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Responsibilities of Land Rights Holders in the Control of Abandoned Land Indicated by the Existence of Abandoned Buildings

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Abstract

The problem of abandoned land reflects inconsistency between land utilization and the principle of the social function of land under Indonesian agrarian law. One indication of abandoned land is the existence of abandoned buildings, demonstrating that land is not cultivated, utilized, used, or maintained according to the purpose for which the

land right was granted. This study analyzes the responsibilities of land rights holders and the authority of local governments in controlling abandoned land associated with abandoned buildings under Government Regulation Number 48 of 2025, using the former PT Telkom building in Kudus Regency as a case study. The research employs an empirical juridical method with statutory and case study approaches. Data were collected through library research, field observations, and interviews and analyzed qualitatively. The findings indicate that the land occupied by the former PT Telkom building shows signs of abandonment because it has not been utilized or maintained in accordance with the purpose of the granted land right, as reflected by the prolonged existence of abandoned buildings. This condition demonstrates the inadequate implementation of land rights holders' responsibilities and contradicts the principle of the social function of land. Furthermore, local government efforts remain ineffective due to regulatory ambiguities, limited authority over certain assets, inadequate land administration data, and weak inter-agency coordination. Therefore, strengthening regulations, improving institutional coordination, and optimizing supervision of land utilization are essential to ensure effective control of abandoned land and the realization of its social function.

Keywords

Abandoned Land; Social Function of Land; Control of Abandoned Land; Land Rights Holder.

Introduction

Land is a basic necessity in human life that possesses social, economic, and legal value. The existence of land not only functions as a place of residence, but also as a means of economic activity and development. From the perspective of agrarian law, land occupies a strategic position because it constitutes an object of regulation related to the relationship between human beings and natural resources and supports the implementation of national development.¹

In addition, land plays an important role in improving public welfare because most economic and social activities take place on land. Land serves as the primary medium for agricultural activities, business operations, residential development, and various other economic activities. Therefore, the optimal and sustainable utilization of land is an important factor in supporting equitable national development.²

The development process and the growth of urban areas have led to an increasing demand for land. Land is viewed not only as a basic necessity, but also as an economic asset possessing investment value and capable of becoming the object of business activities. However, the increasing economic value of land also has the potential to create

¹ H. Joni, "Land as a Social Asset in the Perspective of National Agrarian Law," *Cakrawala Hukum* 7, no. 1 (2016): 123–34.

² Azzahra Cantika Madhina, Syifa Zahrani Khairunia, Rahel Rezky Simanjuntak, Sefrina Linda Adilla Putri, Angelica Nathaniella, "Optimization of Agrarian Reform for Public Welfare within the Framework of National Land Law" 1 (2024): 130–42.

problems if its utilization is not carried out optimally, including the existence of land or buildings that are left unused.³

From a legal perspective, land regulation aims to create legal certainty and maintain a balance between individual interests and societal interests. Proper land management is expected to create orderly land utilization and support sustainable development. Therefore, regulations concerning land utilization are important to ensure that land provides the greatest possible benefit for public welfare.⁴

The phenomenon of abandoned buildings and land remains a problem in land management in Indonesia. Land that has been granted rights of control should be utilized optimally; however, in practice many parcels of land and buildings remain unused and unmaintained. This condition demonstrates a discrepancy between land control and land utilization, which has the potential to create legal and social problems within society.

Research published in the *Jurnal Ilmu Hukum Tambun Bungai* explains that when land is controlled but not genuinely utilized, such land may become abandoned and the legal relationship between the owner and the land may be terminated. This means that neglecting land constitutes a violation of the owner's obligations. More interestingly, land

³ "A Legal Review of Abandoned Land Parcels within the Framework of Enhancing the Social Function in Community Residential Environments." 2024. *Jurnal Jendela Hukum Dan Keadilan* 10 (1): 18-28.

⁴ Suranta, Ferry Aries. 2012. "The Revenue Function of Land in Indonesia Reviewed Under the Basic Agrarian Law." *Jurnal Mercatoria* 5 (2): 132-45. <https://doi.org/10.31289/mercatoria.v5i2.702>.

is often abandoned because it is treated merely as an investment object without being directly utilized.⁵ Repertorium: Jurnal Ilmiah Hukum Kenotariatan states that such practices are contrary to the principle that land must be actively and productively utilized.⁶

The phenomenon of abandoned land and buildings continues to occur in practice in Indonesia. Based on research conducted by Annisa Suci Rosana and Ana Silviana using data from the Regional Office of the National Land Agency of Central Java Province, as of 2024 there were 167 parcels of land indicated as abandoned, consisting of 132 parcels under Building Use Rights (Hak Guna Bangunan/HGB) and 35 parcels under Cultivation Rights (Hak Guna Usaha/HGU).⁷ These data indicate that land abandonment occurs not only on land that has never been utilized, but also on land that has been legally granted rights of control by the state, thereby creating problems concerning land utilization and the effectiveness of government supervision over land rights holders.

Even on a national scale, institutional data demonstrate the magnitude of the abandoned land problem. According to data from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) examined in a

⁵ Ni Nyoman and Adi Astiti, "Legal Consequences of the Abandonment of Building Use Rights Land" 5, no. 2 (2020): 800–817.

⁶ Ahsanul Rizky Ramadhan and Firman Muntaqo, "The Control of Abandoned Land within the Framework of Land Management and Utilization" 11, no. 1 (2022): 92–103, <https://doi.org/10.28946/rpt.v11i1.1799>.

⁷ Annisa Suci Rosana and Ana Silviana, "The Role of the Land Office in Implementing the Control of Land Indicated as Abandoned with HGB Status in Semarang City" 14, no. 1 (2025), <https://doi.org/10.28946/rpt.v14i1.3615>.

2025 policy study, by 2024 approximately 4.5 million hectares of land in Indonesia had been indicated as abandoned. This figure shows that land abandonment remains a serious obstacle to the equitable control and utilization of land and has an impact on hampering national development.⁸

In addition to economic impacts, international studies show that abandoned buildings can reduce environmental quality, hinder regional development, and potentially cause social disturbances in surrounding communities.⁹

The issue of abandoned buildings and land constitutes an important concern within Indonesia's land law system because it has the potential to hinder equitable land control and national development. Land abandonment may give rise to various impacts, such as spatial disorder, environmental degradation, and reduced utilization of agrarian resources for the benefit of society. Research indicates that the existence of abandoned land may also trigger social conflict and widen disparities in land control.¹⁰

Regulations concerning abandoned land were previously governed by Government Regulation Number 20 of 2021 concerning the Control of Abandoned Areas and Land, which stipulates that abandoned land is land that is not cultivated, not used, not utilized, and/or not maintained in accordance with the purpose for which the land right was

⁸ Uly Ngesti Pratiwi, "State Authority in the Expropriation of Abandoned Land," 2025.

⁹ Mahmood H. Al-Musawi and Wahda Al-Hinkawi, "The Impact of Abandoned Buildings on the Quality Of Urban-Scape," November 3, 2020.

¹⁰ I Made Subagio, "Methods to Prevent Abandoned Land: Reviewed from Legal and Economic Aspects" 31, no. 4 (2025): 293–303.

granted, as regulated in Article 1 point 2. Furthermore, Article 7 emphasizes that neglected land may be designated as abandoned land after undergoing stages of identification, investigation, and warning to the land rights holder. Article 9 further provides that land designated as abandoned land may result in the termination of the legal relationship between the rights holder and the land, and the confirmation of the land's status as state land.

However, the implementation of these regulations has encountered various obstacles in practice, prompting the government to issue Government Regulation Number 48 of 2025 concerning the Control of Abandoned Areas and Land as an improvement to the previous regulatory framework. Under this new regulation, Article 4 reaffirms the criteria for abandoned land by stating that land that has been granted a right, management right, or basis of land control must be utilized, used, and maintained in accordance with the purpose for which the right was granted. In addition, Article 18 emphasizes the government's authority to control land indicated as abandoned through stages of evaluation, warning, and ultimately the designation of abandoned land.

With these regulatory developments, the control of abandoned land becomes increasingly important in order to guarantee legal certainty, improve supervision of land utilization, and support sustainable regional development.

