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Legal Protection of Abandoned Land in Indonesia from the Perspective of *Maqasid al-Shari'ah*

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Abstract: This study aims to examine the legal protection of abandoned land in Indonesia following the enactment of Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land from the perspective of *Maqasid al-Shari'ah*. This study employs normative juridical research using statutory and conceptual approaches, with legal materials collected through an examination of relevant legislation, legal literature, and secondary legal sources. The findings reveal that legal protection of abandoned land is implemented through preventive and repressive mechanisms, including regulatory measures, administrative supervision, public socialization, and legal dispute resolution. Government Regulation Number 20 of 2021 provides a legal framework for addressing land abandonment while strengthening legal certainty and ensuring that land utilization reflects its social function. From the perspective of *Maqasid al-Shari'ah*, the regulation is consistent with the principles of *hifz al-mal* (protection of property) and *hifz al-nasl* (protection of descendants), as it promotes the productive utilization of land for public welfare and the equitable distribution of resources across generations. This study concludes that the legal protection of abandoned land constitutes an important instrument for balancing individual property rights, social responsibilities, and the public interest. Academically, this study contributes to the development of Islamic agrarian law by integrating Indonesia's normative land law framework with the objectives of *Maqasid al-Shari'ah*, offering a perspective on abandoned land management as a means of achieving legal certainty, social justice, and sustainable intergenerational welfare.

Keywords: Abandoned Land, Legal Protection, *Maqasid al-Shari'ah*, Social Justice, Sustainable Land Management

1. Introduction

Land plays an important role in national development as a resource for economic activities, social relations, cultural identity, and community welfare. In Indonesia, land ownership is recognized within a constitutional framework that requires land and natural resources to be utilized for the greatest prosperity of the people. However, abandoned land remains a significant agrarian problem because land that is not used according to its designated purpose can reduce economic productivity, create uncertainty over land rights, and restrict equitable resource distribution. The problem becomes more complex when individuals or legal entities control large areas without fulfilling their obligations to cultivate, develop, or manage them responsibly. Such practices potentially contradict the social function of land established under Law Number 5 of 1960 concerning Basic Agrarian Principles. Abandoned land therefore reflects challenges in land governance, particularly the balance between individual property rights and the state's responsibility to protect public welfare. It should not be understood merely as an administrative or economic issue,[1] but also as a legal and social justice concern.[2] Government Regulation Number 20 of 2021 provides a regulatory foundation for addressing this problem and strengthening the protection of land utilization in Indonesia.

[1] Anny Mulyani et al., "Potential Land Reserves for Agriculture in Indonesia: Suitability and Legal Aspect Supporting Food Sufficiency," *Land* 12, no. 5 (April 26, 2023): 970, https://doi.org/10.3390/land12050970.

[2] Dian Aries Mujiburohman, "Abandoned Land: Legal Aspects and Utilization in Indonesia," *Vestnik of Saint Petersburg University. Law* 16, no. 1 (2025): 220–29, https://doi.org/10.21638/spbu14.2025.116.

Existing literature has examined abandoned land through several perspectives, including agrarian reform, land administration, legal certainty, state authority, and the implementation of land control policies. Studies have emphasized government supervision and administrative mechanisms for identifying and regulating abandoned land, while other research has discussed the legal consequences of neglecting obligations attached to land rights.[3] Research on land governance has also connected land utilization with economic development and social justice.[4] Meanwhile, scholarship on Islamic agrarian principles has generally focused on property ownership, land distribution, and the social responsibilities associated with wealth.[5] Despite these contributions, discussions of abandoned land remain largely concentrated on positive legal frameworks and administrative procedures.[6] The relationship between legal protection of abandoned land and the objectives of Islamic law has received comparatively limited attention. In particular, the use of *Maqasid al-Shari'ah* to evaluate abandoned land management under Government Regulation Number 20 of 2021 requires further examination.[7] This gap concerns how national agrarian regulations can be understood through Islamic legal objectives that emphasize property protection, social responsibility, and the welfare of future generations in contemporary Indonesian land governance.

