

Utilization of Abandoned Land in Realizing the Social Function of Land Based on Agrarian Justice

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Abstract. *Land has a social function that requires that its control and utilization are not only oriented towards individual interests, but also provide benefits to the community. The existence of abandoned land is problematic because land that has been granted rights or the basis of control is not utilized in accordance with the conditions, nature, and objectives of the granting of rights, while the community's need for land access continues to grow. This study aims to analyze the effectiveness of the utilization of abandoned land in realizing the social function of land based on agrarian justice through guarantees of justice, benefits, and legal certainty. The study uses a normative juridical method with a legislative, conceptual, and case approach. Legal materials were collected through literature studies and analyzed qualitatively with descriptive analytical specifications. The results show that PPAT has a supporting role in ensuring orderly administration and legal certainty for land legal acts under its authority, while the authority to regulate abandoned land lies with the authorized government organs. The effectiveness of regulation still faces issues of data accuracy, identification and assessment of land conditions, procedures, institutional capacity, inter-agency coordination, control conflicts, socio-economic factors, and supervision and follow-up of utilization. The utilization of state land that was formerly abandoned can be considered effective if it is able to integrate justice in the distribution of access and benefits, benefits through productive and sustainable land use, and legal certainty regarding status, allocation, beneficiaries, granting of rights, and supervision. The utilization model needs to be developed in an integrated manner starting from regulation, status determination, mapping of community potential and needs, determining allocation, beneficiary selection, granting of rights or access, productive use, and supervision and evaluation so that the land truly returns to its social function and supports the realization of agrarian justice.*

Keywords: Abandoned; Agrarian; Land; Social; Utilization.

1. Introduction

Land is an agrarian resource that has an important position in human life because it is a space for housing, economic activities, development, and as a source of livelihood for the community.¹This position places land not only as an object with economic value, but also as an object containing social value and public interest. The limited availability of land in the face of increasing public demand for land makes land ownership, use, and utilization a problem that requires proportional legal regulation. Indonesian agrarian law places land use within the framework of achieving public prosperity, so that the legal relationship between humans and land cannot be separated from the responsibility to use land in accordance with its function and the purpose for which rights are granted.²

This principle is emphasized through the social function of land rights, which places individual and societal interests in a relationship that must be balanced. Article 6 of Law Number 5 of 1960 concerning Basic Agrarian Regulations affirms that all land rights have a social function. Land rights cannot be understood as an authority that grants rights holders unlimited freedom to retain land without any use.³Land ownership and use must be directed to benefit the rights holder while not neglecting the interests of the community. This principle is crucial when land that has been granted rights or ownership is not used, cultivated, or utilized in accordance with the circumstances, nature, and purpose for which the rights were granted.⁴

Land that is not utilized properly gives rise to legal issues due to a mismatch between the rights or basis for ownership and the obligations to utilize it. This situation has given rise to the concept of abandoned land as an object requiring regulatory action based on land law provisions. The existence of abandoned land is not only related to administrative issues regarding the status of a plot of land, but also relates to the loss of potential land use for productive activities and community interests.⁵Land that is not optimally utilized can maintain control

¹Rasyidi, Mudemar A. (2021). "Land Law Is a Very Important Law, Needed by the Indonesian People/Nation in Everyday Life." *Journal of Management Partners*, Volume 12 Number 2, pp. 53-60. url <https://journal.universitassuryadarma.ac.id/index.php/jmm/article/view/747>

²Arba, Muhammad. (2021). *Indonesian Agrarian Law*. Jakarta: Sinar Grafika. P. 3.

³Sari, Indah. (2017). "Land rights in the Indonesian land law system according to the Basic Agrarian Law (UUPA)." *Management Partner Journal*, Volume 9 Number 1. pp. 15-33. url <https://journal.universitassuryadarma.ac.id/index.php/jmm/article/view/492>

⁴Triningsih, A., & Aditya, ZF (2019). "Renewal of Land Rights Control from a Constitutional Perspective." *Jurnal Rechts Vinding Media Pembinaan Hukum Nasional*, Volume 8 Number 3, pp. 329-349. url <https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/355>

⁵Ramadhan, AR, Muntaqo, F., & Rumesten, I. (2022). "Organization of abandoned land in the context of land management and utilization." *Repertorium: Scientific Journal of Notary Law*, Volume 11 Number 1, pp. 92-103. url <https://journal.fh.unsri.ac.id/index.php/repertorium/article/view/1799>

over agrarian resources without generating commensurate social and economic benefits. This issue becomes even more pressing when community access to land remains a key issue of agrarian justice.