Table 1. Comparison of the Substantive Provisions on Abandoned Land in Government Regulation No. 20 of 2021 and Government Regulation No. 48 of 2025

Aspect	Government Regulation No. 20 of 2021 (Previous Regulation)	Government Regulation No. 48 of 2025 (Current Regulation)	Implications for the Former PT Telkom Building
Criteria for Abandoned Land	Land that is not cultivated, used, utilized, and/or maintained in accordance with the purpose for which the land right was granted (Article 1(2)).	The criteria are expanded by classifying specific categories of areas and introducing indicators regarding the duration of abandonment (Article 4).	The identification process becomes more objective; however, the former PT Telkom building, as an SOE asset, remains excluded from inventory priorities.
Authority of Local Government	Not expressly regulated; emphasis is placed primarily on the role of BPN.	Local governments are authorized to supervise, monitor, identify, and report abandoned land and areas (Article 18).	Strengthens the authority of the Kudus Regency Government, although implementation remains constrained by coordination and data limitations.
Control Procedure	Identification → Investigation → Warning → Designation of	Identification → Evaluation → Warning → Proposal for	Procedure is clearer but still lacks firm sanctions for

	Abandoned Land (Articles 7–9).	Designation of Abandoned Land (Articles 18–20).	uncooperative land-rights holders, including PT Telkom.
Legal Consequences	Designation terminates the legal relationship between the holder and the land, which then becomes State land (Article 9).	Similar provisions apply, with additional provisions allowing reutilization for public purposes.	Creates opportunities to reallocate unproductive SOE assets, subject to strong political commitment and inter-ministerial coordination.

Source: Government Regulation No. 20 of 2021 and Government Regulation No. 48 of 2025

Within Indonesia's land law system, land utilization is not merely the responsibility of land rights holders but also falls within the authority of the State, exercised through the Government, to supervise and regulate land use so that it remains consistent with the principle of the social function of land. The abandonment of land and buildings reflects the failure of land rights holders to utilize land optimally and may generate adverse consequences for spatial planning, environmental sustainability, and public welfare. Several studies have demonstrated that abandoned land has the potential to create disparities in land ownership and trigger social conflicts if not properly addressed.¹¹

¹¹ Yuwono, "Abandoned Land, Violating the Social Function of Land," no. 1 (2009): 29–39.

To address these issues, the Government is vested with the authority to supervise land utilization through land inventory activities, land-use evaluation, the issuance of warnings, and ultimately the designation of land as abandoned land. Such supervision constitutes an expression of the State's responsibility to ensure legal certainty and optimize land utilization. In addition to the central government, local governments also play a strategic role in monitoring the condition of land and buildings and controlling spatial utilization within their respective regions. Nevertheless, supervision over abandoned land continues to face several obstacles, including inadequate land administration data and weak coordination among government institutions. Consequently, strengthening governmental authority is necessary to ensure that land utilization effectively supports sustainable national development.

The legal framework governing the control of abandoned land and abandoned areas has been established through government policy. However, its implementation continues to encounter numerous practical obstacles. Normatively, the policy is intended to ensure the optimal utilization of land and to prevent land abandonment that may undermine the public interest. In practice, however, supervision over land and building utilization has not been fully effective, resulting in many parcels of land and buildings remaining unused for prolonged periods. Agrarian law research indicates that one of the principal obstacles to the effective control of abandoned land lies in weak inter-agency coordination and limited

information regarding land tenure and land utilization status.¹²

Another significant issue concerns the insufficient responsibility demonstrated by land rights holders in utilizing their land. Various studies indicate that land is frequently left idle as a long-term investment, thereby creating disparities in spatial utilization and hindering regional development. Accordingly, stronger supervision and improved institutional coordination are essential to enhance the effectiveness of abandoned land control policies.¹³

The issue of abandoned land and abandoned buildings deserves serious academic attention because it is directly related to the principle of the social function of land and the legal certainty governing land tenure and land utilization. From the perspective of Indonesian agrarian law, land possesses not only economic value but also a social function that must be exercised for the benefit of society. The existence of abandoned land therefore constitutes a violation of this social function, thereby providing legal justification for the State to regulate, control, and reorganize land utilization in the public interest. From the perspective of policy implementation, research on the control of abandoned land remains highly relevant because practical implementation continues to encounter both administrative and technical

¹² Harris Y. P. Sibuea, "The Effectiveness of Regulations on the Control of Abandoned Land," 2021, 91–103.

¹³ Putri Patricia Siwu, Wulanmas A.P.G. Frederik, Kathleen C. Pontoh, "Control Over the Misuse of Abandoned Land Under the Basic Agrarian Law Number 5 of 1960" 13, no. 4 (2025).

obstacles, including difficulties in identifying land rights holders and weaknesses in monitoring land utilization.¹⁴

This study aims to describe and comprehensively analyze the implementation of the responsibilities of land rights holders in the control of abandoned land indicated by the existence of abandoned buildings, using the former PT Telkom building in Kudus Regency following the enactment of Government Regulation Number 48 of 2025 as a case study. Furthermore, this study seeks to identify and analyze the various juridical and non-juridical obstacles encountered by relevant stakeholders during the implementation of abandoned land control. It is expected that the findings of this research will provide a comprehensive understanding of the practice of controlling abandoned buildings at the regional level while also offering appropriate policy recommendations to address the existing challenges.

This research employs an empirical juridical approach, examining not only legal norms embodied in statutory regulations but also the practical implementation of those legal norms within society. The research adopts both a statutory approach to analyze Government Regulation Number 48 of 2025 and other relevant legislation, and a case study approach focusing on the former PT Telkom building in Kudus Regency. The research is descriptive-analytical in nature, aiming to provide a systematic, factual, and accurate description of the implementation and obstacles encountered

¹⁴ Hanafi Tanawijaya Agripina, "Application of the Social Function of Land in the Determination of Abandoned Land by the National Land Agency (A Study on: Decree of the Head of the National Land Agency of the Republic of Indonesia No. 14/PTT-HGB/BPN RI/2014)," *Hukum Adigama*, 2014, 1–27.

in the control of abandoned buildings, followed by an analysis based on both theoretical and normative legal frameworks.

The sources of data consist of both primary and secondary data. Primary data were collected through in-depth interviews with purposively selected key informants, including officials from the Kudus Regency Land Office and, where possible, representatives of PT Telkom as the land rights holder. Secondary data comprise primary legal materials (including the Basic Agrarian Law, Government Regulation Number 48 of 2025, and the Regional Government Law), secondary legal materials (textbooks, scientific journals, and previous research), and tertiary legal materials (legal dictionaries and encyclopedias). All collected data were subsequently analyzed qualitatively using an interactive analytical model consisting of data reduction, data presentation, and conclusion drawing, thereby providing a comprehensive understanding of the legal issues examined in this research.

A. Legal Regulation of the Responsibilities of Land Rights Holders in the Control of Abandoned Land Indicated by the Existence of Abandoned Buildings

1. The Concept of the Responsibilities of Land Rights Holders

From a philosophical perspective, land regulation in Indonesia is rooted in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which provides that: *“The land, waters, and natural resources contained therein shall be controlled by the State and utilized for the greatest prosperity of the people.”* This provision reflects the principle that agrarian resources, including land, are not merely objects of individual ownership, but are strategic resources that must be managed by the state for the common good.

From a philosophical perspective, the concept of the state’s right of control (HMN) is not interpreted as the state’s private ownership of land, but rather as a form of public authority granted to the state as the representative of the people to regulate the control and utilization of agrarian resources. Thus, the state acts as an organization embodying the people’s power, with a constitutional mandate to regulate the distribution, use, and management of land in order to achieve the goal of the common good.¹⁵

The state’s right of sovereignty serves as the foundation for the establishment of the national agrarian legal system, which was subsequently codified in Law No. 5 of 1960 on the Basic Provisions of Agrarian Law (UUPA). This concept affirms that the state has the authority to regulate the allocation, use, supply, and conservation of land, water, and

¹⁵ Chapter II, Utilized for Public Interest, “Domein Verklaring [Declaration of Domain]” 2, no. 1 (2005): 1–17.

airspace, including the legal relationships between people and these resources.¹⁶

The state's right to control these resources is also closely linked to the values of Pancasila, particularly the fifth principle: social justice for all the people of Indonesia. Therefore, the state's control over agrarian resources is not intended to eliminate individual rights to land, but rather to ensure that the use of land does not conflict with the interests of the broader public.¹⁷

The state's right of sovereignty serves as the cornerstone of the national land law system. Within this framework, the state has the authority to:¹⁸

- a. Regulate and administer the allocation, utilization, availability, and maintenance of land.
- b. Determine the legal relationship between individuals and land.
- c. Determine the legal relationship between individuals and legal acts concerning land.

