



## Conflict of Abandoned Land Ownership in the Perspective of Agrarian Reform

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### ARTICLE INFO

#### Article history:

Received : Aug 15, 2025

Revised : Sep 15, 2025

Accepted : Nov 30, 2025

Available online Nov 30, 2025

E-ISSN: 3026-0477

P-ISSN:

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#### How to cite:

Manurung, R. B., Yamin, M., & Zaidar, Z. (2025). Conflict of Abandoned Land Ownership in the Perspective of Agrarian Reform. *Ultimate Journal of Legal Studies*, 3(2), 219–228.

<https://doi.org/10.32734/uljls.v3i2.24646>

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### ABSTRACT

*This study examines land ownership conflicts over abandoned land in Hamlets I and V of Bandar Baru Village, Sibolangit District, Deli Serdang Regency, within the framework of Indonesian agrarian law. As a strategic resource, land management must be carried out in accordance with Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Law Number 5 of 1960 concerning Basic Agrarian Regulations. This study aims to analyze the factors causing land ownership conflicts and the legal resolution of disputes occurring in the area. The research employs an empirical juridical method with a qualitative approach. Data were obtained through library research and field studies in the form of structured interviews with the National Land Agency (BPN) of North Sumatra, legal counsel, and the communities of Hamlets I and V of Bandar Baru Village. The findings indicate that the land ownership conflict has not yet reached a definite legal resolution due to the absence of legal certainty regarding the status of the land and the indecisiveness of the National Land Agency in addressing overlapping land claims. This condition has triggered prolonged conflicts between the community and the government concerning land control and utilization. In addition, weak land administration and the lack of optimal coordination among government institutions have hindered the realization of legal certainty and agrarian justice. This study recommends a comprehensive, transparent, and equitable reorganization of land legal status through inventory and verification of land rights by involving communities that have historically controlled and utilized the land.*

**Keyword:** Abandoned Land, Land Ownership Conflicts, Land Rights

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### ABSTRAK

Penelitian ini mengkaji konflik kepemilikan atas tanah terlantar di Dusun I dan V Desa Bandar Baru, Kecamatan Sibolangit, Kabupaten Deli Serdang dalam perspektif hukum agraria Indonesia. Pengelolaan tanah sebagai sumber daya strategis harus dilaksanakan sesuai dengan amanat Pasal 33 ayat (3) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria. Penelitian ini bertujuan untuk menganalisis faktor penyebab konflik kepemilikan tanah serta penyelesaian hukum terhadap sengketa yang terjadi di wilayah tersebut. Penelitian menggunakan metode yuridis empiris dengan pendekatan kualitatif. Data diperoleh melalui studi kepustakaan dan studi lapangan berupa wawancara terstruktur dengan Badan Pertanahan Nasional (BPN) Sumatera Utara, kuasa hukum, dan masyarakat Dusun I dan V Desa Bandar Baru. Hasil penelitian



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DOI: [10.32734/uljls.v3i2.24646](https://doi.org/10.32734/uljls.v3i2.24646)

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menunjukkan bahwa konflik kepemilikan tanah hingga saat ini belum memperoleh penyelesaian hukum yang pasti akibat tidak adanya kepastian status tanah dan ketidaktegasan Badan Pertanahan Nasional dalam menangani tumpang tindih klaim atas tanah tersebut. Kondisi tersebut memicu konflik berkepanjangan antara masyarakat dan pemerintah terkait penguasaan dan pemanfaatan tanah. Selain itu, lemahnya administrasi pertanahan dan kurang optimalnya koordinasi antarinstansi pemerintah turut menghambat terwujudnya kepastian hukum dan keadilan agraria. Penelitian ini merekomendasikan penataan ulang status hukum tanah secara komprehensif, transparan, dan berkeadilan melalui inventarisasi dan verifikasi hak atas tanah dengan melibatkan masyarakat yang secara historis telah menguasai dan memanfaatkan tanah tersebut.

