

## Kedudukan pemegang hak atas tanah dalam kaitannya dengan pengaturan atas tanah terlantar = The holder of land entitlement position in relation to the arrangement for abandoned land

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### Abstrak

[<b>ABSTRAK</b><br>

Negara memberikan hak atas tanah kepada orang atau badan hukum selalu diiringi dengan kewajiban-kewajiban yang ditetapkan dalam UUPA dan surat keputusan pemberi haknya. Karena itu, pemegang hak dilarang menelantarkan tanahnya dan jika pemegang menelantarkan tanahnya, maka UUPA telah mengatur akibat hukumnya yaitu hapusnya hak atas tanah yang bersangkutan dan pemutusan hubungan hukum serta ditegaskan sebagai tanah yang dikuasai langsung oleh Negara. Kriteria untuk menentukan tanah terlantar, baik berdasarkan Hukum Adat, UUPA, PP Nomor 36 Tahun 1998 maupun juga PP Nomor 11 Tahun 2010 secara substansial adalah sama yaitu obyek tanah terlantar meliputi hak atas tanah, hak pengelolaan dan tanah yang mempunyai dasar penguasaan atas tanah. Tanah-tanah tersebut tidak diusahakan, tidak dipergunakan atau tidak dimanfaatkan sesuai dengan keadaannya atau sifat dan tujuan pemberian haknya atau dasar penguasaannya. Oleh karena itu tanah harus dipelihara. Untuk menentukan apakah suatu bidang atau lahan tanah telah dinyatakan terlantar, maka hanya menurut Hukum Adat digunakan kriteria jangka waktu tertentu.

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State grants the person or legal entity is always accompanied by the obligation set forth in the BAL and the decision letter granting rights. Therefore prohibited from abandoning their land rights holders and if the rights holders to abandon their land, the BAL had set the legal consequences of the disappearance of the relevant land rights and legal termination and affirmed as the soil directly controlled by the State. Criteria for determining the land has been abandoned, both under Customary Law, Agrarian Law, Government Regulation No.36, 1998 and also No. 11, 2010 is substantially the same which includes wasteland object land rights, land rights and management that have a basic mastery land. These lands are not cultivated, not utilized or nor utilized in accordance with the circumstances or the nature and purpose of the rights or basic mastery, therefore land should be maintained. To determine wheter a field or farm land has been declared abandoned, the only criterion according to Customary Law used a specific period.;State grants the person or legal entity is always accompanied by the obligation set forth in the BAL and the decision letter granting rights. Therefore prohibited from abandoning their land rights holders and if the rights holders to abandon their land, the BAL had set the legal consequences of the disappearance of the relevant land rights and legal termination and affirmed as the soil directly controlled by the State. Criteria for determining the land has been abandoned, both under Customary Law, Agrarian Law, Government Regulation No.36, 1998 and also No. 11, 2010 is substantially the same which includes wasteland object land rights, land rights and management that have a basic mastery land. These lands are not cultivated, not utilized or nor utilized in accordance with the circumstances or the nature and purpose of the rights or basic mastery, therefore land should be maintained. To determine wheter a field or farm land has been declared abandoned, the only

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