Previous studies offer an important foundation for understanding the legal and institutional dimensions of abandoned land management, particularly state authority, the obligations of land rights holders, and administrative procedures for controlling land abandonment. Nevertheless, much of this discussion approaches land protection through statutory compliance and the enforcement of administrative regulations. Although necessary, these approaches do not fully explain the ethical and distributive dimensions of land governance when individual ownership is considered alongside collective interests. Islamic law recognizes and protects property rights,[8] while requiring their exercise to reflect responsibility, justice, and public benefit. *Maqasid al-Shari'ah* provides a broader framework for examining these relationships.[9] The principle of *hifz al-mal* emphasizes the protection and responsible utilization of property, whereas *hifz al-nasl* highlights the welfare and resources needed by future generations. This study is positioned at the intersection of Indonesian agrarian law and Islamic legal thought by examining the consistency of legal protection for abandoned land under Government Regulation Number 20 of 2021 with these objectives. It thus extends previous discussions beyond regulatory enforcement to the wider purposes of property protection and social welfare.

This study aims to analyze the legal protection of abandoned land in Indonesia following the enactment of Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land and to examine its consistency with the principles of *Maqasid al-Shari'ah*. Land plays a fundamental role in national development because it serves as an essential resource for economic activities, social relations, cultural identity, and community welfare. In Indonesia, land ownership is recognized within a constitutional framework that requires land and natural resources to be utilized for the greatest prosperity

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[3] Juliano Franco-Moraes et al., "Historical Landscape Domestication in Ancestral Forests With Nutrient-Poor Soils in Northwestern Amazonia," *Forest Ecology and Management* 446 (August 2019): 317–30, https://doi.org/10.1016/j.foreco.2019.04.020.

[4] Tessa Toumbourou et al., "Political Ecologies of the Post-Mining Landscape: Activism, Resistance, and Legal Struggles over Kalimantan's Coal Mines," *Energy Research & Social Science* 65 (July 2020): 101476, https://doi.org/10.1016/j.erss.2020.101476.

[5] Yagus Suyadi and Risahlan Rafsanzani, "Penguasaan Tanah Oleh Negara Perspektif Hukum Positif Dan Hukum Islam," *Al-Mazaahib: Jurnal Perbandingan Hukum* 11, no. 1 (July 5, 2023): 47, https://doi.org/10.14421/al-mazaahib.v11i1.3073.

[6] Agus Sekarmadji, Oemar Moechthar, and Wilda Prihatiningtyas, "Rechtsverwerking in Indonesia: How Land Ownership Can Be Lost under Customary Law," *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 10, no. 2 (November 21, 2025), https://doi.org/10.22373/petita.v10i2.836.

[7] Denis Dobrynin, Alexander Vorbrugg, and Teppo Hujala, "Forestry on Abandoned Agricultural Land: Future Options for Russia," *Land Use Policy* 150 (March 2025): 107435, https://doi.org/10.1016/j.landusepol.2024.107435.

[8] Pedro Ivo Bastos de Castro, Sven Lautenbach, and Raúl Vicens, "Predisposing Factors of Sugarcane Abandonment in Rio de Janeiro: Exploring Policy Implications," *Land Use Policy* 160 (January 2026): 107845, https://doi.org/10.1016/j.landusepol.2025.107845.

[9] Jean Marc Pace Ricci and Elisabeth Conrad, "Exploring the Feasibility of Setting Up Community Allotments on Abandoned Agricultural Land: A Place, People, Policy Approach," *Land Use Policy* 79 (December 2018): 102–15, https://doi.org/10.1016/j.landusepol.2018.08.009.

of the people. However, abandoned land remains a significant agrarian problem because land that is not utilized according to its designated purpose can reduce economic productivity, create uncertainty over land rights, and restrict equitable resource distribution. The problem becomes more complex when individuals or legal entities control extensive areas without fulfilling their obligations to cultivate, develop, or manage them responsibly. Such practices potentially contradict the social function of land established under Law Number 5 of 1960 concerning Basic Agrarian Principles. Therefore, abandoned land should be understood not merely as an administrative or economic issue but also as a legal and social justice concern requiring comprehensive legal protection.

