

Dimensions And Postulates Of Legal Politics Overlanding And Land Use To Encourage The Acceleration Of The Community's Economic Growth As Implement Management Ownership Functions

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ABSTRACT

This research aim to know the Dimension and Postulate of Legal Politics on Control and Utilization of Neglected Land to Promote the Acceleration of Population Economic Growth in the District of East Bintan-Bintan Regency, Indonesia. Regarding methodology this type is the writing of normative law and is supported by sociological empirical, and by using Jeremy Bentham's theory, namely the theory of happiness (utilitarianism). The results of the analysis, for the effectiveness of the implementation, must be supported by the legal arrangements in the form of the Bintan Regency Regional Regulation (Perda) on the control and utilization of abandoned land and the implementation has not been carried out properly, because there are resistance from abandoned land rights holders, especially in the District of East Bintan. To carry out the control and utilization of abandoned land, it is recommended to apply Jeremy Bentham's theory, and the application of legal political dimensions and postulates based on: -the whole values of Pancasila as the Indonesian National Foundation (philosophy of paradigm); the nature of the 1945 Constitution of the Republic of Indonesia (constitutional of paradigm); and Indonesia is a legal state (yuridical of paradigm), in order to realize and simultaneously encourage the acceleration of popular economic growth in the District of East Bintan-Bintan Regency.

Keywords: Dimensions and Postulates, Legal Politics, Neglected Land, Population, Economic Growth.

1. INTRODUCTION

The construction of journal titles that this author will unfold and analyze are: (Zain, 2001), "Political Dimensions and Postulates of Law Enforcement and Utilization of Neglected Land To Encourage People's Economic Growth Acceleration in East Bintan District, Bintan Regency. Listen and pay attention to title construction The journal in question, in the opinion of the previous author, there are several fundamental characteristics to be explained by the author, which is (Kountur, 2003) a fundamental characteristic which is related to the vocabulary dimensions of legal politics and postulates, and the next variable is related to enforcement and utilization abandoned land Meant to mean that Dimension is an important part of a particular thing. Furthermore it can be explained that Postulate vocabulary can be interpreted as a foundation and/or guidelines in terms of doing things. While understanding of Legal Politics level and density can be explained, that is legal politics as what is used and / or that is not used by a country in an effort to realize its national ideals as mandated in the constitution of the country concerned. By observing some of the meanings as explained above, what is meant by the definition of Dimensions and Postulates of Legal Politics is: is a certain part of a fundamental nature, especially related to and/or related to legal politics as to what will be used and/or not used, especially in an effort to do (Sumardjono, 2001 and Idham et al., 2018) control and utilization of abandoned land to encourage acceleration of populist economic growth, especially those that exist and exist and occur in the territory of the Riau Islands Province.

In the following section and in order to get a complete and comprehensive understanding of the scope and construction of the journal title above, the author will explain matters relating to formal juridical

understanding of the substance of control and utilization of abandoned land in the territory of Riau Islands Province. Etymologically, what is meant by the definition of abandoned land is a unit of land that is not utilized properly by the right holder. Related to this matter, it can be explained that the concrete definition of abandoned land is not and / or has not been explicitly regulated in Government Regulation Number 11 of 2010 concerning Regulation and Utilization of Neglected Land, but the definition of abandoned land is regulated in the Regulation of the Head of Land Affairs National Republic of Indonesia Number 4 of 2010, concerning Procedures for Controlling Neglected Land. Regarding the definition of land abandoned in the Regulation of the Head of the Republic of Indonesia National Land Agency, the definition of abandoned land is regulated and confirmed in Article 1 number 6, which confirms that what is meant by abandoned land is: land that has been granted by the State in the form of Ownership Rights, Right to Cultivate , Building Use Rights, Right to Use and Management Rights, or the basis of control over land that is not cultivated, or not utilized in accordance with the circumstances or the nature and purpose of granting rights or basis of control.

Even though in the legislation products specifically concerning legal regulation relating to the control and utilization of abandoned land in particular as stipulated in Government Regulation Number 11 of 2010 it is not yet clear and concrete in its arrangement, with such circumstances in the opinion of the author can be used temporarily as the basis of its legal arrangements (Mahfud, 2017) follows and is guided by the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 4 of 2010, concerning Procedures for Controlling Neglected Land. This is possible, because hierarchically and / or in the order of laws and regulations regarding the technical implementation of control and utilization of abandoned land, it has indeed been mandated to be regulated and stipulated in the Regulation of the Republic of Indonesia Land Agency Number 4 of 2010 concerning Control and Utilization of Neglected Land as intended in the section above. Related to the meaning in this section the author will conduct a brief analysis, especially in a paradigmatic approach as stated in the consideration of Government Regulation Number 11 of 2010, concerning the Control and Utilization of the Neglected Land.

Relevant to the above, if we consider the order and construction of the consideration considerations as stated in Government Regulation Number 11 of 2010, Regarding Control and Utilization of Neglected Land, it can be worried, namely: that based on Article 27, Article 34, and Article 40 of Law Law Number 5 Year 1960, Regarding the Basic Regulations on Agrarian Principles, the right to land is deleted, among others, because of abandonment. Then it was also explained that currently the neglect of land is increasingly causing (Rahardjo, 2014) social, economic, and welfare welfare of the people as well as reducing the quality of the environment, so that it is necessary to re-regulate the demolition and utilization of abandoned land. Related to this matter, it was further explained that Government Regulation Number 36 Year 1998, Regarding Control and Utilization of Neglected Land, could no longer be used as a reference for the settlement and utilization of abandoned land so that replacement was needed, and based on the consideration intended in the section above, it was necessary to determine Government Regulation on Control and Utilization of Neglected Land. Relevant to this, in this section the authors briefly release that is the main part of the issuance and utilization of abandoned land, it is related to the construction of terminology on the object of the control of abandoned land, namely: the object of control of abandoned land includes land that has been granted rights by State in the form of Ownership Right, Right to Cultivate, Right to Use Building, Right to Use, and Management Right, or the basis of control over land that is not authorized, not used, or not used in accordance with the circumstances or the nature and purpose of granting rights or basis of control.

Especially regarding the research location in the context of completing this journal writing, the author chose his research location in Bintan Regency, Riau Islands Province. As (LJ van Apeldoorn, 2001) justification and/or consideration of why the author chose and/or determined the research location in the Bintan Regency, one of the considerations was that Bintan Regency was designated by the writer as the location of research in completing this journal writing, one of which was that Bintan Regency had been determined in the Regional Regulation (Perda) of the Riau Islands Province, which is based on the Regional Regulation (Perda) Number: 1 of 2017, concerning the Spatial Plan of the Riau Islands Province in 2017-2037 namely as one of the most

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strategic industrial and tourism areas in the province Riau islands. Regarding the implementation of the Raiau Islands Province Regulation No. 1 of 2017, in reality empirically in the field, it is still in line with the existence of the Bintan Regency Regional Regulation (Perda) Number 2 of 2012, Regarding the Spatial Planning of Bintan Regency 2011-2031. It is a strategic issue for the Bintan Regency region, namely the high opportunity and potential resources it has, regarding the geographical position of Bintan very close to Batam City as a developing city that has been supported by adequate public service facilities and infrastructure, and besides Bintan Regency has quite dominant and strategic economic resource potential which includes industry and tourism, the potential of marine and fisheries resources, agriculture, plantations and livestock.