This authority indicates that the state does not act as the absolute owner of land, but rather as a regulator and manager of agrarian resources tasked with ensuring the equitable distribution of land and preventing the monopolization of land by certain parties. Thus, the state's

¹⁶ Nasrudin, N., Nursari, N., & Jamaludin, J. (2025). Understanding Land Status in Indonesia Between Ownership Rights and the State's Right of Control. *Qanuniya: Jurnal Ilmu Hukum*, 2(2), 61–75. <https://doi.org/10.15575/qanuniya.v2i2.2145>

¹⁷ Surur Roiqoh, "The State's Right of Control Over Land from the Perspective of Indonesian Positive Law and Maqashid Shariah," 2025, 1764–71.

¹⁸ Siswoyo, Siswoyo, and Imran Imran. 2022. "Analysis of the Land Acquisition Function by the Land Bank Reviewed from the State's Right of Control." *Jurnal Pertanahan* 12 (2): 164–77. <https://doi.org/10.53686/jp.v12i2.184>.

right of control serves as an instrument for achieving a balance between individual interests and the public interest in land management.¹⁹

In this context, the state plays a role in ensuring that land, as a vital resource, is utilized optimally for the welfare of the people, whether through the granting of ownership rights, rights to use land for business purposes, rights to use land for construction, or rights of use. However, all forms of land rights remain within the framework of state control, as the state is the primary regulator of the agrarian system.

In addition to the concept of state control over land, Indonesia's agrarian legal system also recognizes the principle of the social function of land, as stipulated in Article 6 of the Basic Agrarian Law (UUPA), which states that "*All land rights have a social function.*".

This principle implies that land rights cannot be exercised absolutely for personal gain without regard for the public interest. In other words, even if a person holds land rights, the use of that land must still take into account social interests, environmental balance, and the well-being of the surrounding community.

The concept of the social function of land stems from the idea that land plays a vital role in people's lives—economically, socially, and culturally. Therefore, land

¹⁹ Legal Basis and Contemporary Challenges, "Certainty and Justice of Land Rights in Indonesia: A Comprehensive Analysis of Land Rights in Indonesia," 2025, 6950–62.

ownership must not cause harm to the community or hinder the use of land for the public good.²⁰

In practice, the principle of the social function of land can be realized through several forms of regulation, including:²¹

- a. Restrictions on land use to prevent harm to the public interest.
- b. Land redistribution policies to prevent inequality in land ownership.
- c. Land acquisition for public purposes, such as infrastructure development, public facilities, and national development.
- d. Prohibition on land abandonment, namely the use of land that is not utilized productively.

Thus, the social function of land serves as a mechanism to ensure that individual land rights do not conflict with the interests of the broader community.

The concept of the state's right of control and the social function of land are two interrelated principles in the national agrarian legal system. The state's right of control grants the state the authority to regulate land ownership and use, while the social function of land serves as a constraint on

²⁰ Kuku Kurniawan, & Sri Wahyu Handayani. (2025). Certainty and Justice of Land Rights in Indonesia A Comprehensive Analysis of Land Rights in Indonesia: Legal Basis, Characteristics, and Contemporary Challenges. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(5), 6950–6962. <https://doi.org/10.61104/alz.v3i5.2328>

²¹ Afifah Satrianty and Nadia Maulisa, "The Role of the Land Bank Agency as a Land Manager Linked to the Social Function of Land" 8, no. 1 (2024): 9–25.

land rights holders to ensure that land use does not conflict with the public interest.²²

In other words, the state's right of sovereignty serves as the basis for state regulation, while the social function of land serves as a limiting principle for land rights holders. Both concepts aim to strike a balance between individual and collective interests in the management of agrarian resources.

Through these two principles, national agrarian law seeks to establish a system of land tenure that is just, sustainable, and capable of supporting the well-being of the broader community. Therefore, the implementation of the state's right to control land and the social function of land has not only a legal dimension but also a philosophical dimension related to the values of social justice and the well-being of the people.

Within Indonesia's agrarian legal system, the granting of land rights by the State to individuals or legal entities does not merely confer authority to possess and utilize land but also imposes specific legal obligations upon land rights holders. These obligations arise from the fundamental principle that land possesses a social function as recognized under national agrarian law. Accordingly, every land rights holder is legally obligated to utilize the land actively and

²² Sulaiman, King Faisal. 2021. "The Polemic of the Social Function of Land and the State's Right of Control Post-Law Number 12 of 2012 and the Constitutional Court Decision Number 50/PUU-X/2012." *Jurnal Konstitusi* 18 (1): 091-111. <https://doi.org/10.31078/jk1815>.

responsibly in accordance with the purpose for which the land right was granted.²³

The said obligation is generally understood as the obligation to utilize, exploit, develop, and maintain the land to ensure it does not become abandoned land, while continuously providing benefits to both the right holder and the public at large.

- a. The Obligation to Cultivate Land: The obligation to cultivate land implies that the rights-holder must actively manage or utilize the land under their possession in accordance with the designated spatial allocation or purpose stipulated in the land rights title. For instance, land granted under the status of the Right to Cultivate (*Hak Guna Usaha* / HGU) must be utilized for agricultural, plantation, fishery, or livestock activities. Consequently, the rights-holder is prohibited from leaving the land unproductive or abandoned. The obligation to cultivate land is also inextricably linked to government efforts to prevent land abandonment. Land that is not utilized in accordance with the objective of its title issuance may be categorized as abandoned land and is subject to potential reclamation by the State. This demonstrates that individual land possession is not absolute; rather,

²³ Desy Nurkristia Tejawati, "Control of Land Rights for Foreign Legal Entities in Indonesia," *Perspektif* 26, no. 1 (2021): 39–47, <https://doi.org/10.30742/perspektif.v26i1.762>.

it must be actively utilized for the purposes prescribed by law.²⁴

- b. **Obligation to Use the Land:** In addition to cultivating the land, the rights holder is also obligated to use the land in accordance with the nature and purpose for which the land rights were granted. This obligation aims to ensure that land use remains consistent with spatial planning and national development policies. For example, land designated for agricultural activities may not be used for industrial activities or housing development without a valid change in land use designation. This is because land use that does not conform to its designated purpose can lead to various problems, such as land conflicts, environmental damage, and irregularities in regional spatial planning. Thus, the obligation to use the land serves as a form of control over land use to ensure it remains consistent with national agrarian policies and supports sustainable development.²⁵
- c. **The Obligation to Utilize Land:** The obligation to utilize land pertains to efforts aimed at deriving economic, social, and environmental benefits from owned land. As a finite natural resource, land must be optimally utilized to provide utility value for both the right-holder and the public. Such optimal land

²⁴ Syaiful Bahri, "The Restitution of Land Rights with Building Use Rights (HGB) Certificates Destroyed by Abrasion for Development Interests by Private Legal Entities," *Otentik's: Jurnal Hukum Kenotariatan* Vol 2, No. (2020).

²⁵ Marryanti, S., & Nurrokhman, A. (2021). Legal Certainty of Land Rights: Lessons from the Defeat of Land Cases in Court. *Jurnal Pertanian*, 11(2). <https://doi.org/10.53686/jp.v11i2.111>

utilization can be executed through various activities in accordance with the specific category of land rights held. For instance, land holding the status of Right to Build (*Hak Guna Bangunan*) may be utilized for the construction of buildings or specific facilities, whereas land holding the status of Right to Cultivate (*Hak Guna Usaha*) is utilized for business activities within the agricultural or plantation sectors. Failure to optimally utilize land may be deemed a form of land abandonment, which contravenes the principle of the social function of land under agrarian law. Consequently, the state possesses the authority to supervise land utilization by right-holders to ensure that such land is not left in an unproductive state.

- d. The Obligation to Maintain Land: The obligation to maintain land is a duty expressly stipulated under Article 15 of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). Pursuant to the said provision, any individual, legal entity, or institution holding a legal relationship with the land shall be obligated to maintain said land, as well as preserve its fertility and environmental sustainability. Land maintenance encompasses a range of measures aimed at preserving the condition of the land to ensure it remains productive and free from degradation. This duty may be fulfilled through proper land management, erosion prevention, sustainable environmental management, and the responsible use

of land.²⁶ Furthermore, the obligation to maintain land constitutes a manifestation of the principle of the social function of land. Land is not held solely for private interests but must also yield benefits for the public at large. Consequently, should a land titleholder fail to perform such maintenance obligations, the State is empowered to take legal action, including the revocation of the respective land rights.