2. Method

This study employs normative juridical research to examine the legal protection of abandoned land in Indonesia from the perspective of *Maqasid al-Shari'ah*. This research focuses on the examination of legal norms, statutory provisions, and legal principles governing the management and protection of abandoned land. The study specifically analyzes Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land, alongside Law Number 5 of 1960 concerning Basic Agrarian Principles and other relevant implementing regulations. The research was conducted from January to March 2026 through a systematic review of primary, secondary, and tertiary legal materials. The statutory approach was applied to identify the regulatory framework, legal obligations, and mechanisms for controlling abandoned land, while the conceptual approach was used to examine the relationship between land rights, legal protection, social functions, and public welfare. These approaches were selected because they enable a comprehensive examination of the legal foundations and underlying principles of abandoned land management within Indonesia's agrarian legal system.

Data collection was conducted through documentary research and library research by identifying, collecting, classifying, and examining relevant legal materials. Primary legal materials consisted of statutory regulations, particularly Government Regulation Number 20 of 2021, Law Number 5 of 1960, and other relevant legislation concerning land administration and abandoned land control. Secondary legal materials included academic books, peer-reviewed journal articles, legal research reports, and scholarly publications discussing agrarian law, legal protection, land utilization, and Islamic legal objectives. Tertiary materials, including legal dictionaries and relevant legal encyclopedias, were used to clarify terminology and support conceptual understanding. The collection process involved searching legal databases, official government regulatory repositories, academic journal platforms, and university library resources. Relevant materials were selected based on their authority, relevance, validity, and direct relationship with the research questions. A documentary review guide was used to organize the collected materials according to regulatory provisions, legal protection mechanisms, and the principles of *Maqasid al-Shari'ah*. Since this study is normative legal research, it does not involve human participants, interviews, questionnaires, or field observations. The researcher independently conducted the collection and classification of all materials.

The collected legal materials were analyzed qualitatively using descriptive, interpretative, and prescriptive legal analysis. The analysis proceeded through several stages, beginning with the classification of legal materials according to their relevance to abandoned land regulation and legal protection. Subsequently, the statutory provisions were interpreted to identify the preventive and repressive mechanisms available under Indonesian agrarian law, including administrative supervision, warnings, determination of abandoned land status, and potential legal consequences. The conceptual analysis examined the relationship between individual land rights and the social function of land, while the Islamic legal analysis employed the framework of *Maqasid al-Shari'ah*, particularly *hifz al-mal* (protection of property) and *hifz al-nasl* (protection of descendants). These principles were selected to assess whether abandoned land management promotes the protection of property, equitable resource utilization, and intergenerational welfare. The analysis was conducted manually through systematic legal interpretation and thematic categorization without statistical software because the research does not involve quantitative data. Methodological rigor was maintained through source verification, comparison of legal provisions,

consistency of interpretation, and triangulation between statutory, doctrinal, and Islamic legal perspectives.

3. Result and Discussion

3.1. Legal Protection of Abandoned Land under Indonesian Agrarian Law

Legal protection of abandoned land in Indonesia is principally associated with the state's authority to regulate land ownership, utilization, and control in accordance with the social function of land. Law Number 5 of 1960 concerning Basic Agrarian Principles establishes that land rights are not absolute rights that can be exercised without considering public interests. Landholders are expected to cultivate, use, utilize, and maintain their land in accordance with the nature and purpose of the granted rights. This obligation reflects the principle that land ownership carries both individual entitlements and social responsibilities. Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land subsequently established a more detailed mechanism for controlling land abandonment. The regulation addressed the obligations of land rights holders, the identification of potentially abandoned land, administrative supervision, and the legal consequences of abandonment. Its regulatory framework demonstrates that legal protection is not limited to safeguarding ownership but also includes ensuring that land resources contribute to national development and public welfare. Thus, the protection of abandoned land involves balancing individual legal certainty with the collective interest in productive and responsible land utilization.

The legal protection mechanism under Government Regulation Number 20 of 2021 was implemented through a series of administrative procedures consisting of inventory, evaluation, written warnings, and the determination of abandoned land status. The inventory stage identified land potentially subject to control based on information from landholders, government institutions, local governments, and members of the public. Subsequently, the evaluation examined land ownership documents, development or utilization plans,[10] and the factual conditions of land use. The evaluation process was designed to establish whether the landholder had intentionally failed to cultivate, use, utilize, or maintain the land. When abandonment was identified,[11] the competent authority issued three successive written warnings, allowing the landholder opportunities to fulfill the relevant obligations within specified periods. The first warning provided a maximum period of 90 calendar days, the second 45 calendar days, and the third 30 calendar days.[12] When the obligations remained unfulfilled, the process could proceed toward the determination of abandoned land by the Minister. These procedures illustrate the importance of administrative verification and procedural safeguards before the state imposes legal consequences on landholders.

