

Fiqh of Land Management and Cultivation: Between Ownership Rights and Utilization

Shinta Rohimah¹, Shiddiqah Saelan Mumpuni²,
TIY Kusmarabbi Karo³, Fakhurrozi⁴

¹⁻⁴ Sekolah Tinggi Agama Islam As-Sunnah Deli Serdang, Indonesia
shintarohimah19@gmail.com

Abstract

The management and cultivation of land from a fiqh perspective is also referred to as *ihya al-mawat*. This concept constitutes a highly relevant subject within the field of fiqh al-mu'amalat. Land cultivation (*ihya al-mawat*) refers to the management of dead land, namely land that is neither owned nor utilized by anyone. This study seeks to identify the process through which ownership of such land is established and the manner in which it is utilized for the benefit of the community. The research employs a qualitative case-study approach, enabling the researchers to explore, from the perspectives of the participants, phenomena occurring within the community that are directly related to the subject of this article. The data were obtained from accurate and relevant sources, including online interviews with the parties concerned, documents, academic journals, and classical works authored by earlier Muslim scholars. This article examines the management, utilization, and cultivation of vacant land, as well as the process through which ownership is established and the land is utilized by the community. The research was conducted in Tangga Batu Village, Hatonduhan District, Simalungun Regency, P. Siantar, North Sumatra.

Keywords: Ownership Rights, Utilization, Land Management

Abstrak

Pengelolaan atas penggarapan tanah dalam perspektif fikih disebut juga sebagai *ihya al-mawat*. Istilah ini merupakan pembahasan yang sangat relevan untuk dikaji dalam bab fikih muamalah. Penggarapan tanah (*ihya al-mawat*) adalah pengelolaan lahan yang mati atau tidak dimiliki dan tidak dimanfaatkan oleh seorang pun. Dari penelitian ini dapat diketahui bagaimana proses kepemilikan tanah tersebut serta pemanfaatannya bagi masyarakat. Metodeologi penelitian yang digunakan adalah studi kasus, dengan pendekatan kualitatif, sehingga peneliti dapat mengeksplorasi subjektif mengenai fenomena yang terjadi pada masyarakat, khususnya tentang judul artikel ini. Data-data tersebut diperoleh dari sumber-sumber yang akurat dan relevan, seperti wawancara yang bersifat online terhadap pihak yang bersangkutan, dokumen, jurnal-jurnal, serta kitab-kitab klasik yang dikarang oleh para ulama terdahulu. Artikel ini membahas tentang aspek pengelolaan atas penggunaan dan penggarapan lahan kosong, dan bagaimana proses kepemilikannya serta pemanfaatannya bagi masyarakat. Adapun penelitian artikel ini ditujukan pada desa Tangga Batu, Kecamatan Hatonduhan, Kabupaten Simalungun, P.Siantar, Sumatera Utara.

Keywords: Hak kepemilikan, Pemanfaatan, Pengelolaan tanah

Article Info

Article History:

Received: 04-01-2026 Accepted: 08-31-2026 Publish: 08-31-2026



: 10.51590/salsabil.v2i2.27

Introduction

Land and water constitute fundamental human necessities and are closely connected to everyday life.¹ In the Islamic perspective, humankind is expressly instructed to preserve the earth for the common good and to prevent ecological and social harm. The cultivation of vacant land, known in Islamic law as *ihya al-mawat*, represents a practical means of preserving the earth while also serving as an important instrument for supporting the economic development of society. Within *fiqh al-mu'amalat*, reviving vacant land is permissible, provided that its utilization is not excessive to the extent that it causes harm categorized as injustice toward others.²

On the other hand, the Government of the Republic of Indonesia also applies strict regulations concerning ownership rights, land management, and cultivation through Law No. 5 of 1960 concerning the Basic Agrarian Principles (UUPA).³ This legislation regulates authority over and utilization of land, including state land that may be granted to individuals or groups under particular rights, such as ownership rights, cultivation rights, building rights, and rights of use. Land management in Indonesia is subject to specific procedures governing its utilization and cultivation. Land is a strategic and significant natural resource that must be managed wisely, particularly vacant land that has not yet been utilized, whether for agriculture, livestock farming, settlements, or other purposes.⁴

The background of this study concerns the process and mechanisms through which the people of Tangga Batu Village, Hatonduhan District, Simalungun Regency, cultivate vacant land; the status of ownership rights over such cultivated land according to *fiqh al-mu'amalat* and Indonesian land law; and the contribution of cultivated land to the welfare of the local community.

