Abandoned Land and Citizensâ€™ Rights to Land: A Constitutional Analysis of Bogorâ€™s Regional BPN's
Role and Government Negligence in Indonesia
Peter John Lesmana, Dr. Yance Arizona, S.H., M.H., M.A.
Universitas Gadjah Mada, 2025 | Diunduh dari http://etd.repository.ugm.ac.id/

TABLE OF CONTENTS

ENDORSEMENT ..... **ii**
APPROVAL PAGE ..... **iii**
STATEMENT OF ANTI PLAGIARISM ..... **iv**
ACKNOWLEDGMENTS ..... **v**
TABLE OF CONTENTS ..... **viii**
ABSTRACT ..... **x**
INTISARI ..... **xi**
CHAPTER I **1**
INTRODUCTION **1**
A. Background **1**
B. Research Questions **3**
C. Research Objectives **4**
D. Originality of Research **5**
E. Benefits of Research **8**
CHAPTER II **10**
THEORETICAL FRAMEWORK **10**
A. Welfare State Theory and Utilitarianism **10**
B. Agrarian Justice & Social Contract Theory **11**
C. Constitutionalism & the Rule of Law Theory **13**
CHAPTER III **15**
RESEARCH METHODOLOGY **15**
A. Types of Research **15**
B. Types of Data **16**
C. Data Collection Method **16**
D. Data Analysis/Analytical Approach **17**
E. Research Limitation **17**
CHAPTER IV **19**
RESEARCH FINDINGS AND ANALYSIS **19**
A. Constitutional and Legal Framework of Abandoned Land **19**
1. Abandoned Land, The Role of BPN, and Constitutional Guarantees 19
a) Defining Abandoned Land 19
b) The Role of BPN 24
c) Constitutional Foundations of Land Governance 26
d) The Gap Between Theory and Practice 29
2. Constitutional Negligence by State Organs 31

UNIVERSITAS GADJAH MADA
Abandoned Land and Citizensâ€™ Rights to Land: A Constitutional Analysis of Bogorâ€™s Regional BPN's Role and Government Negligence in Indonesia
Peter John Lesmana, Dr. Yance Arizona, S.H., M.H., M.A.
Universitas Gadjah Mada, 2025 | Diunduh dari http://etd.repository.ugm.ac.id/

a) Defining Constitutional Negligence 31
b) Legal Uncertainty 33
c) Violation of Citizens' Rights: Undermining of Welfare, Equality, and Equity 34
d) Failure of Legal Implementation 35
3. Judicial Remedies 36
a) Legal Accountability 36
b) Role of Courts 39
c) Barriers to Accessing Remedies 41
d) Judicial Precedents 43
e) Effectiveness and Enforcement of Judicial Decisions 44
f) Judicial vs. Non-Juducial Remedies 46
B. The Impact of Abandoned Land Mismanagement in Bogor 51
1. Land Context and Overview of Bogor 51
a) Land Governance in Bogor 52
b) Composition and Types of Abandoned Land in Bogor 53
2. In-depth Case Analysis 54
a) Case Study 1: HGB PT. BSS (Cijeruk, Bogor) 54
b) Case Study 2: Ex-HGU PT Hevea Indonesia (Nanggung, Bogor) 57
c) Cross-Case Observations & Evaluation 59
3. Broader Socio-Economic, Public Governance, and Environmental Impact 67
a) Socio-Economic Dimension 68
b) Public Governance Dimension 71
c) Environmental Dimension 74
4. Structural Weaknesses and Constitutional Reflections on Land Governance in Bogor 76
a) Weaknesses, Structural Challenges, and Factors Contributing to Land Abandonment 76
b) Outcomes: Land Mafia, Corporate Misuse, and Violations' of Citizens Rights 77
c) Theory vs. Reality 78
CHAPTER V 81
CLOSURE 81
A. Conclusion 81
B. Recommendation 82
BIBLIOGRAPHY 84