The legal consequences of abandoned land determination demonstrate the repressive dimension of state protection under Indonesian agrarian law. Once land is legally established as abandoned, the relevant land rights may be extinguished in accordance with the applicable statutory provisions, and the land may become directly controlled by the state. Under the 2021 regulatory framework, such land could subsequently be designated as State Land Reserves (Tanah Cadangan Umum Negara), which could be utilized for development and other public purposes. This mechanism indicates that abandoned land management is not simply intended to impose administrative sanctions but also to restore the productive and social functions of land resources. Nevertheless, the implementation of these consequences requires

[10] Gakuto Takamura, "Compliance-Oriented Legalization and the Problematization of Irregularities in Japanese Common Forest Registration: Perspectives of Commoners and Forestry Cooperatives," *Asian Journal of Law and Society*, October 3, 2025, 1–19, https://doi.org/10.1017/als.2025.10027.

[11] Abdul Kadir Jaelani, Anila Rabbani, and Muhammad Jihadul Hayat, "Land Reform Policy in Determining Abandoned Land for Halal Tourism Destination Management Based on Fiqh Siyasah," *El-Mashlahah* 14, no. 1 (June 30, 2024): 211–36, https://doi.org/10.23971/el-mashlahah.v14i1.8051.

[12] J.L. Miralles I Garcia, "New Policies for the Management of Periurban Agricultural Spaces: The Case of L'Horta de Valéncia (Spain)," *International Journal of Design & Nature and Ecodynamics* 13, no. 4 (December 12, 2018): 361–72, https://doi.org/10.2495/DNE-V13-N4-361-372.

legal certainty,[13] accurate identification,[14] transparent administrative procedures, and appropriate consideration of the rights and interests of affected parties.[15] Without these safeguards, the determination of abandoned land could potentially generate disputes and uncertainty concerning land ownership. Therefore, the transformative significance of legal protection lies in redirecting unused land toward more productive utilization while maintaining accountability in the exercise of state authority.

3.2. Legal Protection of Abandoned Land from the Perspective of *Maqasid al-Shari'ah*

From the perspective of *Maqasid al-Shari'ah*, legal protection of abandoned land can be examined through the principle of *hifz al-mal*, which emphasizes the protection, preservation, and responsible utilization of property. In Islamic law, ownership is recognized as a legitimate right, but the exercise of that right is accompanied by ethical and social responsibilities. Property should not become an instrument of exploitation or be maintained in a condition that prevents its beneficial utilization. Accordingly, land abandonment represents a problem because valuable resources remain unproductive while their potential contribution to economic activities and community welfare is restricted. The control of abandoned land under Indonesian agrarian law reflects the objective of preventing the ineffective use of property and encouraging responsible management. The principle of *hifz al-mal* therefore provides a normative foundation for understanding why landholders should fulfill their obligations and why the state may regulate land utilization in the public interest. Legal protection in this context does not eliminate individual ownership but establishes boundaries to ensure that property rights are exercised responsibly, productively, and consistently with the principles of justice and public benefit.

The second relevant principle is *hifz al-nasl*, which concerns the protection of descendants and the sustainability of resources necessary for future generations. Although this principle is frequently associated with family continuity and the preservation of human welfare, its application can also be extended to the management of essential resources that support future living conditions. Land constitutes an important resource for food production, housing, economic opportunities, and community development. When land remains abandoned without a legitimate reason, its potential contribution to these needs may be lost or delayed.[16] Consequently, controlling abandoned land can support the protection of future generations by encouraging productive utilization and more equitable access to land resources.[17] This relationship also demonstrates that agrarian governance has an intergenerational dimension that extends beyond the immediate interests of current landholders. Through *hifz al-nasl*, land protection can be understood as an effort to preserve the material foundations of family welfare and social sustainability.[18] Therefore, the regulation of abandoned land is normatively relevant to Islamic law when its implementation promotes responsible resource management, protects the interests of future generations, and prevents the concentration of unused resources from undermining broader social welfare.

