

THE ENFORCEMENT OF THE LAND REGULATORY FRAMEWORK AGAINST ABANDONED AND ABSENTEE LAND

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Abstract

This research is motivated by the increasing problem of abandoned land and absentee land, which indicates the ineffective enforcement of the land regulatory framework despite the comprehensive formulation of normative frameworks such as the Basic Agrarian Law (UUPA), Government Regulation No. 20 of 2021, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (BPN) No. 20 of 2021. Uncultivated land and agricultural land ownership by owners not domiciled in the area result in inefficient use of space, increase the risk of agrarian conflict, and reduce the social function of land, as seen in Jonggon Jaya Village. This research aims to analyze the effectiveness of land regulatory framework enforcement, identify legal and administrative factors that hinder the handling of abandoned land and absentee land, and formulate strategies and formulations for strengthening the legal framework that is more responsive to local agrarian dynamics. The method used was sociological juridical research, combining normative analysis of land regulations with empirical findings through interviews, field observations, and review of land administration documents. These were then analyzed using Lawrence M. Friedman's legal system theory (structure, substance, and legal culture). The research results indicated that weaknesses in law enforcement stem from weak institutional capacity, fragmentation of legal substance, the absence of objective parameters for determining abandoned land, and low community compliance with land management obligations. To address these issues, this study offered five innovative policy formulations: the formulation of the Integrated Land Utilization Index (IULT), the development of Conditional Management Rights, the implementation of an electronic domicile verification system (E-DOM), the establishment of a Local Land Activation Fund, and the implementation of digital, electronically proven administrative protocols. These findings emphasize that strengthening the land regulatory framework requires synergy between normative reform, modernization of the administrative system, and strengthening of the community's legal culture to achieve sustainable agrarian justice.

Keywords: Abandoned Land, Absentee Land, Regulatory Framework, Land Law Enforcement, Agrarian Justice

INTRODUCTION

The regulation of abandoned land in Indonesia is an important instrument in the national agrarian policy designed to ensure that land use is fair, productive, and in accordance with its intended use. Although land has strategic value for development and community welfare, in practice, various forms of land abandonment are often found, including land with Freehold Rights, HGU, HGB, Right to Use, and HPL, which are not cultivated, utilized, or maintained by the rights holders. This condition not only causes inefficient land use and productivity stagnation, but also widens socio-economic disparities, reduces environmental quality, and triggers potential agrarian conflicts. Land abandonment also hampers the achievement of national development goals, threatens food security and economic resilience, and limits the access of communities, especially farmers, to agrarian resources that should be utilized to improve their standard of living (Ginting, 2011). Therefore, the state, through various regulations on the regulation of abandoned land, seeks to enforce the obligations of rights holders to protect, maintain, and utilize their land as part of the implementation of the social function of land rights to realize the prosperity of the people in a just manner (Ulya, 2016).

The provisions regarding the legal consequences for rights holders who abandon their land are expressly regulated in the UUPA, namely the revocation of land rights along with the severance of legal relations with the land, so that the land is returned to direct state control. For land that has not been granted rights but has been controlled, its use must be based on the granting of land rights in accordance with Article 4 in conjunction with Article 16 of the UUPA. Efforts to regulate abandoned land have been through various regulations, starting with Government Regulation No. 36 of 1998 and Decree of the Head of the National Land Agency No. 24 of 2002, but both are considered inadequate to address the complexity of the problems in the field. The government then issued PP No. 11 of 2010 as a new regulation, but its implementation continues to face various obstacles, particularly regarding the determination of objects, warning periods, mechanisms for excluding land that has been utilized, and other administrative aspects. This ineffectiveness prompted the government to update the legal framework through PP No. 20 of 2021 concerning the Regulation of Abandoned Areas and Land as a more comprehensive and responsive regulation to the dynamics of land issues (Fatihah, 2023).

In line with this mandate, the government, through Government Regulation No. 20 of 2021 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency No. 20 of 2021, has developed a comprehensive regulatory framework for the identification, evaluation, and regulation of abandoned land. This regulatory framework provides a clear mechanism, from inventory and warnings to rights holders, to the determination of abandoned land, to its utilization for public interests such as agrarian reform or infrastructure development. The implementation of abandoned land regulation has had a positive impact on land governance, including reducing agrarian conflicts, increasing legal certainty, encouraging productive land use, and curbing speculative practices. However, the implementation of these regulations remains challenging at the technical and administrative levels, particularly in terms of consistent oversight, inter-agency coordination, and the level of compliance of rights holders. This situation highlights the importance of critically evaluating the effectiveness of enforcing the abandoned land regulatory framework in the local context, including in Jonggon Jaya Village.