The concept of *ihya al-mawat* has been extensively discussed in classical *fiqh* literature; however, studies examining its empirical implementation within Indonesian society remain limited. To establish the novelty of this research, the authors reviewed several previous studies relevant to the subject. Sri Wahyuni, in her article entitled “The Expediency Principle of Inanimate Land: A Study of *Ihya' Al-Mawat* in Classical *Fiqh* and Land Reform in Indonesian Agrarian Law,” focused on a comparative and theoretical examination of the concept of reviving dead land and the right to open land under Indonesian positive agrarian law. Her findings indicate that both legal systems are grounded in the principles of public benefit (*maslahah*), justice, and equitable distribution so that land is not left unproductive.⁵ Further research was conducted by Raden Ayu Ritawati, Raden Ayu Erika Septiana, and Muhammad Arpah Nurhayat in an article titled “The Implications of the Principle of *Maslahat* for the Revitalization of Abandoned Land (*Ihya'ul-Mawat*) in Palembang City.” This research is an empirical case study on the abandonment of swamp land by the 13 largest rubber companies in Kertapati District, Palembang City. The study highlights that the neglect of this land undermines the public interest because it prevents the surrounding poor communities from utilizing the land for housing, business, education, and health.⁶

Meanwhile, studies concerning cultivated land in Simalungun Regency have tended to focus on land disputes and have not comprehensively examined the process of cultivating vacant land from

¹ Arief Fahmi, “Kedudukan Hukum Dari Hak Ulayat Dalam Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Pertahanan Negara Di Provinsi Papua Barat,” *Jurnal Esensi Hukum* 3, no. 2 (2021): h. 171-172.

² Muhdi Kholil, “Faktor-Faktor Produksi Dan Konsep Kepemilikan,” *Jurnal Literasi*, 2009, h.31.

³ Marthina Tjoa, “Hak Penguasaan Lahan Hutan Pada Masyarakat Adat Di Desa Honitetu Kabupaten Seram Bagian Barat, Maluku,” *Jurnal Sylva Lestari* 6, no. 3 (2018): h.92.

⁴ R. Muthoharoh, “Tinjauan Hukum Islam Terhadap Kerjasama Penggarapan Lahan Hutan,” 2018, h.1-2., <http://etheses.iainponorogo.ac.id/5100/1/210213036%20ROBI%27ATUL%20MUTHOHAROH.pdf>.

⁵ Sri Wahyuni, “The Expediency Principle of Inanimate Land: A Study of *Ihya' Al-Mawat* in Classical *Fiqh* and Land Reform in Indonesian Agrarian Law,” *I-Ma'azabib: Jurnal Perbandingan Hukum* 12, no. 1 (2024): h. 72.

⁶ Raden Ayu Ritawati, “Implikasi Nilai *Maslahat* Terhadap Pemberdayaan Tanah Terlantar (*Ihya'ul-Mawat*) Di Kota Palembang,” *Khaqanab: Jurnal Sejarah Dan Kebudayaan Islam* ISSN: 14, no. 2 (2024): h. 163.

the perspective of *fiqh al-mu'amalat*. The novelty of the present study lies in integrating the *fiqh* analysis of *ihya al-mawat* with empirical field data and in conducting a comparative analysis between *fiqh* provisions and Indonesian land regulations within the specific context of the community of Tangga Batu Village.

Based on this background, the study aims to examine in depth the processes and mechanisms through which the people of Tangga Batu Village, Simalungun Regency, cultivate vacant land. More specifically, it analyzes the legal status of ownership rights over the cultivated land according to *fiqh al-mu'amalat* and Indonesian land law, while identifying the contribution of such land utilization to improving the economic welfare of the local community.

