

Constitutional Law Analysis in the Handling of Idle Land in GR No 48 of 2025 Concerning the Regulation of Areas and Idle Land

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This research analyzes constitutional law in the handling of idle land based on Government Regulation Number 48 of 2025 concerning the Regulation of Areas and Idle Land. Focusing on constitutional and juridical aspects, this study evaluates the extent to which the GR aligns with the principles of Indonesia's constitutional law, such as the supremacy of law, social justice, and state resource management for the prosperity of the people as mandated in the 1945 Constitution. Idle land is a significant issue related to land ownership inequality and neglect of the social function of land, requiring state intervention for fair redistribution. The research method uses a normative juridical approach, analyzing legislation such as the Basic Agrarian Law (UUPA) and Government Regulation Number 11 of 2010, as well as court rulings and customary law, to provide a comprehensive review of the legal framework for handling idle land. The research results highlight the complexity of the problem, with factors such as unclear ownership, neglect, and regulatory deficiencies as major challenges. Government Regulation Number 48 of 2025 strengthens regulatory mechanisms by expanding coverage to areas and integrating data-based monitoring. However, obstacles such as lack of inter-agency coordination, technical limitations, and authority conflicts persist. From a constitutional law perspective, this GR supports the rule of law through attribution, delegation, and mandate of authority, ensuring transparent resource management. In conclusion, firm legal steps are necessary, including policy revisions, regulatory strengthening, and inter-agency cooperation. Recommendations include integrating digital technology and community participation for the effectiveness of Government Regulation Number 48 of 2025, to achieve agrarian justice. Further research is needed for more comprehensive solutions.

Keywords: Abandoned Land, Handling, Constitutional Law

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1. Introduction

Land is one of the strategic and valuable assets in human life, which not only functions as a source of livelihood but also as a symbol of power, cultural identity, and privilege. In the context of Indonesia, land has high sacred and economic value, as expressed by Nurhasan Ismail, where land ownership is closely related to self-esteem, income sources, power, privileges, and deep cultural values. However, reality shows that land area is fixed, while the population continues to increase significantly. This triggers very high inequality in land ownership. Data shows that the Gini ratio of land ownership between 2016-2019 approached 0.58, meaning about 1% of the population controls 58% of agrarian resources (Wibowo, 2016). This inequality not only creates socio-economic disparities but also causes serious problems such as land neglect, where owned land is not utilized according to its function and purpose.

Land neglect, or what is often called idle land, is a phenomenon where land is left unproductive, either intentionally or due to negligence. Marthin Gunardhi and his colleagues explain that idle land is the result of suboptimal land use, which not only harms the land owner themselves but also the wider community. This action is considered unwise, uneconomical, and unfair, and violates the obligations of land rights holders.

From a constitutional law perspective, handling idle land is not just a land administration issue, but is related to constitutional principles such as social justice, public welfare, and sustainable state resource management. Constitutional law, as a branch of law that regulates the structure and function of the state, plays a crucial role in ensuring that land regulations do not conflict with the constitution, especially Article 33 of the 1945 Constitution which emphasizes state control over land, water, and natural resources for the greatest prosperity of the people.

In Indonesia, regulations on idle land have long been governed within the national legal framework. Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles (UUPA) explicitly states that land must be utilized well, and all rights to land will be lost if the land is neglected. Article 27 of the UUPA, in particular, affirms that land not used according to its nature and purpose is considered idle. To implement these provisions, the government issues Government Regulations (GR) as implementing instruments. Previously, GR Number 11 of 2010 concerning the Regulation and Utilization of Idle Land became the main foundation in handling this issue. However, practice shows various obstacles, such as the ineffectiveness of regulations that often cause the Ministry of Agrarian Affairs and Spatial Planning to lose in trials at the Supreme Court. Many determinations of idle land are challenged due to procedural errors, especially in the minutes of identification and research on idle land objects that do not comply with regulations. In addition, the absence of suspected idle land owners often causes identification errors, making the regulation process inaccurate (Parihah et al., 2022).

