

Reformulation of Land Policy for the Resolution of Abandoned Land Issues in Urban Areas

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Abstract

The problem of abandoned land in urban areas reflects the failure of equitable and sustainable agrarian governance. Despite the existence of legal frameworks such as the Basic Agrarian Law (UUPA), Government Regulation Number 20 of 2021 concerning the Regulation of the Utilization of Abandoned Land, and Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform, the reality shows that the effectiveness of these regulations remains low, both at the normative and implementation levels. This article aims to analyze the urgency of reformulating land policy to address the problem of abandoned land in urban areas. This research employs a normative juridical method, combining a legislative and conceptual approach, to examine the ineffectiveness of existing positive law. The results indicate that the key issues lie in weak oversight, minimal synergy between the central and regional governments, and landowner resistance to redistribution. Furthermore, socio-economic factors reinforce the dominance of land as a commodity, rather than as a means of fulfilling basic community rights. Therefore, policy reformulation based on distributive justice and the social function of land is needed, including the development of a comprehensive agrarian reform law, digitizing the land system, and strengthening the role of civil society in policy oversight. This reformulation is expected to serve as a strategic instrument in achieving equitable access to land and fostering inclusive and equitable cities.

Keywords: Abandoned Land, Agrarian Reform, Land Policy, Distributive Justice, Urban Areas.

Abstrak

Permasalahan lahan terlantar di daerah perkotaan mencerminkan kegagalan tata kelola agraria yang adil dan berkelanjutan. Meskipun ada kerangka hukum seperti Undang-Undang Pokok Agraria (UUPA), Peraturan Pemerintah Nomor 20 Tahun 2021 tentang Peraturan Pemanfaatan Lahan Terlantar, dan Peraturan Presiden Nomor 62 Tahun 2023 tentang Percepatan Reforma Agraria, kenyataan menunjukkan bahwa efektivitas peraturan tersebut tetap rendah, baik pada tingkat normatif maupun pelaksanaan. Artikel ini bertujuan untuk menganalisis urgensi perumusan ulang kebijakan lahan untuk mengatasi masalah lahan terlantar di perkotaan. Penelitian ini menggunakan metode yuridis normatif, menggabungkan pendekatan legislatif dan konseptual, untuk mengkaji ketidakefektifan hukum positif yang ada. Hasil penelitian menunjukkan bahwa masalah utama terletak pada pengawasan yang lemah, sinergi minimal antara pemerintah pusat dan daerah, dan penolakan pemilik lahan terhadap redistribusi. Selain itu, faktor sosial-ekonomi memperkuat dominasi tanah sebagai komoditas, bukan sebagai sarana pemenuhan hak-hak dasar masyarakat. Oleh karena itu, diperlukan perumusan ulang kebijakan berbasis keadilan distributif dan fungsi sosial tanah, termasuk pengembangan undang-undang reforma agraria yang komprehensif, digitalisasi sistem pertanahan, dan penguatan peran masyarakat sipil dalam pengawasan kebijakan. Reformulasi ini diharapkan dapat menjadi instrumen strategis dalam mencapai pemerataan akses lahan dan menumbuhkan kota yang inklusif dan merata.

Kata Kunci: Tanah Terlantar, Reforma Agraria, Kebijakan Pertanahan, Keadilan Distributif, Wilayah Perkotaan.



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INTRODUCTION

The problem of abandoned land in urban areas is a clear reflection of the inequality in land ownership and utilization that has not been optimally addressed within the national agrarian law system. Large cities like Jakarta, Surabaya, and Medan encounter high pressure on land availability, while at the same time, many plots of land remain unused or have lain vacant for years (Parihah, 2022). This situation not only reflects a waste of resources but also creates spatial inequality that impacts housing affordability, access to green open spaces, and the failure to fulfill the social function of land. When some communities lack access to land for housing or business, while others allow their land to become unproductive, questions arise about the fairness and effectiveness of the existing land system. The problem cannot be viewed solely from a technical perspective but also requires a comprehensive and progressive legal approach (Yuliansar, 2024). Land policies that are not adaptive to the dynamics of urban needs and unresponsive to spatial inequality will only exacerbate this imbalance.