As has been stated by the author in the section above, specifically related to (Oloan Sitorus et al. 1995) the basis of the legal regulation concerning the control and utilization of abandoned land, has actually been regulated and stipulated in Law Number 5 of 1960 concerning Basic Basic Rules - Agrarian Principles, which are usually abbreviated and written with the LoGA, as mandated in Article 27, Article 34 and Article 40. The regulations which have been affirmed in Article 27 are essentially the principal substance regulated in relation to the abolition of land rights to the status of ownership, mention that Ownership Rights are deleted if: a. the land falls to the State: 1. due to the revocation of rights under Article 18; 2. due to voluntary submission by the owner; 3. because of abandonment; 4. because of the provisions of article 21 paragraph (3) article 26 paragraph (2); b. the land is destroyed. In this case it is explained in Article 34, which confirms that the Right to Cultivate is abolished because: a. the time period expires; b. terminated before the time period expires due to a condition that is not fulfilled; c. released by the right holder before the expiration date; d. revoked in the public interest; e. abandoned; f. the land is destroyed; g. provisions in Article 30 paragraph (2). Furthermore, in Article 40 it is affirmed that the Right to Build is deleted because: a. the time period is over; b. terminated before the time period expires because a condition is not fulfilled; c. released by the holder of the rights before the period expires; d. revoked in the public interest; e. abandoned; f. the land is destroyed; g. provisions in article 36 paragraph (2).

Relevant to the above, further in this case the author explains, that in fact in the field that in Bintan District, especially in the District of East Bintan, most of the expanses of land rights are abandoned, not utilized and/or cultivated by the right holder. Land parcels that exist and are located in the District of East Bintan area from the number of parcels of land that have been given their rights by the State, of course in this case by the Land Office of Bintan Regency, based on the results of the author's verification to the field in plain expanses of land abandoned by the rights holders broad enough. The writer estimates, by looking at the situation in the field, the size of the land (the result of an interview with Abd.Wahid, former Head of the Bintan Regency Planning Board, on Thursday, September 27, 2018, at 15:45 WIB on Bintan) abandoned about 15,000 ha (fifteen thousand hectares). With such situations and circumstances, because there has been an imbalance (gap phenomenon) that is between what should be ordered and / or mandated by the provisions of the legislation (*das sollen*), with what happened (Rahardjo, 2002) in the field (*das sein*) is not suitable, namely with the occurrence of land neglect, especially in the East Bintan District. From the aspect of regional development and development in Bintan Regency, in fact in the District of East Bintan, of course based on political decisions as intended in Regional Regulation Number 2 of 2012, concerning the Bintan Regency 2012-2031 Regency Spatial Plan, specifically for the Bintan District The East has actually been planned by the local government of Bintan Regency as an area of industrial, tourism and agro-industrial development both in the fields of fisheries, agriculture, plantations and livestock.

Related to the explanation above, and integrated with the theory that the writer will use as a knife of analysis to dissect some of the problems that will be unfolded in this journal, by adjusting to several key variables which are also central themes in this journal, in the opinion of the author (Salman, 2016) the correct and appropriate theory of the author will use Jeremy Bentham's theory, namely the theory of happiness (utilitarianism). With regard to this matter, especially in terms of the determination and use of Bentham's

theory it is already very relevant, justification and / or basic considerations are linear with the ultimate goal of the results of this journal writing, namely in order to accelerate the realization of populist economic improvement for the people in Bintan Regency , for all efforts that will be, are and have been carried out by the Government related to the control and utilization of abandoned land, especially those located and located in the District of East Bintan. In connection with the situation and circumstances as explained by the author in the section above, once again the writer explains that it is this situation that encourages the desire and desire of the writer to conduct research and write this journal, with assumptions and / or hypotheses if the government immediately focuses on proactive, continuous and continuous steps in carrying out all land policies regarding the control and utilization of abandoned land, then once again the author asserts that it will be able to encourage efforts to accelerate the realization of populist economy, especially for the people who live, residing and living in particular in the East Bintan District, Bintan Regency, Riau Islands Province.

2. LITERATURE REVIEW

Through the use of literary sources in question, it is expected that the construction of the analysis will obtain optimal results in an effort to find constructive forms and constructions (Rasjidi and Rasjidi, 2016) that are constructive for some of the problems. Listening to and observing some of the variables (Manan, 2018) the nature of the main as stated in the title of this journal, it is related to the use of literature sources used by the author, one of which the author will refer to the expert opinion (Parlindungan, 2009 and Su et al., 2019) who has given his opinion In relation to the control and utilization of abandoned land, the Government in this case the Land Office in all regions of the Republic of Indonesia must, of course, include the Land Office in Bintan Regency, have to register land rights, whether for land rights that already have status and/or certified, as well as land that has not been certified and/or has never been issued a certificate (proof of rights), then the results of this activity are recorded continuously and continuously, namely: for land that has status and / or has been certificate is recorded (Santo so, 2015) in the Land Book List (BT), while the land that has not been status and/or has not been issued a certificate (proof of rights) the recording is recorded in the Land Register (DT). In line with this, the Bintan Regency Land Office should also prepare and simultaneously prepare a land plot map, which is presented in an orderly and orderly manner from each Village and/or Village especially in the District of East Bintan. This data, to facilitate conducting (Kolopaking, 2013) inventory and monitoring of abandoned land (Roestamy, 2011; Agnoletti et al., 2019; Jiang et al., 2019; Hinge et al., 2019 and Grădinaru et al., 2019) by the rights holders.

In another part the author also refers to the opinion of experts (Hutagalung and Gunawan, 2008) which affirms the real national land policy, of course in this case including the control and utilization of abandoned land, has been formulated (Idham, 2004) in Article 33 paragraph (3) The 1945 Constitution of the Republic of Indonesia is based on the conception that all land is the land of the Indonesian people as a gift from God Almighty, whose control is assigned to the State to be used for the greatest prosperity of the people. The right to control by the State which is basically formulated in Article 2 of the BAL provides the authority to regulate and determine various aspects of land tenure which from the beginning according to their nature are always regarded as the tasks of the central government. In this regard, in the opinion of the author, the government should immediately take focused and proactive steps to inventory all parcels of land, especially those in Bintan Timur Subdistrict with (Idham, 2013) forming an integrated team. This integrated team membership must involve parties related to one of them, the Land Office of Bintan Regency and the Batam Business Entity (BP Batam), because Bintan Regency has been determined including the Free Trade Zone (FTZ) area, in addition to Batam City and Tanjung Balai Karimun (Hutagalung and Gunawan, 2008).

The existence of the integrated team referred to, especially related to the authority of the District Head of Bintan Regency is that implementing a system of government based on regional autonomy certainly has a very strategic position in the context of carrying out control and utilization of abandoned land in the District of East Bintan. The Regent has the authority in the land sector, to plan, designate and steward land rights in his territory. Therefore, in the integrated team committee structure, the Regent of Bintan Regency is formally juridical to become an integrated team leader. Other membership certainly involves the Bintan Regency

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Land Office, Batam Business Authority (BP Batam), the Ministry of Forestry and the Environment, and the Ministry of Maritime Affairs and Fisheries. The two ministries in the opinion of the author should indeed be involved in the integrated team, because empirically in the field in the District of East Bintan there are still protected forest areas, and directly adjacent to the coast and the Sea, of course all potential sources of marine and fisheries must get technical approval in the context of carrying out the control and utilization of abandoned land in the East Bintan District.