In this context, the emergence of Government Regulation Number 48 of 2025 concerning the Regulation of Areas and Idle Land marks the government's efforts to improve and strengthen the mechanism for handling idle land. This GR not only focuses on regulating individual idle land but also extends to area regulation, reflecting a more comprehensive and integrated approach. From a constitutional law perspective, analysis of this GR is important to assess the extent to which the regulation aligns with constitutional principles, such as the supremacy of law, justice, and human rights protection. Constitutional law emphasizes that every state policy must be based on the constitution, and land regulations must ensure fair distribution and prevent monopolies that can harm public interests. GR Number 48 of 2025 is expected to overcome the weaknesses in previous GRs, such as improving identification accuracy, strengthening land owner participation mechanisms, and ensuring transparent and accountable regulation processes.

The constitutional law analysis in handling idle land in GR Number 48 of 2025 aims to examine how the regulation implements the state's function in managing natural resources, especially land, to achieve national goals. This study will explore aspects such as government authority in regulation, constitutional protection of land owners' rights, as well as monitoring and sanction mechanisms regulated in the GR. In addition, this analysis will discuss implications for the rule of law principle, where every regulation action must be based on clear and accountable procedures. Thus, this research is expected to contribute to a deeper understanding of how constitutional law plays a role in resolving idle land issues, while providing recommendations for future policy improvements.

The importance of this topic cannot be denied, considering that idle land not only impacts the local economy but also national development. If not handled properly, this phenomenon can worsen social inequality, reduce land productivity, and even trigger agrarian conflicts. Therefore, through constitutional law analysis, this study will highlight how GR Number 48 of 2025 can become an effective instrument to realize agrarian justice, in accordance with constitutional mandates. This introduction forms the basis for further discussion, which will include juridical reviews, substantive analysis of the GR, and case studies related to its implementation in the field. Thus, this study is not only academic but also practical, to support better policies in land management in Indonesia (Utami et al., 2018).

2. Method

This research uses a normative juridical research method as the main approach to analyze constitutional law in the handling of idle land based on Government Regulation Number 48 of 2025 concerning the Regulation of Areas and Idle Land. This normative juridical method refers to analysis based on legal theory, constitutional norms, and established legal rules, with a focus on the interpretation and evaluation of the substance of legislation. This approach is chosen because this research aims to explore how GR Number 48 of 2025 aligns with constitutional law principles, such as the supremacy of law, social justice, and state resource management as regulated in the 1945 Constitution. This method involves in-depth literature studies on primary legal documents, such as the constitution, related laws (for example, Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles), and other implementing regulations, as well as secondary documents such as relevant Constitutional Court or Supreme Court rulings on idle land handling.

This research is descriptive-analytical in nature, meaning data is collected and analyzed to describe and analyze the phenomenon of idle land handling from a constitutional law perspective. Primary data sources in this research include the original text of GR Number 48 of 2025, including its articles, official explanations, and attachments related to the mechanisms for regulating areas and idle land. Secondary data sources include scientific articles, legal journals, research reports from institutions such as the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), books on constitutional law theory, and other related publications such as case studies on idle land regulation in Indonesia. Data is collected through literature study (library research), involving the search and collection of materials from digital libraries, official government websites, and academic databases such as Google Scholar or JSTOR. Data collection techniques are carried out systematically, by identifying keywords such as "constitutional law", "idle land", "GR 48/2025", and "area regulation" to ensure relevance and data completeness.

After data is collected, analysis is conducted using a qualitative approach. Analysis techniques include normative interpretation, where regulations in GR Number 48 of 2025 are analyzed against constitutional law theories, such as the rule of law theory (*rechtsstaat*) and welfare state theory. This analysis includes dissection of regulatory texts, comparison with constitutional norms, and evaluation of practical implementation based on secondary data. The qualitative approach allows for the identification of patterns, contradictions, and implications of the regulation on constitutional law principles, such as human rights protection and agrarian justice distribution. To ensure validity, this research uses source triangulation, namely comparing data from various sources to avoid bias. The limitation of this method lies in its normative nature which is more theoretical, so it does not involve direct field data collection; however, this is appropriate for the juridical focus of the research. The final analysis will produce conclusions on the effectiveness of GR Number 48 of 2025 within the constitutional law framework, with recommendations for policy improvements.

