Regulation of Area and Abandoned Land in Indonesia

KMS Herman

Kemas_herman@yahoo.com

Universitas Borobudur, Jakarta, Indonesia

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Abstract
The existence of no-man's land is still a thorny issue, and the resolution process seems delayed. Even though the 1945 Constitution (UUD 1945) as the UUD and LEGAL No. 5 of 1960 mentions the Agrarian Rights LAW (UUPA) as its articles, don't let land production stop in Indonesia. Management of Territorial Areas and No-Man's Land, according to the law it is used to protect land and areas that may not be owned (PP No. 20 of 2021). The goal of this study is to single out the regulation of no-man's land in law and land management and to discuss the process of determining which land is now officially a no-man's land according to Government Law 20 of 2021, which regulates the administration of permits. Territory and land. This research is legal research that uses legal documents by using the law and its context. The source of legal information for this research is from legal documents, namely PP Number 20 of 2021, supported by secondary sources, namely legal books and newspapers that are relevant to this research. The research results found that Federal Law No. 20 of 2021 that Unclaimed Land is privately owned land, land with Administrative Law, and land acquired by the Ministry of Land, which is intentionally left uncultivated, unused, and/or not maintained. The country is deliberately not used in accordance with its nature or status; if the land is not used for permit purposes; The country is not good.

I. Introduction

Land is one of the important natural resources for humans and work is very important for people's lives and livelihoods, land also has a big role in development (Djadjuli 2018). In the Unitary State of the Republic of Indonesia, people's lives, especially the business world, are still agrarian. The practical

movement of all aspects directly or indirectly to human existence, requires real land. There is no reason when people die, they even need land to work. In people's lives, the state has turned into an integral thing throughout his life.[1]

The existence of no-man's land is still a thorny issue, and the settlement process seems delayed. Even though the 1945 Constitution (UUD 1945) as the UUD and LEGAL No. 5 of 1960 mentions the Agrarian Rights LAW (UUPA) as its articles, don't let land production stop in Indonesia. "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people," it says in Article 33, paragraph 3 of the 1945 Constitution. State authority according to the provisions of the 1945 Constitution is further stated, based on the provisions of Article 33 paragraph (3) of the Constitution and the matters mentioned in Chapter 1, earth, water, and space, including natural wealth, which is supremely controlled by the state, as an institution of power for all the people," Article 2 paragraphs (1) and (2) of the UUPA read."

This is also regulated in Articles 19, 23, 32 and 38 of the UUPA which require the government to register land that is recht cadastral with the principle that mere land tenure is not a guarantee for the most privileged person. land. This is based on the aims and objectives of the UUPA, especially in terms of laying the foundations for the formation of land law (Sihombing and SH 2022). From these problems, it is not impossible to have legal conflicts/conflicts, both material and necessary.

In order to achieve a just and prosperous life, in agriculture there must be a strategy for the distribution, use and provision of land, water and space for the various interests of the people and the province (Lestari 2020). Each area of Indonesia has its own unique set of goals and objectives, which are detailed in regional plans that are subsets of the overall national plan.[2] This definition of agriculture has the same name as agricultural law, in fact it is often used to refer to laws that aim to divide large areas of land in the principle of more equitable distribution and ownership of land. The definition of land is a layer of earth or a layer of earth that is above everything (Arisaputra and SH 2021). The land in question, especially land rights, can be claimed or restricted by Indonesian residents or foreigners living in Indonesia, it can also be limited by legal content, especially information or private content - public law, Indonesian law or legal content. Foreigners who have delegations in Indonesia (Hisyam and Pamungkas 2016).