**Kata kunci :** Hak Atas Tanah, Konflik Kepemilikan Tanah, Tanah Terlantar

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## 1. Introduction

Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles (UUPA), which was ratified on September 24, 1960 and recorded in the Statute Book of the Republic of Indonesia Number 104 of 1960 and Supplement Number 2043, is the main instrument for the implementation of Article 33 paragraph (3) of the 1945 Constitution which affirms that the earth, water, and natural resources are controlled by the state for the greatest prosperity of the people. The UUPA is the constitutional basis for the formation of political law and national land law by giving a mandate to the state to manage natural resources for the welfare of the people, while at the same time containing two main substances, namely ending the enactment of colonial land law and building a sovereign national land law system. ( Urip Santoso, 2017) The Basic Agrarian Law aims to form the basis of the National Agrarian Law that ensures the fair management of the earth, water, and space to realize the prosperity of the people, especially farmers, and create social justice. In addition, the UUPA serves to unify and simplify national land law and provide legal certainty on land rights for all Indonesian people. (Zaidar, 2012)

In the early days of Indonesia's post-independence government, the government carried out nationalization and land reform as part of the constitutional mandate to overhaul the land ownership structure and remove colonial legacies. The land reform program, which has been carried out since the early 1960s, is based on President Soekarno's political manifesto, supported by the establishment of various related institutions and aims to realize socio-economic, socio-political justice, as well as the formation of mental and psychological awareness of the community. ( Yance Arizona, 2014 ) Land reform aims not only to limit excessive land tenure through the redistribution of land to farmers as a source of livelihood, but also to encourage improved welfare through more productive land utilization. This goal is in line with the authority of the state as stipulated in Article 2 paragraph (2) of the UUPA which affirms the right to control by the state, as well as Article 4 of the UUPA which gives authority to the state through the government to determine the types of land rights and grant these rights to individuals and legal entities, either individually or jointly. (Chadidjah Dalimunte, 2005)

The rights to land mentioned in Article 4 paragraph (1) of the UUPA are detailed in Article 16 paragraph (1) of the UUPA and Article 53 paragraph (1) of the UUPA Article 16 paragraph (1) of the UUPA stipulate various types of land rights, namely: Property Rights, Business Use, Building Rights, Right of Use, Lease Rights for Buildings, Land Clearing Rights, Forest Products Collection Rights. And various kinds of temporary rights are stipulated in Article 53 paragraph (1) of the UUPA, namely Pawn Rights, Profit Sharing Business Rights, Riding Rights, and Agricultural Land Lease Rights. Land that has been controlled or owned, both those that already have land rights and those acquired through new acquisition mechanisms, are still in a state of abandonment. In fact, the maintenance and utilization of land by rights holders, management rights, and the basis of control over land are important prerequisites for maintaining soil quality and improving community welfare. In practice, land neglect is increasingly widespread and has an impact on increasing social and economic disparities, declining people's welfare, and degradation of environmental quality. The government has updated the regulations for the management of abandoned land several times, ranging from Government Regulation Number 36 of 1998 to Government Regulation Number 11 of 2010, but both are considered ineffective due to various substantial and procedural constraints. This condition prompted the birth of Government Regulation Number 20 of 2021 as an effort to improve the policy of controlling abandoned areas and lands.

The government has regulated the legal consequences of land abandonment, including the abolition of land rights and their transfer to the state, but has not set clear objective criteria for determining abandoned land. The absence of detailed and structured arrangements has the potential to cause conflicts and hinder the management and utilization of land according to its social function as mandated by the UUPA. In the context of agrarian reform, the control of abandoned land is part of efforts to organize land ownership and control to realize justice and equitable distribution of prosperity

In 2024, the Agrarian Reform Consortium recorded 295 agrarian conflicts in Indonesia, with South Sulawesi as the province with the highest number of conflicts with 37 cases, followed by North Sumatra with 32 cases. Other provinces that also recorded significant conflict rates include West Java and East Kalimantan with 16 cases each, East Java with 15 cases, Central Sulawesi with 13 cases, West Sumatra with 12 cases, South Sumatra with 11 cases, Jambi with 10 cases, and Central Kalimantan with 9 agrarian conflicts. (KPA, 2024) The large number of cases of agrarian conflict makes this issue the main focus of research, considering that government policy errors in its resolution have the potential to cause further problems, including human rights violations. One of the agrarian conflicts in North Sumatra occurred in Hamlets I and V of Bandar Baru Village, Sibolangit District, Deli Serdang Regency, where local communities tried to defend land claimed by the North Sumatra Provincial Government as government land. The people, the majority of whom work as farmers, have evidence of hereditary land ownership and management since before the independence of the Republic of Indonesia, and have used the land sustainably as a source of livelihood until now

