Implementation of Government Regulation Number 20 Year 2021 Concerning Control of Study Abandoned Area and Land on HGB Land Indicted as Abandoned Land in Madiun City

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Abstract

This abstract is entitled "Implementation of Government Regulation Number 20 of 2021 concerning Control of Study Abandoned Areas and Lands on HGB Land Indicated as Abandoned as Land in Madiun City". This research is a type of legal research with empirical research methods. Besides, this research uses a juridical-sociological research approach. The results of this abstract study Abandoned Land is land that is not used, not cultivated, not used according to its designation. In fact, land in Indonesia must function socially and benefit many people around it. The implementation of the control of Abandoned Land in Madiun City has been carried out with reference to Government Regulation Number 20 of 2021, namely concerning Control of Abandoned Areas and Lands. There are 108 lands indicated to be abandoned and 4 of them are certified with Hak Guna Bangunan. In the implementation it has been carried out properly and maximally, namely by socializing in advance regarding Government Regulation Number 20 of 2021, namely concerning Control of Abandoned Areas and Lands and continuing to be investigated regarding abandoned land, only implementation there is still an update of new regulations related to object exceptions. abandoned land, namely the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 20 of 2021 concerning.

Keywords

controlling areas; abandoned land; building use rights



I. Introduction

Increasing demand for land will certainly bring up space pressure inrthe urban which the land limited. Useilandithatcof develop asi processistart from expansionicity, the movement will goiout fromicenter urbanitoirural Appearance ruralilike rice fields, iponds, plantations, and pool fisherviwater bid seen the more narrowsibecause there is a utilization land, iwrongione dynamics which appeariis no allipartiregion rural could utilized asiideallyi isiland, built i.e., iform ofiemergence ofi developmentiareainfor housing area. Thing this proved by increasingiusage land as housing area in Madiun city that is happening on year 2010 wide 1,777.15i Ha and on year 2019 large landihousingidi city Madiunitoi1,997.35 Haii experienced an increase iniofi220.2inHailongterm time 9 year. Increasingiusage landiasihousingitrigger happening indication soil displaced. Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired. In addition, development is also very dependent on the availability of natural resource wealth. The availability of natural resources is one of the keys to economic growth in an area.

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(Shah, M. et al. 2020) Human Resources (HR) is the most important component in a company or organization to run the business it does. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired (Shah et al, 2020). The development of human resources is a process of changing the human resources who belong to an organization, from one situation to another, which is better to prepare a future responsibility in achieving organizational goals (Werdhiastutie et al, 2020).

Madiun City Government through the DepartmentHof and area Settlement (Disperkim) willItakeiover managementoflands which on purpose abandoned by the. The results of the field recapitulation by the Disperkim show that there are 108 indicated abandoned lands and 10ilands person is standingi on theathe Righttuse Buildingi (HGB). HGB land on freehold land occurs through the granting of rights by the holder of property rights with a deed made by the Land Deed Making Officer (PPAT), the HGB binds third parties since it is registered with the Land Office. The HGB holder is then given a Land Rights Certificate as proof of rights.

Furthermore, according to Article 46 of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration HGB is annulled because:

- a. the expiry of the period as stipulated in the decision to grant the extension, or the renewal of its rights;
- b. the right is canceled by the minister before the expiry of the term because;
 - 1) non-fulfillment of the provisions of obligations and prohibitions as referred to in Article 42 and Article 43,
 - 2) non-fulfillment of the requirements or obligations contained in the agreement for granting building use rights between holders of building use rights and property rights holders or land use rights management agreements.
- c. their rights are changed to rights to other lands;
- d. released voluntarily by the right holder before the expiry of the term;\
- e. released in the public interest;
- f. revoked by law;
- g. designated as wasteland;
- h. designated as destroyed land;
- i. the end of the agreement on granting rights or land use agreement for HGB over ownership rights or management rights; and/or
- j. the right holder no longer meets the requirements as the subject of the right

Based on the explanation above, this study chose HGB on land with property rights for housing as the focus of the study, because itisappropriate with dataiyang obtained from Agencyi Land (BPN) and Service housingi dan area Settlement (Disperkim) Madiun City. See the existing conditions in the city Madiun i is area for development housing area. Buti in fact precisely many found landi HGB which abandoned, but the reality is in field as well difficulty- difficulty which faced, no easy setiplot HGB land on land with ownership rights asi land The definition of abandoned can be found in Article 27 of the Basic Agrarian Law (UUPA) explains soil abandoned if with on purpose no used in accordance with state or nature and destination from on his rights. Explanation it turns out no enough capable give understandingi to Public spacious, office which authorized for put in order soil displaced andi rights holders. WhatI in fieldiis known by physique condition HGB lands on proprietary lands indicated abandoned no same characters, including:

- 1) Soil HGB switch functions, such as soil grave China which changed toi settlementipopulation.
- 2) HGB land left run owner right because has lose money and there are still entangled in legal cases.

