surrounding community.⁵ Land must not be merely treated as an object of speculation or investment without considering its utility for communal life. The Explanation of the Basic Agrarian Law (UUPA) emphasizes that ownership motivated solely by personal profit without social contribution will lose its moral and legal legitimacy. Therefore, the state is granted authority to intervene, including through the revocation of rights if the owner abandons the land. Within the logic of national development, land left uncultivated is equivalent to disregarding the potential for life that should emerge from the earth's fertility.

In the context of national agrarian law, a distinction must be drawn between the social function of land and agrarian social justice. The social function of land constitutes a regulative norm operating at the micro level namely, the moral and legal obligation of a rights holder to cultivate land productively in accordance with its intended use and to benefit the surrounding community.

¹ Fence M Wantu,, Dolot Alhasni Bakung, and Mohammad Hidayat Muhtar. "Urgensi pembentukan Perdes tentang penataan tanah sempadan pantai di pesisir Teluk Tomini dalam pengelolaan dan penggunaan serta kepemilikannya." MAJU: Indonesian Journal of Community Empowerment 1.4 (2024): 241-249. <https://doi.org/10.62335/ay9p2325>

² Aprilinda Rahman, Nirwan Junus, and Mohamad Hidayat Muhtar. "Kedudukan Hibah Bangunan Pemerintah Yang Dibangun Di Tanah Hak Milik Orang Lain sebagai Hak Guna Bangunan Ditinjau Dari Pasal 10. B Undang-Undang Nomor 2 Tahun 2012 (Desa Doulan Kecamatan Bokat Kabupaten Buol Provinsi Sulawesi Tengah)." *SINERGI: Jurnal Riset Ilmiah* 1.6 (2024): 342-352. <https://doi.org/10.62335/b2y7pd15>

³ Muhammad Bintang Idrus, Mutia Ch Thalib, and Mohamad Hidayat Muhtar. "Kesenjangan Hukum Dan Realitas Sosial Dalam Transaksi Tanah Tanpa Sertifikat." *YUDHISTIRA: Jurnal Yurisprudensi, Hukum dan Peradilan* 3.2 (2025): 84-91. <https://doi.org/10.59966/yudhistira.v3i2.1926>

⁴ Istijab, Istijab. "Penyelesaian sengketa tanah sesudah berlakunya undang-undang pokok agraria." *Widya Yuridika* 1.1 (2018): 11-23. <https://doi.org/10.31328/wy.v1i1.522>

⁵ Bayu Andrianto Wirawan, and Viktor Amrifo. "Deforestasi Dan Ketahanan Sosial." *Jurnal Masyarakat Dan Budaya* 22.3 (2020): 125-134. <https://doi.org/10.14203/jmb.v22i3.1059>

Conversely, agrarian social justice is a distributive norm at the macro level that regulates national policy on land control and allocation in order to prevent structural inequality. By distinguishing these two concepts, the basis for state intervention in the management of abandoned land becomes clearer: the state has the right to revoke individual rights not merely due to administrative violation, but because a deviation from the principle of social justice in the management of agrarian resources has occurred.

The phenomenon of abandoned land has become one of the principal problems in agrarian governance in Indonesia. Rapidly growing population exerts enormous pressure on the demand for land, whether for residenti.⁶ Articles 27, 34, and 40 of the Basic Agrarian Law (UUPA) have already clearly granted the state the authority to revoke land rights over abandoned land. In response to this matter, the government has issued several derivative regulations. Government Regulation Number 36 of 1998, subsequently updated through Government Regulation Number 11 of 2010, and culminating in Government Regulation Number 20 of 2021 concerning the Legalization of Abandoned Land Areas and Land, serve as the legal instruments that regulate the steps for handling underutilized land. These regulations establish procedures ranging from identification, issuance of warnings, determination of abandoned land status, to the redevelopment of land for the benefit of the community or agrarian reform programs. The National Land Agency (BPN) working together with local governments plays a central role in this process. Through inventory, field research, and evaluation, they determine whether a particular parcel of land truly meets the criteria as abandoned land. This stage is important to ensure legal certainty while preventing social conflict.

