

**PERLINDUNGAN HUKUM TERHADAP PEMEGANG HAK GUNA
BANGUNAN ATAS TANAH TELANTAR
(Studi Peraturan Pemerintah Nomor 48 Tahun 2025 tentang Penertiban
Kawasan dan Tanah Telantar)**

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ABSTRAK

Tanah merupakan sumber daya dan aset yang sangat strategis bagi pembangunan ekonomi, sosial, dan lingkungan di Indonesia, namun ketika tidak dimanfaatkan dengan semestinya, penelantaran tanah justru menghilangkan potensi manfaat dari kepemilikan tersebut. Akibat tingginya kasus penelantaran tanah serta lemahnya implementasi regulasi sebelumnya sehingga memicu sengketa dan ketidakpastian hukum bagi pemegang hak. Penelitian ini bertujuan untuk mengkaji dasar hukum hingga pelaksanaan penertiban tanah telantar dan bentuk perlindungan hukum bagi pemegang hak guna bangunan atas tanah telantar yang diberikan oleh pemerintah. Metode penelitian yang digunakan merupakan yuridis normatif dengan pendekatan perundang-undangan, pendekatan analitis, dan pendekatan konseptual. Sumber data yang digunakan merupakan data sekunder yang diperoleh dari studi pustaka dan disajikan dalam bentuk uraian naratif. Hasil penelitian menunjukkan bahwa prosedur penertiban tanah telantar dilakukan inventarisasi melalui pengumpulan data tekstual dan spasial, kemudian dilanjutkan dengan 4 tahapan yakni evaluasi, peringatan, dan penetapan tanah telantar. Akibat hukum penetapan tanah terlantar bagi pemegang hak adalah putusya hubungan hukum antara pemegang hak dengan objek tanah, sehingga tanah tersebut dikuasai kembali oleh negara. Bentuk perlindungan hukum bagi pemegang hak dalam penertiban tanah telantar berupa perlindungan preventif melalui pemberian surat peringatan dan perlindungan represif melalui pengajuan permohonan keberatan kepada Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional dan upaya hukum acara perdata apabila belum memulihkan kembali hak atas tanah. Penelitian yang dilakukan diharapkan, pemerintah khususnya Kementerian Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional perlu lebih menerapkan prinsip kehati-hatian dalam melaksanakan penertiban tanah telantar dan pemegang hak diharapkan lebih responsif dan bertanggungjawab terhadap surat peringatan yang disampaikan oleh pemerintah.

Kata Kunci: Tanah Telantar; Penertiban Tanah Telantar; Perlindungan Hukum.

**LEGAL PROTECTION FOR HOLDERS OF BUILDING RIGHTS ON
ABANDONED LAND**

**(Study of Government Regulation Number 48 of 2025 concerning the Control
of Abandoned Areas and Land)**

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ABSTRACT

Land is a highly strategic resource and asset for economic, social, and environmental development in Indonesia; however, when not utilized properly, land abandonment negates the potential benefits of land ownership. The high incidence of land abandonment, coupled with the weak enforcement of previous regulations, has led to disputes and legal uncertainty for rights holders. This study aims to examine the legal basis for the enforcement of abandoned land regulations and the forms of legal protection provided by the government for holders of building rights on abandoned land. The research method used is normative juridical with a legislative approach, analytical approach, and conceptual approach. The data sources used are secondary data obtained from literature studies and presented in the form of narrative descriptions. The results of the study show that the procedure for regulating abandoned land is carried out by making an inventory through the collection of textual and spatial data, followed by four stages, namely evaluation, warning, and determination of abandoned land. The legal consequence of the determination of abandoned land for rights holders is the termination of the legal relationship between the rights holder and the land object, so that the land is returned to state control. The form of legal protection for rights holders in the control of abandoned land is preventive protection through the issuance of warning letters and repressive protection through the submission of objections to the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency and civil court proceedings if the rights to the land have not been restored. The research conducted is expected to encourage the government, particularly the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, to apply the principle of prudence more strictly in implementing the control of abandoned land, and rights holders are expected to be more responsive and responsible in responding to warning letters issued by the government.

Keywords: *Abandoned Land; Control of Abandoned Land; Legal Protection.*