

Legality of ownership rights to land indicated removal

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Abstract

Before Indonesian independence, there were several kinds of land status, namely customary land, sultanate land, Indonesian land rights, State domain land, land *eigendrechts*, soil, *opstalrechts*soil *erfpachtrechts*, land *gebruikrechts* and so on. After Indonesian independence, Law Number 5 of 1960 concerning Basic Agrarian Regulations or better known as the Basic Agrarian Law applies the configuration of land status, namely customary land, state land, and land rights (over land). With regard to lands that are not functioned, processed, not cultivated, not utilized in accordance with the circumstances or nature and purpose of their rights or the basis for their control, the Government then issued Government Regulation Number 11 of 2010 concerning Control and Utilization of Abandoned Lands followed by a Head Regulation Land Agency Number 4 of 2010 concerning Procedures for Controlling Abandoned Land. The research method used in this study is a normative juridical research method which is also called literature law research. Normative juridical legal research is carried out by examining library materials or secondary data. The research begins by first assessing and analyzing several abandoned land objects by their owners. Furthermore, an analysis is carried out on whether there is any action taken by the government, in this case the local Land Office, to put it in order. Then this research is continued by analyzing the existence of a third party who controls the abandoned land.

Keywords: legality; ownership; indicated land

1. Introduction

Land is an important natural resource for the needs of human life. Most of human life depends on land. Apart from its own interests, land is also needed for broader interests. Every human being has always tried to own it and will keep it up no matter what, despite the fact that on the other hand there are those who have never owned land in their lifetime. Land which basically can be owned by anyone, individual community as a group or legal entity has economic value, the more demand and need for land, the higher the land value. Until one day the land becomes an inheritance or company asset and even becomes a sacred object.

Land is a unique and limited right, therefore it is valuable. Whoever controls the land, then he also controls the potential profitable capital. Land is unique and permanent and almost indestructible and has an income and income value. The importance of land for human life is because human life cannot at all be separated from land. Humans live on the land and obtain food by utilizing the land ^[1].

Land as a *resource* has advantages compared to other resources, namely ^[2]:

1. Land remains in place and cannot be moved, what can be transported or moved is soil material including objects on it. Humans who control and own it can move through the transfer of rights.
2. Soils are very heterogeneous and vary in value. Other commodities have a relative measure of fixed value, for example the price of oil, the price of natural rubber, palm oil, and so on. Land prices vary widely based on location. Hundreds of hectares in \ rural areas have a lower price compared to tens of square meters in cities.
3. Land is unique in its use or utilization. One time, land is very valuable if it contains abundant natural resources and is valuable for sale. Certain areas of local land must

be protected because they are linked to their ecosystem. And in other places barren lands or grasslands are not "needed".

4. The land and the people who inhabit and work on it have a strong emotional bond. In this case, the terms *mother land*, motherland, motherland or other similar names in various parts of the world indicate a very close inner attachment between land and humans.

Land for human life has a multidimensional meaning. First, from an economic standpoint, land is a means of production that can bring prosperity. Second, politically, land can determine a person in community decision making. Third, as cultural capital, it can determine the level of social status of its owner. Fourth, land has a sacred meaning because at the end of life everyone will return to the land ^[3]. Because of this multidimensional meaning, there is a tendency that people who own land will defend their rights in any way if their rights are violated. It is not uncommon for land to become the subject of dispute, especially in terms of ownership rights. In addition, with the increasing population growth, the need for land is increasing, while the availability of land is decreasing day by day. So that the need for land or land increases, making land prices also become a high selling value.

Before Indonesia's independence status of the land there are several kinds of traditional land, the land of the empire, the land rights of Indonesia, the land of the State domain, soil, *eigendrechts* soil *opstalrechts*, soil, *erfpachtrechts* soil *gebruikrechts* and so on. After Indonesia became independent and the Basic Agrarian Law came into effect, there were 3 configuration of land status, namely customary land, state land, and titled land (over land).

Until now, in some circles of society there are still many

problems that arise regarding ownership of land rights. This is because the very rapid increase in population has increased the use of land for housing and business. For this reason, as a state based on law, everything must be based on the applicable law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) that "Indonesia is a State based on law". As for Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it is stated that "Earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". This article explains that the state in the sense that the government needs to regulate human-land relations and human-human relations regarding land and all legal actions regarding land with various laws and regulations in the land sector ^[4].