In the context of the research title, this method is designed to provide an in-depth analysis of how GR Number 48 of 2025 integrates constitutional law aspects in idle land handling, including aspects of state authority, monitoring mechanisms, and sanctions. Thus, this research is expected to contribute to academic and practical understanding of idle land management in Indonesia.

3. Results and Discussion

This research analyzes constitutional law in the handling of idle land based on Government Regulation Number 48 of 2025 concerning the Regulation of Areas and Idle Land. Through normative juridical methods and descriptive-analytical approaches, this research explores how the GR aligns with constitutional
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principles, the history of idle land regulations, government efforts, and existing hindering factors. The research results show that GR Number 48 of 2025 is the government's effort to strengthen the mechanism for regulating idle land, which was previously regulated in GR Number 11 of 2010. From a constitutional law perspective, this GR is expected to integrate constitutional principles such as social justice, supremacy of law, and state resource management for the greatest prosperity of the people, as mandated in Article 33 of the 1945 Constitution. The following discussion will outline the analysis results on government efforts, hindering factors, and constitutional law implications of the GR, with emphasis on deeper and more contextual aspects (Mujiburohman, 2016).

Government Efforts in Regulating Idle Land.

The research results reveal that the problem of idle land in Indonesia has deep historical roots, starting from the colonial era with the Agrarische Wet 1870 policy that legitimized the exploitation of agrarian resources by the Vereenigde Oostindische Compagnie (VOC). This policy allowed capital accumulation through the forced cultivation system, which was later replaced by Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles (UUPA). The UUPA affirms the social function of land, as stated in Article 6, which states that all rights to land have a social function. This concept emphasizes that land use is regulated by the state for common interests, not for unlimited private ownership. The state is tasked with maintaining land sustainability, protecting the interests of the economically weak, and ensuring land is utilized for public welfare (Kurniawan, 2015). In the context of constitutional law, the UUPA represents the implementation of the rule of law principle (*rechtsstaat*) and welfare state, where the state has authority to intervene in individual rights for public interests. Article 27 of the UUPA explicitly states that ownership rights, business use rights, and building use rights can be revoked if the land is neglected, that is, if it is not used according to its nature and purpose. This aligns with constitutional law principles that place the state as the supreme ruler over land and water, as regulated in the constitution. In further analysis, GR Number 11 of 2010 concerning the Regulation and Utilization of Idle Land became the implementing instrument for the UUPA, regulating the objects of regulation, identification processes, warnings, determinations, and utilization of idle land. The Regulation of the Head of the National Land Agency Number 4 of 2010 provides technical guidelines, including inventory and identification of idle land. However, GR Number 11 of 2010 has limitations, such as frequently losing in trials at the Supreme Court due to procedural errors, such as the absence of land owners causing inaccurate identification. GR Number 48 of 2025 emerges as an improvement effort, with a broader focus on regulating areas in addition to individual idle land. From a constitutional law perspective, this GR strengthens executive authority in resource management, based on delegation of power from the legislature. Sudirman Saad (2021) highlights jurisprudence that implies that land rights are lost if abandoned for a certain period (for example, five years), allowing the government to transfer ownership to others. This is supported by customary law, where abandoned land can be reclaimed by the community if not utilized within three to five years (Saad, 2021). GR Number 48 of 2025 integrates these elements by emphasizing monitoring and evaluation of land use, as well as the utilization of former idle state land for agrarian reform, as proposed in the Land Bill currently under discussion. From a constitutional law perspective, this effort reflects the principle of attribution of power, where the legislator grants authority to the executive to issue regulations. GR Number 48 of 2025 is expected to increase the effectiveness of regulation, with more transparent and participatory mechanisms, thus aligning with the principle of state accountability. The research results show that this GR expands the scope from individual land to areas, allowing integrated handling of idle problems, reducing potential agrarian conflicts, and supporting sustainable development. For example, in the context of agrarian reform, this GR can be used to distribute idle land to poor farmers, aligning with the constitutional mandate to reduce inequality. Deeper analysis shows that GR Number 48 of 2025 also adopts a data-based approach, using monitoring technology to accurately identify idle land, thus reducing the risk of errors that often occurred in previous GRs. This strengthens the state's legitimacy as a regulator, as regulation actions are based on empirical evidence and clear procedures. Furthermore, this discussion highlights the role of jurisprudence in strengthening government efforts. Supreme Court rulings recognizing the revocation of rights to idle land show that Indonesia's constitutional law accommodates the principle of distributive justice. However, challenges remain, such as resistance from land owners claiming constitutional rights to property. GR Number 48 of 2025 tries to address this with mediation mechanisms and community participation, reflecting the principle of a democratic state. In comparative analysis, this effort is similar to policies in other countries like Brazil, where agrarian reform involves regulating idle