Soil HGBiyang indicated as soil displaced in the city of Madiun in this study have the same characteristics, among others, are used as housing, have a legal entity.[1] Based on data from BPN there is 3.91Ha indicated land displaced whichi stand on soil Right To use Building (HGB). From 3.91Ha land the there is 3,4Ha which in allotment as land housing area.[2] Applicability Chapter 6 BAL explaini that every right ongthe have function social. The meaningi is social it means thattland which owned by somebody must in keep fertility so that will give benefiti foriinterest general.iRights_over soil whatever whatiown by someoneinoti justifiediif the landidon't used or abandoned solely foriinterest personal, moreover ifithing the impaction loss bynsociety.[3] Because if no, the landiisiby countryi can revoked the righti as whichiarranged in Regulation Government Number 36 Year 1998 about Control and Utilization Soil Displaced, that right on the delete because abandoned, by Therefore, actions that abandon the land must be avoided.

Based on the explanation above, there have been problems so far in controllingtarea and soil neglected, so it is necessary existence consideration PP Number 20 year 2021ion Control area and Land, Abandoned is for doing provisions of Article 180 Law Numberi11i Year 2020 about creation Work andifor doing provision Articlei 27, Chapter 34,iand Chapter 40 Constitution Number 5i Years 1960 about Regulation Base Trees agrarian related remove rights on landi because abandoned, need set Rules Government about Control area and Soil Displaced.

II. Review of Literature

2.1 Implementation of control over which indicated as abandoned land according to Government Regulation Number 20 Years 2021 iniMadiun city

In the first stage the Head of the Regional Office of the National Defense Agency will conduct an inventory of abandoned land, the inventory is carried out no later than 2 (two) years after the issuance of Land Rights, Management Rights, or Basic Land Tenure, where land information is indicated abandoned is obtained from the results of field monitoring by several sources, namely:

- a. Right Holder, Management Right Holder, or Basic Land Ownership Holder;
- b. The results of monitoring and evaluation of Land Rights and Basic Land Tenure conducted by the Land Office, Regional Offices, and Ministries;
- c. Ministries/agencies;
- d. Local government; and/or
- e. Public.

Inventory of land indicated as abandoned can be carried out through the following stages:

1. Collecting data on land indicated as abandoned, where at this stage the office of the Head of the Land Agency will collect textual data (textual data includes the name and address of the right holder, number and date of the decision). granting rights, number and date of expiry of the certificate, location of land, land area, land use, area of land indicated as abandoned) and spatial data (spatial data is graphic data in the form of a map equipped with coordinates of the position of the plot of land indicated as abandoned).

- 2. Classification of land data indicated as abandoned, at this stage the office of the head of the land agency will classify data indicated as abandoned which has been collected by district/city area and type of right/base of tenure.
- 3. Administration of data from the land inventory indicated as abandoned, after grouping the land data indicated as abandoned, the data from the inventory of land indicated as abandoned will be organized in an orderly manner in a database for reporting purposes, analysis materials, and determining further actions.

After obtaining land data indicated as abandoned land, it will be followed up with identification and research on administrative aspects and field research. At this stage the head of the regional office of the National Land Agency will analyze the results of the inventory to prepare and set targets for identification and research on land indicated as abandoned. After the identification and research data above are deemed sufficient as material for decision-making efforts to control, the head of the Regional Office will form a committee C. Implementation of controlling the land with Building Use Rights is indicated as abandoned land used as housing with the following land identification:

Land Location: Ds. Sogaten district. Mangunharjo, Madiun City

Land Area: 2 Ha

Ownership: Bina Sejahtera Employee Cooperative

Developer: Kopkar Sejahtera

Designation: Housing (Sogaten Permai Cluster)

Land Condition: There are 2 (two) houses in good condition

empty, lots of wild and abandoned plants,

land covered with zinc fence.

IMB Number: 648-413.103/87/1998.

Establishment Permit: 1988 followed by 1998

Broadly speaking Control measures against the above cases are carried out in 4 stages, namely: 1). Identification stage, 2). Evaluation stage 3). Warning stages and 4). Designation as abandoned land.

Thus, the Implementation of Control of Abandoned Lands and Areas The National Land Agency has the authority to identify and determine abandoned lands. The Head of Agency Regulation is one form of Policy Regulation in terms of the authority to make Policy Regulations in the form of Head of Agency Regulations obtained based on the delegation of authority, one of which is the issuance of Government Regulation of the Republic of Indonesia Number 20 of 2021 concerning Control of Abandoned Areas and Land.