The case in Gorontalo Regency serves as a concrete example of the complexity of the abandoned land issue. Based on data from the BPN Regional Office, there are a number of land parcels with Agricultural Use Rights (HGU) status that are not being utilized according to their designated purpose. Some of these are owned by individuals, while others are controlled by large plantation companies. Nevertheless, according to the regulations, HGU that has not been worked for two years since issuance can be categorized as abandoned land. This fact demonstrates weak awareness among landowners in fulfilling their legal obligations and presents a challenge to the state in exercising its supervisory function. An interview with the Gorontalo BPN office revealed the existence of technical difficulties, ranging from identifying rights holders to lengthy bureaucratic processes. Such obstacles often slow down the legalization process, causing land to remain neglected and surrounding communities fail to benefit.

From an economic perspective, land abandonment is a form of resource waste. The potential economic value that could be generated through land utilization is simply lost. More than that, such conditions create social injustice. Small community members who need land for farming or housing are instead denied access, while legitimate owners are allowed to abandon land over the long term. Therefore, the existence of firm regulations and consistent implementation become essential requirements in realizing fair agrarian governance. The state must ensure that land does

⁶ Ni Putu Yunika Sulistiawati, and Gusti Ayu Putu Yuliana Putri. "Pengaturan Pemberian Hak Guna Usaha Di Atas Tanah Hak Komunal Menurut Hukum Pertanahan Di Indonesia." *Kerta Dyatmika* 17.2 (2020): 36-44. <https://doi.org/10.46650/kd.17.2.978.36-44>

not remain merely an instrument of interest for a few, but genuinely becomes a shared resource for collective welfare.

However, the implementation of regulations in the field often encounters a reality that is not straightforward. Data limitations regarding ownership, overlapping regulations, and resistance from influential landowners make the legalization process move slowly. BPN as a technical institution faces a dilemma between exercising legal authority while considering social stability. As a result, many parcels of land are de facto abandoned but have not yet been able to be de jure formally designated as such. This condition demonstrates that agrarian governance is not only a matter of regulation, but also a matter of institutional capacity, political will, and community participation.

Ultimately, land is a mirror of humanity's relationship with its environment. On one hand, it is a concrete source of life where farming occurs, homes are built, and economies flourish. On the other hand, it is an abstract symbol of identity, status, and dignity. Neglecting land is the same as neglecting life. Therefore, the legalization of abandoned land is not merely an administrative matter, but also a manifestation of this nation's collective effort to reorganize socio-economic relations for greater justice. If land continues to be abandoned, then what is abandoned is not merely the land itself, but also the future of the next generation.

For this reason, this research will delve into the efforts undertaken in the legalization of abandoned Agricultural Use Rights land in Gorontalo Regency and the obstacles faced in the legalization of abandoned Agricultural Use Rights land in Gorontalo Regency.

2. Research Methods

In this research, an empirical method with a qualitative approach was employed, positioning law as an integral part of the social realities present within society. Through this approach, data were collected directly in the field, enabling the researcher to uncover the phenomenon of abandoned land in a thorough and naturalistic manner.⁷ Interviews were conducted with various stakeholders, namely the Regional Government of Gorontalo Regency, the National Land Agency of Gorontalo Province and Regency, village officials, and holders of abandoned land certificates. Additionally, this research utilized secondary data in the form of books, journals, articles, theses, and relevant statutory regulations. The research location was centered in Gorontalo Regency because this region possesses a number of abandoned lands and related authorities competent in their management, thereby enabling the researcher to obtain accurate and authentic data.

The research population encompasses all parties related to the abandoned land issue, while the sample was determined purposively to represent the population, including one representative from the Regional Government of Gorontalo Regency, two employees from the National Land Agency of Gorontalo Province, and two employees from the National Land Agency of Gorontalo Regency. The collected data were analyzed using qualitative descriptive methods, which aimed to summarize and simultaneously explain the research findings analytically. Through this analysis, the research not only captured the perspectives of the relevant parties regarding the abandoned land

⁷ M. Syarif, Ramadhani, R., Wisnu Graha, M. A., Yanuaria, T., Muhtar, M. H., Asmah, N., Syahril, M. A. F., Utami, R. D., Rustan, A., Nasution, H. S., Putera, A., Wilhelmus, K., & Jannah, M. (2024). *Metode Penelitian Hukum*. Get Press Indonesia. hlm.69

issue but also evaluated the extent to which policy measures and enforcement efforts have produced tangible impacts. Thus, the research results are expected to provide a holistic understanding of the abandoned land problem in Gorontalo, both from the normative perspective and from the accompanying social dynamics.

