



Enhancing Law Enforcement Effectiveness in Addressing Land Mafia Practices to Safeguard Community Land Rights

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Abstract

This research examines the pervasive issue of land mafia practices in Indonesia, which pose significant threats to land rights and contribute to broader economic, social, and legal challenges. Employing a normative legal research methodology, the research evaluates the implementation of preventive and law enforcement measures, with particular focus on Ministerial Regulation No. 15 of 2024, which establishes a legal framework for addressing land disputes. The research underscores the One Map Policy as a crucial initiative for enhancing transparency and integrating land-related data to mitigate fraudulent activities. By assessing the effectiveness of existing policies and identifying key challenges, this research offers recommendations to strengthen law enforcement, inter-agency coordination, and public participation. The findings emphasize that a comprehensive, multi-stakeholder approach is imperative for eradicating land mafia practices, ensuring legal certainty, and safeguarding community land rights.

A. Introduction

Land rights grant individuals the authority to use or benefit from land, distinct from land use rights. The fundamental provisions regarding land rights are outlined in Article 4, Paragraph 1 of the *UUPA*. Based on the state's control over land as stipulated in Article 2, various rights to the earth's surface, referred to as land, may be allocated to individuals or legal entities, either independently or collectively.¹

The unauthorized control or ownership of land has become a significant issue, not only harming affected individuals but also causing detriment to the state. This includes fraudulent

¹ Sigit Sapto Nugroho, SH, M.Hum. et.al.; " *Indonesian Agrarian Law* ", Solo: Pustaka Iltizam Publisher, Pg 64.



activities such as falsifying land ownership certificates, commonly referred to as "land mafia" operations. Victims are often unaware that their land certificates are invalid or counterfeit, as these documents exist in physical form and are seldom verified at local Land Agency offices.

According to R. Bagus Agus Widjayanto, Director General for Handling Land Disputes and Conflicts (Dirjen PSKP) at the Ministry of ATR/BPN, the most prevalent forms of land-related crimes include document forgery (66%), embezzlement and fraud (16%), and illegal occupation (11%). In 2024, Minister of ATR/BPN, Agus Harimurti Yudhoyono, reported 87 cases of land mafia activities, with 92 individuals identified as suspects.² This marked an increase of five cases from the previous year. Among these cases, 47 were classified as operational targets, involving the falsification of authentic land ownership deeds without the legal owner's consent, often facilitated by notaries.³

The land mafia employs various strategies to unlawfully acquire land rights, including the fraudulent transfer of ownership through falsified documents.⁴ Key actors in these schemes include organized land-grabbing syndicates, village or district officials, fraudulent notaries or PPATs, and BPN personnel. These individuals frequently collaborate with government officials to legitimize their actions, exploiting systemic weaknesses to facilitate illegal land transfers.

1. Falsification of Rights

The basis of rights has been the condition for applying for land rights through sale and purchase, grant, inheritance, or financial control for decades. Forged title documents are used as a basis/argument for challenging land rights through the courts.

2. Forgery of Power of Attorney

Through a fake power of attorney that appears to have been made in front of a notary, the land mafia manipulates the creation of title documents to transfer the legality of ownership of land rights.

3. Forgery of Identity Cards

By using fake Resident Identification Cards (*KTP*) as land owners and parties claiming to be the *KTP* owners, the land mafia manipulates the creation of title documents to transfer the legality of land rights.

Based on the aforementioned elements, fulfilling specific requirements is essential when applying for a land certificate. The landowner must submit a complete set of documents as the initial step at the National Land Agency (*BPN*) counter to ensure proper administrative processing without raising suspicion from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (*ATR/BPN*). The *ATR/BPN* has established the Land Mafia Prevention and Eradication Task Force ("Anti-Land Mafia Task Force"). The formation of this Task Force is governed by several regulations, as outlined below:⁵

1. Memorandum of Understanding between the Ministry of *ATR/BPN* and *POLRI* dated 17 March 2017 No. 3/SKB/III/2017 concerning Cooperation in the Agrarian/Land Affairs and Spatial Planning Sector;
2. Cooperation Guidelines between the Ministry of *ATR/BPN* and *POLRI* dated 12 June 2017 N0. 26/SKB/-900/VI/2017 and 49/VI/2017 concerning Cooperation in the Agrarian/Land and Spatial Planning Sector;

² <https://news.detik.com/berita/d-7439688/ahy-tahun-2024-ada-92-orang-jadi-tersangka-kas-mafia-tanah>

³ R. Bagus Agus Wijayanto, " *BPN Data on Land Activities*, "Material presented at the Law Doctoral Program Webinar: Strategies for Eradicating Land Mafia to Achieve Legal Certainty and Social Justice, (Jakarta: Faculty of Law, Jenderal Soedirman University, 2021)

⁴ Aartje Tehupeiory. "Role Model of Eradicating the Land Mafia in Indonesia." *Baltic Journal of Law & Politics* 16.3 (2023): 459–465. <https://doi.org/10.2478/bjlp-2023-0000040>

⁵ Prima Novianti Salma & Habib Adjie. " *Resolving Land Disputes Concerning Double Certificates Due to Criminal Acts of the Land Mafia*. " *Journal of Education and Counseling (JPDK)* 5.1 (2023): 5144-5153. <https://doi.org/10.31004/jpdk.v5i1.11824>

3. Joint Decree of Bareskrim and the Director General for Handling Agrarian Problems on the Use of Space and Land No: B/01/V/2018/Bareskrim-34/SKB-800/V/2018 dated 8 May 2018 concerning the Land Mafia Prevention and Eradication Task Force.