The legal framework for regulating abandoned land has evolved through various regulations governing criteria, identification, research, warnings, and the determination of abandoned land. These regulatory developments demonstrate the state's efforts to ensure that land not being utilized in accordance with the purposes for which rights were granted can be reorganized. The issue of regulation does not stop at the availability of legal norms, as its implementation requires accurate land data, field identification capabilities, consistent procedures, institutional coordination, and certainty regarding legal consequences for rights holders. Regulating abandoned land has not been fully able to produce productive and equitable land use when there is a gap between normative provisions and administrative implementation in the field.⁶

A more fundamental issue arises after abandoned land has been successfully regulated and transformed into former state land. This change in status cannot be equated with the successful restoration of the land's social function. Formerly abandoned state land still requires a clear direction for its designation, mechanisms for granting rights or access, determining beneficiaries, ensuring productive use, and monitoring after the land is put into use. Land utilization is a crucial stage because the success of a policy is not only judged by the state's ability to regain control of the land, but also by its ability to transform previously unproductive land into a resource that provides tangible benefits to the community. Utilization through agrarian reform, strategic state programs, and other forms of utilization must be placed within a framework of equitable distribution of benefits and land access.⁷

The agrarian justice perspective provides a broader measure of the success of utilizing abandoned land. Land that has been returned to state ownership cannot simply be positioned as an asset for economic use; it must also be directed to beneficiaries based on a transparent basis, criteria, and mechanisms.⁸ Justice is related to equal access and distribution of benefits, usefulness is related to the ability of land to produce social and economic benefits productively and

⁶Subagio, I. Made. (2025). "How to Avoid Abandoned Land: A Legal and Economic Perspective." Discipline: Academic Community Magazine of the Youth Pledge School of Law, Volume 31 Number 4. pp. 293-303. url <https://ojs.stihpada.ac.id/index.php/diisiplin/article/view/1652>

⁷Nuriyanto, N. (2020). "The Urgency of Agrarian Reform; Towards Socially Just Land Use Management." Journal of Pancasila and Citizenship Studies, Volume 6, Number 1, Pages 29-45. url <https://jurnal.untag-sby.ac.id/index.php/bonumcommune/article/view/5288https://jurnal.stkipgritlungagung.ac.id/index.php/rontal/article/view/1551/0>

⁸Utomo, Setiyo. (2021). "Accelerating agrarian reform to achieve justice." Bonum Commune Business Law Journal, Volume 4 Number 2, Pages 202-213. url

sustainably, while legal certainty is related to clarity of land status, authority, procedures, allocation, beneficiaries, granting of rights, and supervision.⁹These three aspects need to run simultaneously so that utilization does not stop at changes in administrative status or physical changes in use, but truly returns the land to its social function.

This issue also relates to the position of Land Deed Officials (PPAT) within the land administration system. PPATs do not have the authority to designate land as abandoned, issue warnings to rights holders, determine the revocation of rights, or determine the designation of former abandoned state land. The PPAT's role falls within their jurisdiction as officials who issue deeds concerning certain legal actions on land and support orderly administration and legal certainty.¹⁰Verification of land rights status, legal data, party identities, authority to act, and land documents becomes crucial when legal actions are taken regarding land that has undergone a change in status. This role is part of a preventive mechanism to ensure that the utilization, granting, or transfer of land rights are carried out based on valid legal status and procedures.

This study aims to analyze the effectiveness of utilizing abandoned land in realizing the social function of land based on agrarian justice through guarantees of justice, benefit, and legal certainty.

2. Research Methods

This research uses a normative juridical method with a statute approach, a conceptual approach, and a case approach. The statutory approach is used to examine legal provisions regarding land ownership, use, and utilization, the social function of land rights, the regulation and utilization of abandoned land, and the position and authority of Land Deed Officials (PPAT). The conceptual approach is used to analyze the concepts of abandoned land, land utilization, the social function of land, agrarian justice, and legal certainty. The case approach is used to examine the application of legal provisions to the issue of regulation and utilization of abandoned land and the legal consequences related to the change in land status to state land. This approach is used in an integrated manner to assess the suitability between legal regulations and the objectives of productive, equitable, and legal certainty land use.

⁹Rosmidah, R., Hosen, M., & Sasmiar, S. (2023). "Structuring the legal structure of land rights for justice and investment." *Recital Review*, Volume 5 Number 2, pp. 209-244. url <https://online-journal.unja.ac.id/RR/article/view/28387>

¹⁰Dantes, KF, & Hadi, IGA (2021). "The legal force of a sale and purchase deed made by a sub-district head in his capacity as a temporary land deed official (PPATS) as reviewed by Government Regulation Number 24 of 2016 concerning the Regulations on the Position of PPAT". *Undiksha Citizenship Education Journal*, Volume 9 Number 3, Pages 905-916. url <https://ejournal.undiksha.ac.id/index.php/JJPP/article/view/40163>

The research specification is descriptive analytical in nature by systematically describing the regulation and implementation of the regulation and utilization of abandoned land, then analyzing it based on the provisions of relevant laws and legal concepts. The legal materials used consist of primary legal materials in the form of laws and regulations related to agrarian law, regulation and utilization of abandoned land, as well as the position and authority of PPAT, and secondary legal materials in the form of books, scientific journals, and relevant legal literature. The collection of legal materials is carried out through literature studies by tracing, inventorying, and reviewing legal materials related to the research object.

The analysis of legal materials was conducted qualitatively by linking normative provisions, legal concepts, and issues related to the regulation and utilization of abandoned land. The analysis aimed to assess the clarity of norms, certainty of authority, certainty of procedures, certainty of land status, and the effectiveness of utilization in realizing justice, benefits, and social functions of land based on agrarian justice. The results of the analysis were compiled descriptively and analytically, and conclusions were drawn deductively, from general legal provisions and principles to specific issues concerning the regulation and utilization of abandoned land.