[1] I Gusti Agung Mas Rwa Jayantiari and I Ketut Kasta Arya Wijaya, "Tinjauan Yuridis Pengaturan Lahan Druwe Desa Di Bali (Aspek Hukum Perlindungan Masyarakat Adat Atas Lahan)," Jurnal Lingkungan & Pembangunan 1, no. 1 (2017): 34

[2] M. Yazid Fathoni, "Lingkup Dan Implikasi Yuridis Pengertian 'Agraria' Dalam Undang-Undang Nomor 5 Tahun 1960," Justisia Jurnal Hukum 2, no. 2 (2018): 356

Federal Law No. 11 of 2010 concerning Management and Utilization of Unclaimed Land is considered ineffective in resolving problems that arise in implementation of land management and repurposing. These problems are related to the product, notification period, and steps to remove used dirt from waste material (Mujiburohman and Soetarto 2019). In addition to the growth in the country's development, there is also a lot of unoccupied land, apart from the no-man's land which is currently based on world realities. Unoccupied areas are non-forested areas that do not yet have relevant land rights that are not intentionally cultivated, cannot be used, and/or without contracts/permits (Amrullah, Purnomo, and SP 2015). (Explanation of PP No. 20 of 2021 concerning Abandoned Land Management). Therefore, PP No. 20 of 2021 concerning no-man's land and land management has been implemented as law since 2021 to protect land and no-man's land (Kesuma and Roziqin 2021). This should prevent as well as establish a legal framework for land release. The explanation above is the basis for researchers to study further about the law of no-man's land and land law.

2. Research Method

This study is a legal study, and is a study of investigating the truth according to statutory law by a law. One subset of research is this kind of study which is the process of discovering statutory regulations, to answer questions related to law in these circumstances it is good and time is created to become the power of certain legal objects.

Legal research (research oriented) systematically uncovers laws governing a legal system, examines the relationship between one legal system and another, and examines difficult-to-understand laws, aiming to explain (Tan 2021). This research uses legal methods and methods in conducting research.

This approach was taken with the aim of understanding the rules related to this research. The legal data source for this research is historical data source from Law Number 20 of 2021 concerning Management of Unclaimed Land and Areas, supported by secondary sources in the form of legal books and journals related to this research. The data collection process used is the library learning process, namely the process of collecting data by conducting a study documents, both main and secondary, that are considered legally binding.

3. Results and Discussion

Determination of Controlling Areas and No Man's Land in Indonesia

Reclamation of no man's land means the process of rehabilitating no man's land so that it can be used effectively for the benefit of the people and the state.

Management of no-man's land aims to achieve existing land, where the land is mainly used for the prosperity of the people. Article 15 UUPA also requires maintenance and improvement of land fertility, with the interests of the poor.[3]

Declaration of right to live on land according to Government Decree No. 20 of 2021 concerning Development of Regional and Land Licensing. Article 33 (3) of the 1945 Constitution regulates land and water, as well as natural wealth. Chapter 5 Paragraph 2 Paragraph 1 Addendum to the 1960 Agricultural Law reads as follows. "Everything on our planet, from the oceans to the stars, is subject to the authority of the state. Land and as stated in Article 2.444 (2) and (3) of the 1945 Constitution. Due to the fact that the management of natural resources is a matter of governmental authority in relation to the people. Land management refers to the 1960 agricultural regulation number 5. Avoidance and management of no-man's land must be done to reduce or eliminate negative impacts (Rasyid and Hasan 2022). This phenomenon is a big challenge for that, according to those involved in the implementation of Law no. 20 of 2021 concerning Management of Land and Unclaimed Land, Article 11 of the Law on the Implementation of the 2020 Labor and Education Law, the 1960 Law. After the promulgation of agricultural regulations based on Articles 27, 34 and 40 concerning loss of land rights due to negligence (Arba et al. 2021). Reserve land that is used according to law is land that is given to local governments to be managed, and the income is used as investment to build relations between the president and those in charge of land. If crops are not planted or abandoned altogether, the country will burn.[4]

Based on the regulations currently in effect UUPA number. As regulated in Articles 27, 34 and, 40 of 1960, land abandonment results in the cessation of land rights. In addition, land abandonment can have an impact on environmental damage and the emergence of social and economic inequality (Nurlinda and Pujiwati 2013).