3. Result and Discussion

3. 1. The Conceptuality of Abandoned Land

Land throughout the long history of human civilization has never ceased to be the foundation of life. It is not merely a physical space where humans stand, but also a vessel of life that sustains all social, economic, cultural, and political activities. In the context of Indonesia, land even possesses a profound philosophical dimension, as it becomes a symbol of independence, sovereignty, and the prosperity of the people. Land is not a passive, lifeless object, but rather part of a living ecosystem that is unified with humanity.⁸ In national agrarian law, land must not be regarded merely as a commodity that can be controlled solely for individual profit; rather, it must be regarded as a means to achieve common welfare. This is why the conceptuality of abandoned land becomes important, as it reflects a great paradox in resource management: on one hand, land is a fundamental necessity that is severely limited, yet on the other hand, it is frequently abandoned by those parties who actually possess the legal authority to control it.

The phenomenon of abandoned land arises from an imbalanced relationship between ownership and utilization. The rights to land granted by the state to individuals or legal entities through various instruments such as *Hak Milik* (Right of Ownership), *Hak Guna Usaba* (Right to Cultivate/Right of Cultivation, HGU), *Hak Guna Bangunan* (Right to Build, HGB), and *Hak Pakai* (Right to Use) actually possess an instrumental purpose namely, that the land shall be cultivated, utilized, and used optimally in accordance with the nature and purpose of the granting of such right.⁹ However, in reality, many lands are not well utilized. Right holders sometimes merely make land a symbol of status or collateral for capital, rather than as a means of production or source of livelihood. As a result, land that should support the welfare of the wider community becomes vacant land without productive function.

Abandoned land in its conceptualization can be interpreted from several perspectives: legal, social, economic, and cultural. From a legal perspective, abandoned land is land that has been granted rights by the state to an individual or legal entity but is not cultivated, not used, or not utilized in accordance with the nature and purpose of granting the right. This definition is confirmed in various regulations, ranging from the Basic Agrarian Law (UUPA) Number 5 of 1960 to Government Regulation Number 20 of 2021.¹⁰ From a social perspective, abandoned land represents a symbol of injustice in the distribution of resources. When a small number of individuals or corporations control vast areas of land without utilizing them, while ordinary people struggle to obtain land for farming or housing, a structural inequality emerges that has the potential

⁸ Siti Nurjannah. "Eksistensi hak tanggungan sebagai lembaga jaminan hak atas tanah (Tinjauan Filosofis)." *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 5.1 (2018): 195–205. <https://doi.org/10.24252/jurisprudentie.v5i2.5439>

⁹ Yance Arizona. "Perkembangan konstitusionalitas penguasaan negara atas sumber daya alam dalam putusan Mahkamah Konstitusi." *Jurnal Konstitusi* 8.3 (2011): 257-314. <https://doi.org/10.31078/jk833>

¹⁰ Dayat Limbong. "Tanah Negara, Tanah Terlantar Dan Penertibannya." *Jurnal Mercatoria* 10.1 (2017): 1-9. <https://doi.org/10.31289/mercatoria.v10i1.614>

to generate conflict. From an economic perspective, abandoned land represents a form of waste of an extremely valuable resource. The potential production of food, housing, and other economic activities that should arise from such land is simply lost. Conversely, from a cultural perspective, abandoned land indicates the severing of the human connection with land as part of their identity, because land is no longer treated as a source of livelihood but merely as a formal object of ownership that is devoid of social values.

The concept of abandoned land in Indonesian law cannot be separated from the constitutional foundation of Article 33 paragraph (3) of the 1945 Constitution, which affirms that the earth, water, and natural resources contained therein are controlled by the state for the greatest prosperity of the people. This mandate places the state as a manager obligated to ensure that every piece of land is utilized for the interests of the people. The state does not possess land in the sense of absolute ownership, but rather the state is given the mandate to regulate, allocate, and distribute rights over land so that its use aligns with social objectives.¹¹ Within this framework, abandoned land constitutes a violation of the social function of land mandated by Article 6 of the UUPA (Basic Agrarian Law). The right to land should not be viewed as an absolute right, but rather is always limited by social obligations. Consequently, when land is left unused, the right to that land loses its social and legal legitimacy, and the state has the authority to revoke it.