So that in order to regulate the use of land or land so as not to cause disputes in the community, on September 24, 1960 a law on land was issued, namely Law Number 5 of 1960 concerning Basic Agrarian Regulations or better known as Law. -The Basic Agrarian Law (hereinafter referred to as UUPA). With the enactment of the UUPA, there has been a fundamental change in land law (Agrarian Law) in Indonesia. Changes occur in the structure of the legal instrument, the underlying conception and the contents stated in the LoGA must be in accordance with the interests of the Indonesian people and fulfill their needs according to the demands of the times.

The purpose of issuing UUPA is to provide legal certainty regarding land issues, because before the UUPA, in Indonesia there were two legal systems in land issues, namely land law based on customary law and land law based on western law contained in the *Burgerlijk Wetboek* (hereinafter referred to as BW). With the enactment of the UUPA, the dualism of legal rules contained in the previous law on land no longer applies.

The agrarian law contained in the UUPA is basically to realize what is outlined in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, namely "that the earth, water and natural resources contained therein, whose control is assigned to the Republic of Indonesia, and must be used for the greatest prosperity of the people." In addition, in the General Explanation of the UUPA it is clearly stated that the objectives of implementing the UUPA as agrarian law are to:

1. Lay the foundations for the preparation of the National Agrarian Law which will be a tool to bring prosperity, happiness and justice to the State and the people, especially the peasants, in the framework of society fair and prosperous;
2. Laying the foundations for unity and simplicity in the land law;
3. Laying out the basics to provide legal certainty regarding land rights for the people as a whole.

Regarding the state's authority to regulate the land, water and natural resources for the benefit of the people as regulated in article 2 of the UUPA, among others are:

1. To regulate and organize the designation, use, supply and maintenance of the said earth, water and space;
2. Determine and regulate the legal relationships between people and earth, water and space;
3. Determine and regulate legal relationships between

people and legal actions concerning earth, water and space.

Based on the article above, it can be concluded that the role of the State is very important not only to have the authority to control, regulate and manage natural resources, but also an obligation for the state which aims to prosper and improve people's welfare and social justice which is in line with Article 33 paragraph (3) UUD 1945, one of which is in the form of national development.

Along with the rapid national development in the agrarian sector which is manifested in various forms such as apartments, housing, buildings, malls and offices both government and private, of course there is also a need for legal regulation and protection of the rights attached to the land on which the building stands. However, there are times when some land seems empty and has not been used by the owner for years so that it has practically no function whatsoever.

Abandonment of land in villages and in urban areas is an act that is unwise, uneconomical (loss of opportunities to realize the economic potential of land), unjust, is also a violation of the obligations that must be carried out by Rightsholders or parties who have obtained the basis of land tenure. In addition, neglect of land also results in obstruction of the achievement of various development program objectives, vulnerability of food security and national economic resilience, closure of the socio-economic access of the community, especially farmers to land, and disturbing the sense of justice and social harmony.

Basically, the State gives rights to land or Management Rights to Rightsholders to be cultivated, used, and utilized and maintained properly. In addition to the welfare of the Rightsholders, it must also be aimed at the welfare of the community, nation and state. When the state grants rights to a person or legal entity, of course, it is always accompanied by the obligations in the decree granting such rights. One of them is the obligation to cultivate, use or utilize as well as maintain the land to which they are entitled properly. Therefore, if the Rightsholder neglects his land, the LoGA has actually regulated the legal consequences, namely the abolition of the rights to the land in question and termination of legal relations and affirmed as land directly controlled by the state.

UUPA as the basis for national land policy which has been populist since the beginning, based on Article 2 paragraph (2), the government which has the legitimacy of the State has the authority to:

- a. Regulate and administer, designate, use, supply and maintain the earth, water and space;
- b. Determine and regulate legal relationships between people and earth, water, and space;
- c. Determine and regulate legal relationships between people and legal actions regarding earth, water and space.