In accordance with the Law on the Prevention of Land Disputes, the high incidence of recurring land cases necessitates preventive measures. Given the potential for future disputes over land control, ownership, use, and utilization, the state must intervene through regulatory instruments. In response, Minister of Agrarian Affairs and Spatial Planning/National Land Agency (*ATR/BPN*), Agus Harimurti Yudhoyono, issued Ministerial Regulation No. 15 of 2024 on the Prevention of Land Cases.

The prevalence of land mafia activities is evident in various forms of certificate forgery. These fraudulent practices include falsifying powers of attorney for land sales, fabricating sale and purchase agreements, and manipulating ownership certificates in village or sub-district government offices, often with the assistance of corrupt officials. Legal disputes may arise when falsified documents appear authentic but fail to hold legal validity upon scrutiny.⁶

A notable example is the case involving Fuad Bawazier, former Minister of Finance under President Soeharto, who reported a land dispute to Commission III of the DPR RI. Despite possessing a valid land certificate for his property in Menteng, Jakarta, his ownership was challenged in 2014 by a party whose previous lawsuit over the same land had been dismissed. In response, Commission III of the DPR RI recommended annulling the Central Jakarta District Court's decision and preventing execution on the disputed land, citing the plaintiff's lack of legal claim. Additionally, the commission advised the Jakarta *BPN* against issuing new rights certificates for the property and urged the police to refrain from facilitating the land's clearance.⁷

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (*ATR/BPN*), in collaboration with the Indonesian National Police, has signed a Cooperation Agreement to enhance synergy and coordination in addressing land disputes. As part of these efforts, the Ministry issued Ministerial Regulation (PERMEN) *ATR/BPN* No. 15 of 2024 on the Prevention of Land Cases.

National Police Chief General Listyo Sigit Prabowo emphasized that land disputes are a longstanding issue that not only affect individuals but also hinder investment. Despite Article 33 of the 1945 Constitution, which asserts state control over land and natural resources for the people's welfare, land mafia activities continue to obstruct investment. Investors frequently encounter legal uncertainties due to collusion and manipulation in land transactions, further exacerbating the problem.⁸

The novelty of this research lies in evaluating the legal framework for protecting victims of land mafia activities, who often suffer substantial financial losses. It also examines the role of law enforcement in sanctioning individuals or groups involved in such crimes, given their significant impact on society and the state. In Indonesia's current economic climate, which relies on both domestic and foreign investment, unresolved land disputes pose a serious challenge. Thus, law enforcement must take decisive action to prevent these cases.

This research employs a legal research methodology grounded in normative analysis, incorporating statutory and doctrinal approaches, comparative legal studies, and case law reviews. The enactment of Ministerial Regulation No. 15 of 2024 represents the state's commitment to safeguarding community rights and strengthening legal certainty.

⁶ Muhammad Chafi Sholeh, 2021. *Juridical Analysis of the Risk of Counterfeiting Regarding the Procurement of Electronic Certificates in Indonesia*. Scientific Journal of Legal Sciences, Vol. 27 No. 10, July 2021. Unisma. Pg. 1531.

⁷ Dr. Hince Ikara Putra Panjaitan

⁸ <https://www.humas.polri.go.id/2024/08/05/polri-dan-menteri-atr-bpn-perkuat-sinergitas-pemberantasan-mafia-tanah-4/>

B. Discussion

1. Land Case Prevention Strategy

Land mafia conflicts in Indonesia have far-reaching economic, social, legal, and environmental consequences. Economically, both rightful landowners and the state suffer significant losses. The displacement of productive land exacerbates poverty by reducing agricultural activities and diminishing community welfare.⁹ These challenges underscore the urgent need for comprehensive land dispute prevention measures.

The implementation of land case prevention involves several key steps. First, information is gathered from public complaints and intelligence obtained by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (*ATR/BPN*) and the Indonesian National Police (*POLRI*) regarding suspected land mafia activities. Next, coordination meetings are held to formulate investigative strategies, including research plans, data collection procedures, and case assessment frameworks.¹⁰

Further coordination meetings facilitate in-depth data analysis. The collected data may include physical and juridical records, court decisions, investigative reports from law enforcement agencies such as *POLRI*, the Indonesian Prosecutor's Office, and the Corruption Eradication Commission (*KPK*), as well as official documents from relevant institutions. Additionally, statements from witnesses and other pertinent information that clarify disputes and conflicts are considered in the investigative process.