The phenomenon of abandoned land in Indonesia has a long history influenced by macroeconomic factors. One important period was the monetary crisis that continued into an economic crisis in 1988, during which many companies that previously controlled large tracts of land were no longer able to manage them due to capital constraints. Land that was originally acquired for the development of plantation or industrial enterprises ultimately became neglected. Since then, the issue of abandoned land has been understood not only as a technical problem at the local level, but also as a structural consequence of national and global economic dynamics. To this day, there remain many parcels of land with the status of HGU or HGB (leasehold rights) that are not utilized according to their intended function, whether due to financial problems, disputes over ownership, or land speculation.¹²

Normatively, the Basic Agrarian Law (UUPA) has clearly regulated that land rights can be lost if the land is abandoned. Articles 27, 34, and 40 affirm that Ownership Rights (Hak Milik), Land Use Rights (HGU), and Building Use Rights (HGB) will be revoked if the land is not managed in accordance with its nature and purpose. This regulation was subsequently clarified through various derivative regulations, ranging from Government Regulation Number 36 of 1998, Government Regulation Number 11 of 2010, to Government Regulation Number 20 of 2021 which is currently in effect. These regulations provide operational definitions of abandoned land and establish mechanisms for settlement and productive utilization. The Head of BPN Regulation Number 4 of 2010 and Number 5 of 2011 even regulate the technical procedures for settlement and utilization

¹¹ Desinta, Desinta, et al. "Rekonstruksi Konsep" Tanah Terlantar" dalam UUPA: Implikasi Terhadap Pengelolaan HGU yang Tidak Produktif." *Jurnal Riset Rumpun Ilmu Sosial, Politik dan Humaniora* 4.1 (2025): 697-712. <https://doi.org/10.55606/jurrish.v3i2.5408>

¹² Restiana Restiana, Ngadino Ngadino, and Adya Paramita Prabandari. "Akibat Hukum Sengketa Penelantaran Hak Atas Tanahkonversi Di Kota Pekalongan." *Notarius* 13.2: 838-847. <https://doi.org/10.14710/nts.v13i2.31171>

of abandoned land, beginning from inventory, field research, issuance of warnings, to the determination of abandoned land by the Head of BPN.¹³

From a conceptual perspective, the definition of abandoned land (*tanah terlantar*) across various regulations is indeed not substantially different. The Basic Agrarian Law (UUPA) emphasizes the social obligation aspect of rights holders, whereas Government Regulation No. 20 of 2021 asserts that abandoned land is land with ownership rights, management rights, or land acquired based on a basis of control that is intentionally not cultivated, not used, not utilized, and not properly maintained in accordance with the purpose of granting such rights. In other words, the essence of abandoned land is the presence of a rights holder who is negligent or intentionally fails to fulfill their obligation to cultivate the land. The element of intent becomes important because unutilized land is not merely due to physical limitations alone, but because of a deliberate choice not to use the land in accordance with legal regulations.

The factors causing the emergence of abandoned land are highly complex and involve dimensions of policy, social, economic, and cultural factors. Ineffective or inconsistent government policies often result in neglected land. For instance, land redistribution programs that are not accompanied by production infrastructure support cause land that has already been distributed to communities to remain unoptimally cultivated. Land ownership disputes also constitute a primary cause, as land entangled in legal conflicts typically cannot be cultivated until its ownership status is clarified. Unstable macroeconomic conditions, such as high inflation or monetary crises, also reduce the capacity of land owners to manage their properties. Urbanization and changes in settlement patterns have caused many rural lands to be abandoned by their owners who have relocated to cities. Furthermore, there is also land that is deliberately left vacant because the owner is awaiting an increase in resale value in the future. All these factors demonstrate that abandoned land is not merely an individual matter, but rather a structural symptom in national agrarian management and governance.

In a broader conceptualization, abandoned land also possesses identifiable characteristics. Such land typically already possesses formal rights from the state, but is not used in accordance with the purpose for which such rights were granted. Physically, abandoned land is often marked by deterioration in quality, poor maintenance, declining fertility, or even reverting to forest due to prolonged non-cultivation. The element of intent is usually evident from the fact that the owner allows the land to remain unproductive for a certain period, despite having the capacity to manage it. Another characteristic is the presence of legal status that permits such land to revert to the state after the right has been revoked through a formal process.