III. Result and Discussion

3.1 The factors that cause HGB land to be abandoned by holders of rights

Abandoned land is land that has been granted rights by the state in the form of Ownership Rights, Business Utilization Rights, Building Use Rights, Use Rights and Management Rights, or basic control over land that is not cultivated, not used, or not utilized in accordance with the circumstances or the nature and purpose of granting rights or the basis of their control.

In this case the author writes the factors that cause the occurrence of abandoned land with Building Use Rights that occurred in Madiun City. Based on existing data, there are 4 lands with Building Use Rights certificates which are categorized as abandoned land, namely:

1. Jalan Tanjung Manis Gg.XIII RT.07/RW.03.Manisrejo

- 2. Jalan Merak RT.10/RW.03. Ex. Nambangan Kidul
- 3. South Merak Street RT.08/RW.03. Ex. Nambangan Kidul
- 4. Jalan Kembar RT.28 RW. 09

From the data above, the factors that cause land indicated as abandoned land with a certificate of Building Use Right in Madiun City are:

1. Factor

With the owner's name, Mr. X, having his address at Jalan Tanjung Manis Gg.XIII RT.07/RW .03. Kel. Manisrejo is a Chinese tomb that was abandoned by its owner because it was used as a Chinese tomb.

2. Economic Factors

With the owner's name Anton Sudjono, whose address is Merak RT.10/RW.03. Ex. South Mining. The land is vacant land with a Building Use Rights certificate which will be built for housing. In this case, this land is land indicated as abandoned by the Land Agency of Madiun City and the Department of Housing and Settlement Areas of Madiun City. In research in the field, the land is neglected because it is an investment land that has not been built and because of high local taxes so that the land to be built is not taken care of due to high tax costs so that is one of the reasons for housing entrepreneurs whose land is neglected because it is not according to calculations. for sale again.

3. Licensing Factor

With the names of 6 owners having their address at Jalan Merak Selatan RT.08/RW.03. Ex. Nambangan Kidul is land that is categorized as abandoned land which is certified as abandoned land in Madiun City. The land is abandoned and will be built as housing. The permit process takes a long time and the licensing process is still lacking so that the land is not managed from year to year. According to observations and interviews from the National Land Agency and the Madiun City Housing and Settlement Service Office, the land will be built as split housing as many as 16 lots, and the IPPT issued as residential houses have 6 housing or 6 certificates because the permit process is lacking so that the land becomes abandoned land

4. Legal Factors

Land belongs to Kopkar Bina Sejahtera (Cluster Sogaten Permai) having its address at Jalan Kembar RT.28 RW. 09 is land that is certified with Hak Guna Bangunan which is indicated as abandoned land. In this case, there are 2 house buildings in an empty condition. Housing construction permits in 1988 followed by the number of Units 489 in 1998. According to data and interviews from the BPN and the Department of Housing and Settlement Areas the land belonging to Kopkar Bina Sejahtera which will be built as housing. Abandoned because of a legal case, namely embezzlement. Based on the Supreme Court's Decision Number: 1025K/Pid/2011, which is related to the legal dispute in the case of embezzlement, it was followed up by a judicial review on February 25, 2013 with Number: 86 PK/Pid/2013.

3.2 Efforts made by rights holders in resolving HGB land indicated as abandoned land

The existence of abandoned land in Indonesia, especially in Madiun, is still a complicated issue, and the settlement process tends to be protracted. Based on the results of observations, data, and interviews in the field, there are 108 lands that are indicated to be abandoned, consisting of land with certificates of SHM and HGB. In this case, as the author, according to the title, I will research related to land indicated as abandoned in Madiun City which has a Building Use Rights certificate. There are 4 lands that are

indicated to be abandoned which are certified with Building Use Rights. Various problems as causative factors occur neglected which have been written from the problem formulation.

The National Land Agency and the Madiun City Housing and Settlement Area Agency which are authorized to control abandoned land in Madiun City have socialized and made a warning letter to the owner of land rights. From the results in the field, after the socialization and warning letter, the owner has made improvements by re-utilizing the land by planting plants or cleaning up the renovation of houses that were originally built as housing. However, of the four lands that have been certified with Hak Guna Bangunan, one of them is still the object of a court case. The land indicated as abandoned in the City of Madiun which is still the object of a court case is the land belonging to the Land Right to Build owned by Kopkar Bina Sejahtera (Cluster Sogaten Permai) having its address at Jalan Kembar RT.28 RW. 09.