To complete juridical, physical, or other relevant data, field research activities may be conducted, including verifying data accuracy and authenticity through historical analysis, gathering witness testimony, inspecting disputed land, assessing land boundaries, reviewing situational drawings and field maps, and undertaking other necessary investigative measures.

In preventing land disputes, findings from research and preliminary case studies are utilized to conduct an internal case review, leading to conclusions and recommendations. These findings are documented in official minutes, signed by all members of the Task Force. If initial evidence of land mafia involvement is identified, the case is forwarded to the National Police for further investigation.

All activities of the Anti-Land Mafia Task Force are reported to the Minister of *ATR/BPN* through the Directorate General for Handling Agrarian Issues, Spatial Planning, and Land Utilization at the national level, and to the Head of the Provincial *BPN* Regional Office at the provincial level. These reports are subsequently reviewed in coordination meetings between the Ministry of *ATR/BPN* and the National Police Headquarters.

According to Article 1, Paragraph 5 of Law No. 15 of 2024, the term "land mafia" refers to criminal activities in the land sector carried out by individuals, groups, or legal entities in a planned, structured, and organized manner, subject to both general and specific criminal penalties under statutory regulations. The increasing demand for property ownership and intense commercial competition have led some actors to exploit legal loopholes for financial gain, engaging in illegal land acquisitions. As outlined in Technical Guidelines 3/Juknis-800.HK.01.01/III/2021, land mafia crimes typically target undeveloped, uninhabited, or disputed land. Perpetrators manipulate the system by submitting fraudulent documents to the National Land Agency (*BPN*), fabricating ownership claims through forged girik letters for land not yet registered under the Basic Agrarian Law, and unlawfully evicting long-standing residents using falsified certificates. The concept of "land mafia" thus refers to organized criminal networks engaging in illicit land transactions for financial profit.¹¹

⁹ Strengthening collaboration to eradicate land mafia. <https://www.antaraneews.com/berita/4469621/memperkuat-kerja-sama-guna-berantas-mafia-tanah> Accessed 7 December 2024 13.21

¹⁰ Aartje Tehupeiori. "Monograph on Law Enforcement Against Land Mafia Practices." Jakarta: UKI Press (2022). Page 43

¹¹ Roberto Saviano, "Mafia Republic: Italy's Criminal Curse" by Dickie and "Gomorra: A Personal Journey into the Violent International of Naples" Organized Crime System."

Land census data in villages is essential in preventing land mafia and development in Indonesia. Land data census in villages can help prevent land mafia with several benefits, such as:

- 1) Land Legality Mapping
Census data can be compared with legal land ownership records and other legal documents to ensure that land ownership is based on legal and transparent procedures;
- 2) Identify Illegal Practices
Accurate and comprehensive census data allows the government and related institutions to identify discrepancies and suspicious land transaction patterns that could indicate land mafia practices;
- 3) Disclosure of Interests and Hidden Networks
Through careful analysis of census data, the government can identify links between individuals, companies, or groups involved in illegal practices. This information enables law enforcement agencies to uncover the land mafia network further and take necessary action;
- 4) More Effective Law Enforcement in Land Mafia Cases
Valid and comprehensive land census data provides strong evidence for law enforcement against the land mafia. This strengthens law enforcement and provides a solid legal basis for taking action against land mafia perpetrators;
- 5) Recovery of Lost Assets
The government can take steps to return the land to its rightful owners by identifying illegal land ownership, fraudulent land transactions, or document falsification.¹²

A land census serves as a crucial solution for addressing land-related issues. Before implementing the *Pendaftaran Tanah Sistematis Lengkap (PTSL)* program, it is recommended that a land census be conducted to collect comprehensive information on each land parcel. This includes details on certification status, dispute history, tax classification, and other relevant aspects. Given that each plot has a unique history, community-based data collection is essential to ensure the validity and accuracy of land records. A complete and reliable land database facilitates targeted and effective policy implementation, fostering sustainable economic, social, and environmental development.

The implementation of *PTSL* in Probolinggo City has demonstrated its effectiveness in preventing land mafia practices. A research found that the program successfully identified and registered previously uncertified community lands. Data from the National Land Agency (*BPN*) indicated that *PTSL* achieved a high effectiveness score of 29.97 out of a maximum of 40, highlighting its success in fulfilling its objectives.¹³ Furthermore, community participation was notably high, attributed to the program's straightforward and transparent procedures, as well as the absence of fees for participants. This approach facilitated the mass legalization of land ownership, mitigated land disputes, and eliminated opportunities for land mafia activities, such as document forgery and legal manipulation.

A land census at the village level enables the government to formulate appropriate development policies and assist communities in securing land ownership rights. The census serves as a preventive measure against land mafia activities by providing precise information on land ownership structures and accelerating the *PTSL* process.