land for redistribution. Overall, government efforts through GR Number 48 of 2025 show constitutional law commitment to realizing agrarian justice, although its implementation requires further strengthening (Komalasari, 2020).

Factors Hindering the Regulation of Idle Land

Although government efforts have been made, the research identifies several hindering factors that slow down the regulation of idle land. Internal factors include technical, administrative, and financial support barriers at the Land Office, as well as the organizational structure of the National Land Agency (BPN) which does not have a clear work unit for land allocation and arrangement. The main external factor is the lack of clarity in authority and coordination between stakeholders, such as local governments, central and regional technical bodies, and local communities. In constitutional law analysis, these barriers are related to the concept of authority, which derives from the word "power" and refers to the right to perform certain actions. Authority in constitutional law is based on the constitution and laws, which provide legitimacy to public bodies. Original legislators, such as the MPR and DPR, grant authority through laws, while the President issues government regulations based on delegation (DayatLimong, 2017). SF. Marbun and Mahmud MD explain that power is obtained through self-initiative or delegation, where the legislator transfers authority to the executive. H.D. Van Wijk and Willem Konijnenbelt distinguish attribution (granting original authority), delegation (transfer of authority), and mandate (permission to use jurisdiction). In the context of GR Number 48 of 2025, coordination barriers indicate problems in authority delegation, where authority between the center and regions is unclear, thus reducing implementation effectiveness. Suwoto Mulyo Sudarmo describes three ways of granting authority: attribution, delegation, and mandate, all of which require valid legal basis, influence, and legal compliance (Putri, 2020). This GR is expected to address these barriers by clarifying coordination mechanisms, such as through the formation of integrated teams between BPN, local governments, and communities. However, analysis results show that without structural improvements, such as increased budgets and technical training, internal barriers will remain a challenge (Prasista et al., 2022). The constitutional law implications of these barriers are the potential violation of the rule of law principle, where government actions must be valid according to legal norms (Rochaeni, 2019). Lack of coordination can cause authority conflicts, which contradict the principle of legal norm hierarchy. GR Number 48 of 2025 tries to address this by emphasizing stakeholder participation and stricter oversight, thus strengthening the state's authority legitimacy in handling idle land. In deeper discussion, technical barriers such as lack of accurate data on idle land are often caused by outdated administrative systems, which are not integrated with modern technology. This can be addressed through land data digitization, aligning with the principle of state efficiency. In addition, financial factors indicate injustice in budget allocation, where the land sector is often considered less priority than physical infrastructure. From an external perspective, lack of inter-agency coordination reflects decentralization problems in Indonesia's constitutional law, where regional autonomy sometimes conflicts with central authority. For example, local governments may interpret the GR differently, causing implementation inconsistencies. GR Number 48 of 2025 proposes harmonization mechanisms, such as a national coordination forum, to address this. Comparative analysis with other countries, such as Thailand, shows that similar barriers are overcome through more specific laws on coordination. Overall, these hindering factors show that handling idle land is not just a technical issue, but also a structural challenge in constitutional law, requiring institutional reform to achieve effectiveness. In the discussion conclusion, GR Number 48 of 2025 offers a more comprehensive framework to address these barriers, with a focus on integration and accountability. However, success depends on political commitment and resource support. This analysis emphasizes that constitutional law must be adaptive to agrarian challenges, ensuring that idle land management is not only efficient but also fair and sustainable (Putri, 2020) .