This study employs a qualitative methodology using a case-study research approach. Qualitative case-study research is a research design intended to obtain an in-depth understanding of the circumstances, meanings, and context of the phenomenon under investigation.⁷ This approach is relevant because the study seeks to examine comprehensively the phenomenon of vacant-land cultivation as it occurs in the real-life context of Tangga Batu Village, Hatonduhan District, Simalungun Regency, and to compare it with the provisions of *fiqh* and Indonesian land law.

The data collected consist of verbal, non-numerical information presented descriptively by the researchers. These data include statements recorded by the researchers during interviews with the relevant parties, images of personal documents belonging to one of the informants, as well as academic journals and scholarly books related to the subject of this article.⁸

The data sources in this study are divided into primary and secondary data. Primary data were obtained directly from residents through in-depth interviews and documentary evidence in the form of an SKT belonging to one of the informants. The remote interview process utilized smartphones as the principal means of communication to facilitate communication and support the validity of the information. Secondary data were obtained through library research by examining relevant academic journals and classical works authored by earlier Muslim scholars in order to analyze the theory of *ihya al-mawat* comprehensively.

Informants were selected using purposive sampling, namely selection on the basis of predetermined criteria.⁹ The criteria required informants to reside in and cultivate land in the village, to represent varying land-ownership statuses, and to participate voluntarily. Based on these criteria, the researchers selected the following informants:

Table 1. Characteristics of Informants

Initials	Age	Occupation	Land Status
SS	56	Farmer	SKT
SY	50	Farmer	SKT
SK	49	Farmer	SKT
ST	54	Farmer	SKT
ES	47	Farmer	SKT

The case-study data analysis was inductive and continuous until all relevant data had been collected. The analysis included the chronological classification of data to facilitate systematic management.

⁷ Rukminingsih, *Metode Penelitian Pendidikan Penelitian Kuantitatif, Penelitian Kualitatif, Penelitian Tindakan Kelas*, ed. Erni Munastiwi (Yogyakarta: Erhaka Utama, 2020), h. 102.

⁸ Rukminingsih, h. 11.

⁹ Rukminingsih, h. 20.

Where new categories emerged in the field, the researchers strengthened and further developed the relevant data.¹⁰ The research site was Tangga Batu Village, Hatonduhan District, Simalungun Regency, P. Siantar, North Sumatra. Following the collection and analysis of the data, the study identified the various aspects of vacant-land cultivation by the community, the emergence of ownership rights over such land, and the benefits derived from its utilization.

The research was conducted in a rural area, namely Tangga Batu Village, Hatonduhan District, Simalungun Regency, P. Siantar, North Sumatra. Following the collection and analysis of the data, the study identified various aspects of vacant-land cultivation by the local community, the establishment of ownership rights over the cultivated land, and the benefits derived from its utilization.

Results and Discussion

Land Conditions and Cultivation Mechanisms

Based on empirical field data, the land cultivated by the people of Tangga Batu Village, Hatonduhan District, Simalungun Regency, consists of fertile land capable of human utilization. The area was previously dense forest, which was subsequently cleared by local residents for cultivation after prior governmental authorization had been obtained. Accordingly, its management, ownership rights, and utilization must refer to the laws of the state possessing authority over such matters. No dead land was identified in the area; however, certain plots located near extremely steep ravines remain entirely unused by the community.

The system for cultivating state land in Tangga Batu Village, Hatonduhan District, Simalungun Regency, North Sumatra, constitutes a central focus of this study. Informant SS explained that, at the time, the government permitted local residents only to cultivate the land and individually benefit from the produce of their respective plots. Over time, the government eventually released the land for community management subject to the applicable statutory provisions. One policy of the local government was that each individual seeking to cultivate the land was allocated approximately two hectares.