3. METHODS

In the section (Burhan Bungin, 2003) of this methodology, the writer will then explain things: -types of writing used in this journal; -theoretical framework; and conceptual framework. Based on some (Atmadja and Budiarta, 2018) variables as stated in the title of this journal, in the author's opinion the type of journal writing is (Soekanto and Mamudji, 2015) journal writing in a normative law, and supported by Sociological (empirical) journal writing, to account for (Suriasumantri, 1999) the nature of science, both from the aspects of ontology, epistemologi and axiology. As the main data used in analyzing problems, especially in the normative law writing approach, the data used is sourced from secondary data. In the perspective of secondary data methodology, it consists of (Soejono and Abdurrahman, 2003) primary legal materials, secondary legal materials and tertiary legal materials. Primary legal material is essentially a positive source of law in Indonesia, which is arranged in a legal system, namely in the order of laws and regulations (hierarchy), as regulated and stipulated in Article 7 of Law Number 12 of 2011, which consists of: - The 1945 Constitution of the Republic of Indonesia; Stipulation of the People's Consultative Assembly of the Republic of Indonesia; Law/Government Regulation in Lieu of Law (Perpu); -Government regulations; - Presidential decree; - Provincial Regulations (Perda); and District/City Regional Regulations (Perda). Whereas the secondary legal material consists of: - all the literature books in the field of legal science, especially agrarian law related to the control and utilization of abandoned land; -Kamus Umum Bahasa Indonesia (KBBI); -Legal law; and -Eyclopedia. For tertiary legal materials one of which is technical work instructions in the field and/or commonly called the Standard Operating Procedure (SOP).

Specifically regarding secondary data referred to, especially those relating to primary legal materials that will be used by the author as a basis (Soerodjo, 2003) to conduct an analysis in a normative approach, the primary legal material used includes: - Law Number 5 of 1990, Regarding Basic Agrarian Regulations; - Law Number 26 of 2007, concerning Spatial Planning;- Law Number 23 of 2014, concerning Regional Government; -Government Regulation Number 11 of 2010, concerning Control and Utilization of Neglected Land; and - Regulation of the Head of the Land Agency of the Republic of Indonesia Number 4 of 2010 concerning Procedures for Controlling Neglected Land. Through this primary legal material, the writer will then also conduct an analysis by integrating it into legal material that is secondary or tertiary. In conducting the analysis, at a certain part of the analysis will be integrated with (Rasjidi and Rasjidi, 2001) the main theories namely Jeremy Bentham's theory, which is famous for the theory of happiness (utilitarianism).

Dirdjosisworo (2002) state that sociological (empirical) aspects the data used by the author to analyze the problems laid out prioritize primary data. The primary data was obtained by the author directly in the field, at the Office of the Regent of Bintan, District Office of East Bintan and Land Office of the District of Bintan, which was obtained from the results of in-depth interviews with several respondents in the section and/or institution. The results of the interviews which are the primary data, for further analysis in such a way by the author, which is to analyze the problems that are presented in this journal. Furthermore, in carrying out its analysis, the author will also carry out weaving and/or integration with the theoretical framework, especially to the main theories. As the main theory that has been set by the author to conduct an analysis of the problem referred to, namely by using the theory of Jeremy Bentham who is famous for his theory of utilitarianism (the theory of happiness). From the results of the analysis, the writer hopes that in order to draw conclusions and suggestions in the context of this journal writing will find the right form of conclusion construction, and

fulfill the truth aspects, especially related to the responsibility of the nature of science. The climax is that the objectives to be achieved from the results of this journal can present conclusions and suggestions at the same time, that through the correct legal political dimensions and postulates, efforts to control and utilize abandoned land to encourage accelerated popular economic growth in the Riau island province. manifested as it should.

4. RESULTS AND DISCUSSION

4.1. Result

4.1.1. Dimensions and Postulates of Legal Politics in the Perspective of Legal Arrangements

If examined in an etymological approach, that (Salam, 2003) the meaning of dimensions in brief and solid can be interpreted as an important and principal part of an aspect that is discussed and/or analyzed. Through this dimension word, it is expected that the efforts to be carried out in the analysis context, to be more focused and focused in order to establish the goals and objectives to be achieved, the construction of postulate vocabulary is the same meaning as the paradigm understanding. Therefore the postulate can be interpreted to be the same as the legal politics paradigm in this case given the meaning of the author, namely legal politics (Mahfud, 2012) as to what will be used and/or not used by a country in an effort to realize its national goals, of course as mandated in the constitution of the country concerned. For the Indonesian nation and state that the legal political paradigm that is used primarily in relation to controlling and utilizing abandoned land in its implementation must (Idham, 2005) refer to and based on: -all noble values as mandated and / or instructed in Pancasila as Basic State, view of life, soul and personality for all people of the nation and the State of Indonesia (philosophy of paradigm); - all mandates of legal norms as regulated, stipulated and mandated in the state constitution, namely the 1945 Constitution of the Republic of Indonesia (constitutional of paradigm); and guided and prioritized the implementation of a fundamental principle, that Indonesia is a rule of law (juridical of paradigm). The three main things that should be (Idham, 2014) carried out by the government, especially in this case the Bintan Regency Government, are certainly supported by the Bintan Regency Land Office and other related parties, in the context of efforts to control and utilize abandoned land, especially in the District of East Bintan. According to the author, three main things are the main pillars, anchors and fundamental foundations that must be carried out by all parties related to the control and utilization of abandoned land.

Return to the main topics that will be analyzed in this content, namely how (Hutagalung et al, 2012) the legal arrangements that must be used by the organizers in terms of controlling and utilizing the abandoned land? To answer and at the same time analyze the construction of the first problem in question, in the opinion of the author, the legal arrangement in the formal juridical perspective has been regulated and stipulated in various positive legal sources, which are laws that are organic. As explained by the author in the section above that legal regulation (Harsono, 2013) regarding the control and utilization of abandoned land has actually been regulated and stipulated in Article 27, Article 34, and Article 40 of Law Number 5 of 1960, concerning Basic Agrarian Regulations, commonly referred to as the LoGA. For some of the articles referred to, that the legal norms affirmed by the land are deleted, among others, because they are abandoned by their rights holders. In Article 27 the LoGA means that the right of ownership is erased if: a. The land falls to the state: 1. due to revocation of rights under article 18; 2. due to voluntary submission by the owner; 3. because it is abandoned; 4. because of the provisions of article 21 paragraph (3) and 26 paragraph (2). b. the land is destroyed. Furthermore, in Article 34 of the aforementioned BAL, it is also affirmed, the right to use is abolished because: a. The time period expires; b. terminated before the term expires because a condition is not fulfilled; c. released by the rights holder before the expiration of the time period; d. revoked for public use; e. neglected; f. the land is destroyed; g. provisions in article 30 paragraph (2). Then in Article 40 of the LoGA, it is affirmed that the right to use building is erased because: a. The time period expires; b. terminated before the term expires because a condition is not fulfilled; c. released by the rights holder before the expiration of the time period; d. revoked for public use; e. neglected; f. the land is destroyed; g. provisions in article 36 paragraph (2).

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Relevant to the things mentioned in the above section, the author gives the opinion that in fact the positive legal approach is the basis for the regulation of law on the control and utilization of abandoned land in question, especially in the construction of legal norms that have been regulated in several articles as stated in the LoGA. Ideally, some legal norms that are fundamental in nature as set forth in the LoGA concerning eradicated land and/or abandoned land, should in this case the party having the authority to form legislation, namely the executive and legislative parties must immediately initiate the process of legislating in particular the substance regulates the control and utilization of abandoned land. Because to form a law requires a long time, the process of its formation must be carried out jointly between the executive and the legislature, the process of which is empirically a process in the political spectrum, with this situation the Ministry of Agrarian Affairs and Spatial Planning, from the outset, it is necessary to carry out an inventory and monitoring of indications of abandoned land throughout the territory of the Republic of Indonesia. The results of the inventory and monitoring in parallel are immediately coordinated with the relevant ministries, so that law enforcement of abandoned land can be immediately followed up from the Provincial and Regency/City levels by prioritizing the principles of implementing a government system in the perspective of regional autonomy.