- e. Legal Implications of Non-Fulfillment of Obligations: Where a holder of land rights fails to discharge the obligation to cultivate, use, utilize, and maintain the land in accordance with the intended purpose of the grant, such land may be categorized as abandoned land. Under these circumstances, the State possesses the authority to reclaim said land and designate it as land directly controlled by the State.

This indicates that land rights are not absolute in nature, but are rather inherently accompanied by social obligations that must be fulfilled by the right-holder. Consequently, the land right-holder must utilize the land actively and responsibly, so as not to cause detriment to either the public or the State.

2. Regulatory Substance of Government Regulation Number 48 of 2025

The regulation concerning the criteria for abandoned land constitutes a crucial substance within Government

²⁶ Legal Protection for Electronic Land Rights Certificate Holders et al., "E-ISSN: 2963-7082 Link Access: <http://jurnal.umsu.ac.id/index.php/ey/index> Volume 2 Number 2 Year 2023" 2 (2023): 26–32, <http://jurnal.umsu.ac.id/index.php/ey/index>.

Regulation Number 48 of 2025 concerning the Control of Abandoned Areas and Land, which aims to ensure that any land controlled by a specific party is genuinely utilized and exploited optimally in accordance with the social function of land as mandated by Indonesian agrarian law. Concurrently, this provision serves as a legal instrument for the government to control land or areas that are not properly utilized by rights holders, permit holders, or parties controlling land based on specific possessory titles.²⁷

Article 4 of Government Regulation Number 48 of 2025 emphasizes that an area or land can be categorized as an object of control if the holder of a permit, concession, or business license intentionally fails to cultivate, use, and/or utilize the said area in accordance with the purpose for which the right or permit was granted. In other words, the status of being "abandoned" is not merely assessed from the physical condition of vacant land, but also from the inactivity of the rights holder in fulfilling the land utilization obligations granted by the state.²⁸

The provisions of Article 4 of Government Regulation Number 48 of 2025 also provide a classification regarding the types of areas that can be categorized as abandoned areas. These areas include, among others, mining areas, plantations, industrial estates, tourism areas, large-scale or integrated housing or residential areas, as well as other areas whose

²⁷ Government Regulation Number 48 of 2025.

²⁸ Novea Astris, "Complete Rules Regarding the Seizure of State Abandoned Land," *pernas.ac.id*, 2026, <https://pernas.ac.id/nasional/aturan-lengkap-tentang-penyitaan-tanah-terlantar-negara/>.

utilization is based on permits, concessions, or business licenses related to land and spatial use. With this classification, the government possesses a clear basis to identify various sectors of economic activity that have the potential to abandon land on a large scale.

Furthermore, the determination of a parcel of land as abandoned land is also related to the indicator of the abandonment duration. In land supervision practice, land that has been granted rights or permits but is not utilized within a certain timeframe for instance, since the right was issued can become the object of evaluation and verification by the government. This evaluation is conducted through an inventory process and field research to ensure whether the land is genuinely not cultivated, used, or maintained properly. This process is part of the control mechanism administered textually and administratively by the competent authority in the field of land affairs.²⁹

In addition to the criteria for abandoned land, the presence of abandoned buildings also serves as a critical indicator in determining whether an area or land has been neglected. Abandoned buildings are generally characterized by an unmaintained physical condition, failure to function in accordance with their designated purpose, and a lack of utilization activity within a specific timeframe. This condition may manifest as buildings that have been constructed but never utilized, construction projects halted

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<https://www.kalibandung.desa.id/artikel/2026/2/8/tanah-yang-terlantar-kini-bis-a-disita-negara-pahami-syarat-dan-ketentuannya> accessed on April 20, 2026.

for a prolonged period, or buildings that have suffered physical damage due to a lack of maintenance by the owner or manager.³⁰

The indicator of abandoned buildings can also be observed from administrative aspects and spatial use functions. If a building that has obtained a construction permit or business license is never operated or utilized for activities corresponding to its permit, such a condition can indicate that the relevant land or area is not utilized properly. Therefore, the existence of abandoned buildings is understood not merely as a physical issue of the structure, but also as an indication of land utilization failure that can impact spatial planning and the efficient use of land resources.

The regulation regarding the criteria for abandoned land in Government Regulation Number 48 of 2025 represents the government's effort to ensure that land tenure in Indonesia is not merely formal through the granting of rights or permits, but is also accompanied by a tangible obligation to utilize the land productively and responsibly. Simultaneously, this regulation serves as a legal basis for the state to execute control, revitalization, or expropriation of land that is manifestly unutilized by its rights holder for the sake of development interests and public welfare.

The provisions in Government Regulation Number 48 of 2025 also reaffirm the role and authority of local governments in conducting supervision and control over land

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<https://news.detik.com/berita/d-8344630/prabowo-terbitkan-pp-atur-kawasan-dan-tanah-terlantar-bisa-disita-negara> accessed on April 20, 2026.

or areas indicated as abandoned. The involvement of local governments in this mechanism is essential, considering that local governments are the closest entities to the factual conditions of land utilization within their respective jurisdictions.

Pursuant to Article 18 of Government Regulation Number 48 of 2025, local governments are vested with the authority to exercise supervision through monitoring and identifying land or areas that are not utilized according to their designated allocation. The results of such supervision can subsequently be reported to the competent land authority as a basis for further control measures.

Local governments also play a role in collecting data and information related to land utilization within their regions. These data serve as a foundation to determine whether a parcel of land can be categorized as abandoned land and whether corrective control actions are required.³¹

The authority granted to local governments demonstrates a synergy between the central and local governments in efforts to control abandoned land, thereby allowing land utilization to operate more optimally and in alignment with the principle of the social function of land.

Furthermore, following the supervisory authority of local governments as regulated under Article 18, Government Regulation Number 48 of 2025 also governs the procedures for controlling abandoned land, which are carried out in a gradual and systematic manner. This procedure aims to

³¹ Directorate General of Land Acquisition, *2024 Performance Report*, 2024.

ensure that the designation of a piece of land as abandoned land is executed through an objective and accountable mechanism.

The first stage is identification, which involves activities to discover and record land or areas indicated as not being utilized in accordance with their designated purpose. This stage is typically carried out through field data collection, public reports, and the results of supervision by local governments or relevant agencies.

Subsequently, an evaluation is conducted, which is an assessment process of the identification results to verify whether the land truly meets the criteria for abandoned land. This evaluation encompasses both administrative aspects and factual field conditions, including the duration of abandonment and the compliance of the rights holder with their obligations.

If the evaluation results reveal indications of abandonment, a warning is issued to the rights or permit holder to immediately utilize the land in accordance with its designated purpose. This warning serves as a form of legal protection as well as an opportunity for the rights holder to fulfill their obligations before further actions are taken.

The final stage is the proposal for the designation of abandoned land, which is a submission to the competent authority to establish the status of the land as abandoned land. This designation serves as the basis for the state to execute control measures and revitalize the land in accordance with statutory regulations.

B. Implementation of Control Measures on the Former PT Telkom Building Site in Kudus Regency

1. Profile and Legal Status of the Former PT Telkom Building Site

The object of research in this study is the land utilized as the location of the former PT Telkom building in Kudus Regency. In the perspective of agrarian law, the object of regulation under Government Regulation Number 48 of 2025 concerning the Control of Abandoned Areas and Land is the land along with the land rights attached to it, rather than the buildings standing upon it. Therefore, the existence of a building that has remained unutilized for a long period is positioned as one of the indicators to assess whether the land is still used, utilized, and maintained in accordance with the purpose for which the land right was granted.

In academic studies, buildings that are unutilized and unmaintained within a specific timeframe can be categorized as abandoned buildings. According to literature in the field of regional and urban planning, abandoned buildings constitute physical assets that have lost their economic and social functions, and possess the potential to cause environmental degradation (*urban decay*) and public safety risks.³²

³² Study Program et al., "Applied Master's Program Year 2025," n.d.



*Figure 1. The physical condition of the former PT Telkom building
(Source: Field Survey, 2026)*

Based on the results of field observations conducted on April 22, 2026, regarding the former PT Telkom Indonesia building located in Kudus Regency, it can be ascertained that the physical condition of the building is in an unmaintained state and has experienced significant structural and non-structural degradation. This building is a multi-story office building (approx. 3 floors) with a primary reinforced concrete construction that is fundamentally still standing, but has deteriorated in quality due to the prolonged absence of maintenance.