## **2. Method**

This study uses an empirical juridical method with a qualitative approach, which aims to examine the implementation and problems of ownership that occur in hamlet I and hamlet V, bandar baru village, sibolangit district, deli serdang regency. This method combines normative analysis of laws and regulations with empirical data obtained directly from the field. Primary data was obtained through structured interviews with related parties, such as BPN, legal representatives and the public. Meanwhile, secondary data includes primary, secondary, and tertiary legal materials that are relevant to the substance of the research.

### **1. Results and Discussion**

#### **1. Implementation of the Policy of Legal Regulation on Abandoned Areas and Lands in Indonesia**

##### **3.1.1 Legal Arrangements in Zoning and Abandoned Land Policy**

###### **a. Constitution 1945**

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia emphasizes that state control over land, water, and natural resources aims to realize the greatest possible prosperity of the people through the function of regulation and management by the state. In the framework of human rights, the state is obliged to protect the rights of the people, including property rights guaranteed in Article 28H paragraph (4) of the 1945 Constitution of the Republic of Indonesia and Law Number 39 of 1999, by affirming that property rights are human rights that have a social function. Therefore, even though property rights are protected by law, their limitation or revocation can only be done in the public interest based on laws and regulations with the provision of appropriate compensation

###### **b. Law Number 5 of 1960 concerning Agrarian Subjects**

Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles affirms the right to control the state over land as a mandate of the people to regulate, manage, and supervise the use of land for the greatest possible prosperity of the people, including the granting and revocation of land rights. Land rights are classified into permanent, temporary, and rights that will be determined later, with Property Rights being the strongest rights that only Indonesian citizens can have but remain subject to the principle of social function. However, land rights, including Property Rights, can be removed if the land is abandoned, which is the basis for the management of abandoned land by the state in accordance with the provisions of the UUPA and Government Regulation Number 20 of 2021

###### **c. Government Regulation No. 20 of 2021 concerning the Management of Abandoned Areas and Land**

Abandoned land according to Government Regulation Number 20 of 2021 is land that is deliberately not cultivated, not used, not utilized, and/or not maintained by the right holder or the party who controls it, so that it deviates from the function and purpose of granting rights. The element of intentionality is reflected in the neglect of the management of the land based on rights, permits, management, or use of land according to the designation, including leaving it until the land is abandoned or damaged, except in certain conditions such as disputes, changes in spatial planning, preservation, or forced circumstances. Abandoned land objects include land with various rights status as well as land that is controlled based on the basis of legal control over land.

d. Ministerial Regulation of ATR/BPN No. 20 of 2021

Ministerial Regulation of ATR/BPN Number 20 of 2021 is an implementing regulation of Government Regulation Number 20 of 2021 which regulates procedures for the regulation and utilization of areas and abandoned land, by determining the types of land rights and the basis of control that can be the object of control, including property rights, building use rights, business use rights, use rights, management rights, and land obtained based on the basis of control over land, if it is deliberately not cultivated, not used, not utilized, and/or not maintained for a certain period of time as determined, including property rights controlled by other parties continuously until they lose their social function.

### 3.1.2 The Realization Of Agrarian Reform In The Management Of Areas And Abandoned Lands

Agrarian Reform, or known as *Agrarian Reform*, is a process of rearranging the ownership, control, and utilization of agrarian resources, especially land, which is intended for the benefit of small communities such as farmers, farm laborers, and landless poor groups. This concept is understood as a comprehensive regulation of land ownership, ownership, use, and utilization (P4T) in order to create a fairer agrarian structure, by emphasizing the principle that land must be actively cultivated by its owners.