From a legal perspective, the elements of abandoned land can be elaborated into four principal components. First, the existence of a legal subject in the form of an individual or legal entity that holds formal rights over the land. Second, the existence of an object consisting of land that is not cultivated, not used, or not utilized in accordance with the nature and purpose of such rights. Third, the existence of a specific time period during which the land is deliberately allowed to remain unproductive. Fourth, the existence of deliberate failure to fulfill legal obligations, which

¹³ Putu Sinta Dewi, Komang Febrinayanti Dantes, and I. Dewa Gede Herman Yudiawan. "Kajian Yuridis Peraturan Pemerintah Nomor 20 Tahun 2021 Sebagai Mekanisme Penetapan Hak Atas Tanah Terlantar Di Indonesia." *Jurnal Komunitas Yustisia* 6.2 (2023): 24-34. <https://doi.org/10.23887/jatayu.v6i2.93196>

ultimately opens the way for the state to revoke such rights and take over the land. These elements serve as the basis for the National Land Agency (BPN) in conducting the administration and ordering of abandoned land, such that not all vacant land is automatically categorized as abandoned land.¹⁴

The conceptuality of abandoned land is also related to the social, economic, and environmental impacts it creates. From a social perspective, abandoned land widens inequality because only a handful of people control vast tracts of land without utilizing them, while small communities struggle to access land. From an economic perspective, abandoned land creates inefficiency because potential production and added value are simply lost. From an environmental perspective, abandoned land often causes land degradation, reduced soil fertility, and ecosystem damage. Therefore, the regulation of abandoned land is not only an administrative obligation but also a strategic step to maintain social justice, promote economic growth, and preserve the environment.

Ultimately, the conceptuality of abandoned land affirms that land is not merely an object of individual ownership, but rather contains a very strong social dimension. Rights to land are always limited by the social obligation to cultivate and utilize it for the common interest. When land is left abandoned, what is abandoned is not only the land itself but also the potential for life contained within it. Therefore, the state has an obligation to regulate abandoned land as part of the constitutional mandate to achieve the greatest possible prosperity of the people. Abandoned land is not merely a legal matter, but also a reflection of failure in managing resources for social justice. Addressing abandoned land means returning land to its original function: as a source of life, welfare, and national dignity.

3.2. Efforts Made in Land Certification for Abandoned Land in Gorontalo Regency

As long as humans remain alive and continue to socialize, conflicts regarding land rights are rarely ever truly resolved. When the need for space increases, when the economy fluctuates, when cities grow and villages transform, land becomes a stage for various interests that are intricately intertwined. Because of this, the constitution establishes a firm and comprehensive foundation, namely Article 33 paragraph (3) of the Constitution of the Republic of Indonesia Year 1945 states that the earth, water, and natural resources contained within it are controlled by the state and utilized for the greatest prosperity of the people. This formulation not only establishes the state's role as a manager and organizer of living space, but also positions land as a medium of living and functioning social justice for all citizens.¹⁵

Indonesia, as the world's largest archipelago, bears the consequences of its geographic and cultural diversity: thousands of islands, hundreds of ethnic groups and customary traditions, varying customs in controlling, utilizing, and organizing land. This diversity is both a wealth and a challenge. On one hand, it enriches agrarian practices and colors human relations with space; on the other hand, it demands governance capable of maintaining harmony between local interests and national interests. With the pace of development in various sectors, the demand for land

¹⁴ Mira Novana Ardani. "Langkah Kementerian ATR/BPN Menghadapi Disrupsi Digital: Dalam Telaah Filsafat Hukum." *Gema Keadilan* 9.1 (2022): 19-35. <https://doi.org/10.14710/gk.2022.14551>

¹⁵ Muhammad Fajar Sidiq Widodo, and Moh Ahza Ali Musthofa. "Politik Hukum Pembentukan Bank Tanah dalam Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja." *Verfassung: Jurnal Hukum Tata Negara* 1.1 (2022): 83-100. <https://doi.org/10.30762/vjhtn.v1i1.163>

surges, its roles and functions shift, and these changes must be managed to remain aligned with constitutional mandates.

It is within this domain that regional governments operate, and in the context of agriculture, the Department of Agriculture becomes an important technical node. The formal authority to manage land tenure rests on the constitutional mandate, which is subsequently operationalized through the Basic Agrarian Law Number 5 of 1960. Article 1 paragraph (3) of the Basic Agrarian Law emphasizes the enduring relationship of the Indonesian nation with the earth, water, and outer space. This emphasis carries ethical and juridical consequences: resources must be preserved across generations, their utilization must not sacrifice long-term carrying capacity, and land abandonment contradicts the interests of future generations. The condition of abandoned land thus feels ironic, even painful to the sense of justice of small communities that lack adequate access to land.¹⁶ Amidst the high demand for land for residential settlements and business enterprises, rightholders who do not manage their land optimally are still found. When agricultural land undergoes massive conversion to non-agricultural uses residential housing, industry, infrastructure services, and various other economic activities the carrying capacity for food production and environmental sustainability is disrupted, agrarian networks are severed, and the community's ability to sustain their livelihood through land becomes increasingly fragile.