3. Results & Discussion

3.1. The Role of PPAT in Ensuring Legal Certainty in the Order and Utilization of Abandoned Land

The Land Deed Making Officer (PPAT) is a public official who is given the authority to make authentic deeds regarding certain legal acts related to land rights and ownership rights to apartment units.¹¹ This position places the PPAT as one of the elements supporting orderly land administration, particularly because the PPAT deed serves as the basis for registering changes to legal data regarding a plot of land. This function is closely related to legal certainty, as every legal action regarding land requires clarity regarding the subject, object, status of rights, and the basis for the parties' authority.

The authority of Land Deed Officials (PPAT) must be clearly distinguished from the authority of land agencies in regulating abandoned land. PPATs do not have the authority to designate a plot of land as abandoned, issue warnings to rights holders, determine the revocation of land rights, or determine the designation of former abandoned state land. These authorities rest with government bodies authorized by law. Placing PPATs within the appropriate boundaries of authority is crucial to prevent the expansion of responsibilities inconsistent with their

¹¹Wibawa, Kadek Cahya S. (2019). "Assessing the authority and responsibility of Land Deed Officials (PPAT) from the perspective of *bestuurs bevoegdheid*." *Crepido*, volume 1 Number 1, pp. 40-51. url <https://ejournal2.undip.ac.id/index.php/crepido/article/view/6327>

official functions and to maintain clarity in the division of authority within the land system.

The role of Land Deed Officials (PPAT) in regulating abandoned land is more appropriately positioned at the preventive stage related to every legal action regarding land. Examining the rights status, the identities of the parties, their authority to act, and the object's conformity with the land documents is a crucial part of the process before issuing a deed. Such thoroughness is necessary when a plot of land experiences a change in legal status due to the regulation process. Land that has been designated as abandoned land and becomes land directly controlled by the state cannot be treated as an object of legal action with the same status as when the previous rights were attached. Examining the land status serves as an instrument to prevent legal action against objects that no longer have the basis of rights as previously recorded.

Certainty regarding land status is a crucial element in the relationship between land administration and the authority of Land Deed Officials (PPAT). Land administration is essentially an administrative action carried out by land authorities through stages determined by law. The PPAT does not play a decision-making role in the process, but the results of the administration can influence the legal status of a plot of land and determine whether certain legal actions can still be taken against the object. The PPAT's position at this stage is related to the obligation to base the creation of deeds on valid data and the legal status of the land. This examination links administrative decisions regarding land status with administrative order at the land legal action stage.

This relationship becomes even more crucial when legal actions involve the transfer of land rights. Purchases, exchanges, gifts, company investments, and certain other legal actions within the authority of a Land Deed Official (PPAT) require an examination of the relevant legal objects and subjects. Land certificates and data serve not only as administrative documents but also as a basis for ensuring that legal actions are carried out on land with a clear status. Careful implementation of a PPAT's authority can reduce the possibility of transfers or encumbrances of rights to land whose status has changed due to regulatory actions.

The utilization of state land that was formerly abandoned provides another opportunity for the role of Land Deed Officials (PPAT). Once land is designated as abandoned and becomes state land, it can be directed to various forms of utilization in accordance with land policies and its intended use. Utilization can be related to agrarian reform, strategic state programs, or other forms of utilization. A PPAT only has authority when the implementation of the utilization gives rise to a legal act that falls within the scope of the PPAT's authority. The granting or transfer of rights to a specific subject still requires certainty regarding

the status of the object, the recipient, the basis for the granting of rights, and the administrative procedures that must be followed.

The position of the Land Deed Official (PPAT) in the land utilization phase cannot be separated from the need to link land utilization with certainty of its legal status. Land utilization cannot be understood simply as a physical change in use, as such utilization must be based on legal control or rights. The PPAT deed, as long as the legal act falls within the PPAT's authority, serves as an instrument linking the parties' legal actions to the land registration system. Orderly administration provides clarity regarding the parties who acquire rights, the objects that form the basis of the legal relationship, and changes to land data that arise after the legal act is carried out.

This function is directly related to the principle of legal certainty in the utilization of abandoned land. Legal certainty is not only related to the existence of norms regarding abandoned land, but also includes clarity regarding who is authorized to carry out regulation, how the land status changes after the determination, who can obtain rights or access to the land, and how these legal actions are recorded in land administration. PPAT plays a specific role in this chain, particularly when there are legal actions that require a PPAT deed. Clear boundaries of authority also prevent the occurrence of a vacuum of responsibility and prevent PPAT from being burdened with the supervisory function that actually lies with the land agency.

The social function of land serves as the guiding principle that connects the entire chain. Article 6 of Law Number 5 of 1960 affirms that all land rights have a social function. The utilization of state land, formerly abandoned, must be directed toward uses that benefit the community, while the granting or transfer of land rights must proceed through legal procedures that provide certainty for the parties acquiring the rights. The Land Deed Official (PPAT) does not determine whether or not the social function of land is fulfilled, but the exercise of his authority can support the legal actions that are part of the utilization process to proceed legally, orderly, and responsibly.