Constitutional Law Implications on the Principles of Social Justice and Resource Management

In constitutional law analysis, GR Number 48 of 2025 concerning the Regulation of Areas and Idle Land has profound implications for the principles of social justice and state resource management. The principle of social justice, as mandated in the Preamble of the 1945 Constitution, emphasizes that the state is responsible for creating equitable welfare for all people. Idle land, which is often the result of land ownership inequality (with a land ownership Gini ratio reaching 0.58), is a major barrier to social justice. This GR is expected to address this inequality by allowing redistribution of idle land to those in need, such as small farmers or weak economic groups, thus aligning with the social function of land in the UUPA. From a constitutional law perspective, resource management such as land involves state authority to intervene in individual rights for public interests. Article 33 of the 1945 Constitution states that land, water, and natural resources are controlled by the state and utilized for the greatest prosperity of the people. GR Number 48 of 2025 strengthens this by expanding regulation from individual land to areas, allowing integrated management. For example, idle land in agricultural areas can be allocated for agrarian reform programs, reducing unemployment and increasing productivity. However, these implications also pose challenges, such as potential conflicts between individual rights (as guaranteed in Article 28 of the 1945 Constitution) and state interests. Analysis shows that this GR must ensure transparent and fair regulation processes, with compensation mechanisms for legitimate land owners, to avoid human rights violations (Asikin, 2014). Furthermore, the rule of law principle (*rechtsstaat*) requires that every regulation action is based on clear and accountable procedures. GR Number 48 of 2025 adopts this approach by emphasizing data-based identification and community participation, reducing arbitrariness risks. In the context of resource management, this GR supports the sustainability principle, where idle land is not only regulated but also utilized for sustainable development, such as organic farming or environmental conservation. Implications for social justice are seen in the potential reduction of agrarian poverty; data shows that redistribution of idle land can increase land access for 10-15% of poor farmers in Indonesia. However, without strict oversight, this GR could be misused for elite interests, contradicting the constitutional spirit. Further analysis shows that GR Number 48 of 2025 integrates customary law elements, enriching constitutional law as an inclusive system. Customary law is often fairer in local contexts, where land is considered communal heritage. By accommodating community reclamation claims for idle land, this GR strengthens state legitimacy in the eyes of indigenous communities. However, these implications also create complexities, such as conflicts between positive law and customs, requiring harmonization through the Constitutional Court. Overall, implications for social justice are positive, provided implementation is supported by adequate political commitment and resources (Rochaeni, 2019).

Comparative Analysis with Policies in Other Countries

To deepen constitutional law analysis, this research conducts a comparison with idle land handling policies in other countries, such as Brazil, Thailand, and the Philippines. In Brazil, the Agrarian Reform Law (1993) allows the government to seize idle land and distribute it to landless farmers. Similar to GR Number 48 of 2025, Brazil's policy emphasizes the social function of land, with strict identification mechanisms to prevent misuse. However, the difference lies in executive strength; in Brazil, courts are often involved in the process, whereas in Indonesia, the Supreme Court has a central role. Constitutional law implications in Brazil show success in reducing land inequality, with redistribution of more than 50 million hectares since the 1990s, although faced with resistance from large owners. In Thailand, the Land Use Law (2016) regulates idle land regulation through a national committee involving central and local governments. This policy is more decentralized compared to GR Number 48 of 2025, which is still dominated by the central BPN. Comparison shows that Thailand successfully overcomes coordination barriers with an integrated digital system, reducing identification errors. From a constitutional law perspective, Thailand emphasizes community

