

Legal Protection of Abandoned Land After the Enactment of Government Regulation Number 20 of 2021 Concerning the Management of Abandoned Areas and Land From the Perspective of Maqashid Syariah

Dodek Prajuliara, Tetty Marlina Tarigan

¹ Universitas Islam Negeri Sumatera Utara, Indonesia. E-mail: dodek0204212093@uinsu.ac.id

² Universitas Islam Negeri Sumatera Utara, Indonesia. E-mail: tettymarlina@uinsu.ac.id

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Abstract: Land has a strategic role in national development, both from economic, social, and cultural aspects. However, there are still many lands in Indonesia that have abandoned status because they are not used in accordance with the purpose of granting their rights. This condition raises legal and social problems, especially related to the certainty of rights, the social function of land, and the distribution of prosperity. The birth of Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land is an important legal instrument to regulate land tenure in line with the principles of social justice and welfare as stipulated in the 1945 Constitution and the Basic Agrarian Law (UUPA). This study aims to analyze the legal protection of abandoned land after the enactment of Government Regulation No. 20 of 2021 and review it from the perspective of Maqashid Syariah. The research method used is normative juridical with a statutory approach and a conceptual approach, through the analysis of laws and regulations, legal literature, and secondary data related to abandoned land. The results of the study show that legal protection of abandoned land can be carried out through preventive and repressive mechanisms, both through regulation, socialization, and legal dispute resolution. From the side of Maqashid Sharia, the policy of controlling abandoned land is in line with the principles of *hifz al-mal* (protection of property) and *hifz al-nasl* (protection of descendants), because it ensures that land is used for the benefit of the community and is inherited fairly to the next generation. Thus, this regulation not only strengthens legal certainty, but also accommodates the value of social justice and the benefit of the people.

Keywords: Abandoned Land, Legal Protection, Maqasid Shariah

1. Introduction

Agrarian problems in Indonesia are classic problems that are still current today, because they concern legal certainty, social justice, and the protection of land rights for the community. Land in the Indonesian legal system is not only economically valuable, but also has social, political, and cultural dimensions. Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA) expressly places land as a vital resource that must be used as much as possible for the prosperity of the people. However, practice on the ground shows that the tenure and use of land is not in line with the principles of justice and social function as mandated by the constitution. Inequality of ownership, agrarian disputes, and weak legal protection for small communities are structural problems that require comprehensive legal structuring (Teguh et al., 2025).

Indonesia as a state of law, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, requires every aspect of life to be governed by law for the sake of creating justice and welfare. The principle of a welfare state is reflected in Article 33 paragraph (3) of the 1945 Constitution which emphasizes that land and other natural resources are controlled by the state for the prosperity of the people. Land has a strategic function, not only economically, but also socially and culturally. Through the Basic Agrarian Law (UUPA), the state provides various forms of land rights, such as property rights, business use rights (HGU), building use rights, and use rights. However, practice in the field shows that there is still a lot of land, especially HGU, that is left abandoned and not used according to its designation, causing losses to the community and hindering national development (Sugiarto, 2025).

One of the problems that is quite crucial is the existence of abandoned land. According to Government Regulation Number 20 of 2021, abandoned land is land that has been given the right or basis for control over land, but is not used, not maintained, or not used according to its intended purpose for a certain period of time. This phenomenon often occurs on both privately owned and legal entity land, especially in business use rights (HGU), building use rights (HGB), or use rights that are not optimized. Cases of abandoned land have been recorded in various regions, for example, thousands of hectares of plantation land that are not cultivated by HGU holders, thus changing their status to abandoned land (Sinjar et al., 2023).

The condition of abandoned land causes various socio-economic losses. From the social aspect, unused land causes jealousy and injustice, especially for people who do not have access to land. From an economic perspective, unproductive land reduces development potential, employment opportunities, and agricultural products. From a legal point of view, abandoned land creates uncertainty because it is vulnerable to being reclaimed by the state or triggering horizontal conflicts with the surrounding community. Therefore, the handling of abandoned land is a strategic issue in national land policy.