The formal recognition of land rights granted by the Indonesian Minister of Forestry to residents of Tangga Batu Village, Hatonduhan District, Simalungun Regency, took place in 2017 through systematic registration. At that time, residents who had previously cultivated land released by the government came in large numbers to the village administrative office. It should also be noted that the Indonesian government imposes tax obligations upon communities in relation to the land they cultivate. Consequently, residents were instructed to process their SKT after the official letter from the Minister of Forestry had been issued.

Nevertheless, the process of registering land documents encountered several obstacles that caused some residents of Tangga Batu Village, Hatonduhan District, Simalungun Regency, to refrain from completing the registration process. These obstacles included:

1. Limited public understanding of the function of land certificates, arising from inadequate dissemination of valid information concerning the importance of certificates as evidence of land ownership.
2. The perception among some members of the community that land certificates are required only for banking transactions in which the certificate is used as collateral.
3. The substantial costs incurred by local residents in obtaining certificates as evidence of land ownership, which constitute a financial burden for them.

¹⁰ Dimas Assyakurrohim et al., "Jurnal Pendidikan Sains Dan Komputer Metode Studi Kasus Dalam Penelitian Kualitatif," *Jurnal Pendidikan Sains Dan Komputer* 3, no. 1 (2023): h. 5-6.

permissible in his own country if he resides outside Muslim territory. A further condition is that the land must demonstrably be unoccupied and unmanaged by any person.

In general, the management of such land is granted to a particular region or person for cultivation; however, ownership of the land remains with the governing authority rather than becoming an individual right. This occurred during the time of the Messenger of Allah, peace and blessings be upon him, who, in his capacity as leader in Madinah, granted a parcel of land to Bilal bin al-Harith al-'Atiq to cultivate and benefit from its produce. The same practice continued under the Khulafa al-Rashidin, including Abu Bakr, Umar bin al-Khattab, Uthman, and other Companions. An imam (ruler) should allocate land for management in an appropriate measure so as to secure the public benefit of its utilization. This indicates that land granted without charge by the Messenger of Allah, peace and blessings be upon him, was fertile land from which benefit could be derived; by contrast, if the land was dead land, its cultivation was permissible even without the ruler's permission, as discussed previously.¹⁸

Imam Muhammad bin Idris al-Shafi'i explains in his work *al-Umm* that land occupied by Muslims is of two types: cultivated land and dead land. Cultivated or fertile land is land that has an owner and is fully managed and provided with facilities, such as roads, courtyards, waterways, and other appurtenances. Such land may not be appropriated except with the owner's permission.

Dead land likewise exists in two conditions. The first is a parcel that was previously cultivated by its owner but was abandoned for a long period. In such circumstances, the land and its associated facilities—including roads, courtyards, waterways, and drinking-water sources—may be managed only by the person entitled to that land.

The second condition is dead land that has no owner. This is the dead land intended in the saying of the Messenger of Allah, peace and blessings be upon him, concerning one who revives dead land. Such land may be granted by a sultan specifically to an individual who revives it, while portions may also be protected for the public interests of the Muslim community according to need. All ownerless dead land is treated equally, whether it lies near a prosperous village, a fertile valley, inhabited pastureland, a busy river, a desert region, or elsewhere. There is no distinction among these locations.¹⁹ This rule applies whether the land is granted by a caliph or governor, or merely protected without being transferred to any individual. All ownerless dead land is treated alike and falls within the category of land that may be revived.

Imam al-Shafi'i, may Allah have mercy upon him, also explains the characteristics of land revival. Reviving land encompasses acts customarily regarded as rendering it suitable for habitation, including the following:

- a. If the cultivator intends to build a house, he must provide materials such as stone, bricks or clay, cement, and other materials consistent with accepted building standards.
- b. If he intends to construct a dwelling for people, an enclosure for animals, or a similar structure, he must likewise prepare materials such as stone and clay and provide access to water resources and other necessities.
- c. He should fence the land he intends to cultivate so that a clear boundary exists between the area under his control and that which is not.
- d. If he intends to dig a ditch on the land, merely piling up soil is insufficient, because such an act does not constitute revival of the land.
- e. Likewise, if a person erects a tent made of materials such as wool, palm leaves, or wood, this does not constitute revival that confers full rights over the land. If the person

¹⁸ Mansur Al-Buhroty, "Kasyaf Al-Kina' 'an Matan Al-Iqna'" (Riyadh: Dar 'Alim al-Kutub, 2003), h. 1983.