The provisions of Article 2 as mentioned above are then used as the basis for the State to regulate the granting of land rights as referred to in Article 4 paragraph (1) and paragraph (2) of the UUPA which stipulates that:

1. On the basis of the right to control as referred to in Article 2 is determined The existence of various rights over the surface of the earth, which are called land, which can be given to and owned by people, either

- alone or together with other people as well as legal entities;
- The rights to land as referred to in paragraph 1 of this article authorize the use of the land concerned, as well as the body of the earth and water and the space thereon is only needed for interests directly related to the use of the land within the boundaries according to the Law. This law and other higher legal regulations.

In connection with lands that are not functioned, processed, not cultivated, not utilized in accordance with the circumstances or nature and purpose of their rights or the basis for their control, the Government then issued Government Regulation No. 11 of 2010 concerning Control and Utilization of Abandoned Land (hereinafter referred to as PP No. 11/2010). This regulation was promulgated in Jakarta on January 22, 2010 and comes into force on the date of promulgation. The purpose of issuing PP. 11/2010 is to maximize land use and become a reference for the completion of control and utilization of abandoned land.

As stated in Article 1 point 6 of the Head of the Land Agency Regulation No. 4 of 2010 concerning Procedures for Controlling Abandoned Land (hereinafter referred to as Perka BPN No. 4/2010), what is meant by Abandoned Land is land that has been granted rights by the state in the form of Property Rights, Business Use Rights, Building Use Rights, Use Rights, and Management rights, or the basis of control over land that is not cultivated, not used, or not utilized in accordance with the circumstances or the nature and purpose of granting rights or the basis for control. However, the definition of Abandoned Land must be distinguished from the meaning of land which is indicated as Abandoned, as for what is meant by land which is indicated as Abandoned is land which is allegedly not cultivated, not used, or not utilized in accordance with the circumstances or nature and purpose of granting rights or the basis for its control that has not been exercised. Identification and research ^[1]. So that the difference between the two lies in whether or not the identification and examination of a land that has not been cultivated, is not used, or is not used has been made in accordance with the circumstances or nature and purpose of granting the right, so that before the determination of a land, it cannot be said that land is abandoned but rather still has land status which indicates abandoned land. Even though there is a limitation on the time lag that must be met for the land parcels indicated to be abandoned, starting 3 (three) years from the issuance of the land rights, in practice this has not been fully implemented by the Local Land Office.

Research Problem

Based on the aforementioned background, this research will examine:

- How is the legality of ownership of land rights that are indicated to be neglected?
- What is the form of legal protection for owners of land rights who are indicated to be neglected?

2. Materials and Methods

To answer legal problems in this study, a legal research was conducted. Legal research is a activity *know-how* in legal science, legal research is carried out to solve legal issues at

hand ^[5]. The research method used in this research is normative juridical research method. The normative juridical research method, also known as library law research, is legal research conducted by examining library materials or secondary data ^[6]. This secondary data includes primary, secondary and tertiary legal materials. To obtain research results that can be accounted for scientifically, the authors use the theory of legal certainty and theory of legal protection.

The research begins by first assessing and analyzing several abandoned land objects by their owners. Furthermore, an analysis is carried out on whether there is any action taken by the government, in this case the local Land Office, to put it in order. Then this research is continued by analyzing the existence of a third party who controls the abandoned land. In analyzing the problem, the researcher uses a case approach, related to the existence of legal problems over the possession or possession of land objects that are indicated as abandoned.

The type of data used in this study is secondary data. To obtain valid secondary data, this study requires 3 (three) sources of legal materials, namely primary sources of legal materials, secondary sources of legal materials, and tertiary sources of legal materials. The analysis technique used in this research is descriptive analysis, which is to reveal a problem, situation or event as it is based on the findings in the research in narrative form. This descriptive analysis technique is used to reveal problems, circumstances or events related to the legality of ownership of land rights that are indicated as neglected. This technique is also used to describe the sources' statements in writing or orally which will be thoroughly and thoroughly researched and studied regarding the issues being studied. Then the results of the research which are based on the theory of legal certainty and the theory of legal protection are described in descriptive analysis to get conclusions from the discussion of the problem.

3. Results & Discussion

Legality Ownership Rights to Land Indicated Displaced

Land has a central role in human life, where land can be used for housing purposes, land for work, and also as a burial place. Land along with other agrarian resources can be used as a means to provide services to the community (*public services*) and through proper management can be used to improve community welfare (*public prosperity*). Land for human life is very strategic because it has very broad dimensions which include social, economic, cultural, political, production and defense and security dimensions. As a country with an agricultural background, land is something that is very important in the life of the Indonesian people. Land functions as a place where people live and land also provides a living for them ^[7].