The role of Land Deed Officials (PPAT) in regulating and utilizing abandoned land can ultimately be positioned as a supporting function within a series of land legal systems. Regulation falls within the authority of authorized government organs, while PPATs play a role when legal actions occur on land within their jurisdiction. This contribution lies primarily in examining land status and data, drafting deeds that meet legal requirements, and supporting the registration of changes to land data. Clarity about the boundaries of this authority is necessary so that the regulation, granting of rights, and reuse of formerly abandoned state land can proceed within a system that provides legal certainty while supporting the realization of land's social function.

3.2. The Problem of Effectiveness of Regulating Abandoned Land in Realizing Productive and Equitable Land Utilization

The regulation of abandoned land is a legal instrument used to ensure that land that has been granted rights or a basis for control is not left unused in accordance with the circumstances, nature and purpose of granting the rights or basis for control.¹²The basis of this policy relates to the principle of the State's Right to Control and the social function of land rights as stipulated in Law Number 5 of 1960 concerning Basic Agrarian Regulations. The UUPA positions land as a resource whose utilization must be directed towards the greatest prosperity of the people and imposes legal consequences on abandoned land rights. Regulating abandoned land is not merely an administrative action against rights holders, but rather an instrument to return land to its proper function as intended by the granting of rights and to prevent land ownership that does not produce social and economic benefits.

The regulatory mechanism essentially consists of a series of stages that must be carried out in an orderly manner, starting from the identification and investigation of land indicated as abandoned, issuing warnings to rights holders or parties in control of the land, and finally determining the land's status in accordance with legal provisions. Each stage serves to ensure that a plot of land truly meets the criteria for abandoned land and that rights holders have the opportunity to fulfill their obligations. Determining land as abandoned has serious legal consequences because it can result in the revocation of land rights and the return of the land to state control. This characteristic demands the implementation of careful, objective, transparent, and accountable procedures.

The first issue lies in the identification and validity of land data. Determining a plot as abandoned land requires information regarding the rights holder or party with the basis for control, the type and status of the rights, the area and location of the land, its physical condition, the form of use, and the suitability of the use for the purposes of granting the rights. Administrative data does not always reflect the actual situation on the ground. Physical control may be held by a party different from the registered rights holder, plot boundaries may be disputed, land may be controlled by the community, or land use may change without updating the administrative data. This discrepancy between legal data and physical conditions requires adequate field verification. Limited data and resources for conducting a thorough inspection can prolong the enforcement process and increase the risk of errors in determining abandoned land.

¹²Abulkhair, M.F., Damayanti, A., & Taklima, M. (2025). "Review of Government Regulation No. 20 of 2021 concerning Legal Policy on Abandoned Land Management in Indonesia." *Maliki Interdisciplinary Journal*, Volume 3 Number 1, pp. 487-501. url <https://urj.uin-malang.ac.id/index.php/mij/article/view/12676>

The complexity of land assessments presents another challenge. Land that has not been optimally utilized cannot always be immediately categorized as abandoned. Assessments must consider the circumstances, nature, and purpose of granting the rights or the basis for ownership. The nature of land use rights (Hak Guna Usaha) differs from that of Hak Guna Bangunan (Hak Guna Bangunan), Hak Pakai (Hak Pakai), and other forms of ownership. Rights holders may also face specific obstacles that affect their ability to use the land, such as disputes, changes in spatial planning, licensing constraints, financing issues, or other conditions that objectively affect land use. Land officials need to distinguish between abandonment, which is a form of neglect of rights holders' obligations, and unused land caused by objective factors. Unequal assessments have the potential to lead to differential treatment of land parcels with similar conditions and ultimately reduce legal certainty in the land administration process.

Procedural stages are also crucial in determining the effectiveness of land enforcement. Determining abandoned land cannot be separated from protecting rights holders, as this decision directly impacts the legal status of the land. Warnings should be implemented as a legal mechanism that provides rights holders with the opportunity to explain the condition of the land and take appropriate utilization actions. Information regarding the reasons for the enforcement, the conditions that must be corrected, the timeframe for fulfilling obligations, and the consequences of non-compliance with the warning must be clearly communicated. Procedures that are only followed formally without adequate scrutiny can lead to objections and administrative disputes. Disputes arising at the determination stage have the potential to prolong the process of reclaiming land by the state and delay its use for broader purposes.

Institutional capacity and inter-agency coordination also determine the effectiveness of land enforcement. Information regarding land relates not only to land data but also to spatial planning, permits, business activities, social conditions, and physical control in the field. The Land Office requires coordination with local governments and related agencies to obtain comprehensive information regarding a plot of land. Differences in databases, limited integration of information systems, and suboptimal information exchange can hamper the identification and research process. Ineffective coordination can also lead to uncertainty regarding the actions to be taken when land faces issues with spatial planning, permits, disputes, or physical control by another party.