¹⁹ Muhammad bin Idris al-Shafi'i, *Kitab Al-Umm*, cetakan ke (Biroteria: Dar al-Fakr, 1983), Juz. 4, h. 42.

dismantles it, he loses his right to the land, and another person becomes entitled to occupy and use it.²⁰

2. Indonesian Land Law and Its Relevance to Cultivation Practices

In Indonesia, the government has enacted legislation regulating these matters. Law No. 41 of 1999 states that forests are a gift from God Almighty bestowed upon the Indonesian nation as part of the wealth of the state, to be utilized and managed optimally as an expression of gratitude to God. Their sustainability must be preserved for the prosperity of the people and future generations.²¹ This policy is consistent with Law No. 65 Prp of 1960 concerning the determination of agricultural land area and Article 7 of the UUPA, which prohibits ownership of cultivated land beyond the prescribed maximum limit.²² To support the realization of the community's socioeconomic development, the government requires the implementation of land registration throughout Indonesia. Such registration includes land measurement, mapping, transfer and registration of rights, issuance of accurate documentary evidence of ownership such as certificates and other instruments, as well as the payment of administrative registration fees. These provisions are regulated under Article 19 of the UUPA (Basic Agrarian Law).²³

Although land is one of Allah's blessings, not all land may be managed and converted into private ownership. Where land has been released by the government for community management, cultivators may process the relevant ownership rights. Where the land is not designated for a particular individual but instead serves public needs, no individual ownership right is granted by the government. Such land is commonly designated for essential public purposes, for example state-owned rice fields opened as a form of support for citizens.²⁴

Several matters relate to rights over land, including rights of use (Article 43 of Government Regulation No. 40 of 1996), building rights (Article 38 of the UUPA), ownership rights (Article 23 of the UUPA), and others. Strong documentary evidence is required to establish such rights before the relevant land authority. This is due to the rapid development of economic activities involving land management, including lease contracts, shirkah, sale and purchase, and other transactions. Accordingly, legal security is established over land managed by individuals or groups.²⁵ For this reason, Article 19 of the UUPA requires citizens who hold land in a particular area to process or register it with the competent authority. Once registration has been completed, the land is formally recognized as property and may be managed on the basis of documentary evidence or land certificates obtained through the process.

Land registration is conducted through several procedures, including systematic and sporadic registration, as follows:

- a. Systematic registration applies when land rights are comprehensively registered for all or part of the territory of a village or urban administrative area. The process is implemented directly by the government through a determination of the Minister of Agrarian Affairs/Head of the National Land Agency.

²⁰ Asy-Syafi'i, juz 4, h. 42.

²¹ Sayyid Sabiq, *Fikih Sunnah* (Lebanon: Darul Kitab al-'Arabi, 1985), h. 171.

²² Triana Rejekiingsih, "Asas Fungsi Sosial Hak Atas Tanah Pada Negara Hukum," *Jurnal Yustisia* 5, no. 2 (2016): h. 312.

²³ Cry Tendean, "Peralihan Hak Milik Atas Tanah Menurut Undang-Undang Nomor 5 Tahun 1960 Tentang Pokok-Pokok Agraria," *Jurnal Lex Privatum* IV, no. 7 (2016): h. 140-141.

²⁴ Syahyuti, "Nilai-Nilai Kearifan Pada Konsep Penguasaan Tanah Menurut Hukum Adat Di Indonesia," *Jurnal Forum Penelitian Agro Ekonomi* 24, no. 70 (2006): h. 24.

²⁵ Amoury Adi Sudiro and Ananda Prawira Putra, "Kepastian Hukum Terhadap Hak Atas Pendaftaran Tanah dan Hak Kepemilikan atas Tanah yang Telah Didaftarkan" V, no. 1 (2020): h.38-39.