Efforts are made to make use of agrarian resources by the Government so that efforts in the agrarian field are regulated in such a way, in order to increase the production and prosperity of the people, and ensure that every Indonesian citizen can increase the standard of life in accordance with human dignity, both for himself and his family.

The authority of the Government to formally regulate the land sector grows and takes root from Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia

which emphasizes that, "Earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people^[8] e". Then it was firmly confirmed in the Basic Agrarian Law (UUPA). Substantially, the Government's authority in regulating the land sector, especially in terms of legal traffic and land use, is based on the provisions of Article 2 paragraph (2) of the UUPA, namely in terms of the authority to regulate and organize the designation, use, supply and maintenance of earth, water and space. Determine and regulate legal relationships between people and earth, water and space and determine and regulate legal relationships between people and legal actions concerning earth, water and space. The authority derived from the State's right to control is used to achieve the greatest possible prosperity for the people in the sense of nationality, welfare and independence in society and an independent, sovereign, just and prosperous Indonesian constitutional state. With these provisions, the government has been given juridical authority to make regulations in the agrarian field in the form of land, as well as carry out rules (*execution*) concerning subjects, objects and legal relations between these subjects and objects as long as it concerns agrarian resources^[9].

Furthermore, Article 6 of the UUPA states that "all rights to land have a social function". In addition, land is a permanent asset, because it is planned for the life to come and cannot be renewed^[10]. Therefore people always want to acquire and control land. However, on the other hand, there are still people who do not make full use of the land because it is often seen that the land is neglected, even though the laws and regulations prohibit land from being abandoned in accordance with Article 15 of the UUPA which states explicitly that any person, legal entity or agency that owns legal relationship with land has the obligation to maintain the land, including increasing its fertility and preventing its damage, by taking into account the economically weak. Thus it can be understood that neglect of land is something that cannot be justified and is prohibited in the national land law. This is emphasized in Article 27 letter a point 3 of the UUPA that ownership rights over land are abolished if the land falls to the State because it is neglected, therefore the right owner is obliged to manage the land he owns according to its designation.

The land itself is one of the means for realizing the welfare of the Indonesian people. Therefore, in the development of the national land law, it is emphasized to be able to be utilized optimally. Abandonment of land is an act that is unwise, uneconomical and unfair, and is also a violation of the obligations that must be carried out by Rights holders or parties who have obtained the basis for controlling their land. Apart from that, neglect of land also hampers the achievement of various development program objectives, the vulnerability of food security and national economic resilience, the blocking of socio-economic access to the community, especially farmers, to land, and disturbing the sense of justice and social harmony^[11].

The problem of abandoned land at this time is the unresolved accumulation of abandoned land that occurred in the past. The existence of abandoned land is caused by land owners who do not exploit the land they own / land use is not suitable as the basis for filing an application for control of the rights to the land they own.

The use of land must be adjusted to the circumstances and nature of its rights so that it is beneficial both for the welfare

and happiness that has it and also benefits the community and the state. Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 4 of 2010 concerning Procedures for Controlling Abandoned Land (PERKA BPN 4/2010), Article 1 Number 5 clearly states that what is meant by land that is indicated as abandoned is "land which is allegedly not cultivated, not used or not utilized in accordance with the circumstances or nature and purpose of granting rights or the basis for control over which identification and research have not been carried out".

Findings regarding abandoned land are made by means of the Head of the Regional Office carrying out an inventory of indicated abandoned lands. Previously, information on indicated abandoned land was obtained from the results of field monitoring by the Regional Office, the Land Office, or from reports from other agencies / agencies, written reports from the community, or rights holders. The objects of the inventory of land indicated as neglected include:

- a. Ownership, Business Use Rights, Building Use Rights, Use Rights, and Management Rights; and
- b. Land that has obtained the basis of control from the competent official since the issuance of the permit / decree / basic letter of control of the land.