One fundamental aspect that must be understood is the structure of Indonesian agrarian law, which is based on the Basic Agrarian Law (UUPA) as its primary foundation (Suriani, 2025). The UUPA regulates various types of land rights, such as ownership rights, cultivation rights, building rights, and use rights, all of which are structured within the framework of state land control. In the national agrarian law context, the state is not merely the owner, but also the party constitutionally mandated to regulate, manage, and distribute land for the greatest possible prosperity of the people (Maisa 2025). This principle of state control serves as the basis for the state to intervene in land that is not being used as intended. The social function of land emphasizes that land rights cannot be separated from the social responsibility to use the land productively and beneficially for the surrounding community (Triningsih, 2019). Violations of this principle, such as land abandonment, must be considered as a form of deviation requiring legal enforcement.

An understanding of the principle of land's social function must also be supported by relevant philosophical and theoretical approaches within public policy. Social justice theory provides a framework for assessing that the distribution of land rights and use must prioritize a balance between individual interests and the collective needs of society (Koeswahyono, 2019). In a country that adheres to the principle of social welfare like Indonesia, land is not only considered an economic asset but also a source of life that must be managed to ensure intergenerational justice (Medaline, 2017). Unfair and unproductive land use is not merely an economic issue, but also a question of equitable resource distribution, which has a far-reaching impact on the quality of life of urban communities. If land rights are monopolized or left vacant for a long period, the impact will damage the social structure and deepen inequality. The thinking forms the basis for developing more humane and inclusive reform policies in land management.

In discussions of abandoned land, the legal aspect is of fundamental importance, as the status of such land cannot be determined without a clear normative basis. Article 27 of the Basic Agrarian Law provides a starting point by stating that land rights can be revoked if the land is not used in accordance with its nature and purpose (Limbong, 2017). Government Regulation Number 20 of 2021 further clarified the definition and mechanism for regulating abandoned land, using objective criteria such as undeveloped, unutilized, and unused. Furthermore, subjective criteria are also included, assessing the owner's intention to allow the land to remain abandoned for specific purposes, such as land value speculation (Ramadhan, 2022). This regulation provides the legal basis for the state to take over control of these lands for the public interest and social justice. This

authority is not absolute, as it must undergo an accountable administrative process and legal oversight to prevent arbitrary violations of land rights (Prasista, 2022).

The state's authority to reclaim abandoned land is a concrete manifestation of the principle of *staatbeheer*, or state management of agrarian resources. In its implementation, this authority must adhere to the principles of proportionality and legal certainty to avoid conflict with the protection of citizens' property rights (Mujiburohman, 2019). The exercise of authority to designate a plot of land as abandoned must be based on robust verification and documentation, including an examination of evidence of use, legal status, and spatial planning. In this regard, the state is responsible for demonstrating that its intervention aims to ensure land use is in the public interest (Yunior, 2019). With a transparent and accountable mechanism, regulating abandoned land can be a strategic instrument for creating spatial justice and strengthening the social function of land amidst the dynamics of urban growth.

However, the implementation of this authority often clashes with practice on the ground, particularly due to unclear data and weak oversight of land use status. Many cases of land being left abandoned for long periods without action by land authorities are due to weak land inventory and ownership verification systems. Furthermore, landowner resistance to efforts to designate abandoned land is a significant obstacle, particularly when the land has high economic value in strategic urban areas. (Sibuea, 2021) These challenges demonstrate that without an adaptive policy framework and a strong coordination system, existing regulations will be difficult to implement effectively. In this context, regulating abandoned land requires a framework that is not merely repressive but also transformative through more progressive and participatory policy reformulation.

