

The urgency of land regulations regarding the control of unproductive land for 20 years

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Abstract

Land is a strategic natural resource with significant economic, social, and legal values. Within the context of Indonesian law, land is controlled by the state and utilized for the greatest prosperity of the people. However, reality shows that much land remains unproductive or abandoned, leading to issues of unequal land ownership distribution, agrarian conflicts, and economic losses. This study aims to analyze the urgency of land regulations governing the control of unproductive land for 20 years, specifically within the framework of Government Regulation Number 20 of 2021 in conjunction with Government Regulation Number 48 of 2025. The research method used is normative legal research with statutory and conceptual approaches. The results indicate that the provision regarding the 20-year time limit for land owned by parties without legal relationship has high urgency in realizing the social function of land, reducing inequality, preventing conflicts, increasing economic productivity, and preserving natural resources. This regulation also provides legal certainty for communities who have controlled and utilized land over a long period.

Keywords: Abandoned land, land control, social function, legal certainty, land regulation

Introduction

Land plays a vital role in human life, serving not only as a place of residence but also as a means of production, economic source, and social identity. In the Indonesian constitution, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia stipulates that the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people^[1]. This principle forms the basis for all land policies and regulations in Indonesia, emphasizing that land rights are not merely private property but also possess a social function^[2].

However, in practice, much land is left underutilized or completely neglected. This phenomenon is known as abandoned land. According to data from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), from 2020 to early 2026, the government has reclaimed approximately 27,000 hectares of abandoned land throughout Indonesia^[3]. Most of this land is controlled by rights holders who do not utilize it, while on the other hand, many people in need of land for their livelihood face difficulties in accessing it.

One important provision in land regulations concerns the time limit for controlling unproductive land. Specifically for freehold land (Hak Milik), Government Regulation Number 20 of 2021 concerning the Control of Abandoned Areas and Land, read together with Government Regulation Number 48 of 2025, stipulates that freehold land can be declared abandoned if it has been controlled continuously by another party for 20 years without any legal relationship with the rights holder^[4]. This provision is crucial as it provides legal certainty and protection for communities who have controlled and utilized the land for a long period, while also encouraging rights holders to use their land productively.

Problem Statement

Based on the background above, the problem statements in this study are:

1. What is the legal basis regarding the control of unproductive land for 20 years?
2. What is the urgency of these regulations in the context of national development and public welfare?

Research Objectives

The objectives of this study are:

1. To explain the legal basis governing the control of unproductive land for 20 years.
2. To analyze the urgency and benefits of these regulations for the community and the state.

Research Method

This study is a normative legal research conducted by examining library materials or secondary data^[5]. The approaches used are the statute approach and the conceptual approach^[6].

The legal materials used include:

1. **Primary legal materials:** The 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Basic Agrarian Principles, Government Regulation Number 20 of 2021 concerning the Control of Abandoned Areas and Land, and Government Regulation Number 48 of 2025 concerning Amendments to Government Regulation Number 20 of 2021.
2. **Secondary legal materials:** Legal books, national and international scientific articles (Scopus indexed) from 2020-2026, as well as research reports related to the topic of abandoned land and land control.

Data analysis was conducted qualitatively by systematically describing the data, then drawing logical and rational conclusions^[7].

Results and Discussion

1. Legal Basis for the Control of Unproductive Land for 20 Years

Provisions regarding abandoned land and the time limit for land control are specifically regulated in several laws and regulations. The highest legal basis is Article 33 paragraph (3) of the 1945 Constitution, which places land as natural wealth controlled by the state for public prosperity^[8].

Furthermore, Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) serves as the main foundation of agrarian law in Indonesia. Article 27 of the UUPA confirms that ownership rights to land can revert to the state if the land is neglected^[9]. Additionally, Article 15 of the UUPA obliges every rights holder to maintain the land, increase its fertility, and prevent damage, while considering the interests of the community^[10].

More specifically, the provision regarding the 20-year limit is regulated in Government Regulation Number 20 of 2021 read together with Government Regulation Number 48 of 2025. Article 7 paragraph (2) letter b of Government Regulation Number 20 of 2021 states that freehold land becomes an object of control if it is "controlled by another party continuously for 20 (twenty) years without any legal relationship with the Rights Holder"^[11]. This provision is further reinforced in Government Regulation Number 48 of 2025, which amends and refines the previous regulation^[12]. It is important to note that this time limit differs from other types of rights such as Right to Cultivate (HGU), Right to Build (HGB), Right to Use (Hak Pakai), and Management Right (Hak Pengelolaan), which can be classified as abandoned if left unused for a minimum of 2 years since the rights were issued^[13]. This difference indicates special protection for freehold land, while still providing legal certainty for parties who have controlled and utilized the land for a long period.