To support the smooth running of inventory activities, right holders are obliged to report the use and utilization of land in accordance with the decision to grant land rights or the basis for control over land from the authorized official. The inventory of indicated abandoned lands is carried out through:

- a. Collecting data on lands that are indicated to be abandoned including textual data and spatial data:
 1. Textual data including names and addresses of rights holders, numbers and dates of decisions to grant rights, numbers, dates, and expiration of certificates, land locations, land area, land use, indicated land area abandoned;
 2. Spatial data is graphical data in the form of a map equipped with the coordinates of the position of the indicated land parcels.
- b. The grouping of land data indicated as neglected as referred to in letter a, shall be carried out according to the regency / city area and the type of right / basis of control.
- c. Data administration on the results of the inventory of abandoned land is carried out in an orderly manner in a database for reporting purposes, material for analysis, and determination of further actions.

The indicated abandoned land that has been inventoried will be followed up with identification and research on administrative aspects and field research. Identification and research on administrative aspects and field research include:

- a. Ownership, Business Use Rights, Building Use Rights, and Use Rights starting 3 (Three) years from the issuance of the certificate; or
- b. Land that has obtained a license / decision / basic letter of control over land from the competent official as of the end of the said control basis.

The Head of the Regional Office analyzes the results of the inventory to compile and set targets for identification and

research on abandoned lands. The target is determined based on the consideration of how long the land has been abandoned and / or the area of land indicated as being abandoned. The Head of the Regional Office prepares data and information on indicated abandoned lands which will be used as targets for identification and research. Data and information preparation activities include:

- a. Verification of physical data and juridical data including types of rights and land positions.
- b. Checking land books and / or documents and other documents to determine the presence of imposition, including data, plans, and stages of land use and utilization at the time of submission of rights;
- c. Request information from right holders and other related parties, if the right holder / power / representative does not provide data and information or is not available or cannot be contacted, then identification and research will still be carried out in other ways to obtain data.
- d. Carry out physical examinations in the form of boundary locations, use and utilization of land using existing technology;
- e. Plotting the location of land use and utilization on a land map based on the results of physical inspection;
- f. Making an analysis of the causes of abandoned land, among others, concerning the problems that cause abandoned land, conformity to the rights granted, and suitability to spatial planning;
- g. Prepare reports on the results of identification and research.

For the implementation of the data and information preparation activities as intended, the Head of the Regional Office shall notify the right holder of the identification and examination to be carried out. After the identification and research data are deemed sufficient as material for decision-making on control efforts, the Head of the Regional Office forms a Committee C consisting of elements from the Regional Office, Land Office, Regional Government, and agencies related to the designation of the land concerned. Before ownership rights over land are designated as abandoned land, the Committee consisting of elements of the National Land Agency and elements of related agencies regulated by the Head of the National Land Agency of the Republic of Indonesia will conduct identification and research to obtain data on the land, in order to determine whether or not it can be said. Abandoned land. Identification and research, according to Article 6 paragraph (1) PP. 11/2010 is implemented starting 3 (three) years after the issuance of ownership rights over land.

Basically, in determining abandoned land, BPN is obliged to identify land with indications of neglect in accordance with Government Regulation No. 11/2010 concerning Control and Utilization of Abandoned Land. From the results of the identification of abandoned land, the Head of the Regional Office gave written warnings three times until finally when each warning was not heeded, the land in question was declared abandoned by BPN RI at the suggestion of the Head of the Regional Office and became land directly controlled by the State. If based on the results of the identification and research it is concluded that there is abandoned land, then according to the provisions of Article 8 paragraph (1) PP. 11/2010, the Head of the Regional Office of the National Land Agency (Kakanwil BPN)

notifies and simultaneously gives the first written warning to Rightsholders, so that within 1 (one) month from the date of issuance of the warning letter, use the land according to its circumstances or according to the nature and purpose of granting their rights or according to the permit / decision / letter as the basis for their control. Furthermore, Article 8 paragraph (2) PP No. 11/2010 adds that if the Right Holder does not implement the warning, the Head of Regional Office of BPN will give a second written warning with the same timeframe as the first warning. Then, if the Right Holder does not implement the second warning, according to Article 8 paragraph (3) PP No. 11/2010, Kakanwil BPN gave a third written warning with a period of time equal to the second warning. If the Rightsholder still does not carry out the third warning, then according to Article 8 paragraph (6) PP No. 11/2010, Kakanwil BPN proposes to the Head of the National Land Agency of the Republic of Indonesia (hereinafter referred to as the Head of BPN) to designate the land concerned as abandoned land. If the Head of BPN determines the land as abandoned land, then according to Article 9 paragraph (2) PP No. 11 years 2010.