In addressing the problem of abandoned land, agrarian reform plays a strategic role as a structural and long-term approach. Agrarian reform is not only about land redistribution, but also about restructuring the structure of land ownership and utilization to make it more equitable and sustainable. In the context of national agrarian law, agrarian reform is a constitutional mandate and an elaboration of Article 33 of the 1945 Constitution, which emphasizes the importance of managing agrarian resources for the prosperity of the people. This approach has become more concrete with the issuance of Presidential Regulation Number 62 of 2023, which specifically regulates the acceleration of agrarian reform implementation. This policy aims to expedite the resolution of agrarian conflicts, optimize land use, and improve public welfare through legal access to land (Fatihah, 2023).

Presidential Regulation No. 62 of 2023 emphasizes that agrarian reform is not limited to agricultural or rural land but can also be implemented in urban areas, including the utilization of abandoned land. This policy creates legal space for the government to include abandoned land as an object of agrarian reform through asset and access management mechanisms. It means that previously unused land can be transferred for public purposes, such as public housing, social facilities, or public spaces. The mechanism provides a concrete solution to the problem of unequal access to land in cities and strengthens the social function of land in inclusive development. With a strong legal basis and a well-planned strategy, agrarian reform is key to overcoming the stagnant policy of abandoned land in urban areas (Rahmawati, 2022).

The relationship between abandoned land and agrarian reform must be seen as a mutually reinforcing whole, not as two stand-alone policies. Abandoned land reflects the failure to exercise land rights, while agrarian reform offers a solution through fair and legal redistribution. In an urban context, this policy must be directed at addressing the

community's need for housing, public spaces, and a well-organized environment. Reforming abandoned land policy integrated with agrarian reform will provide legal certainty, promote spatial equity, and reduce land speculation practices that harm the community. This paradigm shift requires a strong commitment from all stakeholders, including the government, communities, and land market players (Ardani, 2021).

Reformulation requires not only regulatory revisions but also an improved perspective on land as both a right and a social responsibility. Land should no longer be viewed solely as a long-term investment instrument without productive use, but rather as a tool for equitable and inclusive development. Policy reforms that incorporate abandoned land into the agrarian reform program are a progressive step toward restoring land's constitutional function. A legal approach based on social justice, the principle of transparency, and the protection of community rights will create a more just, humane, and sustainable land system. Thus, the issue of abandoned land will no longer be a burden on urban planning but instead become an opportunity to improve the land ownership structure in Indonesia.

RESEARCH METHODS

This research employs a normative juridical method, an approach based on literature review and analysis of laws and regulations relevant to the issue of abandoned land in urban areas. This approach was chosen because the primary focus of the research is the assessment of the applicable positive legal system and the legal consequences of ineffective policies in addressing abandoned land issues. Two approaches are employed: the statute approach and the conceptual approach. The statutory approach involves an examination of the legal norms embodied in the Basic Agrarian Law, Government Regulation No. 20 of 2021, Presidential Regulation No. 62 of 2023, and other sectoral regulations governing spatial planning, housing, and land administration. Meanwhile, the conceptual approach is used to understand the basic concepts of the social function of land, distributive justice, and land rights within the context of a welfare state. This approach allows researchers to normatively critique how land policies should be constructed to ensure they are not only formally legal but also substantively just. By combining these two approaches, this research not only describes the existing legal framework but also offers alternative policy reformulations based on equitable agrarian principles that are oriented toward the public interest.

RESULTS AND DISCUSSION

Regulation and Implementation of Abandoned Land Policy in Indonesia

The legal provisions regarding abandoned land in Indonesia are rooted in Article 27 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which explicitly states that land rights can be revoked if the land is not used in accordance with the nature and purpose for which the rights were granted. The provision provides the legal basis for the state to intervene in land that is not being used productively. This article serves as the initial foundation to develop the legal concept of dumped land, which is then detailed in its implementing regulations. In this context, the revocation of land rights is not merely an administrative measure but must also be seen as part of upholding the social function of land as mandated by the UUPA. The principle legitimizes the state to reorganize land ownership to ensure a more equitable and productive distribution (Lego, 2020).