Village governments play a pivotal role in this initiative, as they are the closest administrative entities to natural community groups striving for economic stability. As legally

¹²Dr. Agustyasyah, S.SiT,m SH, MP " *Overcoming the Land Mafia Through One Map Policy to Strengthen the Green Economy in the Context of National Resilience* " LXV Lemhanas RI Regular Education Program (PPRA) 2023. Page 50

¹³ Rahmadi, A. N., Aisyah, R., & Kurdiningtyas, A. The effectiveness of the Complete Systematic Land Registration Program (PTSL) in preventing land mafia in Probolinggo City. *Jurnal Ilmu Sosial dan Ilmu Politik Malikussaleh (JSPM)*, 3(1), 42–56. (2023)

recognized community units, villages possess well-established institutional structures that are respected and upheld by their residents.¹⁴

Officials responsible for field activities must document their findings in an official report acknowledged by the Task Force. If the research report contains sufficient data indicating potential land mafia involvement, further external case evaluation should be conducted in collaboration with multiple agencies to verify the findings and take appropriate legal action.¹⁵

2. Optimization of Ministerial Regulation no. 15 of 2024 concerning Prevention of Land Cases

a. The Urgency of Forming ATR/BPN Ministerial Regulations on Preventing Land Cases

Land mafia practices involving unscrupulous State Civil Apparatus (ASN) can occur within various institutions, including the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) as well as Provincial and Regency/City BPN Offices. To address this issue, regulations are necessary to prevent and eradicate land mafia activities. According to the theory of legislative regulation formation, as explained by Bagir Manan, legislative regulations serve as a formalization of state or government policies. In this context, anti-land mafia policies require legal justification through legislation, ensuring that government strategies have binding and coercive power over society. This, in turn, establishes legal certainty and maintains public order.¹⁶

From a formal legal perspective, crimes against the state constitute criminal behavior. Therefore, any action prohibited by law must be avoided, and violators are subject to legal sanctions. Violations of land rights are addressed in Article 16 in conjunction with Article 53 of the *Undang-Undang Pokok Agraria (UUPA)*. Land law is thus understood as the legal framework governing land ownership, encompassing rights, obligations, and prohibitions concerning the management and transfer of land ownership.

Individuals who engage in unlawful actions related to land acquisition are subject to criminal penalties as prescribed by law. While there is no specific legislation directly addressing land mafia activities, existing laws regulate the fraudulent methods and illegal actions employed to obtain land rights. The land mafia's common *modus operandi* falls under several legal provisions as follows.

1. Crimes of forgery of letters or documents are regulated in Articles 263, 264, 266, and 274 of the Criminal Code, respectively;
2. The crime of land grabbing is regulated in Article 167 of the Criminal Code;
3. The crime of embezzlement of rights relating to immovable property such as land, houses, and rice fields. This crime is often referred to as the crime of *stallion* at which is regulated in Article 385 of the Criminal Code;
4. Crimes of giving perjury and false statements as regulated in Article 242 of the Criminal Code. What is meant is ordering false information to be included in an authentic deed;
5. Article 52 of Law Number 5 of 1960 concerning Basic Agrarian Principles (*UUPA*);
6. Article 6 of Law Number 51 /Prp/1960 concerning the prohibition of using land without the permission of the person entitled or authorized.

The analysis reveals various methods employed in land mafia practices, including fraud, falsification of documents (e.g., letters, certificates, *eigenforms*, *efrachts*), the use of counterfeit *gitik*, land occupation, boundary manipulation, fraudulent certificate replacement applications, and collusion with law enforcement, notaries, ATR/BPN officials, and court personnel. The ineffective enforcement of agrarian law has exacerbated these issues, as authorities not only

¹⁴RD, Andrian Rico "The Role of Village Government in the Orderly Implementation of Land Administration in Limbu Sedulun Village, Tana Tidung Regency. *Journal of Government Science*. Vol. 3 (1) 2015 H.78

¹⁵ Haposan Sahala Raja Sinaga, " Prevention and Eradication of Land Mafia Practices Through Optimizing the Role of the Anti-Land Mafia Task Force". *HUKMY: Law Journal*, Volume 4, No. 1. April 2024

¹⁶ Bagir Manan, "Constitutional Theory and Politics." Yogyakarta: FH UII Press (2023), p. 207.

struggle to detect land mafia activities but also face challenges in verifying land ownership documents. Ensuring legal certainty in penalizing land mafias is crucial to safeguarding land rights and maintaining public trust. Effective enforcement mechanisms are necessary to protect landowners from exploitation and uphold the integrity of land governance.¹⁷

The Ministry of Agrarian Affairs and *ATR/BPN*, in collaboration with the Indonesian Police and the Attorney General's Office, has established a land mafia task force to combat these illegal practices. This initiative aligns with the government's broader land certification efforts under the *PTSL* program. Ministerial Decree No. 15 of 2024 on the Prevention of Land Cases outlines systematic measures, including case identification, assessment, recommendation development, and ongoing monitoring and evaluation. This regulation represents a decisive governmental effort to curb land mafia activities and enhance legal protections for landowners while fostering a secure environment for investors.¹⁸