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[13] Murat Köse et al., "Factors Affecting Utilization Opportunity of Wetlands and Their Immediate Surroundings in Abandoned Mining Sites: A Case Study for Istanbul," *Land Use Policy* 121 (October 2022): 106234, https://doi.org/10.1016/j.landusepol.2022.106234.

[14] Z.H. Shang et al., "A Four Year Study in a Desert Land Area on the Effect of Irrigated, Cultivated Land and Abandoned Cropland on Soil Biological, Chemical and Physical Properties," *CATENA* 175 (April 2019): 1–8, https://doi.org/10.1016/j.catena.2018.12.002.

[15] Ramchhanliana Hauchhum and S. K. Tripathi, "Carbon and Nitrogen Differences in Rhizosphere Soil of Annual Plants in Abandoned Lands Following Shifting Agriculture in Northeast India," *Nutrient Cycling in Agroecosystems* 113, no. 2 (March 12, 2019): 157–66, https://doi.org/10.1007/s10705-019-09972-5.

[16] Catherine M.J. Fayet et al., "The Potential of European Abandoned Agricultural Lands to Contribute to the Green Deal Objectives: Policy Perspectives," *Environmental Science & Policy* 133 (July 2022): 44–53, https://doi.org/10.1016/j.envsci.2022.03.007.

[17] Handian Purwawangsa et al., "Assessing Integration of Science in Policy-Making Process of the Utilization of Abandoned Lands in Indonesia: Case of Bogor Regency," *Forest and Society* 6, no. 2 (September 15, 2022): 639–58, https://doi.org/10.24259/fs.v6i2.19295.

[18] Melani Cortijos López et al., "A Strategy to Enhance Soil Quality and Soil Organic Carbon Stock in Abandoned Lands: Pasture Regeneration Through Shrub Clearing," *Land Degradation & Development* 35, no. 10 (June 2024): 3392–3406, https://doi.org/10.1002/ldr.5139.

The integration of *hifz al-mal* and *hifz al-nasl* provides a comprehensive perspective for assessing the relationship between individual land rights and collective welfare. These two principles complement each other because the protection of property requires responsible utilization, while the protection of descendants requires the preservation and fair management of resources across generations. Government Regulation Number 20 of 2021 reflected these objectives through its attempt to prevent land abandonment, establish administrative accountability, and enable the utilization of land that had been legally designated as abandoned. Nevertheless, the conformity of a regulation with *Maqasid al-Shari'ah* should not be assessed solely through its formal objectives or administrative procedures. Its substantive implementation must also consider fairness,[19] proportionality, transparency, and the protection of legitimate rights.[20] The state's authority to control abandoned land must therefore be exercised through accountable procedures that prevent arbitrary decisions and ensure that subsequent land utilization genuinely benefits society. In this regard, *Maqasid al-Shari'ah* offers an evaluative framework for understanding land protection as more than regulatory enforcement. It positions abandoned land management as a legal and ethical instrument for promoting responsible ownership, distributive justice, and sustainable public welfare.

3.3. Integrating Agrarian Legal Protection with the Objectives of *Maqasid al-Shari'ah*

The findings demonstrate that legal protection of abandoned land in Indonesia involves two interconnected dimensions: the regulation of land rights through administrative and legal mechanisms and the realization of social welfare through responsible resource utilization. The first dimension is reflected in the state's authority to identify, evaluate, warn, and determine the legal status of abandoned land under the regulatory framework established in Government Regulation Number 20 of 2021. The second dimension emerges from the relationship between land ownership and the social function of land, which requires landholders to exercise their rights responsibly. From the perspective of *Maqasid al-Shari'ah*, these findings are particularly relevant to *hifz al-mal* and *hifz al-nasl*. The former emphasizes the protection and productive utilization of property, whereas the latter highlights the importance of maintaining resources that support the welfare of future generations. The relationship between these principles indicates that abandoned land is not merely a question of administrative noncompliance but also a broader issue concerning the distribution, utilization, and sustainability of essential resources. Accordingly, legal protection should balance individual ownership with collective responsibility and intergenerational justice.