Suggestion the owner of land rights is obliged to take advantage of the Head of the National Land Agency (BPN) to also designate the land as land which is directly controlled by the State. Another consequence of the determination of abandoned land by the Head of BPN is the abolition of land rights and the severance of the legal relationship between the holders of land rights and the said land. Based on the description above, it can be understood that if a parcel of land with ownership rights over land commences 3 (three) years from the issuance of the rights, the land is not cultivated, not used, or not utilized in accordance with the circumstances or nature and purpose of granting the rights, and has been being warned 3 (three) times in a row, the Head of BPN at the suggestion of the Head of Regional Office of BPN to designate the land as abandoned land. Apart from that, the rights to the land are also determined to be nullified, the legal relationship between the holder of the land rights and the land is terminated and the land becomes land which is directly controlled by the State.

Forms of Legal Protection for Owners of Rights to Land That Is Indicated to Be Forwarded Indicated land is abandoned land that is allegedly not cultivated, not used, or not utilized in accordance with the circumstances or nature and purpose of granting rights or the basis for its control.

The obligation of the land owner is to use the land actively considering that the availability of land is increasingly limited while the need for land is increasing and the importance of land for fulfilling life and ensuring the prosperity of the people. If the obligation to the land is not carried out, it is called abandoned land. During its development, there are many lands that have been intentionally or unintentionally abandoned by the owner of their land rights either due to economic factors, land structure or designation which is no longer in accordance with the circumstances or nature and purpose of granting their rights.

In its designation as abandoned land, the government must first carry out a process of identification and research by taking into account the textual and spatial data of the land concerned and analyzing the causes of the abandoned land. According to the Customary Law, what is meant by abandoned land refers to the physical condition of the land

that is no longer productive and no man's land (abandoned by the right holder). Only legally the position is not clear, because it does not say who has the authority to determine a land or parcel of land is abandoned.

With regard to legal protection for owners of land rights that are indicated to be abandoned which are designated as abandoned land, is the granting of rights to compensation for land which is re-controlled by the state with compensation in the amount of the acquisition price that has been paid by the person concerned, the price given also takes into account costs incurred to build physical infrastructure on land designated as abandoned land. Furthermore, legal protection for owners of abandoned land rights needs to be emphasized regarding the criteria for abandoned land, so that it is clear which lands are included as abandoned lands which in turn provide legal certainty to the owners. The criteria for abandoned land can be found by systematizing the elements present in abandoned land, then compiling them in the structure of the national land law. The elements that exist in abandoned land are as follows: (1) There is an owner or holder of land rights (subject); (2) The existence of private land that is cultivated / or not (object); (3) There is land that is identified as having returned to forest or its fertility is not preserved; (4) There is a certain period in which the land becomes unproductive; (5) There is an act of not using the land deliberately; (6) Land status returns to customary rights or to the state.

With the knowledge of the essential elements of abandoned land, the criteria or measure that can be used to determine a parcel of abandoned land is to re-explain it by interpreting the existing elements, with a focus on the purpose of granting land rights, so that in case of conditions physically, it appears that the land is not maintained or not maintained, it means that it is not in accordance with the purpose of giving its rights. So that the criteria for abandoned land are: (1) There must be an owner / holder of land rights (subject); (2) There must be private land (HM, HGU, HGB, HP) that is not well maintained so that the quality of soil fertility decreases; (3) There must be a certain period of time; (4) There must be an act which deliberately does not use the land according to the circumstances or nature and purpose of the right.

Furthermore, according to PP 11/2010 it is determined that if the land in question has been designated as abandoned land then the rights to the land in question are declared abolished, then the land concerned becomes land that is directly controlled by the state, and the legal relationship between the holder of the land rights and the land concerned declared broken.

Normatively, the abolition of land rights and the breaking of the legal relationship between the rights holder and their land and the transfer of land rights to other parties because the land is abandoned or neglected is justified and legally legal in Indonesia. Article 27, Article 34 and Article 40 of the UUPA regulates this matter, however the LoGA does not regulate or do not determine how long the land is not cultivated, not used, or not utilized so that it can be designated as abandoned or abandoned land.