The implementing regulation for the UUPA provisions is Government Regulation Number 20 of 2021 concerning the Control of the Use of Abandoned Land. The statute further regulates the definition of abandoned land, the criteria used, the control

mechanisms, and the procedures for the revocation of land rights. Article 1, number 1 of PP No. 20 of 2021 states that abandoned land is land for which rights or a basis for land ownership have been granted but is not used, utilized, and/or utilized in accordance with the nature and purpose for which the rights or basis for ownership were granted. Control is conducted through a process of identification, verification, and determination of abandoned status, which can then be followed by the revocation of rights or the revocation of the basis for ownership. This regulation provides a clearer and more stringent operational framework for law enforcement regarding abandoned land, particularly in densely populated urban areas (Zarbiyani, 2023).

The authority to regulate abandoned land rests with the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). Article 3 of Government Regulation No. 20 of 2021 stipulates that the Minister responsible for agrarian affairs is responsible for implementing this policy. In practice, this authority is exercised through an administrative process that includes data collection, notification to relevant parties, and providing an opportunity to reuse the land within a specified timeframe before abandonment status is determined. This process demonstrates the importance of prudential principles and the protection of the legal rights of the parties involved. However, obstacles often arise in the field due to weak land data and overlapping ownership documents, which complicate land status validation (Raviarda, 2023).

The implementation of policies to regulate abandoned land in urban areas demonstrates complex dynamics. Large cities, such as Jakarta, Surabaya, and Medan, face challenges related to the large number of vacant or unused plots of land, despite their strategic locations. These lands are often owned by legal entities or individuals who deliberately delay their use to increase speculative values. As a result, urban space becomes inefficient, putting pressure on the provision of public housing, public facilities, and environmental management. This gap between the need for urban space and the reality of unused vacant land reflects the suboptimal nature of existing policy instruments. Law enforcement against abandoned land remains passive and reactive, rather than proactive and systemic.

The biggest obstacles to implementing this policy are overlapping data and unresolved ownership conflicts. Much land in large cities has an unclear legal status because it is not legally registered, has changed hands without proper title transfer, or is currently under legal dispute. The situation makes it difficult for the ATR/BPN to verify land use. Furthermore, weaknesses in the land use monitoring and data collection system create loopholes that certain parties exploit to avoid the status of abandoned land. Frail databases slow down the progress of agrarian reform programs through the regulation of abandoned land. The lack of complete, accurate digital maps integrated with spatial planning systems means that much abandoned land remains undetected officially.

Local governments have significant potential to be active partners in the implementation of abandoned land policies. This role is enabled by Article 17 paragraph (2) of Government Regulation No. 20 of 2021, which stipulates that regional technical agencies are required to provide data support and reporting to the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). However, local government involvement is often limited due to a lack of adequate human resources and infrastructure. Furthermore, not all local governments have a strong political commitment to promoting land use for public purposes. Inter-agency coordination is also weak, particularly in aligning spatial plans and local development plans with abandoned land

regulation policies. As a result, many land use opportunities are hampered due to the lack of synchronization between sectoral policies.

The link between abandoned land policies and spatial planning is crucial to ensuring the effectiveness of urban development planning. Land left abandoned should be integrated into the Regional Spatial Plan (RTRW) and the Detailed Spatial Plan (RDTR) as part of spatial utilization control. This regulation is reflected in Law Number 26 of 2007 concerning Spatial Planning, which stipulates that all spatial use must comply with its designated designation. If a plot of land located within a residential or public facility zone is left unused, this constitutes a violation of the spatial plan and can be used as a basis for regulatory action.

The utilization of abandoned land also offers significant potential to support housing programs and the development of residential areas. The Housing and Settlement Area Development and Development Plan (RP3KP), stipulated in Ministerial Regulation Number 12 of 2020, is an instrument that can serve as a basis for directing the use of vacant land in cities as locations for vertical housing or balanced housing. When abandoned land can be consolidated into residential areas, access to decent and affordable housing can be expanded. It aligns with the mandate of Law Number 1 of 2011 concerning Housing and Settlement Areas, which requires the state to guarantee the availability of land for housing development for low-income communities. This integration can also support the development of green open spaces, which is an indicator of a sustainable city.