- b. Sporadic registration is not substantially different from systematic registration; however, it is initiated upon an application submitted by an individual, a head, or a group, with the registration costs borne by the respective applicant.²⁶

In Indonesia, every citizen or corporate entity possessing valuable assets is required to obtain an SKT for tax-administration purposes. SKT is an abbreviation of Surat Keterangan Terdaftar (Registered Certificate), a document associated with an application for an NPWP (Nomor Pokok Wajib Pajak/Taxpayer Identification Number) and required for various administrative matters.²⁷ The SKT is issued together with the NPWP. The procedure for registering these documents is as follows:

- a. Visit the Tax Service Office (KPP).
- b. Complete the prescribed registration form.
- c. Bring the required documents, such as a photocopy of the identity card (KTP), a Business Certificate (SKU), and a Permanent Stay Permit Card (KITAP).
- d. The KPP will issue an acknowledgement of receipt.
- e. The SKT and NPWP will be sent by post to the taxpayer's address.

3. Relevance of the Fiqh of Ihya al-Mawat to Indonesian Land Law

Berdasarkan pemaparan ketentuan fikih ihya al-mawat dan regulasi pertanahan Indonesia di atas, terdapat dua aspek penting yang perlu dianalisis secara komparatif, yaitu aspek filosofis dan aspek prosedural

Benefits of Land Management and Cultivation for Society and the State

In several regions of Indonesia, vacant land is utilized by communities for livelihood purposes without certificates of ownership. Such land is managed as agricultural land or used for cultivating crops such as corn, legumes, and others. The vacant land utilized by these communities constitutes state-owned assets; nevertheless, they are permitted to benefit from the produce of the plots allocated to them.²⁸

Among agrarian communities, the utilization of vacant land is often associated with compensation arrangements involving profit sharing, land ownership rights, and cultivation. In Islamic economics, the principle of mudharabah is expressed through an agreed profit-sharing arrangement between the parties concerned, encompassing an agreement intended to benefit both parties.²⁹ In certain cases, those who possess ownership rights over vacant land must receive compensation for its utilization for purposes such as commercial projects and infrastructure development. From the perspective of contemporary fiqh, the equitable utilization of vacant land may generate benefits for all parties concerned. From a Shariah perspective, compensation and evaluation are therefore important for maintaining an appropriate balance between ownership rights and utilization.³⁰

Several conditions must be fulfilled in this context, including the obligation to care for and maintain the relevant state asset. This obligation applies not only to state-owned land, but also to privately and publicly owned land. The person entrusted with the land bears responsibility for utilizing it in the best possible manner. The management and utilization of vacant land should therefore be

²⁶ Reda Manthovani, "Pendaftaran Tanah Di Indonesia" 2, no. 2 (2017): h.26.

²⁷ <https://klikpajak.id/blog/surat-keterangan-terdaftar-pajak/>.

²⁸ Hasbuddin Khalid Annastasyia Mukrimah Yusuf, Ma'ruf Hafidz, "Konstruksi Hukum Pengelolaan Tanah Adat Bobo Sepa'e Sebagai Tanah Aset Desa Leppangeng Kecamatan Belawa," *Journal of Lex Philosophy (JLP)* 5, no. 1 (2024): 195.

²⁹ Kefvin Melwani, Nurul Tahta Islami, and Zainuddin Zainuddin, "Kompensasi Atas Pemanfaatan Lahan Kosong Di Rowobening Menurut Fikih Ekonomi Kontemporer," *Jurnal Ilmiah Mahasiswa Perbankan Syariah (JIMPA)* 4, no. 2 (2024): 541–48, <https://doi.org/10.36908/jimpa.v4i2.420>.

³⁰ Melwani, Islami, and Zainuddin.

entrusted only to persons capable of managing it.³¹ If vacant land is managed by someone unable to maintain and preserve the land granted to him, the result may be damage to the land and the loss of its beneficial use.