The land where the former PT Telkom building is located constitutes a strategic area characterized by high levels of economic activity and public mobility. From the spatial planning aspect, the location possesses immense potential to be utilized as an office, commercial, service, or other economic activity zone. Given these strategic locational characteristics, the land ought to yield economic, social, and developmental

benefits if utilized in accordance with the purpose for which the land right was granted.

In terms of size, the former PT Telkom Indonesia building in Kudus Regency exhibits the characteristics of an office building with a relatively large footprint that extends along the main road alignment. Although precise dimensional data require official documents such as land certificates or Building Approval (*Persetujuan Bangunan Gedung* / PBG), field observations indicate that this building was designed to support operational activities on a fairly large scale.

Nevertheless, factual conditions on the ground reveal that the land is not utilized optimally. This is evidenced by the absence of operational activities at the location for a considerable period. The building standing upon the land remains in an abandoned state, suffering from physical damage, lacking maintenance, and no longer functioning in accordance with its original purpose as a PT Telkom operational facility. Furthermore, portions of the land area are overgrown with wild vegetation and thickets, showing no ongoing utilization or maintenance activities by the land rights holder.³³

When linked to the provisions of Article 4 of Government Regulation Number 48 of 2025, land that has been granted rights by the state must be cultivated, used, utilized, and maintained in accordance with the purpose for

³³ BPS-Statistics of Kudus Regency. (September 26, 2024). Kota Kudus Subdistrict in Figures 2024. Accessed on April 28, 2026, from <https://kuduskab.bps.go.id/id/publication/2024/09/26/5e85bbbc7990ef6bf52f97d5c/kecamatan-kota-kudus-dalam-angka-2024.html>

which the land right was granted. Based on the field observations, the condition of the former PT Telkom land indicates that this obligation has not been fulfilled optimally. The absence of land utilization activities, the failure to maintain both the land area and the building, and leaving the land in an unproductive state are facts that point toward the fulfillment of indicators for land not being utilized according to its granted purpose.³⁴

The existence of abandoned buildings, such as the former PT Telkom Indonesia building in Kudus Regency, generates significant social and environmental impacts. Socially, a building left dysfunctional for an extended duration tends to foster negative public perceptions, such as a sense of insecurity, potential criminal activity, and diminished comfort for the community surrounding the location.³⁵

Moreover, the condition of vacant buildings can diminish the community's quality of life as they are prone to being exploited for uncontrolled activities, thereby undermining the order of the social environment. Environmentally, abandoned buildings frequently cause problems such as waste accumulation, wild vegetation overgrowth, and become sources of health hazards while degrading the aesthetics of the area (*visual blight*).³⁶

³⁴ Minister of Agraria et al., "Minister of Agraria and Spatial Planning/Head of the National Land Agency," 2021.

³⁵ Gabriella D. Roude et al., "The Impact of Vacant and Abandoned Property on Health and Well-Being: A Qualitative Inquiry," *Applied Research in Quality of Life*, 2024, 2125–45, <https://doi.org/10.1007/s11482-024-10325-w>.

³⁶ Haleemat Oluwatoyin and Grace Olukoi, "Spatial Dynamics and Environmental Implications of Abandoned Residential Properties in Urban Area: A Case Study of Abeokuta, Nigeria" 29, no. 6 (2025): 1–10.

The tracking of the land rights status for the former PT Telkom Indonesia building site in Kudus Regency was conducted via a secondary data approach, namely by examining land documents and obtaining information from the competent authority, in this case, the Land Office (BPN). Based on the results of an interview conducted by the author on April 13, 2026, with an informant from the Kudus Regency Land Office, Mrs. Bintang Ayu Susilo Wardani, a staff member in the Field of Land Dispute Control and Handling, it was revealed that land owned by State-Owned Enterprises (BUMN) and Regionally-Owned Enterprises (BUMD) is fundamentally categorized as an object excluded from the classification of land indicated as abandoned, as regulated under the 2026 technical guidelines for the inventory of land indicated as abandoned. This exemption is intended to ensure that the optimization process for setting abandoned land control targets and utilizing Land Reserves for the State (TCUN) can be more focused and effective. In addition to land owned by SOEs and BUMDs, land controlled by the central government, provincial governments, regency/city governments, and village governments is also included in the excluded object category.

Furthermore, the Kudus Regency Land Office explained that because assets owned by SOEs are excluded from the inventory of land indicated as abandoned, data concerning warning letters or administrative actions against

such objects are not specifically available at the Land Office. This condition indicates that there are limitations in authority and the scope of supervision over certain assets that normatively do not constitute a priority in the control of abandoned land. Consequently, the former PT Telkom Indonesia building site in Kudus Regency does not directly fall under the main objects of the inventory of land indicated as abandoned conducted by the BPN.

In implementing the supervision and control of land indicated as abandoned, the Kudus Regency Land Office also explained that inventory activities are highly dependent on pre-determined annual targets. In 2026, for instance, the Kudus Regency Land Office had only two inventory target objects. The number of targets can vary annually as it is influenced by policy shifts and budget availability. Therefore, inventory activities for land indicated as abandoned are not always executed comprehensively every year, but are carried out progressively in accordance with established priorities.

Regarding the inventory procedure for land indicated as abandoned, the BPN explained that the initial stage involves screening out land objects that fall within the exemption categories. Subsequently, prioritized objects generally comprise land that is completely vacant and unutilized. One of the primary indicators utilized is land that has surpassed a minimum period of two years since the issuance of the land rights decree but has not been utilized according to its designation. During this process, officers conduct monitoring through land registry maps as well as

direct field surveys to ascertain the actual condition of the land object.

If a parcel of land is deemed to show indications of abandonment, further identification is conducted regarding the land's allocation and the reasons underlying its non-utilization. At this stage, the land rights holder is also provided notice and given the opportunity to provide clarification. Additionally, the field identification process typically involves local village apparatuses and is conducted with assistance from the land rights holder. According to the information from the BPN, rights holders also possess the right to submit objections if their land is entered into the database of land indicated as abandoned, and can even apply to be removed from the database if follow-up utilization of the land has occurred.

The Kudus Regency Land Office emphasizes that the primary principle in supervising land indicated as abandoned is the existence of concrete actions from the land rights holder. Land that has been granted rights by the state is fundamentally obligatory to be utilized in accordance with the purpose of its issuance and must not be left vacant without management. According to the BPN, even if specific reasons prevent the land from being utilized, the rights holder still retains the obligation to guard and maintain their land to prevent future complications.

Concerning the responsibility of land rights holders, the BPN is of the view that every rights holder ought to utilize land in accordance with the initial purpose stated in the rights application submitted. Land left vacant without management

has the potential to trigger future disputes, particularly if other parties unlawfully utilize or occupy the land. Therefore, even if the land has not been optimally utilized, the rights holder remains obligated to protect and maintain their land object to avoid future legal issues.

Regarding sanctions or penalties against rights holders who fail to utilize their land, the informant stated that such information falls outside her authority, as her duties are strictly limited to the inventory of land indicated as abandoned. According to the provided explanation, the determination of sanctions and further legal follow-ups fall under the jurisdiction of higher-level officials or institutions.

Based on tracking via secondary data, within the Indonesian land law system, the status of land rights can only be strongly proven through a land certificate issued by the Land Office as a result of a valid land registration process.³⁷

The land certificate comprises two essential aspects: physical data and juridical data. Physical data encompass information regarding the location, area, and boundaries of the land parcel, whereas juridical data contain descriptions regarding the type of land right, the rights holder, and the history of the right's acquisition. Accordingly, to precisely determine the status of the former Telkom building land, tracing official documents such as the land book (*buku tanah*), measuring letter (*surat ukur*), and registration maps kept at the Kudus Regency Land Office as authentic data sources is required.

³⁷ Noor Atikah, "The Legal Status of Land Description Letters as Proof of Ownership." *NoLaJ* 1, no. 3 (2022): 263–89.

Furthermore, tracing through secondary data is also vital to identify the potential presence of legal issues attached to the land. In land practices, cases of overlapping rights or dual certificates caused by administrative errors, measurement data discrepancies, or weak supervision during the land registration process are still encountered.³⁸ Therefore, data verification through the Land Office aims not only to ascertain the rights status but also to ensure that the land is not currently in dispute or suffering from administrative defects.

In addition, the land registration system in Indonesia adheres to the principle of negative publication with positive tendencies, which implies that the state does not provide an absolute guarantee regarding the veracity of the data listed in the certificate, although the certificate remains recognized as a strong means of evidence.³⁹ The implication of this system is that other parties are still permitted to file lawsuits if they possess stronger evidence regarding land ownership. Thus, the validity of land rights status depends not only on the existence of the certificate but also on the legitimacy of its acquisition process and the absence of objections from other parties.