In an approach that is practically operational, especially in making efforts to control and utilize abandoned land, in practice empirically its implementation in the focal point of its location is at the district/city government level. Therefore, in strengthening the principles of implementing a government system in the regional autonomy regime, there is a need for continuous and ongoing special attention and policy from the Regents/Mayors to take concrete steps immediately, namely to carry out an inventory and monitoring action on field units. land abandoned by holders of rights. In its implementation and returned to the main topic in this content that is questioning about the legal arrangement for the implementation of control and utilization of abandoned land, then the Regent / Mayor must pay attention to all the provisions of legal arrangements in various related laws, one of which is the Law Number 26 of 2007, concerning Spatial Planning, and Law Number 23 of 2014 concerning Regional Government. Because the implementation of abandoned land control, especially from the preparation of completeness of information and data, is actually centralized and located at the relevant Regency/City Land Office, then for the effectiveness of its implementation the Regent/Mayor must be proactive in an ongoing manner to conduct an integrated technical coordination meeting with the Land Office Local Regency/City.

The basis of the next legal arrangement that can be used as a legal basis in the context of controlling and utilizing abandoned land is by making a Regional Regulation (Perda) for each Regency/City in Indonesia, of course in this case the exception of the Bintan Regency Government must also be immediately carry out the process for the establishment of the said Perda. In the opinion of the author this is one of the important efforts to be carried out by each district/city government, because the legal product of the Regional Regulation is a positive source of law in Indonesia. (Prasetyo and Barkatullah, 2017) philosophy, constitutional paradigmatic law enforcement and utilization of abandoned land whose implementation is also based on legal regulation through the intended Regional Regulation according to the author also in accordance with the mandate of Indonesia is a rule of law, and at the same time it can confirm the principle - principles of popular and democratic sovereignty. This matter needs to be conveyed by the author, because all this time the Land Office of Bintan Regency has experienced difficulties in even establishing law enforcement in an effort to control and utilize land parcels abandoned by rights holders, especially those that exist and are located in the District of East Bintan. The Bintan Regency Land Office has repeatedly issued warning letters and/or reprimands to the holders of abandoned land rights covering an area of approximately 15,000 ha (fifteen thousand hectares) in the East Bintan Subdistrict area, but in fact until now the holders of abandoned land rights have not yet cultivated it in accordance with its allotment. It is intended by the author, if Bintan Regency Local Regulation (Perda) concerning Neglected Land Control is issued, the author's

assumption is that there is resistance from the holder of the abandoned land rights, of course in the context of law enforcement such matters can be overcome.

In line with the explanation above, on the other hand that the legal regulation in the form of regulations (Perda) related to efforts to immediately curb and utilize abandoned land, especially those located in the District of East Bintan, is indeed very important and necessary, namely upholding the principles and characteristics that Indonesia is a legal state. In the management aspect of the governance system, the existence of the Regional Regulation is at the same time as a tool to enforce the law. For the issuance of the Regional Regulation (Perda) concerning Control and Utilization of Neglected Land in the District of East Bintan, it is also at the same time detention and / or deterrence in the event of a resistance namely in the form of a lawsuit to the judicial body of the holder of the abandoned land, because with the aforementioned Regional Regulation will provide juridical protection for the Bintan Regency Land Office, which has issued a Decree concerning the control and overcoming of the abandoned land in question. So far, the Bintan Regency Land Office has concerns about law enforcement, namely to control the abandoned land in the East Bintan District. In line with this, the issuance of the Regional Regulation (Perda) concerning the control and utilization of abandoned land has also been precisely in accordance with the mandate of Jeremy Bentham's theory, which is famous for the theory of happiness (utilitarianism). Bentham said that in fact all legal products must be upheld in an effort to create a sense of happiness for the community. Of course the people referred to here are citizens living in the District of East Bintan, with the efforts to control and utilize abandoned land, the land can be redistributed to community members in the District of East Bintan who have not had land rights for the site. settlements and as a land for their livelihood.

4.2. Implementation of Control and Utilization of Neglected Land

In this section the writer will further explain the implementation in a concrete manner (Parlindungan, 1998) concerning the control and utilization of abandoned land, especially for the District of East Bintan. The substance that the writer will explain in this section is one of the substance that is urgent and important, because in this content will be explained in detail about the implementation and effort (Parlindungan, 1990) policing and utilizing the abandoned land in question, of course one of the goals, and the purpose what will be achieved is to realize a sense of happiness for the community, especially those who live and live in the District of East Bintan. Some of the main things that will be explained by the author in the context of the implementation of enforcement and utilization of abandoned land, especially in the District of East Bintan, will explain some important substances, namely: - inventory of land rights or the basis of control over neglected land; -identification and research of neglected indicated soils; - memory of the right holder; and determination of abandoned land. At the stage of the inventory of land rights or the mastery of land that is indicated as neglected, the actions taken at this stage are: -The head of the Regional Office of the Riau Islands Province Land Office, must officially carry out an inventory of neglected lands. This work is certainly done by involving all relevant agencies in Bintan Regency, of course this work is technically the most in front of the Bintan Regency Land Office. In order to obtain information regarding the indicated abandoned land, the order of the process for it (Parlindungan, 1983) obtained the information, the monitoring was carried out directly in the field by the Regional Office of the Riau Islands National Land Agency, Bintan Regency Land Office, or from other agency/agency reports. written report from the community, or right holder. This provision has been normatively regulated and stipulated in such a manner in Article 4 of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 4 of 2010 concerning Procedures for Neglected Land Control, hereinafter abbreviated as Regulation of the Head of the Republic of Indonesia Land Agency Number 4 of 2010.

Still in the substance of inventory (Kolopaking, 2013) the indicated land is abandoned, then in Article 5 of the Regulation of the Head of the Land of the Republic of Indonesia Number 4 of 2010, further confirms: a. Property rights, Right to Cultivate, Right to Build, Right to Use, and Management Rights; and b. Land that has obtained a mastery basis from the competent authority since the issuance of the land ownership / permit / decision / letter. (2) To support the smooth activities of the inventory as referred to in paragraph (1), the

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rights holder is obliged to report the use and utilization of land in accordance with the decision on granting land rights or the basis of control over land from an authorized official. Then explained in Article 6 of the Regulation of the Head of the Land Agency of the Republic of Indonesia Number 4 of 2010 referred to, that the inventory of indicated abandoned lands carried out includes: a. data collection regarding neglected lands include textual data and spatial data: 1. textual data includes name and address of right holder, number, and date of decision on granting rights, number, date and end of certificate, location of land, land area, land use, indicated area of abandoned land; 2. spatial data is graphical data in the form of a map that is equipped with the coordinates of the position of the indicated abandoned land plane. b. grouping of the data indicated as neglected lands as referred to in letter a, carried out according to the district/city region and the type of rights/basis of ownership with the format in accordance with the specified attachments. c. the administration of data from the inventory of the indicated abandoned land as referred to in letter a, is carried out in an orderly manner in the database for the purposes of reporting, analysis material, and determination of subsequent actions.