Old data frequently cited from the Directorate General of Land and Water Management of the Ministry of Agriculture demonstrates a rate of paddy field conversion of hundreds of thousands of hectares per year in the mid-2000s decade, which if left uncontrolled will undermine food security and food sovereignty. Abandoned land not only diminishes economic potential but also triggers physical degradation increased erosion, declining soil fertility, disrupted nutrient cycles, and thinning organic layers.¹⁷ In the long term, neglect is a quiet path toward ecological degradation that is not easily recoverable.

In institutional practice at the district level, supervision of land with the status of Right to Cultivate (Hak Guna Usaha), particularly land designated for agricultural activities, receives special attention. Technical officials such as heads of divisions in the land and settlement offices emphasize that the Agricultural Department has a dual role: as a supervisor to ensure that land utilization is in accordance with the purpose of granting the right, and as a technical advisor to ensure that cultivation obstacles, irrigation infrastructure, seed provision, conservation efforts, and other technical aspects do not become recurring reasons that result in land abandonment.¹⁸ In the inventory of land indicated as abandoned, we find a series of cultivation rights controlled by both individuals and corporations a mirror reflecting that large-scale land possession practices always carry the risk of inefficiency when land management governance and accountability of utilization are weak.

¹⁶ Hendra Sukarman, and Wildan Sany Prasetya. "Degradasi Keadilan Agraria Dalam Omnibus-Law." *Jurnal Ilmiah Galuh Justisi* 9.1 (2021): 17-37. <https://doi.org/10.25157/justisi.v9i1.4806>

¹⁷ Dessy Eko Prayitno. "Kemitraan konservasi sebagai upaya penyelesaian konflik tenurial dalam pengelolaan kawasan konservasi di Indonesia." *Jurnal Hukum Lingkungan Indonesia* 6.2 (2020): 184-209. <https://doi.org/10.38011/jhli.v6i2.175>

¹⁸ Dolot Al Hasni Bakung, Zamroni Abdussamad, and Mohamad Hidayat Muhtar. "Contra perceptions of the freedom of contract principle in Law No. 2 of 1960 concerning agricultural products sharing with the community Ijon system in the Bonebeach environment." *Protection: Journal Of Land And Environmental Law* 1.1 (2022): 1-4. <https://doi.org/10.38142/pjlel.v1i1.280>

As an agrarian nation, Indonesia depends on the agricultural sector for the livelihoods of the majority of its population. However, field reality reveals a paradox: the need for agricultural land increases, while total land area shrinks due to land-use conversion occurring more rapidly than the capacity of policy to control it. If land-use conversion is not managed strictly and oriented toward long-term interests, it will not only shake food security balance but also disrupt rural social networks, farming culture, and ecological stability that sustain cross-sectoral livelihoods. For this reason, the Department of Agriculture cannot stop at an administrative role. It must become a nexus that connects technical extension with regulatory oversight.

Field supervision and monitoring must proceed in tandem with the formulation of realistic and solution-oriented technical recommendations: land management suited to local agroecology, irrigation system improvement, commodity diversification relevant to local markets, and strengthening the capacity of farmers or land managers. When technical obstacles are the reason, extension support is the answer; when speculation is the motive, enforcement is imperative. Within the framework of abandoned land settlement, the Department of Agriculture becomes a partner to the National Land Agency in ensuring that data on productivity, land potential, and factual cultivation conditions are presented comprehensively.

This data becomes the basis for determining status, so that each decision is grounded not solely on norms but also on verifiable agronomic reality. The determination of abandoned land status ultimately aims to establish legal certainty and encourage functional recovery so that land returns to serving society, increasing food supply, strengthening local economies, and simultaneously preserving the environment. The involvement of agricultural extension workers, farmer organizations, and village governments in education and legal socialization has proven crucial. Synergy between the National Land Agency as the representative of the central government and Local Government through the Department of Agriculture represents a concrete manifestation of the application of deconcentration and decentralization principles in agrarian governance. This collaboration ensures that the execution of the constitutional mandate concerning land control by the state is carried out effectively at the local level while maintaining alignment between central policy and regional needs. Through this mechanism, the principle of good governance in abandoned land settlement can be realized through transparent and accountable coordination across levels of government. Rights holders need to understand their legal obligations, comprehend the consequences if land is not cultivated, and simultaneously obtain pathways for technical assistance if needed. Agrarian order does not emerge from coercion alone; it grows from a combination of certainty, awareness, and adequate support.