Social and economic factors add another dimension to the problem of regulating abandoned land. High land values can encourage landowners to maintain control of the land as an investment asset without immediately implementing productive use. Economically valuable land can remain unused as landowners

wait for value increases or changes in economic conditions deemed favorable. At the same time, communities surrounding the land may have land needs for agriculture, housing, economic activities, or other social interests. Differing interests between landowners, the community, local governments, and land agencies can complicate the regulation process, particularly when formal land ownership differs from actual land needs and uses.

Issues of physical control and land disputes can also hinder the implementation of land clearing. Land that is visibly unused may be under the control of a third party, have boundary disputes, overlapping claims, or be the subject of disputes between rights holders and the community. These conditions require a more in-depth examination of the rights history, the legal relationships between the parties, the physical condition, and the possibility of claims from other parties. Land clearing without adequately resolving issues of control and legal status can result in decisions that are challenged again through objection mechanisms or the courts. The time required to resolve these issues can cause the land to remain unproductive during the clearing process.

Supervision is an integral factor in the effectiveness of land management. Oversight of rights holders is necessary to ensure that land use and utilization obligations are maintained after the rights are granted. Systems that only activate when land is indicated as abandoned tend to be reactive and can take a long time for the state to identify land use issues. Regular monitoring can facilitate early detection of changes in land use and provide an opportunity to take corrective action before conditions develop into neglect. Monitoring is also necessary after land is designated as abandoned to ensure that changes in land status are immediately followed by a process of utilization and prevent state land from returning to unused use.

The relationship between regulation and utilization is a crucial issue in measuring policy success. Regulation should not be positioned as an end in itself, ending with the elimination of rights or changing the land's status to state land. Land that has been successfully regulated still requires clarity regarding its designation, beneficiaries, the form of granting rights or access, and the mechanism for its utilization. Delays at this stage can result in land that has returned to state control remaining unutilized. The effectiveness of regulation needs to be assessed through the system's overall ability to transform previously unproductive land into usable land, not simply by the amount of land successfully designated as abandoned.

This issue is closely related to legal certainty. Legal certainty in the regulation of abandoned land requires clear criteria regarding conditions that can be categorized as neglect, predictable procedures, a clear division of authority, and legal consequences that are understandable to rights holders and interested parties. Rights holders need to understand the obligations regarding land use,

indicators of fulfillment of obligations, the steps to be taken in the event of suspected neglect, and the legal consequences if obligations are not met. Land officials also need consistent application standards so that decisions regarding land parcels with similar conditions do not result in unequal treatment without a justifiable basis. Issues of data, land condition assessments, procedures, coordination, and follow-up on utilization are directly related to the quality of legal certainty in regulation.

The effectiveness of land use regulation also needs to be seen in terms of the balance between the state's interest in controlling land use and protecting legitimate rights. The state has the authority to ensure land is used according to its social function, but the exercise of this authority must remain based on legality, accuracy, and procedures that provide rights holders with the opportunity to fulfill their obligations. Too weak regulation can maintain unproductive land conditions, while regulation without clear procedures can create uncertainty and disputes. This balance is part of the demand for legal certainty because the effectiveness of policies is determined not only by the achievement of state objectives but also by the way in which that authority is exercised in relation to those affected by the decisions.

The gap between norms and implementation is at the heart of the issue of the effectiveness of abandoned land regulation. The legal framework provides a basis for land use obligations, regulation mechanisms, and consequences for abandoned land. Implementation in the field still faces issues of data accuracy, identification complexity, resource limitations, time-consuming procedures, institutional coordination, control conflicts, socio-economic interests, and delays in utilization. Legal effectiveness is not solely assessed by the existence of norms or the implementation of administrative procedures, but by the ability of these norms to bring about changes in land conditions and ensure that land can be reused productively and equitably.

Effective land use planning requires a closer connection between the stages of identification, research, status determination, and utilization planning. Utilization planning should not be considered until after the entire land use process is complete, as land characteristics, community needs, spatial suitability, and potential utilization can be considered from the outset. This integration can reduce the delay between the termination of previous rights and the commencement of new uses. A land use planning system linked to utilization planning also provides clearer direction toward the ultimate goal of the policy: returning land to its social function and ensuring its benefits are enjoyed sustainably.

Based on this analysis, the suboptimal regulation of abandoned land stems from interrelated issues between legal substance, institutional structure, and law enforcement. Clarity of criteria and procedures must go hand in hand with

accurate land data, apparatus capacity, inter-agency coordination, resolution of ownership issues, protection of rights holders, and supervision and follow-up of utilization. New regulation has substantive meaning when it can become a gateway for productive land use, provide social and economic benefits, and open more equitable access to land resources. These issues form the basis for assessing the next stage, namely whether state land formerly abandoned can truly be utilized effectively to realize the social function of land based on agrarian justice.

3.3. The Effectiveness of Utilizing Formerly Abandoned State Land in Realizing Agrarian Justice

The utilization of state land, formerly abandoned, is a crucial step in the successful management of abandoned land. Changing the status of land to state land does not resolve the issue if the land remains unused or does not provide benefits to the community. The objectives of land management must be linked to the ultimate goal of land utilization, namely returning land to its social function and ensuring that agrarian resources can be used productively. Utilization serves as an instrument for linking state authority over land with development needs and community interests. Land that has returned to state control needs to be placed within a clear plan regarding its designation, form of use, beneficiaries, granting rights or access, and monitoring of its use.