Article 10 of the Basic Agrarian Law emphasizes that every person or legal entity who holds rights to agricultural land is in principle obliged to cultivate the land himself. This provision means that agricultural land should ideally be under the direct control of farmers as the party who manages it (land to the tiller). To ensure the effectiveness of its use, land owners are required to reside in the area where the land is located, at least in the same sub-district, so that absentee ownership is declared prohibited. Forms of ownership that do not comply with these provisions, including excessive or speculative control, can ultimately trigger land abandonment.

According to Gunawan Wiradi's view, the success of agrarian reform is not only determined by the political will of the rulers, but also requires a bureaucracy that is free from interference in business interests, support for active community participation, and the availability of comprehensive agrarian data. This shows that agrarian reform is a multidimensional process that demands synergy between political, institutional, social, and land administration factors (Gunandi Wiradi, 2000)

## 3.2 Conflicts That Occurred In Hamlets I And V Of Bandar Baru Village In Control Of Abandoned Areas And Land

### 3.2.1 History of Land Tenure and Proving the Rights of Hamlets I and V

Hock zinc tea plantations during the Dutch colonial period before Indonesian independence. In that period, the tea plantation was known as Bandar Baru Pondok. Administratively, the Bandar Baru area at that time was divided into two parts, namely Bandar Baru Central Village and Bandar Baru Pondok Village. The tea plantation area is in the Bandar Baru Pondok area which is now Hamlet I and Hamlet V. After Indonesia's independence, the tea plantations were no longer used and became abandoned land, the people of Bandar Baru Pondok former Tea Gardens and Bandar Baru Central jointly cultivated and cultivated the land for a place to grow crops (farming), livestock, and make houses. In 1954, the government under the leadership of the first President of the Republic of Indonesia, Ir. Soekarno, known as the Old Order period, had handed over land in the Bandar Baru area for use by the community under the provisions of the Emergency Law of 1954.

The handover was carried out through the Assistant Wedana of Sibolangit District and was stated in a letter dated December 2, 1954. In the 1960s, it was recorded that some of the people of Bandar Baru made

compensation transactions for land in the area. This process was evidenced by a document signed by the Head of Bandar Baru Village at that time, Ngamah Barus. Among the documents that are still stored are a letter on behalf of Loji Ginting dated April 20, 1962, which records the payment of compensation to Kenal Sembiring Depari, and a letter on behalf of Lese Sinurat dated July 31, 1967, which records the payment of compensation to Pasang Tarigan. The Deli Serdang Regency Government took over land owned by residents for the purpose of organizing the National Scout Jamboree in 1977. The takeover was carried out unilaterally without compensation, although some residents received loan letters as the basis for temporary use for jamboree activities.

One of the loan letters that is still stored was recorded in the name of Suka Tarigan and signed by the Regent of Deli Serdang at that time, Bahrudin Siregar, on January 19, 1976. On May 27, 1978, the Deli Serdang Regency Government issued a warrant to conduct an inventory of the land users of the former tea plantations, which was signed on behalf of the Regional Government by Abd. Mouse Lubis. In this process, the area of land that was inventoried is estimated to reach around 192 hectares. During the inventory activity, various documents of land ownership belonging to the community were requested by the government and the TNI, and according to the information of the people of hamlet I and hamlet V, these documents have never been returned until now.

### 3.2.2 The Role of the Government in the Control of Abandoned Areas and Lands in Hamlets I and V of Bandar Baru Village

#### a. The Involvement of the Government Before and After Independence in the Land Control of Hamlets I and V of Bandar Baru Village