The emergence of abandoned land can be explained through several interconnected factors involving legal, administrative,[21] economic, and institutional conditions.[22] From a legal perspective, the possession of land rights may create the perception that ownership provides extensive control over land, while the corresponding social obligations receive insufficient attention. Economically, landholders may retain land without utilizing it because of investment uncertainty, limited financial capacity, changes in development priorities,[23] or speculative expectations concerning future land values. Administrative weaknesses may also contribute to the persistence of abandoned land, particularly when monitoring systems, land

[19] Estela Nadal Romero, Teodoro Lasanta, and Artemi Cerdà, "Integrating Extensive Livestock and Soil Conservation Policies in Mediterranean Mountain Areas for Recovery of Abandoned Lands in the Central Spanish Pyrenees. A Long Term Research Assessment," *Land Degradation & Development* 29, no. 2 (February 2, 2018): 262–73, https://doi.org/10.1002/ldr.2542.

[20] Dmitry I. Rukhovich et al., "Transformation of Arable Lands in Russia over the Last Half Century—Analysis Based on Detailed Mapping and Retrospective Monitoring of Soil–Land Cover and Decipherment of Big Remote Sensing Data," *Sustainability* 17, no. 13 (July 7, 2025): 6203, https://doi.org/10.3390/su17136203.

[21] Yu Shi et al., "An Assessment of Ecological Sensitivity and Landscape Pattern in Abandoned Mining Land," *Sustainability* 16, no. 3 (January 27, 2024): 1105, https://doi.org/10.3390/su16031105.

[22] Daria Anpilogova and Alla Pakina, "Assessing Ecosystem Services of Abandoned Agricultural Lands: A Case Study in the Forested Zone of European Russia," *One Ecosystem* 7 (February 1, 2022), https://doi.org/10.3897/oneeco.7.e77969.

[23] Sphiwe Emmanuel Mhlongo and George Oluwole Akintola, "Artisanal and Small-Scale Mining Activities as Post-Mining Land Use in Abandoned Mine Sites: A Case of Giyani and Musina Areas, Limpopo Province of South Africa," *Journal of Degraded and Mining Lands Management* 8, no. 3 (April 15, 2021): 2815–27, https://doi.org/10.15243/jdmlm.2021.083.2815.

inventories,[24] and coordination between government institutions are insufficient. These factors demonstrate that land abandonment cannot always be understood as a simple consequence of intentional neglect without examining the circumstances surrounding individual landholders and the relevant land-use conditions.[25] The application of *Maqasid al-Shari'ah* therefore requires a balanced assessment between the protection of ownership and the prevention of harmful resource utilization. In particular,[26] *hifz al-mal* supports the protection of legitimate property interests, while also emphasizing that property should generate beneficial outcomes rather than remain unnecessarily unproductive. This interpretation requires administrative decisions to distinguish deliberate abandonment from circumstances that may justify delayed utilization.[27]

The implications of these findings extend to the relationship between legal certainty, social justice, and sustainable land governance. Administrative mechanisms for controlling abandoned land can strengthen the effectiveness of agrarian regulation by establishing clear obligations and consequences for landholders who fail to utilize their property appropriately. However, the determination of abandoned land must also provide procedural fairness, including accurate verification, transparent evaluation, and opportunities for affected parties to fulfill their obligations. From the perspective of *hifz al-mal*, these safeguards are essential because protecting property also means preventing arbitrary deprivation of legitimate rights.[28] Meanwhile, *hifz al-nasl* expands the implications of land protection by emphasizing the importance of maintaining resources for future generations. When abandoned land is appropriately managed and subsequently utilized for legitimate public purposes, it may contribute to food security, housing development,[29] economic opportunities, and improved community welfare. Nevertheless, such outcomes depend on the transparency and fairness of subsequent land allocation and utilization. Therefore, the transformative effect of abandoned land regulation should not be measured merely by the number of land parcels brought under administrative control but also by the extent to which their utilization generates equitable and sustainable benefits for society.

Compared with previous approaches that primarily examine abandoned land through statutory regulation, administrative authority, and legal certainty, this study extends the analysis by incorporating the normative objectives of Islamic law.[30] The conventional agrarian legal perspective provides an essential explanation of the relationship between landholders' obligations and the state's authority to control abandoned land.[31] Similarly, administrative studies help explain the importance of inventory, supervision, evaluation,[32] and enforcement in addressing land abandonment. However, these approaches do not necessarily provide a comprehensive ethical framework for assessing the relationship between individual

[24] Zhichao Dong et al., "An Integrated Approach to Prioritizing Ecological Restoration of Abandoned Mine Lands Based on Cost-Benefit Analysis," *Science of The Total Environment* 924 (May 2024): 171579, https://doi.org/10.1016/j.scitotenv.2024.171579.