Land reform is essentially not simply a restructuring of land ownership structures, but rather a legal policy that fundamentally changes the relationship between humans and land, as well as the relationships between humans in relation to land use. Within the framework of agrarian law, land is understood not only as an object of property rights but also as an entity with political, social, and economic significance. The Basic Agrarian Law (UUPA) positions land as a source of livelihood and state power, thus its regulations reflect land's function as a factor of production, land for development, and living space for the community. Thus, land reform encompasses dimensions of structural change, improvements in socio-agrarian relations, and regulations regarding how land should be used to optimize yields for farmers and achieve community welfare (Qatrunnada, et al., 2023).

Normatively, land reform in the UUPA is aimed at regulating maximum and minimum limits on agricultural land ownership and implementing land redistribution to achieve agrarian justice. However, the effectiveness of this legal regulation is often hampered by weak implementation, including the potential for legal smuggling that exploits gaps or lax norms in implementing regulations. This demonstrates that although the UUPA and its derivative regulations, such as PP 224/1961, have provided a basic framework for land reform implementation, strong policy support and administrative instruments are still needed to achieve land reform's objectives. Without adequate oversight and a firm legal framework, land reform policies risk failing to address the agrarian inequality that underlies their formation.

In its implementation, land reform faces various obstacles from legal, social, and political perspectives. The recognition of land rights in the Basic Agrarian Law (BAL) does not automatically guarantee smooth land redistribution, as field practices demonstrate conflicts of interest, resistance from certain groups, minimal community participation, and limited government capacity to monitor and enforce the law. This situation emphasizes that the success of land reform depends not only on the legal norms that govern it, but also on the synergy between the government and the community as subjects and objects of agrarian law. The active role of the state in providing legal certainty, strengthening implementing regulations, and prioritizing the principle of the social function of land is a crucial factor in achieving the objectives of agrarian reform and ensuring that land reform can proceed in accordance with the ideals of agrarian justice mandated by the BAL.

Regulations regarding abandoned and absentee land are a crucial part of national agrarian policy, which aims to ensure land is used fairly, productively, and in accordance with its social function. Although regulatory frameworks such as the Basic Agrarian Law (UUPA), Government Regulation No. 20 of 2021, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (BPN) No. 20 of 2021 have emphasized the obligation of land rights holders to cultivate and maintain land, the reality on the ground—including in Jonggon Jaya Village—shows that much land remains unused, unmanaged, or abandoned by rights holders. The phenomenon of abandoned land and the practice of absentee land ownership not only creates inefficient land use but also increases the risk of agrarian conflict, widens socio-economic disparities, degrades environmental quality, and hinders development and community food security. This situation underscores the urgency of research to assess the extent to which the land regulatory framework has been effectively enforced and how these regulations fulfill the mandate of land's social function at the village level.

On the other hand, although various regulations have been repeatedly updated, starting with Government Regulation No. 36 of 1998, Government Regulation No. 11 of 2010, and Government Regulation No. 20 of 2021, the implementation of abandoned land control still faces various legal and administrative obstacles. These challenges include unclear identification of abandoned land, weak data collection, inconsistent warnings, lack of coordination between agencies, and high violation rates due to low compliance by rights holders. Furthermore, land reform policies, as part of the agrarian reform agenda, have not been implemented optimally due to social resistance, overlapping authority, limited government resources, and the potential for legal smuggling in the implementation of land ownership restrictions and redistribution. This situation creates a gap between legal norms and implementation on the ground, as there is little research specifically analyzing the effectiveness of the regulatory framework for abandoned and absentee land in a village context like Jonggon Jaya, even though agrarian problems are very local and require a contextual legal approach.

Based on the urgency and gaps, this study formulates three main issues that will be the focus of the analysis. First, how effective is the enforcement of the land regulatory framework in handling abandoned land and absentee land in Jonggon Jaya Village? Second, what legal and administrative factors influence the performance of land law enforcement in this context? Third, how to formulate strategies and formulas for strengthening the regulatory framework so that the mechanisms for regulating abandoned land and controlling absentee land can be applied more consistently and responsively to local agrarian dynamics. By examining these three aspects, this study is expected to provide a significant legal contribution to strengthening land policy and simultaneously offer operational recommendations for optimizing the social function of land, empowering communities, and improving the quality of agrarian governance in Jonggon Jaya Village.