³⁸ Nifantri Mulya Ningsih, Marthinus Johane Saptenno, and Sherlock Halmes Lekipiouw, "Legal Liability of the National Land Agency Against the Issuance of Dual Certificates (Nurdin Karepesina as the Head of the Buru Regency Land Office States That Land Problems, Inter Alia Disputes, Frequently Occur in Buru Regency)" 2, no. 5 (2022): 532–38.

³⁹ Giandiva Fahlika Erizal and Universitas Sumatera Utara, "Application of the Land Registration System Utilizing a Negative System with Positive Elements on Land Objects Registered at the Land Office" 2, no. 1 (2023): 145–54.

In the context of the former PT Telkom building site in Kudus, tracing via the Land Office becomes critical to identify the type of underlying land rights, whether it takes the form of Building Use Rights (*Hak Guna Bangunan* / HGB), Right of Use (*Hak Pakai*), or other forms of rights commonly held by corporate entities or institutions. Additionally, data from the Land Office can provide information regarding the validity period of the right, potential extensions, and the utilization status of the land. With these data, an analysis of the existence of the abandoned building can be conducted more comprehensively, particularly in relation to the aspects of legality and the responsibilities of the land rights holder.

2. Implementation of Responsibility by the Land Rights Holder (PT Telkom)

In analyzing the implementation of the land rights holder's responsibility, the initial step taken is to examine licensing documents and the land rights status obtained through the Land Office (BPN). These documents generally include land rights certificates, land books, and licensing documents such as the Building Permit (*Izin Mendirikan Bangunan* / IMB) or Building Approval (*Persetujuan Bangunan Gedung* / PBG). In land law studies, these documents serve as the primary basis to determine the legality of land control and utilization by the legal subject, in this case, PT Telkom Indonesia.⁴⁰

⁴⁰ Bilkis, R. (2021). The Legal Status of Land Rights Ownership Based on Land Sale and Purchase Description Letters.
<https://doi.org/10.31604/JUSTITIA.V8I5.1314-1323>

Based on research in the field of agrarian law, land rights holders possess the obligation to use and utilize land in accordance with its allocation as specified in the licensing documents. This obligation attaches directly to the right granted by the state; hence, if land or buildings remain unutilized for a specific duration, it can be categorized as a violation of the social function of land.⁴¹ In the context of the former Telkom building in Kudus, despite the lack of direct access to official documents, it can rationally be assumed that the building originally possessed complete legal documentation, given its status as an asset of a state-owned enterprise which, in practice, is subject to strict administrative procedures.

From the perspective of land rights status, corporate assets such as those of PT Telkom Indonesia generally operate under the scheme of Building Use Rights (HGB) or Right of Use (*Hak Pakai*), both of which possess a fixed duration and require active land utilization.⁴² Therefore, given that the building is currently unused for a prolonged period, two possibilities can be assumed: first, the land right remains valid but is not optimally utilized; or second, the right has expired but no control measures or status adjustments have been executed by the authorities. This assumption reinforces the

⁴¹ Sekolah Tinggi et al., "Legal Implications of the Abolition of Land Description Letters as Proof of Land Ownership," 2021.

⁴² Ahmad Tsekhudin et al., "Ahmad Tsekhudin and Umar Ma'ruf, 'The Implementation of The Land Right Transfer Registration According to Letter Citation in Jatinangor Villages, Siradadi-Tegal', *Jurnal Akta: Magister Kenotariatan UNISSULA Semarang*, Volume 5, September 2018." 5, no. September 2018 (1960): 1–21.

indication of a mismatch between factual field conditions and the normative obligations attached to the land rights holder.

Table 2. Analysis of Compliance with the Obligations of the Land Rights Holder (PT Telkom)

No.	Obligations of the Land Rights Holder (UUPA & PP 48/2025)	Indicators of Fulfillment	Factual Conditions of the Former PT Telkom Building	Alignment
1	Cultivating land according to the purpose of the rights grant (Article 4 PP 48/2025)	Land is used for productive activities (offices, businesses, etc.) in accordance with the initial allocation.	The building is dysfunctional, with no operational activities for a prolonged period.	Non-compliant
2	Using land in accordance with the nature and purpose of the right (Article 6 UUPA)	Land use aligns with spatial planning and regional development policies.	The building is located along the strategic Jalan Jenderal Sudirman corridor but remains unutilized, hindering area optimization.	Non-compliant
3	Optimally utilizing land	Land provides economic, social, or environmental	The abandoned building provides no	Non-compliant

	(Article 4 PP 48/2025)	value to the rights holder and the community.	economic benefits and instead creates visual blight and potential security disturbances.	
4	Maintaining land and buildings (Article 15 UUPA)	Buildings are functional, well maintained, and do not endanger the surrounding environment.	Significant physical deterioration: broken glass, collapsed ceilings, overgrown vegetation, and no routine maintenance.	Non-compliant

Source: Field Survey, 2026

In the practice of land and building supervision, local governments and Land Offices possess the authority to issue reprimands or warnings to land rights holders who fail to execute their obligations. Such warning letters are generally issued within the framework of controlling land use to align with its designated purpose and to prevent negative impacts on the surrounding environment..⁴³

Nevertheless, due to field data limitations, no concrete evidence was found indicating that warning letters or

⁴³ Agraria et al., “Minister of Agraria and Spatial Planning/Head of the National Land Agency.”

administrative actions were specifically directed at the owner of the former Telkom building site in Kudus. Based on insights from various studies, such a condition is not uncommon, where abandoned buildings are left unaddressed without firm government action due to weak supervision or administrative constraints in the control process.⁴⁴

Consequently, analytically, it can be assumed that the absence of information regarding warning letters leads to two possibilities. First, a warning letter might have actually been issued but was undocumented or not widely published. Second, no significant administrative actions have been taken by either the local government or the BPN against the building. In both scenarios, the building's prolonged abandoned state demonstrates that the mechanisms for supervision and law enforcement have not operated optimally, resulting in the failure of the land rights holder to properly fulfill the obligations to utilize and maintain the structure.

In analyzing the compliance of the land rights holder, a normative approach is applied based on Government Regulation Number 48 of 2025, which governs building administration and the obligations of owners or rights holders. The regulation stresses that every building owner is

⁴⁴ Amiratul Fatihah, "Legal Study on the Control of Abandoned Land Under Government Regulation Number 20 of 2021 concerning the Control of Abandoned Land," *Jurnal Notarius* 2 (2023).

under an obligation to maintain, care for, and ensure that the building remains function-worthy.⁴⁵

When correlated with the condition of the abandoned former Telkom building, it can normatively be assumed that the rights holder has failed to fully discharge this obligation. This is evident from the building's physical state, which exhibits damage, lack of maintenance, and failure to be utilized in accordance with its function. In administrative law studies, this condition can be categorized as a form of omission in fulfilling legal duties prescribed by statutory regulations.⁴⁶

Furthermore, from the perspective of the social function of land, every land right not only confers authority upon its holder but also embodies an obligation to provide benefits to society. Therefore, leaving a building in an abandoned state can be evaluated as a violation of the fundamental principle of agrarian law, namely that land must be utilized to the greatest extent possible for the prosperity of the people.⁴⁷

Under conditions of limited field research, the analysis of accounts from the public and local apparatuses was conducted via a literature review approach examining public perceptions of abandoned buildings. Various studies

⁴⁵ Government of the Republic of Indonesia, "Government Regulation of the Republic of Indonesia Number 48 of 2025 concerning the Control of Abandoned Areas and Land," Pub. L. No. 48, 1 (2025), [https://peraturan.bpk.go.id/Download/406639/PP Nomor 48 Tahun 2025.pdf](https://peraturan.bpk.go.id/Download/406639/PP%20Nomor%2048%20Tahun%2025.pdf).

⁴⁶ Hr, R. (2018). *Administrative Law*.

⁴⁷ Boedi Harsono. *Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Contents and Implementation*. 2003.

demonstrate that communities tend to view vacant buildings as a symbol of the owner's indifference toward the surrounding environment, as well as a source of potential social and security disturbances.

Additionally, local apparatuses in several cases also acknowledge the limitations of their authority in executing control actions against buildings owned by large corporate entities, particularly if the status of the land rights remains legally valid. This creates a condition where abandoned buildings are left unaddressed without effective intervention.⁴⁸

In the context of the former Telkom building site in Kudus, based on information circulating within the community (through news reports and similar studies), it is known that the building has long been disused and shows no signs of maintenance efforts by the owner. This condition reinforces the assumption that the rights holder has failed to actively execute its responsibilities regarding both the utilization and maintenance of the building.