As an effort to overcome the problem of abandoned land, the government issued Government Regulation Number 20 of 2021 concerning the Control of Abandoned Areas and Land. This regulation was born as part of a derivative policy package of the Job Creation Law, which aims to simplify, order, and strengthen the land tenure system. This Government Regulation emphasizes that land that is not used according to its intended purpose within a certain period of time can be designated as abandoned land and returned to state land. Through these regulations, the government is authorized to identify, inventory, notify, and determine the status of abandoned land. Furthermore, land that has been designated as state land can be used for public interests, agrarian reform programs, and national strategic projects. Thus, Government Regulation Number 20 of 2021 functions as a legal instrument to ensure that land functions socially, productively, and does not cause injustice.

Although Government Regulation Number 20 of 2021 provides a clear legal basis for the management of abandoned land, its implementation still raises a number of serious questions related to substantive justice aspects. This regulation, on the one hand, is designed to enforce the social function of land as mandated in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). However, on the other hand, its application has the potential to cause losses for community groups that have hereditary control and use of land based on customary norms or family inheritance rights, but have not met strict administrative requirements. In practice, such lands are often categorized as abandoned land simply because of administrative constraints, cost limitations, or lack of access for small communities to land services.

It is in this context that *Maqashid Syariah* becomes a significant ethical and normative framework to assess the fairness of the policy. As the main purpose of Islamic law, *Maqashid Syariah* emphasizes the protection of five basic things, namely religion (*hifz ad-din*), soul (*hifz an-nafs*), intellect (*hifz al-aql*), heredity (*hifz al-nasl*), and property (*hifz al-mal*). On the issue of abandoned land, the principle of *hifz al-mal* demands that property in the form of legally acquired land be protected from unjust expropriation, while the principle of *hifz al-nasl* underlines the importance of ensuring the continuity of land rights as an inheritance for future generations. If state policy only focuses on administrative aspects without paying attention to the social reality of the community, then it has the potential to contradict *Maqashid Syariah* which prioritizes the value of justice, benefit, and protection of the weak (Mukson & Subhi, 2025).

Thus, *Maqashid Syariah* emphasizes the need to strike a balance between the public interest that the country wants to achieve through the management of abandoned land and the rights of individuals and collectives of the community who are legally in control of the land. Law enforcement should not be purely *formalistic*, but must pay attention to substantive justice that guarantees the protection of the rights of small communities. Therefore, an evaluation of Government Regulation Number 20 of 2021 needs to be carried out so that its implementation is in line with the principles of *Maqashid Sharia*, namely upholding benefits, preventing tyranny, and ensuring a fairer distribution of land for all levels of society.

Previous research conducted by Prasista, Wijaya & Suryani (2022) emphasizes the normative aspect of the regulation of abandoned land in laws and regulations in the field of land. The focus of the research is more on how positive legal provisions regulate the mechanism for determining abandoned land and the role of the National Land Agency (BPN) in regulating land tenure. This study is important as a formal legal footing, but it has not touched on the aspect of substantive justice for communities directly affected by the abandoned land policy. Meanwhile, research by Pertiwi (2025) discusses the social function of tenowed land that is not used by its owners. The study emphasizes the importance of using land according to its designation as a manifestation of social function, as well as highlighting the legal

consequences if land is left unproductive. However, the research is still limited to a positive legal perspective and does not link the issue of abandoned land with the Islamic normative framework.

Based on two previous studies, there has been no connection between the legal protection of abandoned land with the perspective of *Maqashid Sharia*. *Maqashid Syariah* has an important role in assessing the fairness of land policy, especially related to the protection of property (*hifz al-mal*) and the sustainability of inheritance rights (*hifz al-nasl*). This research is here to fill this void by analyzing abandoned land not only from a positive administrative and legal aspect, but also from the perspective of *Maqashid Syariah* which is oriented towards justice and benefit.

From the above problems, the study aims to analyze the regulation and legal protection of abandoned land after the enactment of Government Regulation Number 20 of 2021, with the perspective of *Maqashid Sharia*, especially *hifz al-mal* (protection of property) and *hifz al-nasl* (protection of descendants), so that the results of this research are expected to make an academic and practical contribution in formulating land policies that are not only legal-formal, but also substantive justice and oriented towards the benefit of the wider community.