No-Man's Land Ownership and Use Article 3 of Government Regulation No. 11 of 2010, there are special matters for objects of land tenure without ownership rights or Building Use Rights for the benefit of the people as well as land that is limited by public authority which is stated as follows: as alluded to in article 2 are: a. A piece of land with free ownership or building use rights for the benefit of someone who happens to be not utilized according to the circumstances or the nature and reason for granting the right; and b. land that is subject to general authority restrictions, either expressly or by implication, and that is classified as State or Regional Property but is being intentionally underutilised because of its restrictive status".

So, indeed not all land owned and used rights are waste. Specifically, it is also stated that land prohibited by general law does not become redundant

[3] Susanti dan Efendi, "*Riset Hukum Legal*", 2014

[4] Ade Rio Prasetyo, "*Perlindungan Hukum Terhadap Pemegang Hak Milik Atas Lahan yang Tanahnya dinyatakan tak bertuan dan Telah Dikuasai Negara*", UNEJ, 2019

according to Article 3 letter b of Government Decree 11 of 2010 which states that two people are registered as BUMN and BUMD resources. As well as registering the poor.

Management of no man's land is the best way to return no man's land to be used effectively for the benefit of the land and the country (Yananda et al. 2022). Article 33, paragraph 3, of the 1945 Constitution states that "land is best for government assistance to the people." The management of no-man's land is an effort to broaden the scope of this provision. Likewise, Article 15 of the UUPA also orders to protect land and guarantee land development and prioritize the benefits of disadvantaged groups (M Sulaeman Jajuli 2015).

The no-man's land will eventually become state land and will again be controlled by the state. In addition, the state can transfer it to other laws so that it can be processed and used or reused, so that it can provide more benefits.

Analysis of Government Authority in Controlling No Man's Land

The right to manage abandoned land is a transfer right from the government (President) to the National Land Agency of the Republic of Indonesia. This stipulation refers to Chapter 17 PP No. 11 of 2010 which states: "The implementation of management of no-man's land and utilization of no-man's land is carried out by the Head and the results are reported from time to time to the President." To control the land that was left behind, tribes were formed. Membership this committee has details from the National Land Agency and other agencies managed by the Head (Chapter 5 PP No.11 Year 2010).

Article 2 paragraph (2) UUPA states that the state as an individual person is given the right to regulate, namely to make regulations, prepare in decisions to do (do), use (use), provide (open), and manage (maintain), over the earth, water, space, and all the natural goods they hold (Sensu et al. 2023). According to state law on land, water and natural resources, the right to control and manage land lies with the state, positions (government) are carried out by the President (Government) or sent to the Minister.[5]

Decision No. 4 of 2010 by the Director of the National Land Agency on Procedures for Managing Waste Land and Decision No. 9 of 2011 by the Director of the BKN on Amendments to the Regulation of the Director of the National Bureau on Procedures for Determining Temporary Land are summarised below:

1. Recording of land rights or exploitation of land which is proven to be no man's land is carried out by means of: recording land which is proven to be no man's land, including information data as well as spatial data.
2. Analysis and research on the land that has been stockpiled, the Head of the BPN Regional Office forms a committee to conduct analysis and research.

[5] W.J.S. Poerwadaminta, 1982, Kamus Umum Bahasa Indonesia, Balai Pustaka, Jakarta

3. Notification to right holders in accordance with the recommendation and decision of the management, if there is still remaining land, the Head of Balai will notify the right holders as well as notify them, which is the first notification, within 1 (one) month from the date of announcement of the notification, the right holders must carry out actions that include cultivating, using, and using land in accordance with the conditions or conditions and designation of permits. If the owner of the right does not pay attention to warning and after assessing the progress of the first warning, the Director of Regional Office will issue a second warning at the same time as the first warning. If the rights holder does not heed the warning and after assessing the progress of the second warning, the Director of the Kanwil will issue a second warning with the time of the second warning.
4. Determination of no-man's land.
    a. If, after the third notice, the right holder still hasn't complied, the Regional Director must notify the State Land Office so that they may designate the property as abandoned;
    b. Lland use principles are not being followed, therefore the usage is illegal;
    c. have not submitted an application for land rights release. The land that is applied for to be designated as no-man's land is stated in the status quo from the date of announcement until the publication of the no-man's land list. Legal action cannot be taken against the land;
    d. The Head of the National Land Survey Agency issues a Decree of Approval of the Director of the Domestic Land Survey Agency. In PP No. 11 of 2010 and Regulation of the Head of BPN No. 4 of 2010 article 20 says: As a material consideration in determining no-man's land by taking into account the area of no-man's land/property rights, grouped based on the percentage that exists at a later date:
        1) all expansion of land where the owner's rights/responsibilities have been neglected or abandoned 100%;
        2) mostly no man's land, with a range >25% - <100% no man's land, and;
        3) a small portion is abandoned, with an amount ≤ 25% abandoned.