The principle of land tenure by the colonial government is rooted in the practice of the Vereenigde Oostindische Compagnie (VOC) which viewed the territories of conquered customary law communities, either through military expeditions or agreements with sultanates and customary political entities, as part of the VOC's civil assets under the mandate of the XVII Lords. Through the mechanism of conquest and formal agreement, the lands that were controlled were then classified as VOC domains and became the foundation of the land ownership structure in the colonial system. The customary land law that originally regulated communal land ownership and utilization in the social practice of the community was slowly pushed by the enactment of concession contracts, especially after the Sultanate of Deli established cooperation with foreign plantation entrepreneurs, thus paving the way for a large-scale land management system based on capital interests. This has resulted in a significant shift in social and economic relations between local communities and plantations, which is a direct consequence of the concession regime's dominance of the customary legal order. On the other hand, historically the Sultanate of Deli had a legal status as *a contractueele bondgenoten* based on a political agreement with the Dutch government on August 22, 1862, which affirmed the recognition of the internal authority of the sultanate and the rights of origin of its people. However, the legal and political construction underwent fundamental changes after the Proclamation of Independence of the Republic of Indonesia in 1945, which had an impact on the repositioning of the legal status of the Sultanate and indigenous peoples in the East Sumatra region. (Ikshan, 2015)Düssel

Based on the results of interviews with community leaders in Bandar Baru, Sibolangit, it is known that historically the area was part of the Sultan of Deli concession which in the colonial period was managed by the Dutch through the granting of concession rights. After independence, plantation activities stopped and the land of the former plantation was then controlled and managed by the local community. In 1954, during the Old Order government, the control and management of the land was officially handed over to the community, as evidenced by the issuance of a registration card as a plantation land user.

The government established Emergency Law Number 8 of 1954 to resolve conflicts over plantation land use by prioritizing the protection of community interests without ignoring the role of plantation businesses. Article 6 paragraph (2) requires every decision to pay attention to the interests of the affected people, the needs of the surrounding population, and the contribution of plantations to the national economy, while recognizing the people's permanent control over foreign plantation land that had been controlled before June 12, 1954. (Ikshan, 2015)

#### b. The Role of the National Land Agency in the Management of Abandoned Areas and Lands

Based on the results of an interview with Mrs. Dewi Tabi Limbong, S.Sr., as the Young Expert Land Planner and Land Control Coordinator of the North Sumatra BPN Regional Office, the control of areas and land

indicated to be abandoned is carried out as an effort to reduce inequality in land tenure and ownership and ensure its use in accordance with the social function of land rights. In 2023, the North Sumatra BPN Regional Office will conduct an inventory of land indicated to be abandoned through five district/city Land Offices, which are then selected to be designated as control objects and recorded in the national database before a field inspection by Committee C involving relevant agencies. Land that has gone through a process of regulation and determination is then determined through a ministerial decree as State Public Reserve Land (TCUN) that can be used for the public interest, including infrastructure, social facilities, conservation, settlements, land banks, and agrarian reform. All of these mechanisms are part of the National Agrarian Reform Program (PPAN) which emphasizes that the object of agrarian reform comes from land under state control. Although Government Regulation Number 20 of 2021 states that land that has not been used for two years can be designated as abandoned land, the determination is not carried out automatically, but through the stages of monitoring, recommendations for use by BPN, and inventory if the right holder does not follow up on the recommendations.

The management of abandoned land must be carried out by the government guided by the General Principles of Good Governance to ensure prudence and legal certainty in determining the status of land. Based on Government Regulation Number 20 of 2021, the process is carried out through the stages of evaluation, warning, and determination of abandoned land. The evaluation stage as stipulated in Article 23 is carried out for 180 calendar days by the head of the BPN regional office to ensure that the right holder has cultivated, utilized, and maintained his land. If the land is indicated to be abandoned, three written warnings are issued in accordance with Article 25 with a gradual grace period, namely 90 days, 45 days, and 30 days, which requires the right holder to make real use of the land. Non-compliance with all such warnings will result in the submission and determination of land as abandoned land as stipulated in Articles 30 to 32, including the elimination of dependency rights if any. Despite the availability of a normative framework, the practice of managing abandoned land still faces a variety of challenges, which indicate the need to strengthen land policies and governance in order to achieve fair, balanced, and sustainable land management.