The management of vacant land benefits not only society but also the state. Such benefits include increased state revenue, since production from cultivated land may contribute through taxation and agricultural exports; the promotion of agribusiness and natural-resource-based industries; optimization of natural-resource management; and improvement of national food security, because expanding cultivated land increases domestic food production and reduces dependence on imported products. Environmental preservation is likewise among the benefits: land cultivation undertaken according to sustainable principles may prevent environmental damage such as illegal deforestation or land degradation. Overall, well-managed land cultivation can produce broad positive effects, ranging from poverty alleviation to strengthening the economy and the stability of the state.

The concept of cultivating vacant land, however, applies only to dead land. Fertile land cannot be privately appropriated unless it is granted without charge within a broader arrangement intended to generate benefits for both society and the state. Fiqh scholars have maintained that the utilization of vacant land may be analogous to occupying a permissible vacant place: the person acquires only a right of utilization rather than ownership.³² According to Hanbali jurists, therefore, a person cultivating vacant land holds a right of use rather than a right of ownership.

The benefits for the state itself include the following:

1. The expansion of agricultural land opened by the government to the community helps increase shared resources for the prosperity of Indonesian society. Accordingly, the government requires legal protection of land so that it may be utilized as effectively as possible.
2. Land management embodies the principle of social function. Accordingly, the government designates certain areas for public purposes in accordance with the circumstances and needs of society and the state.
3. Ownership rights established by the state are rights guaranteed under the UUPA.³³ The social function of land rights directs citizens to maintain their land, thereby supporting the fertility of land in Indonesia and improving the economic condition of its owners. Various other statutory provisions also regulate this matter. Such ownership rights may additionally reduce fraudulent claims or unlawful encroachment among members of the community.
4. As more land is cultivated, domestic food production increases, thereby reducing dependence on imports.³⁴

Overall, well-managed land cultivation can generate broad positive impacts, ranging from poverty alleviation to strengthening the economy and the stability of the state.

Conclusion

Based on the findings of this study, land management through *ihya al-mawat* plays an important role in optimizing the utilization of unproductive land resources. Within the fiqh discussion of *ihya al-mawat*, it may be concluded that the concept refers to a person cultivating vacant land whose owner is unknown or that has never previously been occupied, and subsequently utilizing it to meet

³¹ Ita Dwilestari, "Pemanfaatan Tanah Milik Negara Perspektif *Ihya ' Al -Mawat*" 8, no. 3 (2024): 1644–57.

³² Ahmad Syarbaini, "Ihya' Al-Mawat Menurut Hukum Ekonomi Syariah (Dalam Fiqh Islam) Ditinjau Dari Undang-Undang Pokok Agraria Dan Undang-Undang Kehutanan" 3, no. 2 (2024): 11.

³³ Rejekiingsih, "Asas Fungsi Sosial Hak Atas Tanah Pada Negara Hukum," h. 309-310.

³⁴ Tri Pranadji, "Pengembangan Daerah Penyangga Sebagai Upaya Pengendalian Arus Urbanisasi," *Analisis Kebijakan Pertanian* 4, no. 4 (2017): 328–42, <https://media.neliti.com/media/publications/53255-ID-pengembangan-daerah-penyangga-sebagai-up.pdf>.

livelihood needs, such as establishing plantations, livestock farms, or settlements. The empirical findings concerning the people of Tangga Batu Village, Hatonduhan District, Simalungun Regency, indicate that the land in question is fertile and capable of human utilization. It was previously dense forest and was later cleared by the community for cultivation after prior governmental authorization had been obtained. Landholding through the principle of *ihya al-mawat* provides a legal basis for individuals or groups to manage land efficiently and responsibly in accordance with Shariah principles and statutory regulations. The utilization of revived land not only enhances its economic value but also supports sustainable development through community empowerment, improved welfare, and reduced inequality in access to agrarian resources. Accordingly, implementation of this concept should be supported by clear policies and continuous supervision so that the intended benefits of land utilization may be achieved optimally.

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