The next part and step is to do identification and research work. In formal juridical terms to carry out this work has actually been regulated and stipulated in the Regulation of the Head of the Land Agency of the Republic of Indonesia Number 4 of 2010, which further explains: (1) The indicated abandoned land which has been inventoried as referred to in Article 6, is followed up with identification and research aspects of administration and field research. (2) Identification and research of administrative aspects and field research as referred to in paragraph (1) includes: a. Ownership Right, Right to Cultivate, Right to Build, and Right of Use counted from 3 (three) years since the certificate was issued; or b. Land that has obtained a permit/decision/letter of control over the land from an authorized official as of the end of the mastery basis. (3) The Head of the Regional Office analyzes the results of the inventory to compile and set targets for identification and research on the indicated abandoned land. (4) Determination of targets as referred to in paragraph (3) based on consideration of the length of time the land has been abandoned and / or the area of land indicated as neglected.

Furthermore, in Article 8 of the Regulation of the Head of the Land Agency of the Republic of Indonesia Number 4 of 2010, it is explained: (1) The Head of the Regional Office prepares the indicated neglected land data and information which will be the identification and research target. (2) The activity of preparing data and information as referred to in paragraph (1) includes: a. verification of physical data and juridical data including types of land rights and location. b. check the book of land and / or land and other documents to find out the existence of the charges, including data, plans and stages of land use and utilization at the time of submission of rights; c. request information from the right holders and other related parties, if the right holder / power of attorney / representative does not provide data and information or is not on site or cannot be contacted, then identification and research will still be carried out in other ways to obtain data in the format specified; d. carry out a physical examination in the form of the location of the boundary, use and utilization of land by using existing technology; e. plotting the location of land use and utilization on the land map based on the results of physical inspection as referred to in letter d; f. make an analysis of the causes of abandoned land, among others, concerning the problems causing the occurrence of abandoned land, conformity with the rights granted, and suitability with spatial planning; g. compile reports on identification results and research in a predetermined format. (3) For the implementation of the preparation and information activities as referred to in paragraph (2) letter c and d, the Head of the Regional Office informs the right holder in writing of the identification and research. (4) Notification in writing as referred to in paragraph (3) shall be submitted directly to the right holder according to the address or domicile of the right holder. (5) If no longer meets the address or domicile as referred to in paragraph (4), then the notification is made through an announcement at the Land and Installation Board notice at the location of the land in question that the land is in the stage of identification and research of the National Land Agency of the Republic of Indonesia.

Follow-up to the provisions of Article 8 above, a committee C. will be formed. The formation of Committee C is in principle formed by the Head of the Provincial National Land Agency Regional Office, of course in this case by the Head of the Riau Islands Province Regional Office, which consists of Regional Office, Bintan Regency Land Office, Bintan Regency Government, and agencies related to the land allotment concerned, regarding this matter are expressly regulated and stipulated in Article 9 of the Regulation of the Head of the Republic of Indonesia Land Agency Number 4 of 2010. Regarding the composition of Committee C membership, as referred to in Article 9, namely: a. Chairperson, chaired by Head of Regional Office; b. Secretary, held by the Head of Land Control and Community Empowerment and concurrently member. c. member, consisting of: 1. District/City Regional Secretary, 2. Provincial Office/Agency related to the land allotment, 3. Regency/City Agency/Agency related to the land allotment, 4. Head of Land Office, of course in this case Head Bintan Regency Land Office.

In the following section, the stages that must be carried out by the Bintan Regency Land Office, by referring to the work of the Committee C, to immediately carry out warnings and notifications to the rights holders who abandoned the land in question. Normatively, that the legal regulation regarding the warning and notification measures, has been clearly regulated in Article 14 of the Regulation of the Head of the Republic of Indonesia Land Agency Number 4 of 2010, which confirms: (1) If the results of identification and research are referred to in Article 13 it was concluded that there was abandoned land, the Head of the Regional Office informed the rights holders and at the same time gave a warning. (2) The warning as referred to in paragraph (1) is the first written warning, so that within a period of 1 (one) month from the date of issuance of the warning letter, the right holder seeks, uses and utilizes his land in accordance with the circumstances or nature and purpose of granting his rights or mastery basis. (3) In the first warning letter as referred to in paragraph (2), there are concrete matters that must be carried out by the holder of the rights and sanctions that can be imposed if the right holder does not heed or does not carry out the warning referred to in the format of the First Warning Letter, in accordance with the format set. (4) If the right holder does not carry out the warning as referred to in paragraph (2), after observing the progress of the first warning, the Head of the Regional Office provides a second written warning with the same time period as the first warning, in accordance with the format specified. (5) If the right holder does not carry out the warning as referred to in paragraph (4), after observing the progress of the second warning, the Head of the Regional Office gives a third written warning which is the last warning, with the same time period as the second warning, in accordance with the specified format.

Furthermore, technically it is also regulated regarding justification and/or basis of consideration before the implementation of abandoned land, the provisions concerning this matter are regulated in Article 15 of the Regulation of the Head of the Republic of Indonesia Land Agency Number 4 of 2010, which confirms: (1) Data on the area of abandoned land the material used for making the first warning letter is data from the identification and research of Committee C, while the data for the second and third warning letters are the data at the end of the previous warning. (2) Concrete actions that must be carried out by the Right Holder as referred to in paragraph (1), include: a. seek, use, and utilize the land in accordance with the conditions or the nature and purpose of granting the rights; b. in the event that the land used is not in accordance with the nature and purpose of granting the right, the right holder must submit an application for changes to the land rights to the Head in accordance with the applicable regulations; c. submit a request for rights to the basis of control over land to seek, use, or utilize the land in accordance with the permit / decision / letter from the authorized official. (3) Sanctions that can be imposed on the holders of rights as referred to in paragraph (1), the land of rights or the basis of control over their land is determined to be abandoned land, which at once removes their rights, breaks legal relations, and the land is confirmed to be directly controlled by the state. In the meantime, it is also explained about the commemoration period, namely the first, second and third commemoration period, and this matter has been regulated in Article 16, which confirms: (1) During the first, second and third commemoration period, the right holder must submit a progress report the use and utilization of land abandoned every 2 (two) weeks to the Head of the Regional Office with a copy of the Head of the Land Office, in accordance with the format specified. (2) The Head of the Regional Office

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carries out field monitoring and evaluation of the report of the rights holder as referred to in paragraph (1) at the end of each warning period, in accordance with the format specified.

At the next stage, which is the final stage in the context of carrying out efforts to control and utilize abandoned land, especially in the District of East Bintan, it will be explained regarding the stages of establishing abandoned land. Legal arrangements regarding this matter have been explicitly regulated and stipulated, namely in Article 17 of the Regulation of the Head of the Land Agency of the Republic of Indonesia Number 4 of 2010 which confirms: (1) If the third warning turns out the right holder does not comply with the third warning, the Head of the Regional Office proposes to the Head to be designated as abandoned land, according to the format specified. (2) Criteria for not complying as referred to in paragraph (1) include: a. not using the land in accordance with the nature and purpose of granting the rights; b. there is still land that has not been cultivated in accordance with the Decree or land tenure basis; c. there is still land where the use is not in accordance with the Decree or land tenure basis; d. no follow-up to completion of construction; e. land use is not in accordance with a Decree or land tenure basis; or f. has not submitted an application for rights to land tenure basis. Then in Article 18 of the Regulation of the Head of the Land Agency of the Republic of Indonesia Number 4 of 2010, it is affirmed: (1) Land that is proposed to be designated as abandoned land to the Head as referred to in Article 17 paragraph (1) is stated in the status quo from the date of the proposal until it is issued determination of abandoned land. (2) The abandoned land with quo status as referred to in paragraph (1) cannot take legal action on the land in question. Continued in Article 19, regulated: (1) The Head determines the Decision on the Determination of Neglected Land at the proposal of the Head of the Regional Office. (2) Decisions as referred to in paragraph (1), contain the deletion of land rights, termination of the legal relationship, and at the same time confirm that the land is directly controlled by the state, in accordance with the format specified.