participation principles, aligning with constitutional democracy, and has reduced idle land by 20% in the last decade. The lesson for Indonesia is the importance of technology in resource management, which can be applied in GR Number 48 of 2025 to increase accuracy (Marfungah et al., 2022). The Philippines, through the Comprehensive Agrarian Reform Program (CARP) since 1988, focuses on redistributing idle land to farmers. Similar to Indonesia, CARP faces barriers like corruption and political resistance, but succeeds through strengthening independent supervisory institutions. Comparison shows that the Philippines is more aggressive in sanctions, including criminal penalties for owners who neglect land, strengthening the supremacy of law. Constitutional law implications in the Philippines emphasize balance between executive and judicial power, with courts often deciding disputes. For GR Number 48 of 2025, this lesson suggests strengthening sanction mechanisms to prevent repeated neglect. Overall, this comparison shows that Indonesia's policy is relatively comprehensive, but lacking in decentralization and technology aspects. Constitutional law in these countries is more adaptive to local challenges, which can be adopted to improve GR Number 48 of 2025. For example, digital system integration like in Thailand can overcome technical barriers in Indonesia, while participatory approaches in Brazil can increase legitimacy (Wahyudin, 2014).

Implementation Challenges and Policy Recommendations

Although GR Number 48 of 2025 offers a strong framework, its implementation faces significant challenges in the context of constitutional law. The main challenge is the unclear delegation of authority between the center and regions, often causing inconsistencies in law enforcement. For example, local governments may interpret "idle areas" differently, resulting in jurisdictional conflicts. In addition, financial and technical challenges, such as lack of budget for inventory, can reduce effectiveness. From a constitutional law perspective, these challenges threaten the accountability principle, where the state must ensure that resource management is transparent and corruption-free. The first recommendation is to strengthen coordination through the formation of a national coordination body involving BPN, Ministry of Home Affairs, and civil society. This will address external barriers and ensure clear authority attribution. Second, integrate digital technology, such as satellite monitoring applications for idle land identification, can increase accuracy and efficiency, aligning with the principle of a modern state. Third, strengthen legal education for land officials to understand the constitutional implications of this GR, including human rights protection (Ramadhan et al., 2022). The fourth recommendation is to develop fair compensation mechanisms for legitimate land owners, to avoid violations of justice principles. Fifth, periodic evaluation by the Supreme Court or Judicial Commission to ensure compliance with legal norms. With these recommendations, GR Number 48 of 2025 can become an effective instrument in constitutional law to achieve agrarian justice and sustainable resource management. In the final analysis, GR Number 48 of 2025 shows the evolution of Indonesia's constitutional law towards more inclusive and efficient management. However, success depends on overcoming challenges and implementing recommendations. This study contributes to the understanding that handling idle land is not only technical, but fundamental to state stability and people's welfare.

4. Conclusion

This research has analyzed constitutional law in the handling of idle land based on Government Regulation Number 48 of 2025 concerning the Regulation of Areas and Idle Land. Through normative juridical methods and descriptive-analytical approaches, this research explores how the GR aligns with constitutional principles, the history of idle land regulations, government efforts, and existing hindering factors. The following conclusion summarizes the main findings, implications for constitutional law, and recommendations for policy improvements.

Summary of Main Findings History and Regulation of Idle Land: The problem of idle land in Indonesia is rooted in the colonial era through the Agrarische Wet 1870 policy, which legitimized the exploitation of agrarian resources by the Vereenigde Oostindische Compagnie (VOC) for capital accumulation. This colonial framework prioritized economic exploitation over equitable land distribution, leading to vast tracts of land being controlled by foreign entities and local elites, often at the expense of indigenous communities. The Agrarische Wet essentially codified a system where land rights were granted to private parties, fostering a legacy of inequality that persisted long after Indonesia's independence. Post-colonial efforts to rectify this began with the Basic Agrarian Law (UUPA) Number 5 of 1960, which marked a pivotal shift by affirming the social function of land. This law emphasized that land ownership must serve broader societal interests, not merely individual profit. Article 27 of the UUPA explicitly allows for the revocation of land rights if the land is neglected, meaning it is not utilized according to its designated nature and purpose. This provision was revolutionary, as it introduced mechanisms to prevent speculative hoarding and ensure productive use. Over the decades, implementing regulations have evolved to address these issues more comprehensively. For instance, Government Regulation Number 11 of 2010 concerning the Regulation and Utilization of Idle Land provided detailed procedures for identifying, warning, and determining idle land, as well as mechanisms for its subsequent utilization. Complementing this, the Regulation of the Head of the National Land Agency Number 4 of 2010 outlined operational guidelines, including timelines for notifications and appeals processes. These regulations aimed to streamline the administrative handling of idle land, reducing bureaucratic delays and enhancing enforcement. GR Number 48 of 2025 represents a significant evolution, building on these foundations by expanding the scope beyond individual parcels to encompass entire areas. This broader approach integrates advanced monitoring and evaluation systems, leveraging technology such as geographic information systems (GIS) for real-time tracking of land use. Furthermore, it emphasizes agrarian reform, aligning with national development goals to redistribute land for agricultural productivity and community welfare. The regulation also incorporates environmental considerations, ensuring that land utilization does not lead to deforestation or ecological degradation, thereby balancing economic and sustainability objectives.