Article 32 paragraph 2 Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter referred to as PP 24/1997) determines a period of 5 (five) years to determine abandoned or abandoned land. According to Article 32 paragraph 2 PP 24/1997, in the event that a legal parcel has been issued a certificate legally in the name of the

person or legal entity that acquires the land in good faith and actually controls it, then the other party who feels that he has rights to the land is not may again demand the exercise of this right if within 5 (five) years since the issuance of the certificate, the certificate holder and the Head of the Land Office concerned have not submitted a written objection to the Court regarding control of the land or the issuance of the certificate.

Article 24 paragraph 2 of PP 24/1997, specifies a period of 20 (twenty) years to determine abandoned or abandoned land. According to Article 24 paragraph 2 PP 24/1997, in the event that the proof of evidence for the application for a certificate of land title is no longer completely available, the evidentiary tools can be made based on the fact that the physical control over the land parcel concerned is not available or completely for 20 (twenty). consecutive years or more by the applicant for a certificate of land rights provided that the said tenure is carried out in good faith and openly by the person concerned as having the right to the land, and is strengthened by the testimony of a person who can be trusted and the control is not questioned by the customary law community or the village / kelurahan concerned or other parties.

Article 1963 BW, determines a period of 20 (twenty) and 30 (thirty) years to determine abandoned or abandoned land. According to Article 1963 BW who in good faith, and based on a legal title, obtains an immovable object (land), obtains property rights thereon, by expiration, with a tenure of twenty years. Whoever in good faith rules over it for thirty years, acquires property rights, by not being forced to demonstrate his rights?

The decision of the Supreme Court of the Republic of Indonesia, dated January 10, 1957, Number 210 / K / Sip / 1955, stipulates a period of 25 (twenty-five) years to determine abandoned or abandoned land. According to the Decision of the Supreme Mahamah of the Republic of Indonesia, dated January 10, 1957, Number 210 / K / Sip / 1955, the lawsuit was declared unacceptable, because the Plaintiffs, by neglecting (neglecting) their fields for up to 25 years, must be deemed to have lost their rights (*rechtsverwerking*).

4. Conclusions

To support the smooth running of the inventory activities, right holders are obliged to report the use and utilization of land in accordance with the decision to grant land rights or the basis for control over land from the authorized official. The indicated abandoned land that has been inventoried will be followed up with identification and research on administrative aspects and field research. The Head of the Regional Office analyzes the results of the inventory to compile and set targets for identification and research on abandoned lands. The target is determined based on the consideration of how long the land has been abandoned and / or the area of land indicated as being abandoned. Basically, in determining abandoned land, BPN is obliged to identify land with indications of neglect in accordance with Government Regulation No. 11/2010 concerning Control and Utilization of Abandoned Land. Based on the description above, it can be understood that if a parcel of land with ownership rights over land commences 3 (three) years from the issuance of the rights, the land is not cultivated, not used, or not utilized in accordance with the circumstances or nature and purpose of granting the rights,

and has been being warned 3 (three) times in a row, the Head of BPN at the suggestion of the Head of Regional Office of BPN to designate the land as abandoned land. Apart from that, the rights to the land are also determined to be nullified, the legal relationship between the holder of the land rights and the land is terminated and the land becomes land which is directly controlled by the State.

With regard to legal protection for owners of land rights that are indicated to have been abandoned which are designated as abandoned land, is the provision of rights to compensation for land which is re-controlled by the state with compensation in the amount of the acquisition price that has been paid by the person concerned, the price given also takes into account costs incurred to build physical infrastructure on land designated as abandoned land. Normatively, the abolition of land rights and the breaking of the legal relationship between the rights holder and their land and the transfer of land rights to other parties because the land is abandoned or neglected, is justified and legal in Indonesia according to the provisions of Article 27, Article 34 and Article 40 of the UUPA. Well, actively considering the availability of land is increasingly limited while the need for land is increasing and the importance of land for fulfilling the life of the nation and state.

A parcel of land has been legally issued a certificate in the name of the person or legal entity who acquires the land in good faith and actually controls it, it should also be obliged to always maintain and care for it according to its designation so that it will not turn into land that is indicated to be abandoned.

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