2. Method

The research uses a normative juridical approach that is analyzed through a statute approach and a conceptual approach (Muhaimin, 2020). The statute approach is used to examine the applicable positive legal provisions, especially related to Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA) and Government Regulation (PP) Number 20 of 2021 concerning the Management of Abandoned Areas and Lands, along with its implementing regulations. Meanwhile, the conceptual approach is used to explore legal theories and principles, including the concept of preventive and repressive legal protection according to positive law, as well as the principles of *Maqashid Syariah* which emphasizes *hifz al-mal* (protection of property) and *hifz al-nasl* (protection of offspring). The sources of legal materials in the study consisted of primary, secondary, and tertiary legal materials (Ali Murthado and Rokan Musthafa Kamal, 2008). Primary legal materials include laws and regulations that are the basis of the study, such as Law Number 5 of 1960 concerning the Basic Agrarian Law (UUPA) and Government Regulation Number 20 of 2021. Secondary legal materials include scientific literature such as books, journals, articles, expert opinions, and official documents that discuss agrarian law and *Sharia Maqashid*.

3. Result and Discussion

A. Regulation of Abandoned Land According to Government Regulation Number 20 of 2021

Government Regulation Number 20 of 2021 concerning the Management of Areas and Abandoned Land provides special arrangements regarding land that is not used properly. Article 1 paragraph (2) states that abandoned land is land that has been given the right or basis for control over the land, but is not used, not maintained, or not utilized in accordance with the circumstances, nature, or purpose of granting its rights. This definition confirms that the status of land is determined not only from formal ownership, but also from the function of its use. This concept is in line with the provisions of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA), especially Article 6, which emphasizes that all land rights have a social function (Government of the Republic of Indonesia, 1960). Thus, if a plot of land is not utilized, it loses its social function and has the potential to be designated as abandoned land. This shows that the state has a strong legal basis to put the land in order that is left abandoned, in order to realize the prosperity of the people in a fair and equitable manner.

Government Regulation Number 20 of 2021 provides clear information about the criteria for land that can be designated as abandoned land. Article 7 states that land that is not used, not maintained, or not used according to its intended purpose for a certain period of time can be categorized as abandoned land. For land granted in the form of Business Use Rights, Building Use Rights, Use Rights, and Management Rights, the stipulated time is 2 years from the time the rights are granted. If within that period the land is not used according to the purpose of granting rights, then the state is authorized to designate it as abandoned land. This criterion aims to encourage rights holders to make optimal use of land, while preventing land speculation that can be detrimental to the public interest (Thenny, 2024). In the perspective of Law number 8 concerning the Basic Agrarian Law (UUPA), this provision is in line with Article 27 which states that the title to land is abolished if the land is abandoned, and Article 34 which affirms that the right to use the business is abolished if the land is abandoned. Thus, the regulation of

abandoned land is directly rooted in the principle of national agrarian law that rejects the tenure of land without real use.

1. Article 7 paragraphs (2-5)
- 2) Proprietary land becomes the object of the control of Abandoned Land if it is deliberately not used, not utilized, and/or not maintained so that:
 - a. It is controlled by the community and becomes a village area;
 - b. Controlled by other parties continuously for 20 (twenty) years without any legal relationship with the Rightholder; or
 - c. The social function of Land Rights is not fulfilled, whether the Right Holder still exists or no longer exists.
- 3) Land with building use rights, right of use, and management rights becomes the object of the control of abandoned land if it is deliberately not cultivated, not used, not utilized, and/or not maintained starting from 2 (two) years from the issuance of the right.
- 4) Land of business use rights becomes the object of the control of Abandoned Land if it is deliberately not cultivated, not used, and/or not utilized starting from 2 (two) years from the issuance of the right.
- 5) Land obtained under the Land Control Policy becomes the object of Abandoned Land control if it is deliberately not cultivated, not used, not utilized, and/or not maintained starting from 2 (two) years from the issuance of the Land Control Policy. (INDONESIA, 2021).

Some of the mechanisms for determining Abandoned Land that can be carried out by the government include:

1. Land Inventory
The National Land Agency (BPN) conducted an initial inventory of land plots indicated as abandoned land.
2. Field Identification
After the inventory, an inspection and identification is carried out directly in the field to ascertain the status of the use and utilization of the land.
3. Notification to Rightholders
If indications of abandonment are found, BPN provides an official notification to the rightholder to immediately utilize the land in accordance with its designation.
4. Repair Period
Right holders are given a certain deadline to improve the condition of the land by using it according to the social functions inherent in land rights.
5. Re-Examination
If within the given period of time the land is still not managed, BPN conducts a re-examination to ensure that there is no follow-up from the right holder.
6. Determination of Abandoned Land
If the land is still not used, then BPN submits a proposal for determination to the Minister of Agrarian and Spatial Planning/Head of BPN. Furthermore, through an official decree of the minister, the land was declared as abandoned land.