The utilization of state land, formerly abandoned, is based on the state's authority to regulate the allocation, use, supply, and maintenance of land. Article 2 of Law Number 5 of 1960 concerning Basic Agrarian Regulations provides the basis for the state to regulate the legal relationship between people and land and legal acts regarding land. This authority does not place the state as an owner in the civil sense, but rather as the holder of public authority to regulate the utilization of agrarian resources for the greatest prosperity of the people. State land, formerly abandoned, is one of the objects requiring such regulation because the land has lost its previous rights and requires a new direction of use in accordance with the objectives of agrarian law.

The effectiveness of land use cannot be measured solely on the basis of the availability of a legal basis or the granting of rights to specific subjects. A more substantive measure lies in the process's ability to produce real, productive, sustainable land use that provides equitable benefits. Land that has been designated as state land but does not yet have a clear designation remains in a state that is not yet fully generating benefits. A similar situation can occur when land has been granted to specific recipients but is not utilized according to the purposes for which the rights were granted. The success of land use must be assessed through changes in land conditions after the land use control process, the parties who receive benefits, the form of land use, the level of productivity, and the sustainability of its utilization.

The aspect of justice is the first measure in assessing the effectiveness of land utilization. Land is a limited resource, so the distribution of access to it has direct consequences for the social and economic life of the community. The utilization of state land that was formerly abandoned needs to pay attention to communities who have land needs as well as groups that have limited access to agrarian resources. Article 9 paragraph (2) of the UUPA provides the principle that every Indonesian citizen has an equal opportunity to obtain land rights and obtain benefits and results. This principle provides the basis that land reuse should not only be assessed by the amount of economic value generated, but also by the distribution of access and benefits created.

Equity in land use also relates to the process of determining who obtains rights or access to land. Determining beneficiaries requires clear criteria to avoid closed allocation practices or disproportionate benefits to certain parties. Community needs, socioeconomic conditions, land management capabilities, community relations with the area, and the intended use of the land can be considered, in accordance with land use and applicable legal provisions. Transparency in the selection process is crucial because the utilization of state land essentially concerns resources under state control and has a public interest dimension.

Agrarian justice does not stop at the distribution of land parcels. Land recipients need the ability to use and utilize the land productively so that the granting of rights truly produces sustainable benefits. Agrarian reform, for example, cannot simply be understood as land redistribution; it must be accompanied by access arrangements that enable recipients to develop economic activities on the land they acquire. Support in terms of financing, infrastructure, technology, mentoring, market access, and certainty of rights can be crucial factors in determining successful utilization. Utilization that merely transfers land ownership without considering the recipient's capabilities has the potential to result in land that becomes unproductive again.

Utility is the second measure in assessing the success of utilization. Formerly abandoned state land has the potential to be used for agricultural activities, settlements, public facilities, social facilities, development, community economic activities, agrarian reform, and other uses in accordance with the land's characteristics and land policies. The selection of utilization forms must take into account the physical condition of the land, location, spatial suitability, economic potential, community needs, environmental carrying capacity, and development objectives. Utilization that solely pursues economic value without considering social benefits can diminish the meaning of the land's social function.

Land productivity also needs to be considered part of its utility. Land can be considered successfully utilized when its use produces tangible and sustainable benefits. Agricultural land that is re-managed productively, areas used for public facilities, or land utilized for community economic activities can be considered

beneficial, depending on their characteristics and intended use. Assessments cannot be standardized because productivity indicators differ for each plot of land. The relevant measure is the suitability between the intended use, actual use, resulting benefits, and the sustainability of its use.

Utilization also needs to be linked to the interests of the community surrounding the land. Land located in areas with high demand for housing, agricultural land, social facilities, or economic activities has different needs than land located in areas designated for industrial or infrastructure activities. Utilization planning that takes local needs into account can reduce the likelihood of mismatches between land use and community needs. This approach can also increase the social benefits of land because utilization is directed towards the actual needs of the area.

Legal certainty is the third measure of effective land utilization. Clarity about the land's status after land clearing is a prerequisite before the state determines its subsequent use. Certainty is also needed regarding the authorized institution determining its designation, the legal basis for granting rights or access, the criteria for beneficiaries, the duration and obligations of use, and the legal consequences if the land is not used for its intended purpose. Ambiguity at any stage can give rise to new problems, including conflicts over ownership, overlapping interests, and uncertainty regarding who is responsible for land use.

Legal certainty also relates to the protection of beneficiaries. Parties who obtain rights or access to state land that has been formerly abandoned require clarity regarding the basis of their control, the scope of their rights and obligations, and protection mechanisms in the event of disruptions to land use. This clarity provides a basis for beneficiaries to invest and utilize the land productively. The state also obtains certainty regarding the beneficiaries' obligations and can conduct oversight based on predetermined parameters. The relationship between rights, obligations, and oversight is crucial to ensure that utilization does not result in new, passive control.