On the other hand, the role of the National Land Agency serves as the backbone in enforcing the land law regime. From the perspective of constitutional law, the authority of the National Land Agency in abandoned land settlement is a result of attribution delegation of executive power from the President as regulated in Government Regulation Number 20 of 2021. This delegation aligns with the principle of governmental hierarchy wherein central authority can be delegated to technical agencies to ensure effective implementation of public policy. However, this delegation must still be exercised within the framework of subsidiarity bringing decision-making closer to the level most familiar with local conditions and proportionality, which ensures that state administrative action does not exceed the purpose of public interest. Thus, the role of the BPN

Head in the settlement process is not standalone but rather an extension of the President's constitutional mandate to regulate land utilization for the greatest prosperity of the people.

Land abandonment is positioned as a violation of the rights holder's obligation, because all land rights and land management rights granted by the state carry responsibility to cultivate, use, utilize, and maintain them. This is not merely an ethical matter; it is a legal mandate whose application seeks to ensure that land does not become a dead asset held in storage but rather a living asset that contributes tangibly to public welfare.¹⁹ When land supply is limited and demand grows relentlessly, the state has an interest in closing gaps of inefficiency. The authority to declare land abandoned is a public authority that, within the corridors of administrative law, can extend to the revocation of rights, certainly with procedures, warning stages, and legal protections that are regulated. A series of regulations ranging from Government Regulations to the Head of the National Land Agency Regulations explain the technical pathways that must be followed so that every action can be held accountable both legally and socially.

In daily work, the National Land Agency (BPN) collects data, prepares facts, and conducts strict verification processes. Interviews with functional officials in the dispute resolution section, for instance, underline that data collection and identification are crucial steps that cannot be skipped. Ownership status must be clear, legal and physical maps must be synchronized, involvement of village government and community is necessary to minimize misplacement of action, and education regarding registration procedures and utilization obligations become part of the policy package. Within the scope of provincial territory, the institutional mechanism works through committees formally established and commonly referred to as Panitia C (Committee C). Through this forum, technical communication and substantive considerations are exchanged, opinions are recorded in minutes, and decision materials are drafted until ready to be proposed to higher authorities. The dynamics of committee sessions are not merely administrative ritual; it is a deliberative mechanism to maintain balance between legal certainty and policy flexibility so that decisions made are well-targeted.

The procedure for declaring land abandoned requires firm yet fair stages. When identification and research results conclude that there are indications of abandonment, the rights holder will receive graduated written warnings. The essence of warning is not merely sanction, but an opportunity to restore neglected obligations. Deadlines are given, progress indicators are monitored, and if the rights holder demonstrates good faith by cultivating the land according to the purpose of the right grant or applies for a change of rights if necessary, then recovery pathways are available. However, if three consecutive warnings are ignored, and final monitoring shows no substantial effort to restore utilization, then a recommendation to declare the land abandoned can be appropriately proposed. At that stage, the aspect of caution is heightened: legal actions on the proposed plot are temporarily frozen, prevention of legal acts is carried out through structured notification to all related parties, and administration is examined carefully so as not to create new vulnerabilities later. Here BPN displays its function as a state administrative official working within strict formality corridors while managing the social implications of each decision.

¹⁹ Anita Kamilah, et al. "Peran Badan Pertanahan Nasional Dalam Penyelesaian Sengketa Tanah Akibat Overlapping." *Jurnal ISO: Jurnal Ilmu Sosial, Politik dan Humaniora* 5.1 (2025): 1-13. <https://doi.org/10.53697/iso.v5i1.2443>

From the perspective of constitutional and administrative law, every determination of abandoned land status or revocation of land rights constitutes a form of State Administrative Decision (*Keputusan Tata Usaha Negara—KTUN*). This decision functions as an administrative sanction that must comply with General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik—AUPB*) such as the principle of legal certainty, proportionality, and openness. Therefore, the entire procedure for declaring land abandoned must guarantee due process of law, from the stage of identification, provision of warnings, to the final decision, so that the rights of citizens remain protected and every state action has strong legal legitimacy.