Based on the analysis of documents, normative frameworks, and relevant literature studies, it can be concluded that the condition of the former PT Telkom building site in Kudus demonstrates an inconsistency between field practices and the normative obligations of the land rights holder. A building left abandoned for an extended

⁴⁸ Christine Salomie Tooy, Fransiscus Xaverius Tangkudung, Noldy Mohede, "Legal Implications of Local Government Authority in the Determination and Utilization of Abandoned Land Reviewed from Government Regulation Number 20 of 2021," *Nuansa Akademik* 10, no. 2 (2025): 585–600.

period reflects the non-execution of maintenance and utilization duties as governed under statutory regulations.

Legally, this condition can be categorized as a form of violation of the rights holder's obligations, specifically regarding the social function of land and the duty to maintain the building's function-worthy status. Furthermore, abandoning the building carries the potential to generate negative impacts on the public and the surrounding environment, thereby reinforcing the urgency of control measures by the local government.

Accordingly, although this analysis was conducted without direct corporate interviews, the application of a normative approach and literature studies consistently reveals that field practices tend to deviate from applicable legal provisions. This serves as an important foundation to urge further government action within the framework of supervision and law enforcement regarding abandoned structures.

C. Obstacles in the Implementation of Control Measures on the Former PT Telkom Building Site in Kudus Regency

1. Juridical Obstacles

One of the most fundamental legal obstacles in the efforts to control the former PT Telkom building site in Kudus Regency lies in the potential for multiple interpretations (*multitafsir*) of the norms governed under Government Regulation Number 48 of 2025. In practice, regulations intended to serve as clear guidelines frequently create differing spaces of interpretation from one agency to another. For instance, provisions regarding the building owner's duty to maintain and ensure function-worthiness are normatively firm, yet they are not always accompanied by detailed technical parameters regarding the thresholds of being "abandoned" or "dysfunctional." Consequently, assessing whether a building warrants control measures becomes highly subjective.

In the context of the former PT Telkom Indonesia building site in Kudus, physical conditions that manifestly demonstrate damage and the absence of utilization activities should structurally suffice as a ground for control actions. In practice, however, the ambiguity of these norms can be leveraged as a rationale to defer action under the pretext that certain indicators have not yet been administratively satisfied.⁴⁹

In administrative law studies, such a condition is frequently linked to weak norm formulation that lacks operational technical guidelines. This aligns with research stating that norm ambiguity within building regulations can

⁴⁹ Salmon Sihite and Gunawan Widjaja, "Juridical Review of the Procedures for Extending Building Use Rights (HGB) Over State Land in Indonesia," *Tana Mana* 6, no. 3 (2025).

hinder the effectiveness of regional supervision and law enforcement.⁵⁰ Thus, this interpretive obstacle is not merely a theoretical issue, but carries a real and tangible impact on the suboptimal control of abandoned buildings, as observed at the former Telkom building site in Kudus.

An equally crucial constraint relates to the ambiguity or overlap of authority between the local government and the Land Office (BPN). Normatively, the local government possesses authority over the supervision and control of buildings, while the Land Office holds authority over land administration aspects, including the status of land rights. In practice, however, the boundary between these two domains of authority is frequently not strictly delineated.

This phenomenon is not novel within the Indonesian bureaucratic system. Various studies indicate that inter-institutional coordination in land and building management remains a classic problem, particularly regarding assets owned by large corporate entities or specific institutions.⁵¹ As a result, even though a building visibly meets the criteria for control, no concrete actions are taken

⁵⁰ Jefri, "The Legal Politics of Land: Converting Building Use Rights (HGB) into Ownership Rights (Hak Milik)," *Khazanah Multidisiplin* 4, no. 2 (2023): 329–47.

⁵¹ Indriani Septia Ningrum, Herli Antoni, and Universitas Pakuan, "Juridical Review of the Authority of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency in Marine Areas of Tanjung Pasir Village Under National Land Regulations" 9, no. 10 (2025): 144–52.

due to the lack of clarity regarding the primary responsible actor.⁵²

This condition reflects a weakness in the integration of the administrative law system between the land sector and the building sector. Ideally, both institutions should work synergistically, with the local government handling the physical aspects of the building while the Land Office provides support from the perspective of land legality. However, absent clear and decisive coordination, authority that should serve as a source of strength instead morphs into an impediment.

Another highly complex legal obstacle is the difficulty in identifying and verifying the responsible legal subject, particularly when the land rights holder is uncooperative. Based on the interview conducted by the author on April 13, 2026, with the informant from the Kudus Regency Land Office, Mrs. Bintang Ayu Susilo Wardani, a staff member in the Field of Land Dispute Control and Handling, it was revealed that in practice, several obstacles are encountered by the Kudus Regency Land Office in conducting the inventory of land indicated as abandoned. One of the primary obstacles is the difficulty in locating land parcels that genuinely satisfy the criteria for land indicated as abandoned, especially due to increasingly dense urban development. Furthermore, another frequently occurring obstacle is communication with land rights holders who are sometimes uncooperative or reject

⁵² Moechthar, O., & Sekarmadji, A. (2020). Restructuring Land Ownership for Residential Housing through Inter-Agency Electronic Data Synchronization. *Jurnal Pertanahan*, 10(1), 1-16. Article 1.

having their land categorized as land indicated as abandoned. Consequently, officers are required to possess proficient communication skills to convey an understanding to rights holders regarding the importance of land utilization in compliance with applicable provisions.

In legal theory, a legal subject is the party that holds rights and obligations over a legal object.⁵³ In practice, however, particularly in cases of abandoned structures, identifying the legal subject is not always easily accomplished.

In the context of the former PT Telkom Indonesia building site in Kudus, it can formally be assumed that the rights holder is the corporate entity. However, without direct data from the Land Office or confirmation from the related parties, there are limitations in verifying whether the ownership status remains active, whether a transfer of rights has occurred, or whether there are other parties possessing legal ties to the object.

This condition is exacerbated if the rights holder fails to demonstrate a cooperative intent, such as by failing to respond to warnings or neglecting maintenance actions. In such circumstances, government apparatuses frequently encounter difficulties in taking further measures due to the absence of effective communication with the rights holder. This aligns with research indicating that the non-cooperative stance of asset owners constitutes one of the primary factors

⁵³ E. Fernando M. Manullang, "Legal Subjects According to Hans Kelsen and Traditional Theory: Between Manipulation and Fiction," no. 139 (2021): 139–54.

hindering the control of abandoned buildings across various regions.⁵⁴

Furthermore, the data limitations resulting from the absence of direct corporate interviews present a distinct constraint in this study. Without primary corporate data, the analysis can only be conducted based on secondary data and factual field conditions. Although this approach remains academically accountable, limitations persist in absolutely verifying who bears responsibility and the exact stance of the rights holder toward the building's condition.

Consequently, the difficulty in identifying the legal subject indicates that the issue of abandoned structures relates not only to physical and regulatory aspects but also to administrative and communicative dimensions between rights holders and the government. Absent transparency and cooperation from the rights holder, the control process will invariably encounter significant impediments.

2. *Non-Juridical Obstacles*

One of the most palatable non-legal obstacles in this study is the limited access to primary data, particularly from the land rights holder, namely PT Telkom Indonesia. The lack of willingness to participate in interviews or provide direct statements has impeded the verification process regarding various critical aspects, such as asset utilization plans, internal management status, and the concrete reasons underlying the neglect of the building in an abandoned state.

⁵⁴ Ni Nyoman and Adi Astiti, "Legal Consequences of the Abandonment of Building Use Rights Land."

In the context of empirical legal research, this condition clearly poses a serious obstacle, given that primary data fundamentally constitute a vital element to test the alignment between legal norms and field practices.

In the absence of data access, the researcher relies solely on secondary data and visual observations, which, while academically justifiable, possess limitations in depicting the reality in its entirety. This creates a gap between what is physically visible and what genuinely occurs behind the management of the asset. There could be specific utilization plans that have yet to materialize, or internal corporate problems unknown to the public. However, without freedom of information, all of this can only be assumed without certainty.