### **3.2 Legal Settlement Efforts in Ownership Conflicts over Control of Abandoned Areas and Land by the Communities of Hamlet I and Hamlet V of Bandar Baru Village**

Agrarian conflicts tend to expand when an area is designated as a concession area through the granting of rights or utilization permits that are not carried out selectively, because these conditions open up opportunities for land abandonment which then triggers new disputes and complicates existing conflicts. The involvement of various actors with diverse interests, ranging from the community, business actors, to government agencies, makes the dynamics of conflicts increasingly complex and difficult to resolve comprehensively. (Isnaini, 2022). The resolution of agrarian conflicts through litigation mechanisms in the general court is increasingly seen as ineffective, especially in handling disputes that are structural and involve communities with business entities or government agencies in the midst of the complexity of inequality in land tenure, ownership, and utilization. In situations where rights holders or third parties, such as tenants and financing institutions, face the threat of loss of land rights due to negligence or neglect, more comprehensive legal measures are needed to resolve disputes while providing adequate protection for the rights concerned. (Fatkhayatus Sa'adah, 2022)

The legal steps or remedies that may be taken include the following:

#### 1. Dispute resolution by means of litigation

The judiciary as a judicial institution has a strategic role in realizing justice and legal certainty through formal dispute resolution. As a pillar of justice enforcement and the last bastion for justice seekers, the court is responsible for ensuring fair and humane treatment, providing quality and accessible judicial services, and resolving cases effectively, efficiently, completely, and finally, so that the resulting verdicts are able to protect the rights of the parties while maintaining social order and justice in society. (Mukti Arto, 2001)

#### 2. Dispute Resolution by Non-Litigation

Alternative dispute resolution exists in response to the limitations and dissatisfaction with formal, slow, and high-cost litigation mechanisms, by offering a more flexible, efficient, and interest-oriented dispute resolution model so that it is considered more effective in achieving fair and practical resolutions. (Yahya Harahap, 1997).

The growing attention to alternative dispute resolution (PSA) is driven by the need for a more flexible, responsive, and effective dispute resolution mechanism than formal litigation channels. PSA also provides a wider space for community participation and expands access to justice, especially in

complex and diverse plantation disputes. Through the PSA, the parties have the freedom to choose the settlement method that best suits the character and needs of the dispute, so that the settlement process can take place more adaptive and oriented towards substantive justice. (Sholih Mu'adi, 2010).

Based on the results of the field study, agrarian conflicts related to land ownership in Hamlet I and Hamlet V of Bandar Baru Village, Sibolangit District, show a long and continuous history of tenure, as evidenced by land management rights based on Emergency Law Number 8 of 1954, the existence of ancestral graves, hereditary tenure, and land utilization and management practices by local communities. This research also examines the legal steps that can be taken by the community as an effort to resolve land ownership disputes that occur as follows (Rusmadi Murad, 1991) :

#### 1. Complaints

In a land dispute complaint, the applicant generally describes a series of events that show the existence of a basis for the disputed land rights by attaching supporting evidence, as well as submitting an application for settlement and prevention of land mutation to avoid the occurrence of losses.

#### 2. Research

The handling of complaints begins with research through the collection of administrative data and physical examinations in the field to determine the factual conditions of land tenure. The results of the study became the basis for the initial assessment to determine whether the complaint was worthy of further processing. If there is a strong indication that it can be justified, the settlement is proceeded to the next stage, including the possibility of establishing a preventive status by declaring the land in a state of dispute. On the other hand, if the complaint does not have an adequate basis or the problem is of a principal nature and is beyond the authority of the relevant agency, the complainant will be given an explanation that the complaint is not or cannot be considered.

#### 3. Mutase prevention (status a quo)

In resolving land disputes, the Head of the Agrarian Office can provide security through the prevention or temporary suspension of the mutation of rights in order to maintain the status quo of the object of the dispute so that the research and determination process can take place objectively and prevent legal acts that have the potential to harm parties in good faith. This action in practice is known as sparing, sealing, or blocking. However, if the complainant does not have a legal interest in the disputed land, the complaint must be rejected with clear consideration.