[25] J. Suziedelyte Visockiene, E. Tumeliene, and V. Maliene, "Analysis and Identification of Abandoned Agricultural Land Using Remote Sensing Methodology," *Land Use Policy* 82 (March 2019): 709–15, https://doi.org/10.1016/j.landusepol.2019.01.013.

[26] Yong Wang et al., "Artemisia-Dominant Species Succession Relating to Soil Moisture Decrease in Abandoned Land of the Loess Plateau (China): A Comparative Study of Drought-Adaptive Characteristics," *SpringerPlus* 5, no. 1 (December 7, 2016): 992, https://doi.org/10.1186/s40064-016-2678-3.

[27] Jesús D. Peco et al., "Abandoned Mine Lands Reclamation by Plant Remediation Technologies," *Sustainability* 13, no. 12 (June 8, 2021): 6555, https://doi.org/10.3390/su13126555.

[28] Yingpin Yang et al., "Abandoned Land Mapping Based on Spatiotemporal Features from PolSAR Data via Deep Learning Methods," *Remote Sensing* 15, no. 16 (August 9, 2023): 3942, https://doi.org/10.3390/rs15163942.

[29] Hanno Jentzsch, "Abandoned Land, Corporate Farming, and Farmland Banks: A Local Perspective on the Process of Deregulating and Redistributing Farmland in Japan," *Contemporary Japan* 29, no. 1 (January 2, 2017): 31–46, https://doi.org/10.1080/18692729.2017.1256977.

[30] Moh Indra Bangsawan et al., "Abandoned Land Utilization for Food Security: A Welfare-Based Policy Approach in Indonesia," *International Journal of Sustainable Development and Planning* 19, no. 3 (March 29, 2024): 1311–1138, https://doi.org/10.18280/ijsdp.190331.

[31] Melina Thibault et al., "Afforestation of Abandoned Agricultural Lands for Carbon Sequestration: How Does It Compare with Natural Succession?," *Plant and Soil* 475, no. 1–2 (June 21, 2022): 605–21, https://doi.org/10.1007/s11104-022-05396-3.

[32] Jesús Arturo Bracamonte-Terán et al., "Agricultural Abandoned Lands as Emission Sources of Dust Containing Metals and Pesticides in the Sonora–Arizona Desert," *Environmental Monitoring and Assessment* 195, no. 12 (December 20, 2023): 1496, https://doi.org/10.1007/s10661-023-12086-9.

property rights and intergenerational welfare. This study addresses that analytical dimension by positioning *Maqasid al-Shari'ah* as a complementary framework for evaluating the objectives and consequences of abandoned land regulation. Through *hifz al-mal*, the analysis emphasizes that property protection includes responsible and beneficial utilization, rather than merely the preservation of formal ownership. Through *hifz al-nasl*, it demonstrates that land management also concerns the availability of resources and opportunities for future generations. The distinctive contribution therefore lies in connecting Indonesian agrarian law with Islamic legal objectives. This comparison represents a conceptual extension of regulatory analysis rather than a claim that previous studies have entirely overlooked Islamic legal perspectives; specific comparisons should be supported by relevant published studies.

Based on this analysis, strengthening the legal protection of abandoned land requires improvements in both regulatory implementation and its underlying conceptual orientation. At the institutional level, the government should improve the accuracy of land inventories, strengthen coordination among land administration institutions, and develop transparent monitoring systems to identify potentially abandoned land. Administrative evaluation should distinguish deliberate abandonment from legitimate obstacles to land utilization so that enforcement remains proportionate and consistent with legal certainty. Furthermore, the process of determining abandoned land and its subsequent utilization should involve transparent procedures, appropriate public oversight, and consideration of the interests of affected communities.[33] Conceptually, *Maqasid al-Shari'ah* should be integrated into agrarian policy evaluation through indicators relating to property protection, productive utilization, distributive justice, and intergenerational welfare.[34] Future research may develop empirical socio-legal investigations to examine whether the implementation of abandoned land policies produces measurable benefits for local communities and whether the redistribution or utilization of such land reflects the objectives of Islamic law. These measures would strengthen the relationship between national agrarian regulation and Islamic legal principles while promoting a land governance system that is legally accountable, socially equitable, and sustainable.