Such a condition is not unique but is rather common in research involving large corporate entities. Several studies indicate that access to corporate data is frequently restricted due to confidentiality reasons, business interests, or rigid internal bureaucracies.⁵⁵

From a critical standpoint, this non-cooperative stance can also be viewed as a lack of transparency in asset management, particularly for assets that directly impact the surrounding environment. In the context of corporate social responsibility, transparency of information ought to be part of the commitment to the public. Thus, this data access constraint affects not only the research process but also

⁵⁵ Dewi Hermawati Resminingayu, *Public Information Disclosure*, vol. 2, 2022.

reflects a broader issue regarding the accountability of asset management by rights holders.

The subsequent significant non-legal obstacle is the limited resource capacity of local governments in executing building supervision and control functions. In practice, controlling abandoned structures is not a simple task, as it requires budgetary support, competent human resources, and adequate infrastructure and facilities. However, realities on the ground frequently demonstrate that these three aspects remain far from ideal.

Another crucial non-legal obstacle is the suboptimal coordination between the local government, the Land Office (BPN), and other vertical agencies in handling abandoned structures. The suboptimal coordination in handling abandoned buildings occurs due to the compartmentalized division of authority between the local government, the Land Office (BPN), and the asset-owning institution, causing each entity to operate independently without robust integration.

The local government is only authorized over building supervision, public order, and spatial planning, such as data collection or administrative reprimands, yet cannot take subsequent measures as it lacks jurisdiction over land rights status. Consequently, many cases stall at the initial stage because follow-up actions depend on other parties who do not always respond swiftly.

The Land Office (BPN) plays a role in the administrative and legal aspects of land affairs, such as certification and land data, but lacks the authority to

physically control buildings. The handling process is also frequently slow, as it must navigate formal procedures like abandoned land verification or directives from the central government.

Meanwhile, regarding assets owned by SOEs such as PT Telkom, management resides within the company's internal system, preventing the local government from directly intervening, and asset utilization information is not always transparent. This condition frequently renders assets unproductive while awaiting internal corporate decisions without clarity of utilization.

In general, this lack of integration results in the local government merely recording data without follow-up, the BPN possessing data but not executing it, and the asset owner failing to provide a clear plan, meaning no single party comprehensively resolves the issue.

In the case of the former Telkom building in Kudus, this pattern is reflected in the long-standing abandoned condition of the structure, which indicates suboptimal inter-agency coordination despite the absence of formally recorded conflict data.

In public administration theory, inter-agency coordination constitutes the primary key to ensuring the effectiveness of policy execution. In practice, however, this coordination frequently fails to function as intended.

Additionally, the lack of an integrated information system among agencies presents a barrier to coordination.

Data regarding land status, building permits, and the physical condition of structures are often scattered across various agencies without an effective data exchange mechanism.⁵⁶ This causes the decision-making process to be slow and detached from comprehensive data.

From a critical perspective, this condition demonstrates that the problem of abandoned structures is not merely an individual or single-agency issue, but rather a systemic problem involving multiple stakeholders. Absent solid coordination, each agency will operate in isolation, rendering control efforts ineffective. In the context of the former Telkom building site in Kudus, this is visible from the lack of coordinated concrete action despite the building's condition being long known to the public.

Concurrently, this coordination constraint constitutes a primary factor hindering implementation, as without synergy among agencies, existing policies will merely halt at a normative level without manifest implementation on the ground.

Another equally crucial non-legal obstacle in implementing control measures on the former PT Telkom Indonesia building site in Kudus Regency is the non-current status of land data, which are not updated regularly. In practice, land data stored at the Land Office or related agencies frequently fail to reflect actual conditions on the ground, whether in terms of rights status, land use, or

⁵⁶ Moechthar, O., & Sekarmadji, A. (2021). Restructuring Land Ownership for Residential Housing through Inter-Agency Electronic Data Synchronization. *Jurnal Pertanahan*, 10(1). <https://doi.org/10.53686/jp.v10i1.28>

physical structural changes. This poses a serious impediment because the control process fundamentally relies heavily on the accuracy and currency of government-held data.

This issue is basically closely intertwined with a land data management system that is not fully integrated and updated in real-time. Several studies show that land data management in Indonesia still faces challenges regarding data synchronization among agencies, regular data updates, and the suboptimal utilization of information technology.⁵⁷ Consequently, available data are often static and non-responsive to shifts occurring on the ground.

This condition reflects a gap between the administrative system and empirical reality. On one hand, the government possesses formal data intended to underpin policy decisions, yet on the other hand, those data are insufficiently representative to depict actual conditions. This is certainly ironic, as in today's digital era, data updates should ideally be executed more rapidly and accurately through an integrated information system.

Furthermore, this non-current data status impacts the weakness of supervision over land and building utilization. Without accurate data, local governments cannot map which buildings are abandoned and require follow-up. In the long term, this condition carries the potential to cause a growing number of unutilized assets without effective government intervention. Therefore, improving the land data system is an

⁵⁷ Sukmo Pinuji, "Integration of Land Information Systems and Spatial Data Infrastructure within the Framework of Realization," no. April (2016).

essential prerequisite to support the success of controlling abandoned structures.

Table 3. Identification of Legal and Non-Legal Obstacles in Control Implementation

Type of Obstacle	Sub-Obstacle	Description in the Case	Impact on Implementation
Legal (Juridical)	Multiple interpretations of norms in PP 48/2025	Parameters of 'abandoned buildings' and 'dysfunctional' lack operational technical guidelines, causing subjective assessments among agencies.	Hinders the determination of building status as an object of control; potential objections from rights holders.
Legal (Juridical)	Overlap of authority between local government and BPN	Local government has authority over buildings (spatial planning), while BPN has authority over land (rights status); coordination boundaries remain unclear. SOE assets are excluded from priority	No concrete action; each agency awaits the initiative of the other.

abandoned-land inventories.			
Legal (Juridical)	Difficulty in identifying the legal subject	The rights holder (PT Telkom) is uncooperative, communication is limited, and ownership status may not be updated or may have changed.	The process of issuing warnings and administrative verification is impeded.
Non-Legal (Non-Juridical)	Limited access to primary data	The study could not interview PT Telkom; internal reasons (asset plans and business constraints) remain unknown.	Analysis relies on secondary data and field observations, creating an information gap.
Non-Legal (Non-Juridical)	Limited human resources, budget, and facilities	Local governments face limited priorities and annual inventory targets, depending on central government policy.	Control is not comprehensive; many abandoned buildings escape supervision.

Non-Legal (Non-Juridical)	Weak cross-agency coordination	Local government, BPN, and SOE asset owners operate independently without integrated data systems or follow-up mechanisms.	Each agency performs only partial responsibilities; no single institution fully resolves the issue.
Non-Legal (Non-Juridical)	Non-current land data	Land status, building permits, and physical condition data are not updated in real time and are not synchronized across agencies.	Decision-making is slow and not based on comprehensive data.

Source: Researcher's Analysis, 2026)

Conclusion

Based on the results of the research and discussion, it can be concluded that the responsibility of land rights holders under Government Regulation Number 48 of 2025 is not merely limited to administrative control, but also encompasses the obligations to cultivate, use, utilize, and maintain land in accordance with the purpose for which the land right was granted. These obligations constitute the

implementation of the principle of the social function of land as governed under the Basic Agrarian Law (Undang-Undang Pokok Agraria / UUPA). In the case study of the land utilized as the location of the former PT Telkom building in Kudus Regency, it was found that the land is not utilized optimally according to its granted purpose. The long-standing existence of an abandoned building serves as an indicator that the land is not used and maintained properly, thereby demonstrating indications of land abandonment under the provisions of Government Regulation Number 48 of 2025. Thus, the primary issue in this study resides not within the building's physical condition, but rather in the suboptimal land utilization by the land rights holder, which contradicts the principle of the social function of land.

Furthermore, the authority of local governments in controlling abandoned land under Government Regulation Number 48 of 2025 is manifested through activities of supervision, monitoring, identification, and reporting of land indicated as abandoned as part of the control process by the competent land authority. However, the implementation of this authority regarding the former PT Telkom land in Kudus Regency has not operated optimally due to various ongoing constraints, both legal and non-legal. These constraints include multiple interpretations within the regulation, limitations of authority over specific assets such as those of State-Owned Enterprises, suboptimal availability of land data, budgetary and human resource limitations, and weak inter-agency coordination. Therefore, strengthening coordination between the local government, the Ministry of

Agrarian Affairs and Spatial Planning/National Land Agency, and the land rights holder is imperative, coupled with the optimization of land supervision and utilization so that the control of abandoned land can be executed effectively, thereby allowing land to be utilized once again in accordance with its social function and yield benefits for the public interest.

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