This mechanism is intended to strike a balance between the protection of landowners' rights and the state's obligation to maintain the social function of the land (Putu Sinta Dewi et al., 2022). In this case, Law number 8 concerning the Basic Agrarian Law (UUPA) provides a normative basis, especially Article 2 paragraph (2) which states that the state has the authority to regulate the designation, use, and maintenance of land for the greatest possible prosperity of the people. Therefore, the mechanism for determining abandoned land is not an arbitrary action, but a legal instrument that aims to maintain legal certainty as well as social benefits.

After the land is designated as abandoned land, the state's authority in its management is expressly regulated in Government Regulation Number 20 of 2021. Article 11 states that abandoned land that has been designated as state land can be used for public purposes, agrarian reform programs, and national strategic projects. This confirms that the state acts as the main manager of abandoned land with the aim of restoring the social function of the land for the prosperity of the people. This authority is derived from Article 33 paragraph (3) of the 1945 Constitution which states that the earth, water, and natural resources contained in it are controlled by the state and used for the greatest possible prosperity of the people.

In line with that, Law number 8 concerning the Basic Agrarian Law (UUPA) in Article 2 paragraph (1) also emphasizes that the state as an organization of power for all people has the authority to regulate the designation, use, and control of land. Therefore, the management of abandoned land by the state is not only legal-formal, but also has a constitutional and ideological dimension that is oriented towards equitable distribution of justice and improvement of social welfare. However, this state authority must be exercised proportionately so as not to give the impression of deprivation of people's rights, but to become an instrument of fair land redistribution and beneficial for national development.

B. Legal Protection of Abandoned Land in a Positive Legal Perspective

Legal protection of abandoned land is an important issue in the Indonesian agrarian legal system, considering that land has a social function that is not only economically valuable, but also related to justice and community benefits. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles emphasizes that every right to land contains a social function that must be carried out by rights holders, while Government Regulation Number 20 of 2021 concerning the Management of Areas and Abandoned Land provides a technical mechanism for how the state regulates land that is not used according to its designation.

Abandoned land in Indonesia is not a new phenomenon in the history of agrarian law. Since the enactment of the Basic Agrarian Law (UUPA) as the basis of national land law, it has been emphasized that one of the reasons for the abolition of land rights is due to neglect. This provision is explicitly stated in Article 27 letter a number 3 of the UUPA concerning Property Rights, Article 34 letter e of the UUPA concerning the Right to Use of Business, and Article 40 letter e UUPA concerning the Right to Use of Buildings. This confirms that Law number 8 concerning the Basic Agrarian Law (UUPA) does not justify the ownership of land that is not used in accordance with the purpose of granting its rights.

Land certificates, which can now be electronic, serve as a powerful and state-recognized evidence of rights. This registration protects landowners from potential third-party claims or takeover by the state. Landowners who do not register their land plots risk losing their rights if the land is declared abandoned or categorized as state land (Nasution & Tarigan, 2024). However, this regulation is considered to still focus on formal-administrative aspects, so that for people who control land for generations without certificates, substantive protection has not been fully fulfilled.

Every land right given by the state to citizens or legal entities has juridical consequences for the holder. Land owners are obliged to use land according to the allocation, conditions, and purpose of granting rights, and the most important thing is not to leave it abandoned. Legal awareness in utilizing land is a fundamental aspect so that land can be managed properly. The lack of awareness of rights holders in developing and utilizing land often triggers neglect (Fatihah, 2023).

As a result of this neglect, the land loses its value of benefits, especially for the community around the location. Land neglect is basically a wrong action because it has a negative impact. These impacts include increasing social inequality which, if left unregulated, can trigger horizontal conflicts. In addition, if the government does not immediately carry out control, the long-term consequences that arise are the weakening of the national economy and the disruption of the stability of domestic food reserves (Pertiwi, 2025).