#### 4. Musyawarah

Penyelesaian sengketa pertanahan melalui pendekatan musyawarah kerap menunjukkan efektivitas, dengan instansi pemerintah—khususnya Direktorat Jenderal Agraria—berperan sebagai mediator yang memfasilitasi dialog secara kekeluargaan. Dalam menjalankan fungsi mediasi, instansi tersebut dituntut bersikap objektif dan tidak memihak, namun tetap aktif dengan memberikan alternatif penyelesaian, menjelaskan potensi hambatan, serta menguraikan kelemahan masing-masing posisi sebagai bahan pertimbangan para pihak. Proses musyawarah juga harus dilaksanakan sesuai prosedur formal, seperti pemanggilan para pihak, penyusunan berita acara, dan pembuatan akta atau pernyataan perdamaian yang memiliki kekuatan pembuktian, baik dalam penyelesaian di pengadilan maupun di luar pengadilan, termasuk yang dibuat oleh notaris.

#### 5. Penyelesaian melalui pengadilan

Apabila musyawarah tidak menghasilkan kesepakatan atau sengketa menyangkut kewenangan lembaga lain, seperti pengadilan, maka para pihak dapat menempuh mekanisme peradilan guna memperoleh penyelesaian yang sesuai dengan hukum yang berlaku. Meskipun demikian, instansi agraria tetap memiliki kewenangan untuk menyelesaikan sengketa melalui penerbitan keputusan administrasi sepanjang diatur dalam peraturan perundang-undangan. Sengketa pada umumnya timbul akibat adanya pengaduan yang mempersoalkan hak atas tanah, hak terkait prioritas tertentu, atau keberatan terhadap keputusan yang dianggap merugikan. Oleh karena itu, penyelesaian sengketa harus berlandaskan hukum positif, memperhatikan keseimbangan kepentingan para pihak, menjunjung prinsip keadilan, serta dilakukan secara komprehensif agar tidak menimbulkan persoalan lanjutan di kemudian hari.

## 4. Conclusion

Legal arrangements regarding abandoned land have been regulated in stages in the 1945 Constitution, UUPA, and Government Regulation Number 21 of 2021, but in practice the determination of abandoned land still faces obstacles due to the complexity of the identification process. Land is declared abandoned if it is not used

in accordance with the rights granted by the state, so it is contrary to the principle of land use for the greatest prosperity of the people. In the context of the research, the land of the former concession of the Sultanate of Deli to the Dutch colonial government was abandoned after independence, before later in 1954 the government granted management rights to the community based on the Emergency Law of 1954, in line with the provisions of the UUPA. To adjust the regulation to social, economic, and environmental developments, the government stipulated Government Regulation Number 21 of 2021 as the basis for the control and utilization of abandoned land to strengthen the legal certainty of land ownership and utilization.

The history of land tenure in Hamlet I and Hamlet V of Bandar Baru Village, Sibolangit District, reflects the ongoing ownership conflict due to weak legal certainty. This area was originally part of the Sultan of Deli concession managed by the Dutch through Datoe van Hamparan Perak, then after independence it was abandoned as abandoned land and controlled and used by the community. The state's recognition of people's control is reflected in Emergency Law Number 8 of 1954 which affirms the balance of interests between the community and plantation companies, and was strengthened during the Old Order period through the issuance of plantation land user registration cards. However, the conflict resurfaced when part of the land was taken over by the Deli Serdang Regency Government in 1977 for the National Scout Jamboree and subsequently given the Right of Use to the North Sumatra Kwarda in 1988. The lack of clarity in land use prompted the community in 1998 to regain control and use the land for agricultural, livestock, and settlement activities, which shows that the land tenure conflict is still ongoing without a definite legal settlement to date.

This research shows that there is a conflict of land ownership between people who have the basis of rights and evidence of land use and management since the colonial period and the North Sumatra Provincial Government which claims the land as a government asset based on the Decree of the Governor of North Sumatra in 1988, which is increasingly heated when the government seeks to take over the land by force. The involvement of various parties with different interests causes this conflict to become complex and until this research is resolved, the conflict has not found a resolution, so it is recommended to resolve it through a non-litigation legal mechanism and, if no agreement is reached, continue through litigation with proof of ownership as an effort to realize legal protection and certainty for the parties.

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