The main challenge in utilizing abandoned land for housing and public spaces is cross-sectoral coordination between the central and regional governments. Many national programs cannot be implemented optimally because they are not linked to regional development priorities. In some cases, plans for land use for public facilities are hampered by budget constraints, spatial planning inconsistencies, or even conflicts of interest between agencies. It demonstrates that abandoned land policies must be framed within a collaborative, data-driven governance system that is integrated with cross-sectoral development planning. Otherwise, land with significant potential for productive use will remain vacant, failing to contribute to the well-being of the city and its residents.

Problems and Urgency of Reformulating Abandoned Land Policy

Legal challenges in managing abandoned land lie not only in the substance of norms but also in inconsistencies between regulations that frequently arise in practice. Government Regulation No. 20 of 2021 concerning the Regulation of the Utilization of Abandoned Land, for example, provides a technical basis for law enforcement regarding abandoned land. However, its implementation often conflicts with other sectoral provisions, such as Law No. 26 of 2007 concerning Spatial Planning and Law No. 1 of 2011 concerning Housing and Residential Areas. This lack of synchronization creates legal loopholes that can be exploited by interested parties to avoid the imposition of abandoned land status. This situation highlights the need for harmonization of laws and regulations as part of a more consistent and comprehensive policy reformulation.

Another weakness hampering the regulation of abandoned land is the weak imposition of administrative sanctions stipulated in Articles 24 to 26 of Government Regulation No. 20 of 2021. Administrative sanctions, such as written warnings, determination of abandoned status, and revocation of rights, are not always effective in practice because they lack legal certainty in their implementation. Many cases of revocation of land rights face legal obstacles, including resistance from landowners through objection mechanisms or lawsuits in court. The ineffectiveness of administrative

sanctions has resulted in a low policy impetus for optimal land use in dense and limited urban areas.

The unclear division of authority between the central and regional governments is a structural problem that has not been fully resolved. Although Article 3 and Article 17 of Government Regulation No. 20 of 2021 stipulate the authority of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) to regulate abandoned land with support from regional governments, implementation in the field has shown numerous competing interests that slow down the process. Regional governments often do not have a strong enough role in reclaiming abandoned land because their authority is limited to administrative and data support. The unclear structure of responsibility results in overlapping policies and a lack of accountability in the agrarian reform process through the regulation of abandoned land.

The lack of oversight of land designated as abandoned is a further factor exacerbating the policy's ineffectiveness. Government Regulation No. 20 of 2021 does not explicitly establish a mechanism for ongoing monitoring after the designation of abandoned land. Consequently, there is no guarantee that land taken over by the state is truly utilized for the public interest or redistributed fairly. Without an integrated monitoring system, the land is highly likely to become the object of speculation by certain entities. The absence of an evaluative and transparent mechanism in the redistribution of abandoned land creates the risk of corruption and abuse of authority, which contradicts the objectives of agrarian reform.

The social and economic dimensions reinforce the urgency of reforming abandoned land policies. In practice, land is often positioned as an economic commodity rather than a means of social production. This orientation leads many landowners, particularly investors and corporations, to choose to leave land unproductive while awaiting an increase in market value. This model clearly contradicts the principle of the social function of land as affirmed in Article 6 of the Basic Agrarian Law, which states that all land rights have a social function. Land commercialization without adequate legal restrictions widens the gap in ownership inequality, particularly in large cities with increasingly pressing needs for housing and public facilities.