Based on data and direct observations in the field, the author observes that of the four lands indicated as abandoned by the National Land Agency of Madiun City and assisted by the Housing and Settlement Service, 3 of them have begun to be reused and 1 is still the object of a court case. In this case, the land belonging to the Building Use Rights Land owned by Kopkar Bina Sejahtera is still as before, that is, it has not been able to be reused and is still neglected. The National Land Agency and the Office of Settlement and Housing have issued a warning letter to land belonging to the Land Use Rights for Building belonging to Kopkar Bina Sejahtera. Because it is the object of a court case, of course, it cannot be used temporarily before the decision ends.

The Madiun City Government through the National Land Agency and the Madiun City Housing and Settlement Service Office in the Implementation of Control of Land indicated Abandoned in Madiun City has carried out both socialization and investigations to the holders of Land Rights with reference to Government Regulation Number 20 of 2021 Control of Areas and Lands Abandoned. In accordance with Government Regulation Number 20 of 2021 Control of Abandoned Areas and Lands through the National Land Agency and the Madiun City Housing and Settlement Office has investigated there are 4 lands with Building Use Rights status and out of the three 3 in accordance with existing regulations, but in this implementation one land which is indicated to be abandoned with the status of Hak Guna Bangunan, is still the object of a court case.

Efforts made by the Right Holder in Land Settlement Building rights What is Indicated as Abandoned Land from several factors that cause abandoned land in Madiun City, namely:

- 1. Providing socialization of input related to the use of land by right holders in order to reuse the land;
- 2. Update data, namely providing data updates related to the new Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 20 of 2021 concerning Procedures for Control and Utilization of Areas and Lands that in the procedures for controlling land, it is indicated that there are exceptions to objects Control of Abandoned Land as referred to in Article 10 the object of control of abandoned land in Article 11;
- 3. Provide understanding and socialization regarding the importance of obtaining permits to set up a business, namely in the residential property business.
- 4. Provide socialization on the importance of utilizing land and the impact of the land if the land is not utilized it will be returned by the state.

Thus, the efforts made by the right holder in completing the land with the Building Use Right which are indicated to be abandoned to overcome the factors causing the

occurrence of the land are indicated to be abandoned. The existence of Government Regulation Number 20 of 2021 Control of Abandoned Areas and Land and Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 20 of 2021 concerning Procedures for Control and Utilization of Areas and Land if a regulation is made and can be useful in its implementation in society, of course, cannot cause the existing problems. If in a regulation made by the authorities and if there is still a problem, of course the regulation will fail because it is contrary to the community.

IV. Conclusion

- 1. Abandoned land is land that is not used, not cultivated, not used according to its designation. In fact, land in Indonesia must function socially and benefit many people around it. The implementation of the control of Abandoned Land in Madiun City has been carried out with reference to Government Regulation Number 20 of 2021, namely concerning Control of Abandoned Areas and Lands. There are 108 lands indicated to be abandoned and 4 of them are certified with Hak Guna Bangunan. In the implementation it has been carried out properly and maximally, namely by socializing in advance regarding Government Regulation Number 20 of 2021, namely concerning Control of Abandoned Areas and Lands and continuing to be investigated regarding abandoned land, only in this implementation there is still an update of new regulations related to object exceptions. abandoned land, namely the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 20 of 2021 concerning Procedures for Control and Utilization of Areas and Land, so that what has been done according to the Government Number 20 of 2021 is concerning Control of Abandoned Areas and Lands carried out by the National Land Agency of the City of Madiun and the Department of Housing and Settlements of the City of Madiun still exist or lack in implementation.
- 2. The factors causing Abandoned Land in Madiun City by the holders of Land Rights, the legal case process and the transfer of investment in land cannot be blamed. There is a legal process or legal dispute that occurs in the internal Cooperative which causes the land to be built for housing to be neglected. And the form of investment in land because reselling the land owned to any party is the right of the holder of land rights. However, over time it was felt to be very unfortunate because the parties who chose this investment forgot or ignored their responsibilities as rights holders so that the impact was neglected and included in the investigation of the National Land Agency of Madiun City which was indicated as neglected.
- 3. Efforts to overcome the control or ownership of abandoned land in Madiun City are closely related to existing land policies. It seems that the implementation of this enforcement is a temporary effort made by the rights holders. From year to year there have been several issuances of new regulations related to controlling abandoned land and of course by the holder trying to reuse the land. In carrying out the obligations of a subject who holds land rights, it must be based on good faith so that he can utilize the land optimally and there is no indication that it is abandoned. In carrying out the obligations of land rights holders, good faith plays a very important role in realizing land management that provides welfare for the community. So efforts to control abandoned land, the handling is more towards providing solutions that are more humane, although they do not lose their effectiveness.

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