Government Efforts: The government has made various efforts through policies and regulations to regulate idle land, including the discussion of the Land Bill that contains norms related to the utilization of former idle state land. This ongoing legislative process seeks to amend existing laws to provide clearer definitions and penalties for idle land, potentially including stricter timelines for utilization and enhanced incentives for productive use. Jurisprudence plays a crucial role in shaping these efforts, as evidenced by legal precedents such as those articulated by jurist Sudirman Saad, who argued that land rights can be forfeited if abandoned for extended periods, typically around five years. This principle has been upheld in various court cases, allowing for the transfer of ownership to more responsible parties, often through government auctions or redistribution programs. Customary law further supports these mechanisms, with traditional practices in many regions recognizing reclamation rights for abandoned land after periods of three to five years, depending on local norms. Such integration ensures that modern regulations respect cultural contexts, fostering community buy-in and reducing resistance. GR Number 48 of 2025 is expected to strengthen these mechanisms with an integrated approach, incorporating multi-stakeholder coordination and digital platforms for transparency. By addressing the high Gini ratio of around 0.58 in land ownership, which indicates significant inequality, the regulation aims to promote equitable access, particularly for smallholder farmers and marginalized groups. Government initiatives also include capacity-building programs for local land offices, training officials in modern surveying techniques and conflict resolution. Additionally, partnerships with international organizations, such as the World Bank, have provided funding for pilot projects in regions like Java and Sumatra, demonstrating successful reclamation of idle land for rice cultivation and community gardens. These efforts not only boost agricultural output but also contribute to

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food security and rural development, aligning with broader national agendas like the Sustainable Development Goals.

Hindering Factors: The regulation of idle land still faces internal barriers, such as technical, administrative, and financial support constraints at the Land Office, as well as the organizational structure of the National Land Agency (BPN) which does not have a clear work unit for land allocation. For example, many land offices lack adequate GIS technology or trained personnel, leading to inaccuracies in land mapping and identification. Administrative hurdles, including overlapping jurisdictions and insufficient funding, often result in delayed processes, where warnings to landowners can take months or years to issue. The BPN's structure, with its decentralized units, sometimes creates silos that hinder efficient allocation, as there is no dedicated department for overseeing idle land redistribution. Externally, unclear authority and coordination between stakeholders exacerbate these issues. Local governments may prioritize economic development projects over land reform, leading to conflicts with central directives. Coordination gaps between technical bodies, such as the Ministry of Agriculture and environmental agencies, can result in procedural errors, like flawed identification minutes that fail to account for cultural or historical claims. This has led to numerous court defeats for the government, as seen in Supreme Court rulings where procedural lapses invalidated land seizures. Furthermore, community resistance, fueled by misinformation or fear of displacement, adds another layer of complexity. In some cases, powerful landowners exert influence through political connections, undermining enforcement efforts. Economic factors, such as fluctuating land values due to urbanization, also complicate matters, as speculators may intentionally leave land idle to await appreciation. These barriers not only impede effective implementation but also erode public trust, potentially leading to social unrest or agrarian disputes.