Especially with regard to consideration in the establishment of abandoned land, the legal arrangements are stipulated in Article 20, which confirms: (1) As consideration in the Determination of Neglected Land as referred to in Article 19 paragraph (1), the percentage of abandoned land is grouped into: a. 100 percent abandoned, b. more than 25 percent up to less than 100 percent displaced, c. less than or equal to 25 percent neglected. (2) If the entire expanse of abandoned land as referred to in paragraph (1) letter a, then the Decree of the Neglected Land shall be applied to all the land rights. (3) If a portion of the abandoned stretch as referred to in paragraph (1) letter b, then the Decree of the Neglected Land Determination is applied to all rights to the land, and then to the former Rightsholder is given back some of the land that is actually cultivated, used and used in accordance with the decision to grant rights, through the procedure for submitting an application for land rights at the expense of the applicant in accordance with the provisions of the legislation. (4) If the land that is abandoned is less than or equal to 25 (twenty five) percent as referred to in paragraph (1) letter c, then the Decision on the Determination of Neglected Land applies only to abandoned land and then the Right Holder submits an application for revision of the area the land rights and revision fees become the burden of the Rightsholder in accordance with the provisions of the legislation. (5) The decision on the stipulation of abandoned land that has been granted a mastery basis as referred to in Article 19 paragraph (1) applies only to land that is abandoned, and then the former holder of the basic tenure submits an application for land rights in accordance with the laws and regulations on land which is actually cultivated, used, and utilized in accordance with the permit/decision/letter that has been determined by the authorities.

Legal arrangements regarding former state land abandoned land, hereinafter regulated in Article 21, which confirms: State land that has been abandoned land designated by the Head as referred to in Article 19, is controlled directly by the state in this case the National Land Agency of the Republic of Indonesia, is a Land of Reserves The State General that is utilized for the benefit of the community and the state through: a. Agrarian Reform; b. Country strategic program; and c. Other country reserves. The end result of the process

in order to control and utilize the abandoned land, essentially the Decree of the Head of the Regional Office concerning the stipulation of abandoned land referred to, the provisions stipulated in Article 22 and Article 23 of the Regulation of the Head of the Land Agency of the Republic of Indonesia Number 4 of 2010, in Article 22 affirms: (1) Decision of the Head as referred to in Article 19, submitted to right holders or former right holders, with copies to the Governor, Head of Regional Office, Regent/Mayor, Head of Land Office, relevant agencies and to Underwriting Rights holders if there are Underwriting Rights ; (2) Based on the decision referred to in paragraph (1), the Head of the Land Office must cross out the land title certificate and/or mortgage certificate from the general list and other questionnaires in the administration of land registration, and announce in the newspaper 1 (one) times within a month after the issuance of the Chief Decree stating that the certificate is not valid, in accordance with the format specified. In Article 23 confirms: (1) Land that has been designated as abandoned land, within a maximum period of 1 (one) month after the stipulation of the decision on the establishment of abandoned land, must be emptied by the former Holder of Rights over the objects above with the relevant cost (Chen et al., 2019). (2) If the former Holder of Rights does not fulfill the obligations referred to in paragraph (1), then the objects above will no longer be his property and be controlled directly by the State.

According to the authors the stages that have been stipulated in the legal regulation must be carried out by the regulators and the utilization of abandoned land, especially in the District of East Bintan. The process and stages in its implementation are not permitted to be deviated, because (Mertokusumo, 2014) to maintain and confirm the principles and characteristics of the rule of law which has been affirmed in the constitution that Indonesia is a rule of law. In addition, the implementation must also prioritize and at the same time must be based on the provisions that are paradigmatic, by putting forward the correct legal political dimensions and postulates in accordance with the three main pillars, as the main anchor in carrying out the control and utilization of abandoned land (Tarmizi et al., 2017). The three main pillars are: - must be based on the values of Pancasila (philosophy of paradigm); - must be based on the 1945 Constitution of the Republic of Indonesia (constitutional of paradigm); - must be based on the principle of Indonesia is a state of law (juridical of paradigm). To provide concrete information about the condition of abandoned land in the District of East Bintan, the following authors present it in graphical form, and analyzed in a qualitative approach.

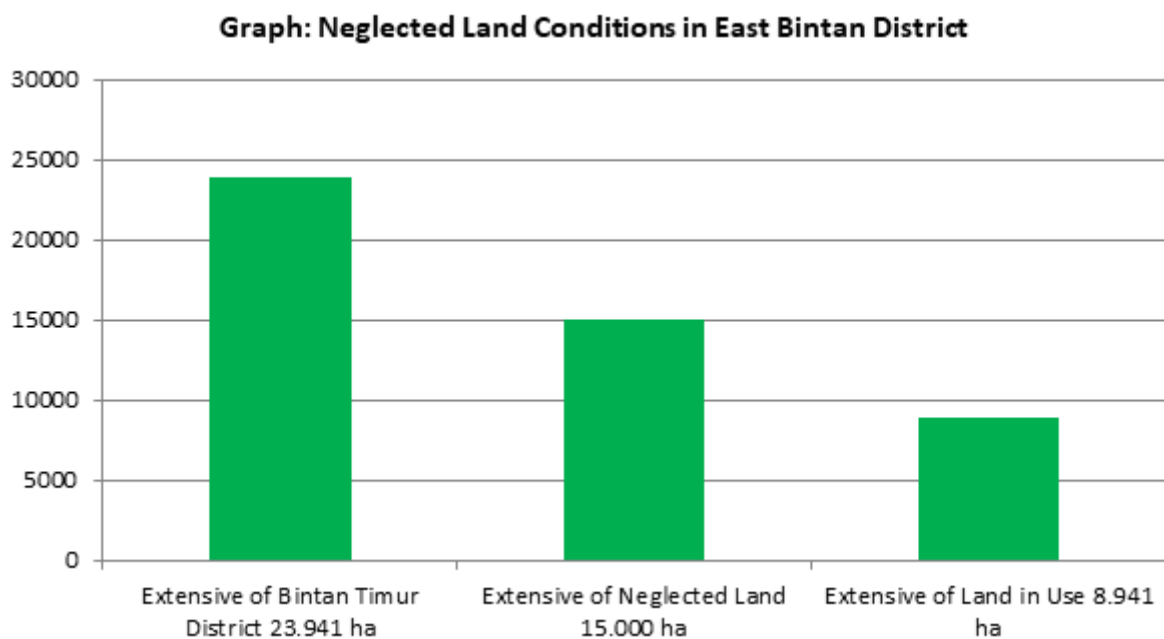


Figure 1. Neglected Land Conditions in East Bintan District

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From the Figure 1 show that of the bar model as mentioned above, the writer can describe that the total land area in the East Bintan District area is 23,941 ha. The area of abandoned land is 15,000 ha, while the area of land that is not abandoned is only 8,941 ha. Considering this situation, the use of land plots in East Bintan District is very alarming, because empirically in the field it turns out that more of the abandoned land is not utilized/not exploited by the rights holders. These situations and circumstances also create a very massive inequality, especially from the aspect of justice for the majority of people living in the District of East Bintan, who do not yet have / control the land for (Mertokusumo, 2009) the source of their livelihood. Therefore, by continuing to use the main theory in this journal Jeremy Bentham's theory of happiness (utilitarianism), then naturally from now on the Bintan District government and the Land Office of Bintan Regency along with other parties as stakeholders in Bintan Regency so quickly, and focus and continuously continuous to enforce law (law enforcement) in terms of enforcing and utilizing abandoned land, especially in the District of East Bintan.