Unequal land distribution is a latent problem that severely impacts the urban poor. The urban poor, or low-income groups, often lack access to land due to high land prices resulting from speculative practices. Meanwhile, vast tracts of land in the city center remain vacant without any social contribution. The consequence is an increase in informal settlements and spatial inequality, creating social and economic segregation. This injustice represents a policy failure to ensure the equitable distribution of agrarian resources, as mandated by Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

Landowner resistance to the determination of abandoned land status presents a unique challenge in the land restructuring process. Many landowners, particularly those with capital and legal access, employ various means to delay or avoid state expropriation. The resulting administrative and civil disputes pose a significant obstacle to the land redistribution process. Government Regulation No. 20 of 2021 does provide room for objections in the process of determining abandoned land status, but it does not provide a sufficiently robust mechanism to prevent abuse of the legal process. This condition often leaves the state in a weak position when confronting parties with financial and political power.

Reformulation of abandoned land policy must be directed at a substantial reorientation that favors the public interest and values of social justice. Strengthening the paradigm of land's social function must be the primary foundation of any new policy. This reorientation is not merely an administrative improvement, but also a conceptual overhaul of how land is understood within the urban development structure. The state must act as the primary manager and controller, ensuring that every inch of land is used for the public good, not solely for the interests of capital. Regulatory revisions must simultaneously address both ideological and technocratic aspects.

Expanding the legal mechanism for acquiring abandoned land is a crucial tool in policy reformulation. Article 17 of Government Regulation No. 20 of 2021 provides the basis for the state to use land whose rights have been revoked for national development purposes, but its scope remains limited. New, more flexible, expeditious, and accountable legal mechanisms need to be designed to address the dynamics of urbanization and land speculation. Alternatives such as the establishment of a land bank or a redistribution scheme based on sectoral needs could be viable options to avoid policy stagnation. The state's courage in restructuring land ownership and use patterns will be an indicator of the extent to which agrarian reform is truly implemented.

Strengthening the synergy between agrarian reform policies and efforts to control land speculation is an unavoidable strategic step. Agrarian reform, as mandated by Presidential Regulation No. 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation, aims to create comprehensive agrarian justice. However, as long as land speculation remains unchecked, this goal will be difficult to achieve. Synergy between fiscal, legal, and spatial planning instruments is needed to build a transparent, equitable, and sustainable land system. Reformulating abandoned land policies must be an integral part of a broader agrarian transformation agenda that positions land as an instrument of justice, not an exclusive commodity enjoyed by only a select few

CONCLUSION

The discussion on land policy reformulation to address the problem of abandoned land in urban areas indicates that a regulatory framework governing abandoned land is already available in various laws and regulations, ranging from the Basic Agrarian Law (UUPA), Government Regulation Number 20 of 2021 concerning the Regulation of the Utilization of Abandoned Land, to Presidential Regulation Number 62 of 2023 concerning the Acceleration of the Implementation of Agrarian Reform. However, these regulations have not been able to address the problem substantively and implementably. The implementation of the regulation and redistribution of abandoned land continues to face various obstacles, ranging from weak law enforcement and a lack of cross-sectoral and intergovernmental coordination to resistance from landowners who prioritize capitalization over the land's social function. The absence of a strong and integrated oversight mechanism further exacerbates the situation, resulting in potentially unused land that could be used for residential development, public spaces, or social facilities.

Recommendations to address these issues include three key areas that must immediately become state policy priorities. First, a specific law on agrarian reform is needed that systematically integrates the norms of the Basic Agrarian Law (UUPA) with the scattered and often overlapping sectoral technical regulations. This law must provide legal certainty, firm institutional authority, and efficient and fair procedures for the acquisition and redistribution of abandoned land. Second, the use of technology through the digitization of land information systems and land monitoring is urgently needed to increase transparency, speed, and accountability. Strengthening administrative and civil

sanctions against land abandonment practices must also be an integral part of the new regulation. Third, the role of civil society must be strengthened as a monitoring actor that can promote accountability in agrarian policies and ensure that land management processes truly favor vulnerable groups in urban areas. Synergy between the state and society is key to ensuring that land policies truly become a tool for equity, not simply ownership administration.

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