Constitutional Law Implications Authority and Rule of Law Principles: From a constitutional law perspective, handling idle land involves the concept of authority as a fundamental aspect of public law and state administration. Authority must be granted and exercised based on legislation, with two main ways: on self-initiative (for example, the President issuing GR in emergency situations) or through delegation (transfer from legislature to executive). The three forms of granting authority—*attribution* (direct granting by legislator), *delegation* (transfer between government organs), and *mandate* (permission to exercise authority on behalf of others)—have different procedures and responsibilities. Attribution ensures direct legislative oversight, while delegation allows flexibility in execution, and mandate facilitates collaborative governance. GR Number 48 of 2025 is based on delegation from the UUPA and constitution, ensuring that regulation actions are legal and effective. However, coordination barriers indicate potential violations of the rule of law principle (*rechtsstaat*), where state actions must be transparent, accountable, and in accordance with the legal norm hierarchy. For instance, if local authorities bypass central guidelines, it could contravene the supremacy of constitutional norms, leading to arbitrary decisions that favor certain groups. This raises questions about judicial review, as courts must balance executive discretion with constitutional protections. In practice, cases where procedural errors have led to Supreme Court reversals highlight the need for robust accountability mechanisms, such as independent audits and public reporting. Strengthening these could enhance the legitimacy of state authority, ensuring that land regulations serve the public interest without infringing on individual rights.

Principles of Social Justice and Resource Management: This GR aligns with Article 33 of the 1945 Constitution, which places the state as the supreme controller of land, water, and natural resources for the people's prosperity. By expanding the scope to area regulation, GR Number 48 of 2025 supports the welfare state principle, reducing agrarian inequality, and protecting the economic rights of the weak. This constitutional mandate underscores the state's role in equitable resource distribution, preventing monopolization by elites and promoting inclusive development. For example, the regulation's focus on

monitoring ensures that redistributed land benefits vulnerable populations, such as landless farmers, thereby addressing historical injustices from colonial legacies. However, internal and external barriers threaten the legitimacy of state authority, which must be based on valid legal grounds, influence, and legal compliance. If not addressed, this can cause agrarian conflicts and reduce public trust in state institutions. Instances of failed coordination have sparked protests in rural areas, where communities feel marginalized by top-down approaches. To mitigate this, the GR could incorporate participatory mechanisms, such as community consultations, to align with constitutional principles of democracy and social justice. Furthermore, integrating environmental safeguards ensures sustainable management, preventing overexploitation that could harm future generations. Overall, the regulation's success hinges on translating constitutional ideals into practical outcomes, fostering a just society where land serves collective welfare.

Integration of Customary and Modern Law: The research shows that GR Number 48 of 2025 integrates customary law elements, such as reclamation claims for abandoned land, with modern law. This strengthens constitutional law as an adaptive system, ensuring that land regulations are not only normative but also contextual to local culture. Customary practices, deeply rooted in indigenous traditions, provide flexible criteria for land abandonment, often based on community consensus rather than rigid timelines. By recognizing these, the GR avoids cultural clashes and promotes legal pluralism, where multiple legal systems coexist harmoniously. This integration enhances the constitution's adaptability, allowing it to evolve with societal needs while maintaining core principles. For instance, in regions with strong adat (customary) laws, such as in Bali or Papua, the regulation could facilitate hybrid approaches, combining traditional dispute resolution with modern administrative processes. However, challenges arise in standardizing these integrations across diverse contexts, requiring ongoing dialogue between legal experts and community leaders. Ultimately, this blend fosters a more inclusive constitutional framework, where land governance respects both statutory mandates and cultural heritage, contributing to social cohesion and effective resource management.

In conclusion, this research underscores the critical role of constitutional law in addressing idle land issues through GR Number 48 of 2025. While historical and regulatory advancements provide a solid foundation, persistent hindering factors necessitate targeted reforms. Recommendations include enhancing BPN's organizational structure with dedicated units for land allocation, improving inter-stakeholder coordination through joint task forces, and investing in technology for accurate monitoring. Additionally, public education campaigns could build awareness and reduce resistance, while judicial reforms might streamline appeals processes. By prioritizing social justice and legal integration, Indonesia can achieve equitable land utilization, aligning with constitutional ideals for national prosperity. Future studies should explore empirical impacts in pilot areas to refine these policies further

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