Legal certainty is also related to post-utilization monitoring. Granting rights or access to land cannot be viewed as the end of the process, as the state remains vested in ensuring that the land is used in accordance with its intended purpose. Monitoring is necessary for the physical condition of the land, its suitability for its intended use, its sustainability, and the recipient's fulfillment of its obligations. A clear monitoring mechanism provides a basis for corrective action in the event of any irregularities and prevents land that has been utilized from falling into a state of neglect.

These three dimensions are interrelated and inseparable. Land use that generates economic benefits but fails to provide equitable access to the community does not fully meet the justice aspect. Land use that distributes land

equitably but lacks adequate utilization capacity and support does not achieve the utility aspect. Land use that substantially provides benefits but lacks clarity regarding status, procedures, rights recipients, and oversight mechanisms has the potential to raise legal certainty issues. Effective land use requires a balance between these three dimensions to effectively realize the social function of land.

The relationship between justice, utility, and legal certainty can be formulated as a series. Justice determines who benefits from land and how access to it is distributed. Utility determines whether utilized land actually produces the social and economic benefits consistent with its intended use. Legal certainty ensures that the entire process takes place based on clear status, authority, procedures, rights, obligations, and oversight mechanisms. These three serve as mutually reinforcing measures to ensure that utilization does not become merely an administrative process or an economic activity.

The utilization of state land that has been abandoned also needs to be integrated into the land clearing process. Excessively long delays between the designation of abandoned land and the determination of its use can reduce policy effectiveness, as the land remains unproductive. Planning regarding potential uses, spatial suitability, community needs, and the form of utilization can be prepared while the clearing process is underway. A more integrated relationship between clearing and utilization can accelerate the return of land to its social function and reduce the likelihood of the issue of abandoned land resurfacing.

The required utilization model can be developed through a series of interconnected stages: land identification and regulation, determination of state land status, mapping of community potential and needs, determining land use, selecting beneficiaries, granting rights or access, productive use, and monitoring and evaluation. Each stage must be guided by the principles of justice, utility, and legal certainty. Identification and determination ensure clarity of the land's object and status; mapping and determining land use ensure the land's suitability for needs and planned uses; recipient selection ensures fair distribution of benefits; granting rights provides certainty of tenure; and monitoring ensures that utilization proceeds according to its intended purpose and does not revert to neglect.

This model positions land use as a results-oriented process, not just an administrative process. Indicators of success include clarity of land status, clarity of beneficiaries, suitability of land use for its intended purpose, land productivity, social and economic benefits, sustainable use, and the absence of re-neglect. This measurement provides a more objective basis for assessing policy effectiveness, as success is measured not only by the amount of land cleared or granted rights, but also by the condition of the land and the benefits generated after land use.

The Land Deed Official (PPAT) in this model remains confined to a specific area, consistent with their official authority. The PPAT is not the institution that determines the allocation of formerly abandoned state land or selects beneficiaries. The PPAT plays a role when land use results in legal acts within its authority, particularly in the preparation of deeds and supporting the orderly registration of changes to land data. Clarity of land status and the basis for granting rights are prerequisites for the PPAT to exercise its authority. This relationship strengthens the link between land administration policies, land use, and legal certainty.

Agrarian justice is the ultimate goal that binds the entire chain of utilization. Formerly abandoned state land should not cease to be land that has been administratively returned to the state. Land must be restored to its social function through productive use, appropriate beneficiaries, transparent procedures, and ongoing oversight. Justice is achieved when land access and benefits are distributed proportionally; benefit is achieved when land generates sustainable social and economic benefits; and legal certainty is achieved when the entire process has a clear basis, procedures, authority, status, rights, obligations, and oversight mechanisms.

The results of this analysis position the effectiveness of utilizing state land that was formerly abandoned not as a mere matter of changing land status, but rather as a matter of transforming land functions. Land that previously provided no benefits due to neglect must be transformed into a productive resource capable of providing broader benefits. This transformation requires an integration of regulation, planning, distribution of access, granting rights, utilization, and supervision. An utilization model oriented towards justice, utility, and legal certainty can be instrumental in ensuring that land that has been successfully regulated truly returns to its social function and contributes to the realization of agrarian justice.

4. Conclusion

The effective utilization of state land, formerly abandoned, cannot be assessed solely based on the success of land reclamation and status changes to state land. The effectiveness of land reclamation is determined by the land system's ability to restore land to its social function through productive use, equitable distribution of access and benefits, and certainty regarding status, designation, beneficiaries, granting of rights, and oversight. The role of Land Deed Officials (PPAT) in this process is to support orderly administration and legal certainty for legal actions within their authority, rather than as an institution that determines or regulates abandoned land. Suboptimal land reclamation and utilization are influenced by issues of data accuracy, identification and assessment of land conditions, procedures, institutional capacity, inter-agency coordination, control conflicts, socio-economic factors, and weak follow-up after the land is returned

to state control. Land reclamation based on agrarian justice requires integrating reclamation, status determination, mapping of community potential and needs, determining designation, beneficiary selection, granting of rights or access, productive use, and monitoring and evaluation, with justice, benefit, and legal certainty as concurrent measures.