Chapter 2 of Government Regulation Number 20 of 2021 regulates the stages of land declared as no-man's land, including the following stages: Notification of no-man's land; and the fate of no man's land. Assessment of no-man's land to confirm that the owner, manager, or owner of the land cultivates, uses, uses, and/or manages the land they own or manage, I prepare for that

(Andrijasari, Cengkeng, and Sirajuddin 2022). This means that the right to land is the owner of the right to use the land for his needs. Regarding notification of no-man's land, there are three notifications to right-holders, namely the first, second and third notifications (Sularso 2003). If the right owner, manager or owner of the goods has not given written notification to the third party, the head of the regional office will send a decision within 30 working days of the Minister of Unclaimed Land (Chapter 27 PP No 20 of 2021). If the land being removed is in the form of land that has land rights or the right to govern and make up the entire territory, then options for land being set aside are also available, such as: Abolition of land rights or administrative rights. Community consensus; legally designated as "state land," or territory once under direct government administration (Ramadhani 2021).

If all land is no-man's land, the order of no-man's land names applies to all land. If a part of the road is abandoned, the area is abandoned until all rights to that area are determined as well as the portion of the area that was developed, used, and abused before being re-titled (Rahmawati 2023). According to the financial notification by means of a request for land rights. For 25 (25) percent or less no-man's land, the decision to choose no-man's land only applies to no-man's land as well as the owner's right to voluntarily request land changes.[6]

Land must be properly cared for to be productive and avoid damage. The duty of care is not only transferred to the right owner, but also to individual, group or group values that have a relationship with the product.[7] Article 25 of Law Number 20 of 2021 and the Head of the Regional Land Agency reports to the Service to classify the land in question as no-man's land.

4. Conclusion

In Federal Law Number 20 of 2021 it is stated that Unclaimed Property is Titled Land, Land Over Which Management Rights Have Been Waived, as well as land obtained under the Land Law, which is intentionally not cultivated, not used, not used, and/or not stored. If the land is intentionally not used according to its nature or condition; if the land is not used for permit purposes; The country is not good; and specifically for lands with Management Rights, if in the state law it is stated that the land is not being used by the holder of management rights with the intention of enabling the transfer of said rights to occur. Policies on management of no-man's land as well as state land use of no-man's land in Indonesia have not been implemented in accordance with change processes,

[6] Ade Rio Prasetyo, "*Perlindungan Hukum Terhadap Pemegang Hak Milik Atas Lahan yang Tanahnya dinyatakan tak bertuan dan Telah Dikuasai Negara*", UNEJ, 2019
[7] Santoso, "*Hukum Agraria dan Hak-hak Atas Lahan*" 2005

policies, quality of policy-makers' efforts, relationships, cooperation, work, decision-making and adaptability, where available (Widyatmoko 2020).

Policies on the management of no-man's land and the use of state land on previously no-man's land in Indonesia are based on a real problem today, Abandoned land causes growing social, economic problems and human health inequalities and waste reduction. environment, to be updated is the creation of policies and the best possible use of used land for the current conditions and conditions. In addition to that, the previous policy, specifically, Government Regulation No. 36 of 1998, Regarding the Administration and Use of Unclaimed Land, can no longer be used as a reference for settlement of management and application of unclaimed land which is increasingly complex, so that it is finally replaced with policy actions to address the problem of controlling unoccupied land. ownership and utilization of state land which was formerly unclaimed land in Indonesia until the issuance of Government Order No. 11 of 2010: Unclaimed Property Management and Use.

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