Legal protection has two dimensions, namely preventive and repressive. Preventive protection functions to prevent the occurrence of abandoned land through obligations and guidance to landowners, while repressive protection is present when disputes or legal problems have arisen, including in the case of determination of abandoned land or compensation. However, the implementation of these two forms of legal protection in the field cannot be separated from structural and administrative obstacles, which raise questions about the extent to which positive law is able to guarantee substantive justice for the wider community.

a) Preventive Legal Protection

Preventive legal protection is a form of preventive protection before legal disputes or problems arise. In the context of abandoned land, preventive legal protection is realized through regulations that provide clear limits on the definition, criteria, and procedures for determining abandoned land as stipulated in Government Regulation Number 20 of 2021 concerning the Control of Abandoned Areas and Lands. This regulation requires rights holders to utilize land in accordance with its designation and maintain its social functions as stipulated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA).

Article 6 of the UUPA emphasizes that all land rights have a social function, so they should not be owned solely for personal interests, but must be beneficial to the community. Another form of preventive protection is socialization carried out by the government so that people understand their obligations as rights holders, as well as programs such as agrarian reform and land certification to strengthen legal certainty. With this preventive instrument, it is hoped that people will not be trapped in the status of abandoned land and their rights can be protected more comprehensively. (Prasista et al., 2022)

b) Repressive Legal Protection

Repressive legal protection is a form of protection provided after legal problems or land-related disputes occur. In the case of abandoned land, repressive legal protection can be in the form of dispute resolution mechanisms through judicial institutions, mediation, or non-litigation institutions. If there are people who feel aggrieved by the designation of their land as abandoned land, they have the right to file a

lawsuit with the state administrative court to test the validity of the administrative decision that determines the status of the land. In addition, if the land is revoked for the public interest, the landowner is entitled to appropriate compensation in accordance with the provisions of Article 18 of the UUPA, which states that in the public interest, land rights can be revoked by providing proper and fair compensation.

This mechanism shows that positive law in Indonesia not only gives the state the authority to take over abandoned land, but also provides a means of protection for people not to lose their rights arbitrarily. This repressive protection serves as a guarantee of justice, as well as a balance between the state's authority in regulating the land and the rights of the community as land rights holders.

A concrete case regarding the determination of abandoned land can be seen in the land conflict on Mendol Island, Pelalawan Regency, Riau. The Right to Use Business (HGU) of PT Trisetia Usaha Mandiri (TUM) covering an area of thousands of hectares was determined by the Minister of Agrarian and Spatial Planning/National Land Agency as abandoned land on January 24, 2023, based on Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Lands. This determination was made because the company did not manage the land in accordance with the designation, resulting in abandoned land and triggering conflicts with the surrounding community. The administrative decree shows that the state has a strict legal instrument to regulate the control of unused land, in line with Article 6 of Law Number 5 of 1960 concerning the Basic Regulation on Agrarian Principles (UUPA) which emphasizes the social function of land (WALHI RIAU, 2023).

Legal remedies were then taken by PT TUM through a lawsuit to the Jakarta State Administrative Court (PTUN). However, through Decision Number 89/G/2023/PTUN. JKT, the lawsuit was rejected in its entirety, and the court affirmed the validity of the government's decision to designate the HGU as abandoned land. This decision was strengthened at the appeal level through Decision Number 372/B/2023/PT. TUN. JKT, which again rejected PT TUM's objection and emphasized that abandoned land is legally state land (Iniriau, 2023).

Although the company is still going through cassation, this case is an important precedent in the protection of repressive laws, because it shows that the court mechanism is able to oversee the consistent implementation of Government Regulation Number 20 of 2021. Furthermore, this case also illustrates that the social function of land should not be neglected by rights holders, as well as that positive legal instruments have been in place to ensure the equitable distribution and utilization of land for the benefit of the wider community.

From the example of the case above, it shows that the existence of abandoned land has a real impact on the community and causes potential social conflicts. On the other hand, the case also proves that the legal mechanism regulated in Government Regulation No. 20 of 2021 concerning the Management of Abandoned Areas and Land is really carried out by the state as an effort to maintain the social function of the land. Thus, the case of Mendol Island can be used as a reinforcement that regulations regarding abandoned land are not just a theory, but have also been applied in practice to protect the interests of the wider community and ensure a fairer distribution of land.

c) Obstacles to the Implementation of Legal Protection in the Field

Although regulations on abandoned land are clear enough, the implementation of legal protection in the field still faces various obstacles. One of the main barriers is the issue of cost, where many communities, especially in rural areas, do not have the financial capacity to take care of administrative obligations such as registration or maintenance of land rights. Another obstacle is limited access to information, because socialization from the government has not reached all levels of society, so many landowners do not understand the risks if their land is left unused.