The success of this regulation hinges on several factors. First, inter-agency coordination—particularly between *ATR/BPN*, law enforcement, and judicial bodies—is essential to ensure consistent enforcement and data integrity. Second, public engagement is critical, as community awareness and active reporting of suspicious activities can strengthen preventive efforts. Lastly, capacity building for *ATR/BPN* officials and other relevant authorities is necessary to ensure the effective implementation of these measures. Strengthening these areas, alongside robust monitoring mechanisms, is vital to achieving sustained progress in eradicating land mafia practices.

b. The Role of Law Enforcement in Protecting Community Rights Against the Land Mafia

According to Law No. 2 of 2002 on the National Police of the Republic of Indonesia, internal security is essential for achieving a just, prosperous, and civilized society based on Pancasila and the 1945 Constitution. The National Police, as a state instrument, is responsible for maintaining public security and order, law enforcement, and community protection, in collaboration with the public and while upholding human rights. Public security and order are dynamic conditions necessary for national development, ensuring stability, legal compliance, and social peace while fostering the community's capacity to prevent and address legal violations. Recognizing the severity of land mafia practices, the Ministry of Agrarian Affairs and *ATR/BPN*, in collaboration with the National Police, seeks to enforce Ministerial Regulation No. 15 of 2024 in line with the Police Law to protect affected individuals.

The constitutional foundation for land-related legal frameworks in Indonesia is Article 33(3) of the 1945 Constitution, which mandates the state to manage natural resources, including land, for the maximum benefit of the people.¹⁹ This principle was further implemented through Law No. 5 of 1960 on Basic Agrarian Regulations (*UUPA*), which abolished colonial agrarian laws and established a national agrarian legal system. Under the *UUPA*, the state holds regulatory and managerial control over land, ensuring its equitable distribution to promote national welfare, particularly for farmers and rural communities. Legal certainty and justice in land rights are crucial for realizing a prosperous and equitable society.²⁰

¹⁷Iwan Permadi, "Land Mafia Crime as a Threat to Land Control with Legal Certainty," *Journal of Legal Perspectives*; Vol 24 Issue 1: 1-25

¹⁸Haryana, The Government's Role in Handling the Land Mafia as Protection for Land Owners, *Undiksha Journal of Citizenship Education* Vol. 7 No. 3 (September 2019)

¹⁹Kafrawidan Rachman Maulana Kafrawi, "Jurisdictional Research of Land Bank Agencies in Indonesian Agrarian Law," *Legal Perspective* 22, no. 1 (2022): 109–38, <https://doi.org/https://perspekti.hukum.hangtuah.ac.id/index.php/jurnal/article/view/119>.

²⁰Angela Melani Widjaja Indira Retno Aryatie, Oemar Moechthar, "The Strength of Proof of Land Rights Certificates (Conventional and Electronic)," *Legal Perspective* 22, no. 1 (2022): 1–28, <https://doi.org/DOI:https://doi.org/10.30649/ph.v22i1.88>.

Legal protection for victims of land mafia activities is essential both preventively and repressively. Preventive legal protection involves the establishment of normative rights for landowners through legislation, ensuring regulatory safeguards against unlawful land acquisitions. Repressive legal protection enables victims to defend their rights when land-related crimes occur, ensuring fair resolution through legal enforcement. Given the inherent power imbalance between victims and perpetrators, the state must provide legal protection that is both effective and just. This commitment aligns with the broader principles of social justice and national welfare as enshrined in Pancasila and the 1945 Constitution.

The misuse of authority and power by unscrupulous officials for personal gain—such as issuing duplicate land certificates, illegally selling community-owned land, or registering unclaimed land—poses a significant threat to legal certainty and public trust. Weak oversight of land deed officials exacerbates the issue, highlighting the urgent need for stronger regulatory frameworks to prevent land-related crimes and ensure effective legal protection for land rights in Indonesia. As a nation grounded in principles of balance, Indonesia must uphold a fair relationship between rights and obligations. While individuals have the right to use land for their livelihood, they also bear the responsibility of maintaining its sustainability. Similarly, the government must exercise its authority to guarantee landowners' protection from criminal threats. Given that land mafia activities disproportionately harm lower- and middle-income communities, the state must implement comprehensive and proactive legal measures to safeguard their rights.