The government, particularly the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, along with regional governments and relevant agencies, needs to strengthen the integration of land data, spatial planning, and factual conditions on the ground, and establish more effective coordination mechanisms from the regulatory stage to the utilization stage. Utilization planning needs to be prepared from the regulatory process to ensure that land that has been returned to state land does not experience a void in utilization. Determination of allocation and beneficiaries needs to be based on transparent criteria that take into account community needs, spatial suitability, land potential, and the sustainability of its utilization. Post-utilization supervision also needs to be conducted periodically to ensure that the land is truly used according to the purpose of the granting of rights and does not become abandoned again. Land Deed Officials (PPAT) need to exercise their authority professionally and carefully by examining the status and legal data of the land and issuing deeds in accordance with their authority, so that orderly administration and legal certainty can support the utilization of state land that was formerly abandoned, oriented towards agrarian justice.

5. References

Journals:

- Abulkhair, M. F., Damayanti, A., & Taklima, M. (2025). "Tinjauan PP No. 20 Tahun 2021 tentang Kebijakan Hukum Pengelolaan Tanah Terlantar di Indonesia". *Maliki Interdisciplinary Journal, Volume 3 Nomor 1*, Hal. 487-501. url <https://urj.uin-malang.ac.id/index.php/mij/article/view/12676>
- Dantes, K. F., & Hadi, I. G. A. (2021). "Kekuatan hukum akta jual beli yang dibuat oleh camat dalam kedudukannya sebagai pejabat pembuat akta tanah sementara (PPATS) ditinjau dari Peraturan Pemerintah Nomor 24 Tahun 2016 tentang Peraturan Jabatan PPAT". *Jurnal Pendidikan Kewarganegaraan Undiksha, Volume 9 Nomor 3*, Hal. 905-916. url <https://ejournal.undiksha.ac.id/index.php/JJPP/article/view/40163>
- Nuriyanto, N. (2020). "Urgensi Reforma Agraria; Menuju Penataan Penggunaan Tanah Yang Berkeadilan Sosial". *Jurnal Rontal Keilmuan Pancasila dan Kewarganegaraan, Volume 6 Nomor 1*, Hal 29-45. url <https://jurnal.untag-sby.ac.id/index.php/bonumcommune/article/view/5288><https://jurnal.stkippgritulungagung.ac.id/index.php/rontal/article/view/1551/0>

- Ramadhan, A. R., Muntaqo, F., & Rumesten, I. (2022). "Penertiban tanah terlantar dalam rangka penatagunaan dan pemanfaatan tanah". *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, Volume 11 Nomor 1, Hal. 92-103. url <https://journal.fh.unsri.ac.id/index.php/repertorium/article/view/1799>
- Rasyidi, Mudemar A. (2021). "Hukum Tanah Adalah Hukum Yang Sangat Penting, Dibutuhkan Oleh Masyarakat/Bangsa Indonesia Di Dalam Kehidupan Sehari-Hari". *Jurnal Mitra Manajemen*, Volume 12 Nomor 2, hal. 53-60. url <https://journal.universitassuryadarma.ac.id/index.php/jmm/article/view/747>
- Rosmidah, R., Hosen, M., & Sasmiar, S. (2023). "Penataan struktur hukum hak atas tanah dalam rangka keadilan dan investasi". *Recital Review*, Volume 5 Nomor 2, Hal. 209-244. url <https://online-journal.unja.ac.id/RR/article/view/28387>
- Sari, Indah. (2017). "Hak-hak atas tanah dalam sistem hukum pertanahan di Indonesia menurut Undang-Undang Pokok Agraria (UUPA)". *Jurnal Mitra Manajemen*, Volume 9 Nomor 1. hal. 15-33. url <https://journal.universitassuryadarma.ac.id/index.php/jmm/article/view/492>
- Subagio, I. Made. (2025). "Cara Menghindari Tanah Terlantar: Ditinjau dari Aspek Hukum dan Ekonomi". *Disiplin: Majalah Civitas Akademika Sekolah Tinggi Ilmu Hukum sumpah Pemuda*, Volume 31 Nomor 4. hal. 293-303. url <https://ojs.stihpada.ac.id/index.php/disiplin/article/view/1652>
- Triningsih, A., & Aditya, Z. F. (2019). "Pembaharuan Penguasaan Hak Atas Tanah Dalam Perspektif Konstitusi". *Jurnal Rechts Vinding Media Pembinaan Hukum Nasional*, Volume 8 Nomor 3, hal. 329-349. url <https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/355>
- Utomo, Setiyo. (2021). "Percepatan reforma agraria untuk mencapai keadilan". *Jurnal Hukum Bisnis Bonum Commune*, Volume 4 Nomor 2, Hal. 202-213. url
- Wibawa, Kadek Cahya S. (2019). "Menakar kewenangan dan tanggung jawab Pejabat Pembuat Akta Tanah (PPAT) dalam perspektif bestuur bevoegdheid". *Crepido*, volume 1 Nomor 1, hal. 40-51. url <https://ejournal2.undip.ac.id/index.php/crepido/article/view/6327>

Books:

Arba, Muhammad. (2021). *Hukum Agraria Indonesia*. Jakarta: Sinar Grafika.