In addition, administrative obstacles are also obstacles, such as convoluted bureaucratic procedures, delays in services at land offices, and the practice of overlapping ownership claims that weaken legal certainty. This condition creates a gap between ideal legal norms and the reality of implementation on the ground, so that small communities remain in a vulnerable position to losing their rights (Fu'adah, 2024). Therefore, effective legal protection of abandoned land requires not only strong regulations, but also implementation policies that are in favor of the community by prioritizing the principles of substantive justice and the common good.

C. Analysis of Legal Protection for Abandoned Land After the Enactment of Government Regulation Number 20 of 2021

As an effort to overcome the problem of abandoned land, the government issued Government Regulation Number 20 of 2021 concerning the Control of Abandoned Areas and Land. This Government Regulation emphasizes that land that is not used according to its intended purpose within a certain period of time can be designated as abandoned land and returned to state land. This is in line with the concrete case regarding the determination of abandoned land can be seen in land conflicts on Mendol Island,

Pelalawan Regency, Riau. The Right to Use Business (HGU) of PT Trisetia Usaha Mandiri (TUM) covering an area of thousands of hectares was determined by the Minister of Agrarian and Spatial Planning/National Land Agency as abandoned land on January 24, 2023, based on Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Lands. This determination was made because the company did not manage the land in accordance with the designation, resulting in abandoned land and triggering conflicts with the surrounding community. Although Government Regulation Number 20 of 2021 provides a clear legal basis for the management of abandoned land, its implementation still raises a number of serious questions related to substantive justice aspects. However, on the other hand, its application has the potential to cause losses for community groups that have hereditary control and use of land based on customary norms or family inheritance rights, but have not met strict administrative requirements. In practice, such lands are often categorized as abandoned land simply because of administrative constraints, cost limitations, or lack of access for small communities to land services.

D. Analysis of *Maqashid Shariah* Perspective on Abandoned Land

Maqashid Syariah as the main purpose of Islamic law emphasizes the protection of five fundamental aspects, namely religion (*hifz al-din*), soul (*hifz al-nafs*), intellect (*hifz al-aql*), heredity (*hifz al-nasl*), and property (*hifz al-mal*). These principles are an ethical and normative framework in assessing the fairness of a state policy (Dwi Suci, Widiastuti, 2025). In the context of abandoned land, the principle of *hifz al-mal* demands that land as a productive asset be protected by its owners from unjust expropriation, while the principle of *hifz al-nasl* emphasizes the importance of ensuring the sustainability of land rights as an inheritance for future generations. If the state only emphasizes administrative requirements without considering the social aspects of society, then it has the potential to violate *Maqashid Syariah* which upholds justice and benefits.

Allah SWT said:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

"And do not eat the wealth among you in a wrong way." (QS. Al-Baqarah: 188) (Qur'an Ministry of Religion, n.d.)

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۚ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

"O you who have believed, do not eat your neighbor's property in a wrong way, except in the form of business on the basis of mutual will among you. Do not kill yourselves. Indeed, Allah is Most Merciful to you" (QS. An-Nisa verse 29).

In addition, the Prophet Muhammad PBUH also emphasized in the hadith:

مَنْ ظَلَمَ شِبْرًا مِنْ أَرْضٍ طَوَّقَهُ اللَّهُ بِسَبْعِ أَرَضِينَ يَوْمَ الْقِيَامَةِ

"Whoever takes an inch of land unjustly, Allah will surely burden him with seven layers of earth on the Day of Judgment." (HR Al-Bukhari and Muslim) (Yahya Abdurrahman, 2024).