The One Map Policy (OMP) is a crucial government initiative aimed at combating land mafia practices by integrating all land-related data into a unified, transparent, and legally binding map. By consolidating geospatial information, OMP enhances legal clarity on land ownership and minimizes opportunities for fraudulent claims. Additionally, it serves as a strategic tool for improving Thematic Geospatial Information (IGT) data and ensuring better spatial planning. The policy also provides a standardized reference for sectoral land governance, helping align spatial planning with national development objectives.²¹

3. Eradication Efforts for Individuals/Perpetrators of Land Mafia Crimes

The purpose of punishment aligns with the essence of criminal law as a system of negative sanctions, which is applied when other measures prove insufficient—reflecting its subsidiary function. According to Sahardjo, the objective of imprisonment is not only to impose suffering due to the loss of freedom but also to rehabilitate convicts, guiding them toward repentance and reintegration as valuable members of society. This rehabilitative approach, commonly referred to as the treatment philosophy or behavior philosophy, is synonymous with resocialization and rehabilitation. Legal experts assert that anyone who violates the law can be subjected to sanctions, reinforcing the deterrent effect of criminal law.

In the context of the land mafia, additional punitive measures are necessary to enhance deterrence. Sanctions such as high fines, asset confiscation, or permanent revocation of land rights could serve as complementary tools alongside imprisonment. These measures not only punish offenders but also prevent them from profiting from illicit land transactions. Asset confiscation targets the financial incentives behind land mafia activities, undermining their economic gains. Such strict enforcement mechanisms also reinforce the public perception of the severity of land-related crimes, emphasizing the state's commitment to combating this issue comprehensively.²²

²¹Regarding the Acceleration of the One Map Policy (PKPS). Secretariat of the One Map Policy Acceleration Team <https://satupeta.go.id/> accessed 18 August on 18 August 2024, at 13.57 WIB

²²Zaini, "Conceptual Review of Crime and Punishment", Voice Justicia Journal of Law and Justice, Vol 3 No. 2 (2019)

Land disputes and conflicts have evolved beyond individual concerns, becoming complex social issues that demand a multi-dimensional approach.²³ These disputes no longer fall solely within the realm of civil or administrative law but increasingly intersect with criminal law, particularly when fraudulent or criminal activities are involved. The persistence of land mafia operations underscores the need for coordinated legal enforcement.²⁴

The land mafia remains a persistent challenge in Indonesia, but the state is determined not to be overpowered by these illicit networks. Recognizing the historical nature of this problem, law enforcement agencies must work collaboratively to dismantle the land mafia. While political will to combat this issue exists, what is still lacking is strong political commitment and concrete action. The land mafia problem cannot be addressed partially, nor should institutional rivalries among government branches hinder progress. To effectively combat the land mafia, Indonesia must reaffirm the essence of Pancasila, emphasizing cooperation among all stakeholders, including the government, law enforcement, public officials, and community members.²⁵

A deeper understanding of the legal system reveals that law enforcement is a complex interplay of substantive law (values and legal norms), procedural law (means of enforcement), and law enforcement institutions (both judicial and non-judicial bodies). Within this complexity, land disputes and land conflicts often fall into a legal gray area or overlapping jurisdictions, where elements of civil law, administrative law, and criminal law intersect.²⁶

Data from the Agrarian Reform Consortium (K.P.A.) highlights the provinces with the highest agrarian disputes in 2020: Riau (29 cases), Jambi (21 cases), North Sumatra (19 cases), South Sumatra (17 cases), and East Nusa Tenggara (16 cases).²⁷ This data underscores the urgent need for systematic legal intervention to prevent further exploitation by land mafia groups.²⁸

The land mafia operates as an economic equilibrium in a non-cooperative, two-stage game between landowners and mafia groups, thriving in environments with weak property rights protection. In this context, landowners face constant threats of losing their land through predatory attacks, while mafia groups exploit the situation by offering protection services to certain landowners while targeting others.

The historical approach to organized crime provides insight into the legal strategies necessary to dismantle land mafia networks. The United Nations Convention Against Transnational Organized Crime (UNTOC) was a significant milestone in combating criminal organizations globally. The common law concept of conspiracy, particularly statutory conspiracy under the UK Criminal Law Act 1977, presents a more comprehensive legal framework than Indonesia's current laws. Under Section 1(1)(b) of the 1977 UK Criminal Code, individuals involved in a conspiracy can be prosecuted even if the agreed-upon crime has not yet occurred. This principle strengthens legal action against criminal networks by targeting not only those who commit crimes but also those who plan and facilitate them.

²³A no. B.Ch. Eman, "Settlement of Dual Certificates by the National Land Agency," *Lex et Societatis* Volume 1, no. 5 (2013): 28-40, <https://doi.org/10.35796/les.v1i5.3171>.

²⁴Feibe Youla Lengkon, "Resolving Land Disputes and Conflicts Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 11 of 2016 concerning Settlement of Land Cases," *Lex Privatum* Volume VII, no. 4 (2020): 107-116., <https://doi.org/10.35706/positum.v4i1.3011>.