4.2. Discussion

This has been explained regarding the process and phases for controlling and utilizing abandoned land, especially in the District of East Bintan. In brief, the analysis of the substance in question, by submitting juridical critical notes, namely: **First**, upholding and prioritizing the application of Jeremy Bentham's theory, that the culmination of curbing and utilizing abandoned land is to provide a sense of happiness (utilitarianism) for citizens. This means that the land policy that is implemented, of course, which is related to efforts to control and utilize abandoned land in East Bintan Subdistrict, must be implemented as it should not be carried by certain groups and / or groups. The end result of all law enforcement processes on the control of abandoned land, the purpose is only devoted to and for the benefit of the community, namely to provide a sense of happiness (utilitarianism). Concretely, from the results of control and utilization of abandoned land, it will be intended for poor citizens, who have lived in the District of East Bintan, of course prioritizing the provision of housing and settlements and at the same time providing land for business activities. If this has been realized, then the effort to encourage accelerated populist economic growth, especially for residents in the Bintan Subdistrict, and generally for the citizens of Bintan Regency will be carried out properly. The ultimate goal of all that is done by the Bintan Regency government, in terms of controlling and utilizing abandoned land, will ultimately contribute positively and constructively to accelerate the realization of the national ideals of the children of the Republic of Indonesia, as mandated in the fourth paragraph of the opening of the 1945 Constitution of the Republic of Indonesia.

Second, the enforcement and utilization of abandoned land in the District of East Bintan, so that in carrying out all legal products in the field of land and all other relevant laws and regulations, must prioritize the establishment of three pillars as a legal paradigm in Indonesia, that is, must be based on: - the nature of the noble values of Pancasila (philosophy of paradigm), as the basis of the State, the view of life, soul and personality for all the people of Indonesia; - in accordance with the mandate and orders of all legal norms and articles as stated in the state constitution, namely the 1945 Constitution of the Republic of Indonesia (constitutional of paradigm); and - must prioritize the principles and characteristics that Indonesia is a rule of law (juridical of paradigm). Three main pillars as the main anchor in law enforcement related to efforts to control and utilize abandoned land, in the opinion of the author is a necessity. This means that in its implementation it is not permissible to deviate, because if it is not implemented, even ignored and violated, then in carrying out the process of all the stages that have been determined, it will often get resistance from the community, especially the resistance comes and arises from the rights holders on the land he abandoned. This is certainly at the same time as a stronghold and / or defense for the organizers, if there is a rebuttal and / or claim in the journey to the judiciary, then *mutatis-mutandis* can be broken by proving that the three principles are the main pillars and are the paradigm dimension Legal politics in terms of carrying out the control and utilization of abandoned land programs has indeed been carried out consistently and responsibly accordingly.

Third, the arrangement in the structure and membership of Committee C to carry out the main tasks and functions in terms of controlling and utilizing abandoned land, must have more complete members like an integrated team. In the opinion of the author this is important, because Bintan Regency (Hutagalung and Sitorus, 2011) as one of the regions and/or regions of the Free Trade Zone (FTZ) in addition to Batam and Tanjung Balai Karimun, specifically in the implementation of control and utilization of abandoned land in The Bintan Regency, the Batam Concession Body (BP Batam) must be involved in the committee concerned. In addition, the Office of the Technical Control Unit from several relevant Ministries, such as the Ministry of Forestry and Environment, the Ministry of Maritime Affairs and Fisheries must also be involved. Related to this, it could happen that the portion of the abandoned land is still a protected area. On the other hand it is needed, namely in order to preserve and save the potential of marine and fisheries in the context of the management of coastal areas and small islands, as mandated in Law Number 27 of 2007, concerning Management of Coastal Areas and Small Islands. The construction of the paradigm that must be carried out by the committee in carrying out the control and utilization of abandoned land, especially in the District of East Bintan, must prioritize a down-to-earth approach, firm and straightforward in enforcing the law, and more importantly in its implementation must prioritize integrated coordination by involving all related agencies/agencies.

Fourth, to ensure the implementation of good and smooth efforts to control and utilize neglected land, especially in the District of East Bintan, among the executives, of course in this case the Bintan Regency government, with the legislature in this case the Regional Representative Council of Bintan Regency, must proactive and immediately formulate the Regional Regulation Draft (Ranperda) stipulated in the Regional Legislation Program (Prolegda) and is a priority Prolegda to immediately discuss the process of forming Regional Regulations (Perda) concerning Control and Utilization of abandoned land in the entire territory of Bintan Regency, of course this is included in the District of East Bintan. The status and existence of this regional regulation, especially in the construction of the Indonesian state, adheres to the principle of popular sovereignty, democratic principles and the principle of a rule of law, in the opinion of the authors of the formation of the Bintan District Regulation which specifically regulates the regulation of control and utilization of abandoned land. This is intended, so that in the implementation there will be no obstacles and at the same time there is resistance especially those coming from the rights holders who abandon the land. On the other hand, this is in line with the mandate and order of the 1945 Constitution of the Republic of Indonesia, as stipulated in Article 1 paragraph (2), which affirms: that sovereignty is in the hands of the people and carried out according to the Constitution. In line with this matter also affirmed in Article 1 paragraph (3), which reads: that the state of Indonesia is a state of law. The meaning contained in the constitutional paradigmatic in the two articles referred to, that the Indonesian state is truly committed to affirming the understanding of the state with sovereignty of the people, the state that wants to uphold democratic principles, and at the same time as a country that wants to affirm the principles and characteristics of a rule of law. If this can be realized consistently and responsibly, then the results of the control and utilization of abandoned land can accelerate and encourage popular economic growth, especially in the District of East Bintan.

4.2.1. Factors for Constraint and Solution of Control and Utilization of Neglected Land

Furthermore, in this section the author will present an analysis related to the constraints and / or obstacles in the context of carrying out the control and utilization of abandoned land, especially in the District of East Bintan. To get a coherent explanation for the constraints and solutions at the same time, the authors divide them into two categories, namely:

1. Structural Constraints

Including structural constraints are all obstacles that arise and come from within, namely from each agency / agency involved in carrying out the process and phasing in the implementation of the control and utilization of abandoned land. These structural constraints, such as: the existence of one of the agencies in the enforcement and utilization of abandoned land organizing committee are not synchronized with the structure

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of government organizations in the perspective of the government system in the era of regional autonomy. Concretely this is intended by the author, that in fact the institutional structure of the Bintan District Land Office, the responsibility for the implementation of the main duties, functions and authorities of the Head of the Land Office is still vertically responsible to the central government in this case the responsibility to the Ministry of Agrarian Affairs and Spatial Planning of the Republic of Indonesia in Jakarta. Likewise the case with the Batam Concession Body (BP Batam), structurally the responsibility is still vertical to the central government, of course in this case the State Ministry of State-Owned Enterprises of the Republic of Indonesia in Jakarta. The situation and conditions like this certainly in carrying out coordination and decision making that are fast cannot be done as soon as possible, and this will at the same time create excesses that are not good, especially to the government of Bintan Regency, which is integrated in the context of implementing the government system in the regime and/or the era of regional autonomy.