RESEARCH METHOD

The type of research used in this study was sociological juridical (empirical), namely an approach that combines normative analysis of the land legal framework including the Basic Agrarian Law (UUPA), Government Regulation No. 20 of 2021, Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (Permen ATR/BPN) No. 20 of 2021, and Government Regulation 224/1961 in conjunction with Government Regulation 41/1964 with empirical observations of their enforcement practices in Jonggon Jaya Village. This approach was chosen because the effectiveness of handling abandoned and absentee land cannot be assessed solely from normative texts, but must be analyzed through social realities, the behavior of rights holders, the capacity of land institutions, and the dynamics of the community's legal culture. Primary data were obtained through in-depth interviews with Land Office officials, village governments, rights holders, and farmer groups, as well as through field observations to assess the actual conditions of land use. Secondary data were collected through literature studies and reviews of administrative documents, including PTUN decisions related to abandoned land. All data were analyzed qualitatively using Lawrence M.

Friedman's legal system theory as an analytical framework to map the problem into elements of structure, substance, and legal culture, thus producing comprehensive findings regarding the gap between norms and implementation as well as a basis for formulating a more responsive and effective strengthening of the land regulatory framework.

RESULTS AND DISCUSSION

Legal Analysis of the Enforcement of the Land Regulatory Framework in Handling Abandoned and Absentee Land

Enforcement of the land regulatory framework in handling abandoned land and absentee land refers to land ownership by parties who do not live in the sub-district where the land is located, so that the land is not directly monitored or cultivated by the owner. In the context of agrarian law, this practice is seen as contrary to the principle of active land cultivation and is therefore prohibited in PP No. 224 of 1961. Article 3 paragraph (1) expressly requires land owners who are domiciled outside the sub-district where the land is located to move to that area or relinquish their land rights within a period of six months, so that this prohibition serves to ensure that agricultural land does not become an object of speculation and continues to carry out its social function (Permatasari, et., all., 2018).

Fundamentally, Article 33 paragraph (3) of the 1945 Constitution affirms that land, water, and natural resources are controlled by the state for the greatest prosperity of the people. The phrase "controlled by the state" in the context of agrarian law is not interpreted as absolute ownership, but rather as the state's public authority to regulate, manage, administer, and supervise land use for the public interest. This provision is emphasized in Article 2 of the UUPA, which provides a regulatory basis for the state to ensure land use is in accordance with the principles of social justice and the social function of land rights. Within this framework, land reform policies are developed as legal instruments to organize unequal land ownership structures and eliminate landlord practices. Regulations such as PP 224/1961 and PP 41/1964 strengthen regulations on land ownership restrictions, state land redistribution, agricultural legal relations, and land speculation prevention mechanisms, thus becoming an important foundation for addressing abandoned land practices and absentee land ownership (Ikrardini, 2022).

Indonesia's agrarian development demonstrates that land abandonment is a serious problem that tests the effectiveness of the existing regulatory framework. Land granted rights by the state, whether in the form of Ownership Rights, HGU (Cultivation Rights), HGB (Building Rights), Use Rights or HPL (Land Management Rights), is often not utilized in accordance with the purposes for which the rights were granted. This results in inefficient land use, decreased agrarian productivity, and the potential for ownership conflicts. The Basic Agrarian Law (UUPA), through Articles 15, 27, 34, and 40, stipulates that land rights can be revoked if the land is abandoned and reverts to state land. The government then strengthened this regulatory mechanism through Government Regulation No. 20 of 2021 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 20 of 2021, which regulate the stages of identification, warning, and determination of abandoned land, as well as its utilization for the public interest, including agrarian reform. However, the implementation of these various provisions still faces structural obstacles, including the lack of objective parameters regarding abandoned land, weak data collection systems, and minimal inter-agency coordination. These obstacles illustrate the real gap between ideal legal norms and administrative practices in the field, so that efforts to regulate abandoned land have not achieved optimal results (Harsono, 2008).