²⁵Darwin Ginting, "Policies on Prevention and Eradication of Land Mafia: Agrarian Reform in Indonesia," *Utopía y Praxis Latinoamericana: Revista Internacional de Filosofía Iberoamericana y Teoría Social* Volume 2 (2020): p. 255-263, <https://doi.org/10.5281/zenodo.3809387>

²⁶Enrico Simanjuntak, "The Essence of Land Administration Disputes in State Administrative Courts," *Bhumi: Agrarian and Land Journal* Volume 3, no. 2 (2017): 171-187., <https://doi.org/10.31292/jb.v3i2.123>

²⁷Dewi Kartika, "2020 Agrarian Conflict Report," in *2020 Final Notes of the Consortium for Agrarian Reform on the Covid-19 Pandemic and Large-Scale Land Grabbing, Cet. I* (Jakarta: Agrarian Reform Consortium, 2020), 17-20

²⁸Oriana Bandiera, "Land Reform, the Market for Protection, and the Origins of the Sicilian Mafia: Theory and Evidence," *Journal of Law, Economics, and Organization* Volume 19, no. 1 (2003): 218-244., <https://doi.org/10.1093/jleo/19.1.218>.

Given the organized and systematic nature of land mafia activities, Indonesia could benefit from adopting stricter conspiracy laws to prosecute not just individual perpetrators but also the broader criminal networks.²⁹

Article 32, paragraph (1) of Government Regulation No. 24 of 1997 establishes land certificates as valid evidence of land ownership. Paragraph (2) further stipulates that if a land certificate has been legally issued in the name of an individual or legal entity with a legitimate claim and good faith possession, no other party may contest the land rights if they fail to submit a written objection or initiate legal proceedings within five years of the certificate's issuance.³⁰

Sanctions for crimes associated with the land mafia in Indonesia range from asset confiscation to imprisonment of up to ten years. Riza emphasizes the necessity of imposing maximum penalties to create a strong deterrent effect, particularly for organized syndicates, given the significant economic and legal harm they inflict. He argues that perpetrators operating within these networks should receive harsher sentences due to the severe losses suffered by legitimate landowners.³¹

Efforts to combat the land mafia should focus on two key strategies. First, strict legal enforcement must be pursued against perpetrators engaged in forgery, fraud, embezzlement, bribery, gratification, money laundering, and other offenses as stipulated in statutory regulations. Criminal sanctions serve not only to punish but also to deter future offenses while protecting legitimate landowners' rights. Additionally, administrative sanctions, including dismissal, should be imposed on government officials implicated in land mafia activities. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (*ATR/BPN*) has sanctioned 125 employees involved in such practices, with 32 receiving severe penalties, 53 moderate disciplinary actions, and 40 light disciplinary measures. Furthermore, revoking the licenses of land deed officials (*PPAT*) found complicit in these crimes is essential to preventing further harm.³²

Second, strengthening the integrity and professionalism of relevant authorities is crucial. Integrity pertains to ethical conduct, while professionalism reflects the competency of officials in executing their duties. The involvement of authorities in land mafia operations has been acknowledged by Sofyan A. Djalil, who highlights the extensive networks spanning *PPAT* officials, law enforcement agencies, courts, and the *ATR/BPN*. To uphold integrity and professionalism, bureaucratic reforms aligned with good corporate governance (GCG) principles, particularly transparency and accountability, are necessary. Enhancing the welfare of officials is also essential to reducing susceptibility to corruption. Moreover, robust monitoring and supervision mechanisms must be established to ensure adherence to ethical and legal standards. For instance, the Judicial Commission should oversee judges' conduct, given their potential involvement in land mafia cases. Similarly, oversight of *BPN* employees, who are responsible for issuing land certificates, is imperative, as they play a central role in safeguarding landowners' rights.³³

Third, enhancing inter-agency coordination is essential for effectively addressing and eradicating the land mafia. As these crimes are highly organized and systematic, uncovering and prosecuting them requires expertise and collaboration among authorities. To this end, the Land Mafia Prevention and Eradication Team (*PPMT*) was established, comprising the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (*ATR/BPN*), the

²⁹http://koran-sindo.com/page/news/2016-01-12/1/0/Permufakatan_Jahat, accessed 19 August 2024

³⁰Salim, A. Settlement of Legal Disputes Against Ownership Certificate Holders by Issuing Multiple Certificates. *Usm Law Review Journal*, Vol.2,(No.2), p.174–187.

³¹<https://unair.ac.id/pakar- Hukum-unair-ulas-pengelesaian-sengketa-kas-mafia-tanah/>

³²This is the Difference Before and After the Establishment of the Anti-Land Mafia Task Force", 21 October 2021, <https://www.kompas.com/properti/read/2021/10/21/143205721/this-difference-before-and-after-the-formation-of-the-task-antimafia-land?page=all>, accessed 24 November 2021.