Other parts which are structural constraints are related to the lack of and/or small support from the political aspects of the budget, to and to finance the implementation of enforcement and utilization of abandoned land, especially in the East Bintan District. So far, the source of financing to deal with neglected land issues is still centered on the budget from the Land Office of Bintan Regency. In fact, the budget allocation to finance the implementation of control and utilization of abandoned land is allocated by the Ministry of Agrarian and Spatial Planning/Head of the National Land Agency, of course that is sourced from the State Budget (APBN), the allocation is very minimal and/or small. Likewise, it happened from the Bintang Regency Regional Government, indeed all this time the budget allocation in the budget unit of the Regional Budget and Regional Expenditure Revenues (APBD) is in fact minimal / small. From the results of the author's verification in the field this situation also occurred to other relevant agencies, such as the Batam Business Entity (BP Batam), the budget allocation was also very minimal, because in the approach of the main tasks, functions and authorities especially those related to land control and utilization abandonment is not a structural one, but it is only a functional task. So that with this situation and situation, to carry out a program of control and utilization of abandoned land continuously, and continuously cannot be implemented properly.

It is a part that also includes structural constraints, which are related to the lack of complete legal arrangements in the handling of control and utilization of abandoned land, especially at the regional level. What the writer meant, until now the completion of the establishment of legal regulations in the form of Regional Regulations (Perda) that will be used as tools and / or legal instruments in the region, in the case of law enforcement in carrying out the control and utilization of abandoned land in question. During this time, the control and utilization of the control of abandoned land, especially in the District of East Bintan, has not been fully implemented by the Land Office of Bintan Regency. From the experience that has been carried out, it turns out that to carry out the work is not easy as it reverses the palm of the hand, but in reality empirically on the field often get obstacles and / or resistance from the holders of the rights to abandoned land. Resistance carried out by the holders of abandoned land rights, parties who object to filing a lawsuit to the Judiciary, so that under these circumstances the Land Office of Bintan Regency has not carried out the control and utilization of the land in full.

2. Non-structural constraints

In this part of the non-structural constraints, the authors mean: some of the constraints that exist and occur outside the structure of agencies/agencies that administer the control and utilization of abandoned land, especially in the District of East Bintan. In the opinion of the authors which are non-structural constraints such as ignorance and passivity, especially those that come and arise from unscrupulous and fast-moving employees to deal with and follow up on the control and utilization of abandoned land. The attitude of the personnel and officials simultaneously occurred on the Bintan Regency government office, as well as this at the Bintan Regency Land Office. Due to this situation, it turns out that internally at the Land Office of Bintan

Regency, there has not been an act of identification and/or monitoring on the Land Book (BT) for the certificate (proof of rights) that has been issued to the land unit abandoned by the rights holder. Should be routinely and periodically, the Regency Star Land Office calls and/or invites the holders of land rights, to be given explanations, socialization and/or guidance and direction, so that the fields and expanses of land that have been issued (proof of rights) certificates immediately to be cultivated and / or functioned according to its designation. The results of this socialization should not be left unattended in the case of direct supervision of the field. The officers and / or employees should immediately move quickly to the field to verify and physically inspect the abandoned land, to be examined in such a way as to focus and carefully which parts of the land are abandoned by their rights holders. By not doing it routinely, continuously and continuously on the socialization and checking directly to the field against the land unit indicated that it was abandoned by the rights holder, there was an accumulation of complex problems, and this would certainly complicate the future if there were disciplines. and the utilization of the land.

On the other hand, which is also a non-structural constraint is the low awareness and participation of the community. This is intended by the author, that people in the District of East Bintan do not have optimal care to immediately report in writing to the relevant parties / agencies regarding the indication of land abandoned by the rights holders. In the opinion of the author, in these circumstances it is true what is said by (Friedmann, 1953), that for the realization of success in upholding the law, one of the important factors that must be carried out concretely in the field, namely the existence of support from the community legal culture (legal culture) to give full and optimal care for the enforcement of the law. Another important element in law enforcement, Friedmann said, is: the substance of all legal regulation products is the content of the contents is correct and fulfills what is expected by the community (legal substance), and the next element that is important in enforcing the law is the institutional structure (legal structure) strong law enforcers, such as the availability of sufficient tools and equipment to enforce the law, the support of professional law enforcement officers and including the provision of income and adequate health care guarantees for law enforcement officers.

Returning to the core issues analyzed in this section, indeed in fact active participation and support from citizens who live and reside in the Bintan Timut District is very low. The assumption of the author that this situation occurs, because there is a very dominant gap in the field, especially related to the economic capacity of the community which is very low, knowledge and/or education of the community is also low on average, so that with this condition the community mentality is very low, still feeling down and marginalized. Psychologically this also raises an attitude that does not care about the development of all social aspects that are surrounding his life, of course with the conditions such as information and/or reports coming directly from the community to report a land area abandoned by the rights holders is very little or not was received by the Bintan Regency Land Office. Supposedly to overcome this, the Bintan Regency government, of course through the elements of the District, immediately moved their focus to provide guidance to the intended community members, namely by providing counseling and/or guidance on a regular, periodic, continuous and continuous basis that provides information that land rights that have been issued in the form of certificates must be immediately possible by the rights holders to be used and/or cultivated according to their designation. If this is done, there will be a growth in employment and this will also be able to accelerate the occurrence of populist economic growth in the regions, especially in the East Bintan District.

5. CONCLUSION

Based on the analysis and/or explanation as the presentation was presented by the author in the previous section in this journal, now the time has come for the writer to present conclusions and suggestions in the concluding section of this journal. It is a construction of the substance of conclusions as well as suggestions in this journal, which are: related to the construction dimension of the legal politics paradigm in terms of controlling and utilizing abandoned land, especially in the District of East Bintan, specifically addressed to the organizing authorities in the implementation must prioritize and/or prioritize to carry out consistently and

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responsibly, the three pillars as the basic foundation, namely: based on the noble values of Pancasila (philosophy of paradigm) as the basis of the Unitary State of the Republic of Indonesia, as well as the view of life, soul and personality of the Indonesian state; - must be based on mandate and order of legal norms and related articles as contained in the 1945 Constitution of the Republic of Indonesia (constitutional of paradigm); and - must also be based on and at the same time prioritize the application of principles and characteristics that Indonesia is a rule of law (juridical of paradigm).

Construction of conclusions and subsequent suggestions, specifically related to legal arrangements in terms of controlling and overcoming abandoned land, the legal arrangements are quite clear and adequate, namely as stipulated and stipulated in Law Number 5 of 1960 concerning Basic Principles Agrarian Principles; Law Number 26 of 2007 concerning Spatial Planning; Law Number 23 of 2014 concerning Regional Government; -Government Regulation Number 11 of 2010, concerning Control and Utilization of Neglected Land; and Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 4 of 2010 concerning Procedures for Controlling Neglected Land. To support the smoothness and effectiveness of its implementation in the regions in terms of implementing control programs and utilizing abandoned land, it must be supported by Regional Regulations (Perda) which specifically regulate the control and utilization of abandoned land, which is issued by each Regency/City where land is abandoned. it is located, of course in this case the Regional Regulation issued by the Bintan Regency Government. If such matters can be carried out consistently, responsibly, continuously and continuously by the organizers in terms of handling the control and utilization of abandoned land, especially in the District of East Bintan, it is expected that the results will contribute positively and constructively, in order to accelerate economic growth populist in the District of East Bintan Regency.

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