4. Conclusion

This study concludes that legal protection of abandoned land in Indonesia is regulated through Government Regulation Number 20 of 2021 concerning the Management of Abandoned Areas and Land, which establishes a legal framework for addressing land abandonment and ensuring that land rights are exercised in accordance with their intended purposes and social functions. The findings demonstrate that legal protection operates through preventive and repressive mechanisms. Preventive protection involves regulatory arrangements, administrative supervision, identification of potentially abandoned land, and the issuance of written warnings to land rights holders. Meanwhile, repressive protection is implemented through the determination of abandoned land status and the application of legal consequences in accordance with applicable regulations. These mechanisms demonstrate that land ownership does not merely represent an individual economic interest but also entails social responsibilities toward society. From the perspective of *Maqasid al-Shari'ah*, the policy of controlling abandoned land reflects the principles of *hifz al-mal* (protection of property) and *hifz al-nasl* (protection of descendants). The protection of property is manifested through the obligation to utilize land responsibly, while the protection of descendants is reflected in efforts to maintain the availability and equitable distribution of land resources for present and future generations. Therefore, abandoned land management represents an

[33] Feng Xu et al., "Abandoned Rural Residential Land: Using Machine Learning Techniques to Identify Rural Residential Land Vulnerable to Be Abandoned in Mountainous Areas," *Habitat International* 84 (February 2019): 43–56, https://doi.org/10.1016/j.habitatint.2018.12.006.

[34] Olivier Fradette et al., "Additional Carbon Sequestration Potential of Abandoned Agricultural Land Afforestation in the Boreal Zone: A Modelling Approach," *Forest Ecology and Management* 499 (November 2021): 119565, https://doi.org/10.1016/j.foreco.2021.119565.

important instrument for strengthening legal certainty, promoting social justice, and realizing public welfare.

This study contributes conceptually and theoretically to the development of Indonesian agrarian law by integrating the national legal framework for abandoned land management with the principles of *Maqasid al-Shari'ah*. Its principal contribution lies in demonstrating that legal protection of abandoned land should not be understood exclusively as an administrative mechanism for controlling land rights but also as an instrument for realizing broader social and ethical objectives. Through the integration of *hifz al-mal* and *hifz al-nasl*, the study expands the understanding of property protection by emphasizing the relationship between individual ownership, responsible land utilization, collective welfare, and intergenerational justice. Methodologically, the study offers a normative juridical analytical framework that combines statutory and conceptual approaches with Islamic legal reasoning to evaluate the consistency between national agrarian regulations and the objectives of Islamic law. This integration provides an analytical perspective for understanding how national land policies can accommodate both legal certainty and the ethical dimensions of property ownership. Accordingly, the study strengthens the relevance of Islamic legal principles in contemporary agrarian governance, particularly in addressing the tension between individual land rights and the state's responsibility to ensure equitable resource utilization.

Despite its contributions, this study has limitations because it relies primarily on normative legal analysis and does not investigate the practical implementation of abandoned land policies or the experiences of affected communities. Consequently, the findings primarily explain the regulatory framework and its normative compatibility with the principles of *Maqasid al-Shari'ah* rather than measuring the effectiveness of policy implementation in different regions of Indonesia. Future research should employ empirical socio-legal approaches to examine the effectiveness of administrative supervision, the implementation of land reclamation policies, and potential conflicts between landowners, government institutions, and local communities. Further studies could also investigate how the designation and redistribution of abandoned land affect economic opportunities, social welfare, and access to land among disadvantaged groups. In addition, comparative research across different regions would provide insights into variations in institutional capacity, administrative practices, and the enforcement of land regulations. Such investigations would complement the normative findings of this study and provide a more comprehensive understanding of abandoned land protection. Ultimately, integrating empirical evidence with the framework of *Maqasid al-Shari'ah* could contribute to developing a more equitable, accountable, and sustainable agrarian governance system in Indonesia.

Declarations

Author Contribution Statement

Dodek Prajuliara: Conceptualization, Methodology, Investigation, Data Curation, Formal Analysis, Writing – Original Draft, Writing – Review & Editing, and Visualization. Tetty Marlina Tarigan: Supervision, Validation, Resources, Project Administration, and Writing – Review & Editing.

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Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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