In Gorontalo Regency as in many other regions, collaborative practice becomes a condition for breaking through deadlock. The local government through technical agencies strengthens outreach that encourages residents to manage land registration, improve documentation, and understand correct procedures. Information dissemination utilizes channels close to residents: community social media, village meetings, simple pamphlets, and cooperation with community leaders. The strategy is not merely a short-term campaign, but a continuous program that cultivates habits of administrative orderliness. At the same time, agrarian reform and mass certification programs are designed to sweep clean the gray area of administration. When legal certainty increases, institutional energy can be redirected from extinguishing disputes toward conducting visionary and realistic spatial planning, including providing incentive mechanisms for land utilization according to its designation.

If summarized in a broader vision, all of these efforts are directed toward one goal: making land work again for the welfare of the people. The Constitution has already placed its normative horizon, the Basic Agrarian Law (UUPA) lowers it into categories of rights and obligations, government regulations and head of agency regulations provide procedural bridges, while local governments and technical ministries install small wheels so the entire machine moves. Within that framework, abandoned land is not just a matter of administrative violation; it is a sign of dormant social and economic energy. Reviving it means turning on lights at vital nodes of an ecosystem: farmers obtain land, production grows, food security strengthens, local markets move, environment is restored, and a sense of justice is maintained. However, there is no guarantee that all of this will happen automatically. No matter how well institutional design is, it will dim without consistent leadership, tidy data, and meaningful community participation. This is where moderate narrative meets scientific discipline: we accept complexity as fact, but refuse to submit to fatalism.

Going forward, land management requires several strategic emphases. First, strengthening the integration of spatial-legal data across agencies so that each plot of land has a single digital identity that is difficult to counterfeit and easy to trace its history. Second, linking permits and renewal of rights to measured utilization performance indicators, so that rights are no longer understood merely as a legal umbrella, but as a social contract that can end if obligations are not fulfilled. Third, expanding the space for citizen participation in oversight through easily accessible reporting channels that are legally protected, so that information from below becomes valuable input in the inventorying process. Fourth, strengthening technical assistance, particularly for HGU land that is indeed oriented toward agricultural production, so that cultivation constraints do not become the scapegoat for abandonment. Fifth, ensuring that every land abandonment policy always examines its social impact, so that the transition in land utilization after abandonment determination does not create new exclusion, but rather opens access for groups that have been marginalized so far.

Finally, on the grand theme of land, we always return to a question that is simple yet fundamental: for whom does this land work. Article 33 paragraph (3) provides a firm answer for the prosperity of the people and the entire regulatory structure lowers that answer into procedures that can be implemented. The diversity of our islands, customs, and habits is not an obstacle, but social capital that if organized justly will enrich the way we interpret space. When the local government through the Department of Agriculture oversees and assists, when BPN safeguards certainty and enforces order, when the community strengthens legal literacy and administrative orderliness, then land that has been silent for so long can speak again.

4. Conclusion

The registration and management of abandoned land demands strong synergy between constitutional mandates and technical field operations so that land may once again serve the welfare of the people. Article 33 of the 1945 Constitution and the Basic Agrarian Law (UUPA) provide the foundation for the social function of land, while modern operational instruments such as Government Regulation No. 20 of 2021, textual and spatial data collection, the establishment of Committee C, as well as supervision and technical assistance from the Department of Agriculture and the National Land Agency (BPN) become instruments for the genuine recovery of land utilization. The primary obstacles namely uncontrolled land conversion, weak documentation, property disputes, and uneven administrative capacity can only be overcome through orderly data integration, procedural transparency, legal literacy of society, consistent law enforcement accompanied by technical support for good-faith rights holders. In this manner, the registration of abandoned land does not end with the revocation of rights, but rather culminates in productive reactivation that strengthens food security, closes access gaps, restores the environment, and ensures that land once again becomes a medium of social justice across generations.

Beyond serving as an instrument to realize general welfare, the registration of abandoned land also functions to guarantee the fulfillment of citizens' constitutional rights over natural resources. The process of redistribution and redeployment of land that has been designated as abandoned constitutes a tangible expression of the protection of economic, social, and environmental rights for disadvantaged communities in order to obtain fair access to land for both housing and livelihood. In this way, the registration of abandoned land is not merely an administrative action, but also a constitutional step in realizing social justice as mandated by Article 33 of the 1945 Constitution.

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