At the same time, the practice of absentee land ownership remains a serious agrarian problem. Article 10 of the Basic Agrarian Law (UUPA) emphasizes the obligation of every land rights holder to actively cultivate their land and prohibits extortion, which underlies the prohibition on absentee agricultural land ownership. Implementing regulations, such as Government Regulation 224/1961 in conjunction with Government Regulation 41/1964 and Ministerial Regulation of ATR/BPN No. 18 of 2016, stipulate that agricultural land owners must be domiciled in the sub-district where the land is located to ensure active cultivation. However, in reality, much agricultural land remains owned by parties residing far from the land location, resulting in uncultivated land, ultimately increasing the quantity of abandoned land. Community resistance, weak administrative oversight, and the absence of robust domicile verification mechanisms further exacerbate the problem of compliance with this prohibition. This situation underscores the need for a more in-depth legal analysis of the effectiveness of the implementation of the absentee land prohibition and the extent to which legal instruments have been able to prevent the abuse of land rights (Refaldi & Adjie, 2025).

Legal regulations regarding abandoned land and absentee land play a strategic role in maintaining orderly agrarian resource management, including in Jonggon Jaya Village, even though the regulatory framework has been comprehensively formulated, ranging from the Basic Agrarian Law

to Government Regulation No. 20 of 2021. In practice, land control still faces various obstacles such as weak utilization of rights by land holders, suboptimal data collection, and minimal administrative oversight, which ultimately leads to inefficient land use, triggers potential agrarian conflicts, and hinders village development. This is in line with Ginting's view that land abandonment has direct implications for weakened food security and limited community access to agrarian resources (Ginting, 2011). Furthermore, the gap between legal norms and administrative implementation highlighted by Ulya indicates the need for a critical evaluation of the effectiveness of land control regulation enforcement (Ulya, 2016). Fatihah's research also confirms that although Government Regulation No. 20 of 2021 and Ministerial Regulation of ATR/BPN No. Although Law No. 20 of 2021 has strengthened the mechanism for identifying and utilizing abandoned land, its implementation continues to face obstacles in determining objects, consistent warnings, and confirming the status of state land. Therefore, strengthening the regulatory framework and law enforcement strategies that are more responsive to local conditions are urgently needed to realize agrarian justice (Fatihah, 2023).

From a juridical-normative perspective, the land regulatory framework faces the problem of regulatory fragmentation. The UUPA, as the legal umbrella, is provided with various derivative regulations, but their implementation does not always demonstrate strong harmonization. For example, although the UUPA regulates the principle of the social function of land, thus far there are no measurable parameters regarding the objective boundaries of land that can be declared abandoned. As a result, the determination of abandoned land often relies on subjective interpretations of officials without being based on consistent evaluation standards. This lack of operational parameters has the potential to create legal uncertainty for rights holders and even open up space for agrarian disputes. In the context of absentee land, although domicile restriction mechanisms have been established, there is no administrative instrument to systematically ensure landowners' compliance with these domicile provisions, making policy objectives difficult to achieve.

Administratively, enforcement of the land regulatory framework is also hampered by weak institutional capacity. The highly vertical structure of the National Land Agency (BPN) results in suboptimal coordination between land offices, local governments, and village officials. Accurate land data collection, which should form the basis for determining abandoned land, is often hampered by a lack of supporting technology and limited human resources. The impact is incomplete land inventories, inconsistent administrative warning mechanisms, and a slow process for determining abandoned land. In the case of absentee land, the absence of a data-based monitoring system makes regulations easily deviated from without detection. Thus, implementation issues lie not only in the rule of law, but also in the institution's ability to carry out its regulatory mandate effectively and sustainably.

Overall, a legal analysis of the land regulatory framework indicates that the management of abandoned and absentee land requires strengthening both normatively and administratively. Legal regulations need to be complemented with objective parameters regarding abandoned land, accurate domicile verification mechanisms to prevent absentee land, and improvements to information technology-based land administration infrastructure to make the inventory and law enforcement process more efficient. Furthermore, the state needs to strengthen its socio-legal approach to ensure that regulations are accepted by the community and do not conflict with local social dynamics. Only through clear regulations, strong law enforcement tools, and effective institutional coordination can the management of abandoned and absentee land in villages like Jonggon Jaya proceed in accordance with the goals of agrarian justice, the core spirit of the UUPA and the mandate of the constitution.