Imam al-Shaṭibi through his work *Al-Muwafaqat fi Uṣul al-Shari'ah* strengthens this framework by affirming that the purpose of Islamic sharia is to safeguard the welfare of human beings in this world and the hereafter. He formulated five primary needs (*al-daruriyyat al-khams*), namely maintaining religion, soul, intellect, descendants, and property, which must be maintained for the sake of upright life (Shib, 1920). In the context of land, it is clear that land is part of property (*mal*) that must be maintained in order to continue to provide benefits. Land neglect is contrary to *maqashid* because it has the potential to cause social, economic, and legal losses.

In addition, al-Shaṭibi also emphasizes human needs which include *al-daruriyyat* (primary), *al-hajiyyat* (secondary), and *al-tahsiniyyat* (tertiary). Land as a source of life is clearly included in the category of *al-daruriyyat*, because without optimal land utilization, people will find it difficult to meet basic needs, ranging from food to shelter. Therefore, state policies that regulate the management of abandoned land through Government Regulation Number 20 of 2021 should be understood not only as an administrative action, but also as an effort to meet the benefits of the community while maintaining the rights of individuals and heirs.

The theory of *Maqashid Syariah* formulated by Imam al-Shaṭibi is a strong basis that the legal protection of abandoned land must balance the public interest and the rights of the community. The state has an obligation to uphold the social function of the land, but at the same time must avoid actions that are detrimental to the legitimate owners or heirs who are unable to meet the administrative requirements. The implementation of Government Regulation Number 20 of 2021 will be in line with *Maqashid Syariah* if it is able to provide substantive justice, prevent tyranny, and ensure a more equitable distribution of land for the common good.

The principle of *hifz al-mal* aims to keep property from being damaged, lost, or misused. Land that is left abandoned means that the property is not utilized, so that its value is reduced and the benefits

are lost. Furthermore, land abandonment also causes social and economic losses because land that should be productive is not used for community welfare. This is clearly contrary to *hifz al-mal* because allowing wealth to lose its function is tantamount to wasting the trust entrusted to him by Allah. If the state or land owner does not manage it, then there is a violation of *the maqashid shari'ah*, because land as part of the property should be maintained, utilized, and beneficial to the owner and the wider community (Permata, 2024).

The principle of *hifz al-nasl* requires that hereditary rights, including inheritance rights over land, be protected. Many abandoned lands in Indonesia have the status of inherited land that has not been completed by administration. If this kind of land is designated as abandoned land and then taken over by the state without giving an opportunity to the heirs, then the rights of their heirs are neglected. This condition is a form of violation of *hifz al-nasl* because it prevents the next generation from obtaining a legitimate share of the inheritance of their parents or ancestors. As a result, the function of land as a support for life across generations is not running, and the family's right to maintain the sustainability of life is disturbed.

Thus, land neglect is at the same time a violation of *hifz al-mal* because it wastes wealth and harms socio-economic interests, as well as violates *hifz al-nasl* because it has the potential to ignore the inheritance rights of the next generation. The state through Government Regulation Number 20 of 2021 should ensure that the management of abandoned land is carried out fairly, while maintaining the principles of *maqashid shari'ah* so as not to harm the legal owners and their heirs.

4. Conclusion

The regulation of abandoned land in Government Regulation Number 20 of 2021 emphasizes that every right to land has a social function that must be carried out by rights holders. This regulation provides clear limits on the definition, criteria, and mechanism for determining abandoned land through the stages of inventory, identification, notification, and official decision by the Minister of Agrarian Affairs/Head of BPN. The state has full authority to put in order the abandoned land in order to restore its function for the prosperity of the people, in line with the mandate of Article 33 paragraph (3) of the 1945 Constitution and Article 6 of the UUPA. This shows that the management of abandoned land is not only a legal-formal issue, but also rooted in the principles of social justice, legal certainty, and equitable access to land. From the perspective of positive law and *maqashid shari'ah*, the determination of abandoned land is an important instrument to prevent land tenure practices that are detrimental to the wider community. Preventive legal protection comes through regulation and socialization so that the right holder uses land according to its designation, while repressive protection is realized through court mechanisms, compensation, and land redistribution for the public interest. However, implementation in the field still faces administrative obstacles, costs, and lack of public awareness. Therefore, in order to be in line with the *maqashid shari'ah* which emphasizes *hifz al-mal* (protection of property) and *hifz al-nasl* (protection of descendants), the implementation of Government Regulation Number 20 of 2021 must be carried out proportionately, fairly, and in favor of the common good, so that land can truly be a source of people's welfare.

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