2. The Urgency of Regulations on the Control of Unproductive Land for 20 Years

2.1 Realizing the Social Function of Land

One of the main objectives of this regulation is to ensure that land fulfills its social function effectively. Land rights are not merely individual rights but also carry the obligation to provide benefits for the wider community, the environment, and national development^[14]. When land is left unproductive for 20 years or more, this social function is not fulfilled. Land that could be used for agriculture, housing, industry, or other productive activities becomes useless, thereby harming the public interest^[15].

Research conducted by Saputri et al. (2025) shows that abandoned land represents a paradox of prosperity, where land, as a limited basic need, is not utilized according to its function, while many people are in need of it^[16]. Therefore, the 20-year limit provision serves as an important instrument to compel rights holders to utilize their land or surrender it to those in greater need.

2.2 Addressing Inequality in Land Ownership

The issue of unequal land distribution remains a major challenge in Indonesia. Data shows that most land is controlled by a small number of people, while the majority of the community controls only a small portion of land^[17]. This leads to wide economic and social disparities.

With regulations allowing land that has been unproductive for 20 years to be reclaimed by the state or utilized by the community, it is expected to help reduce this inequality^[18]. Previously abandoned land can be redistributed to people in need, such as smallholder farmers, farm laborers, or landless

communities, thereby providing fairer access to natural resources^[19].

2.3 Preventing and Resolving Agrarian Conflicts

Land left unused for a long period often becomes a source of conflict. Other parties may occupy the land without permission, leading to disputes with the legal owners^[20]. Such conflicts not only harm both parties but can also disrupt public order and security, as well as hinder development.

Clear regulations regarding the time limit for control and the consequences of non-utilization can help prevent such conflicts or provide a strong legal basis for their resolution^[21]. With legal certainty, communities who have controlled and utilized land continuously for 20 years can obtain legal protection, while rights holders who fail to utilize their land will legally lose their rights^[22].

2.4 Increasing Economic Productivity

Unused land represents wasted resources. By reclaiming abandoned land and returning it to productive use, the economic potential of the region and the nation can be enhanced^[23]. Such land can be used for agriculture, plantations, industry, tourism, or infrastructure development, which can create jobs, increase community income, and drive economic growth^[24].

International studies also show that effective management of abandoned land can contribute significantly to sustainable development. Research published in the journal *Sustainability* (2020) found that returning abandoned land to productive use can improve food security, reduce poverty, and protect the environment^[25]. Similarly, research by Naghibi et al. (2025) indicates that utilizing vacant land in urban areas can enhance socio-ecological resilience and improve the quality of life^[26].

2.5 Maintaining Land Quality and Sustainability

Land left uncared for over a long period can experience degradation, such as erosion, drought, reduced fertility, or other environmental damage^[27]. This can render the land unfit for future use, disadvantaging future generations.

By imposing the obligation to maintain and utilize land, it is expected that the sustainability of land resources can be preserved for continued use^[28]. The 20-year limit provision also encourages rights holders to conduct proper maintenance and management, ensuring that land quality remains preserved and undamaged^[29].

Conclusion

The urgency of land regulations regarding the control of unproductive land for 20 years is clear and pressing. These regulations aim not only to organize land use but also to realize justice, welfare, and the preservation of natural resources.

Key conclusions are:

1. The legal basis regarding the control of unproductive land for 20 years is contained in Article 7 paragraph (2) letter b of Government Regulation Number 20 of 2021 read together with Government Regulation Number 48 of 2025, which elaborates on Article 33 paragraph (3) of the 1945 Constitution and Law Number 5 of 1960.
2. These regulations are highly urgent for:
 - Realizing the social function of land
 - Addressing inequality in land ownership
 - Preventing and resolving agrarian conflicts
 - Increasing economic productivity
 - Maintaining land quality and sustainability

By complying with applicable regulations, it is expected that land can be utilized optimally, provide benefits for the entire community, and support sustainable national development. Therefore, it is important for all parties to understand and support the implementation of these regulations for the common good.

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