Legal and Administrative Factors Influencing the Performance of Land Law Enforcement on Abandoned and Absentee Land

The analysis of Legal and Administrative Factors Affecting the Performance of Land Law Enforcement on Abandoned and Absentee Land in this study relies on Lawrence M. Friedman's legal system theory as the primary analytical tool. Friedman's theory was chosen because it provides a comprehensive perspective on how law enforcement is not only determined by applicable regulations, but also by the institutional structure that implements it and the legal culture of the community within which it operates. With this approach, the study can holistically observe how the handling of abandoned and absentee land in Jonggon Jaya Village is influenced by the interaction between the capacity of the land bureaucracy, the completeness and clarity of the governing norms, and the community's perception, awareness, and compliance with land management obligations. Friedman's theory allows for a more in-depth analysis of problematic points in the land law enforcement system, while also opening up space to formulate recommendations for strengthening the regulatory

framework based on the identification of obstacles that arise from the structural, substantive, and cultural aspects of law that operate in the local agrarian context.

An analysis of the various obstacles to law enforcement in regulating abandoned land and controlling absentee agricultural land ownership becomes more comprehensive when placed within the framework of Lawrence M. Friedman's legal system theory. This theory asserts that the effectiveness of a legal system is not only determined by the norms that regulate it, but also by how law-enforcing institutions operate and the extent to which society is aware of and complies with the law. Thus, the three elements of the legal system, consisting of structure, substance, and culture, become relevant analytical instruments for understanding why land policies, including the regulation of abandoned land and the prohibition of absentee land ownership, often do not achieve the expected results in the field.

From a legal structural perspective, the most fundamental problem is the weakness of land institutions in carrying out their law enforcement functions. The committee appointed as the technical body tasked with inventorying, identifying, and determining abandoned land often fails to perform optimally due to concurrent positions, time constraints, and a lack of clarity in the division of tasks among members. Coordination between the ATR/BPN, local governments, technical agencies, and other agencies involved in land regulation often fails to run smoothly, resulting in delays in the identification and regulation processes (Yuliansar & Sumanto, 2024). Weak administrative support is also evident in the limited field budget and poor access to suspected abandoned land locations, resulting in significant expenditures for regulation activities without adequate budget allocation. Limited human resources, both in terms of numbers and technical-legal competency, indicate that the land institutional structure is not yet fully prepared to effectively carry out its regulation mandate (Sa'adah, et., all, 2023).

Legal structure issues are also evident in the lack of data system integration between population administration and the land system. This data misalignment makes it difficult for land officials to determine the domicile of rights holders, a key prerequisite for enforcing the prohibition on absentee land ownership as stipulated in Government Regulation 224/1961 in conjunction with Government Regulation 41/1964. In many cases, landowners can easily manipulate domicile identities to circumvent this prohibition, while officials lack accurate verification instruments. This obstacle becomes even more apparent when many decisions determining abandoned land are annulled by the State Administrative Court due to procedural deficiencies, such as undelivered notification letters, unreceived summonses, delays in providing spatial data, and the absence of rights holders during the identification stage. This condition demonstrates that a weak legal structure directly impedes the state's regulatory function in the land sector.

From a legal perspective, the regulation of abandoned land and the control of absentee land face obstacles due to unclear and ambiguous regulations. Regulations regarding abandoned land lack objective parameters that can be used as a basis for determining whether land has been truly abandoned. This lack of clarity makes field assessments highly subjective and vulnerable to lawsuits. The absence of firm sanctions that provide a deterrent effect for rights holders who abandon land also creates room for land speculation, so that land is often purchased solely as an investment instrument without a commitment to cultivate it. The legal substance regarding land used as collateral for debt also does not provide adequate guidance regarding the status of civil relations when the land is categorized as abandoned land, potentially giving rise to conflicts between public interests and private rights.

The legal substance regarding the prohibition on absentee land ownership also faces issues of relevance to societal developments. The rule requiring landowners to reside in the sub-district where the land is located is based on past conditions when geographical constraints were the primary obstacle to land management. However, with advances in transportation technology, agricultural mechanization, and high levels of public mobility, these parameters have become less contextual. Nevertheless, the philosophical value of the prohibition on absentee ownership, namely preventing speculation and ensuring active land management, remains highly relevant. Therefore, revisions are needed to ensure this provision retains its coercive power, for example by expanding the scope of domicile or strengthening provisions for active land management. This condition aligns with Friedman's view that legal substance must be responsive to social change to avoid losing legitimacy.