³³"Minister of ATR Removes PPAT Involved in Land Mafia," *Media Indonesia*, 21 November 2021, p. 2

National Police, and the Indonesian Prosecutor's Office. The *PPMT* Team facilitates case handling by harmonizing efforts, aligning perceptions, consolidating data, and standardizing resolution methods. Given the increasing prevalence of land mafia cases, strengthening the *PPMT* Team's mandate and operations is crucial for expediting case resolution and enhancing prevention strategies.³⁴

Fourth, land certification is a critical measure in preventing land disputes and unlawful land seizures. Certificates serve as definitive proof of ownership, yet many landowners delay certification due to financial constraints, leaving their land vulnerable to fraudulent claims. The Complete Systematic Land Registration (*PTSL*) program, regulated under Ministerial Regulation No. 6 of 2018, aims to address this issue by providing free and systematic land registration. This program, implemented since 2018 and scheduled to continue until 2025, seeks to certify all land in Indonesia. The government set annual targets of 10 million certified plots in 2020 and 9 million in 2021. By early May 2021, 1.8 million certificates had been issued, with data collected on 3.4 million plots. The program aspires to ensure that all land in Indonesia is certified by 2025.

Despite these efforts, significant challenges persist in implementing anti-land mafia initiatives, including the *PTSL* program. Bureaucratic inefficiencies and administrative complexities hinder landowners from completing registration, delaying certificate issuance and fostering legal uncertainty, which land mafia groups exploit. Moreover, inadequate infrastructure and human resources in remote areas further obstruct registration efforts, resulting in delays and inaccuracies. Addressing these challenges requires streamlining administrative procedures, improving access to registration services, and enhancing capacity-building initiatives for land administration officials.

Corruption and the involvement of public officials in land mafia activities significantly undermine the effectiveness of land certification programs and legal enforcement. Land mafia groups often collude with officials in the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (*ATR/BPN*), notaries, and law enforcement agencies to manipulate land transactions, further complicating efforts to combat these practices. To address this issue, stronger sanctions, including higher fines and asset confiscation, must be imposed. Additionally, improving bureaucratic efficiency, strengthening anti-corruption measures, raising public awareness, and ensuring stricter enforcement of legal penalties are crucial to effectively combating the land mafia and achieving the objectives of land reform programs.

Fifth, increasing community participation is essential in safeguarding land rights and preventing land mafia activities. Public involvement is critical to the success of the Complete Systematic Land Registration (*PTSL*) program, ensuring that its targets are met. Citizens are encouraged to actively verify their land certificates through the *Sentuh Tanahku* ("Touch My Land") application to prevent unauthorized land transfers. Moreover, public vigilance is necessary to avoid falling victim to fraudulent practices. Landowners should personally manage their land certificates and refrain from delegating this responsibility to others to prevent fraud or unauthorized ownership changes. Land certificates should not be entrusted to third parties, as they could be misused or illegally transferred. To enhance the effectiveness of these initiatives, the government must ensure that digital verification tools are accessible and user-friendly, enabling citizens to easily confirm the legitimacy of their land ownership.

Furthermore, parliamentary oversight plays a crucial role in eradicating land mafia practices. The relevant parliamentary committees, particularly Commission II and Commission III of the DPR RI, must actively monitor the performance of government agencies and law enforcement in handling land disputes and mafia-related cases. In this regard, Commission II DPR RI has established the *Panja Mafia Tanah* (Land Mafia Special Committee) to investigate land-related

³⁴"Free PTSL 2021-Complete Definition, Terms and Stages", 19 June 2021, <https://prospeku.com/article/ptsl-jadi---3221>., accessed 19 August 2024.

issues, propose solutions, and push the government to implement stronger preventive and enforcement measures. By combining legal reforms, public engagement, and institutional oversight, the fight against land mafia practices can be significantly strengthened, ultimately ensuring greater legal certainty and land security for all citizens.

C. Conclusion

Law enforcement agencies have demonstrated a strong commitment to eradicating land mafia activities and prosecuting unscrupulous individuals involved in fraudulent land transactions. In practice, land mafias employ various tactics to unlawfully seize land rights, often by falsifying or manipulating land ownership documents to transfer legal ownership fraudulently. Recognizing the severity of this issue, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has recently signed a Memorandum of Understanding (MoU) with the National Police Headquarters. This strategic initiative marks a significant step by the government in protecting public land from the threats posed by land mafia networks.

The enactment of Ministerial Regulation (*PERMEN*) No. 15 of 2024 on the Prevention of Land Disputes provides a much-needed legal framework to address the complexities of land-related crimes. This regulation offers a strong legal basis for preventing and resolving land disputes, ensuring that fraudulent land transfers and illegal claims are effectively curtailed.

Furthermore, the One Map Policy has been introduced as a comprehensive measure to combat land mafia practices. This policy aims to consolidate and integrate all land-related data into a single, unified map, enhancing transparency and legal certainty in land ownership. By providing clarity on land ownership and its legal status, the policy significantly reduces the opportunities for land mafia activities.

Findings suggest that a comprehensive, multi-stakeholder approach is essential for effectively addressing the challenges posed by the land mafia. Key components of a successful strategy include stronger law enforcement, improved institutional coordination, and increased public participation. This research contributes to the ongoing discourse on strengthening legal, technological, and institutional frameworks to eradicate land mafia activities and protect landowners' rights. Through these efforts, Indonesia can enhance legal certainty, promote fair land ownership practices, and safeguard public land from unlawful seizures.

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