From a legal culture perspective, obstacles to the regulation of abandoned land and control over absentee land indicate low public awareness and compliance with the law. Many landowners purchase land as a passive investment and leave it unused due to limited funds, indifference, or a lack of understanding of the social function of land rights. A passive public culture in reporting abandoned land also exacerbates the situation, even though the public is the first to know the actual condition of the land. The legal culture of the apparatus is also not free from problems, such as a

formalistic administrative attitude, excessive caution, and a lack of proactivity in resolving obstacles to regulation. This situation reflects Friedman's theory that legal culture is a key determinant influencing the functioning of the legal system, because without strong legal awareness, even good norms and structures cannot function optimally.

The overall obstacles stemming from the structural, substantive, and cultural aspects of the law indicate that the problem of enforcing the land regulatory framework is systemic and requires simultaneous improvements in all three elements. The existing legal framework, although relatively comprehensive, has not been able to realize the objectives of the Basic Agrarian Law (UUPA) in ensuring equitable, productive, and socially functional land use. Therefore, efforts to strengthen law enforcement must be directed not only at revising regulations and refining norms, but also at increasing institutional capacity, integrating land data systems, and developing a legal culture that is more compliant, participatory, and oriented towards the principles of agrarian justice. Thus, an analysis based on Friedman's theory provides a comprehensive overview of the root causes of the ineffectiveness of the regulation of abandoned land and the control of absentee land, while also opening up space for the formulation of more integrated and sustainable improvement strategies.

Formulation of Strengthening the Regulatory Framework and Land Law Enforcement Strategy for Abandoned Land and Absentee Land

Strengthening the regulatory framework and land law enforcement strategies for abandoned and absentee land is both a legal urgency and a structural necessity in Indonesian agrarian governance, especially when various existing legal instruments, including the Basic Agrarian Law (UUPA), Government Regulation No. 20 of 2021, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (BPN) No. 20 of 2021, have not fully addressed the complexity of issues on the ground. The gap between administrative norms and practices, obstacles in data collection, weak domicile verification, and high violation rates due to low community compliance indicate that handling abandoned land and controlling absentee land requires a more progressive and responsive approach. In this context, reformulating concepts, administrative instruments, and oversight mechanisms is imperative to ensure that the principle of the social function of land rights can be realized in a concrete, not merely normative, manner. Therefore, the development of new formulations needs to be systematic, evidence-based, and in line with local socio-agrarian dynamics.

In addition to addressing the structural and substantial weaknesses identified through theoretical and empirical analysis, this strengthening formulation also aims to add novelty to contemporary agrarian law discourse. The proposals developed are not limited to regulatory revisions but also encompass technological integration, institutional reconstruction, digital verification mechanisms, and the development of new, more operational and prescriptive legal instruments. Thus, this formulation serves not merely as a response to the weaknesses of the existing regulatory framework but also as an alternative blueprint for land law reform oriented toward legal certainty, administrative efficiency, and agrarian justice. This approach is expected to inspire a more adaptive and contextual land policy model, particularly in addressing the issues of abandoned and absentee land in areas such as Jonggon Jaya Village.

The formulation of a strengthened regulatory framework and land law enforcement strategy for abandoned and absentee land needs to be developed in a more progressive, systematic, and evidence-based manner, firmly grounded in strong administrative evidence, to address structural, substantial, and cultural weaknesses in Indonesia's agrarian legal system. The first innovative proposal is the formulation of the Integrated Land Utilization Index (IULT) as an operational legal instrument for objectively determining the category of abandoned land. To date, the determination of abandoned land has relied heavily on subjective interpretations by land administration officials due to the lack of measurable parameters. The IULT is designed as an evaluation instrument based on empirical indicators such as production levels, processing intensity, cropping patterns, evidence of production facility use, and the condition of supporting infrastructure. With standardized quantitative and qualitative indicators, the determination of abandoned land will have a strong legal evidentiary basis, thereby minimizing administrative disputes and increasing legal certainty as required by Articles 27, 34, and 40 of the UUPA.

Second, The concept of Conditional Stewardship Rights (KHT) is a transitional mechanism in the process of regulating abandoned land, without immediately removing land rights from the state. This instrument provides space for negligent rights holders to improve land management within a certain period of time, provided there is a verifiable utilization recovery plan. If the rights holder does not meet active management standards within the specified period, the rights are temporarily transferred to village cooperatives, farmer groups, or BUMDes to be managed productively until the

rights holder demonstrates the intention and ability to re-use the land. This formulation represents a reform of land administration law that bridges due process of law with the principle of land's social function, while preventing land from being abandoned for too long before being fully converted to state land.

Third, focuses on improving data structure and administrative verification through a layered electronic domicile verification system (E-DOM). To date, weak data integration between the Civil Registration Agency (Dukcapil) and the National Land Agency (BPN) has created room for domicile manipulation, making the prohibition on absentee agricultural land ownership unenforceable. The E-DOM system integrates population databases, land data, location geofencing, and public key infrastructure (PKI)-based electronic signatures to ensure that every agricultural landowner is truly domiciled in the sub-district where the land is located. Implementing E-DOM will provide robust administrative traceability and generate electronic evidence that can be used in law enforcement processes, including PTUN (State Administrative Court) hearings, thereby strengthening the principles of legal certainty and accountability.

Fourth, it is directed at strengthening fiscal instruments and empowering communities through the establishment of a Local Land Activation Fund managed collaboratively by village governments, Village-Owned Enterprises (BUMDes), and agrarian communities. Land indicated as abandoned is often not immediately utilized because rights holders lack the capital to cultivate it. The Local Land Activation Fund serves as a revolving financing mechanism to reactivate these lands through a fair and transparent utilization cooperation scheme. This model provides economic incentives for rights holders, strengthens the social function of land, and encourages productive land use as part of local agrarian revitalization. Institutionally, this model strengthens the principle of subsidiarity in agrarian management and links land policies with village economic instruments.

Fifth, emphasizes the importance of standardized, electronically evidence-based digital administrative protocols for all stages of abandoned land regulation and absentee land supervision. The biggest weakness in law enforcement to date is the numerous PTUN decisions that annul abandoned land designations due to procedural flaws. Therefore, every administrative stage, from identification, summons, warnings I–III, field verification, up to designation, must be documented through geo-tagged photos, verification video recordings, digital audit trails, and electronic signatures. This way, every administrative action can be legally proven in accordance with modern administrative procedural law and fulfills the principle of procedural fairness, while minimizing the risk of cancellation by the courts. This reform positions technology as a tool to strengthen the legitimacy of administrative procedures and the effectiveness of state oversight of land use.

Overall, these five formulations present a socio-legal approach that is more responsive to local agrarian dynamics. Each proposal not only improves legal substance but also strengthens administrative structures and builds a legal culture in communities that is more compliant, participatory, and oriented towards the social function of land. With these innovations, the regulation of abandoned land and the control of absentee land are not only more effective normatively, but also more socially legitimate and technocratically stronger. These formulations offer a breakthrough that has not been developed in previous research and are relevant for application in areas like Jonggon Jaya Village, which face complex agrarian issues and require an adaptive, equitable, and sustainable land management model.

CONCLUSION

The issue of abandoned land and absentee land shows that although normative frameworks such as the UUPA, PP No. 20 of 2021, and Permen ATR/BPN No. 20 of 2021 have provided a comprehensive legal basis, the effectiveness of their enforcement is still hampered by weak institutional structures, the absence of objective parameters for determining abandoned land, and a low culture of compliance from the community and officials, as seen in the cases in Jonggon Jaya Village. To address these structural, substantial, and cultural gaps, this study offers five formulations for strengthening the regulatory framework that have novel value: the formulation of the Integrated Land Utilization Index (IULT) as an objective basis for determining abandoned land; the development of Conditional Management Rights as a transitional mechanism that bridges the principle of the social function of land with the protection of landholder rights; the implementation of the Electronic-Domicile Verification System (E-DOM) to close the gap in domicile manipulation in controlling absentee agricultural land ownership; the establishment of the Local Land Activation Fund as a participatory fiscal instrument to revitalize unproductive lands; and the implementation of electronically proven digital administrative protocols to strengthen procedural accountability and prevent the cancellation of abandoned land designations by administrative courts. Overall, this formulation emphasizes that strengthening land law enforcement requires synergy between normative reform, administrative data

integration, institutional reconstruction, and the development of a compliant and participatory legal culture so that the goal of agrarian justice can be achieved effectively and sustainably.

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