



Some Thoughts Regarding Law Enforcement Efforts Against Land Mafia Activities

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Abstract

The activities of the land mafia represent a significant challenge to law enforcement in Indonesia, characterized by practices such as document forgery and legal conspiracies that harm the community and undermine the legal certainty promised by the government. Weak supervision and ineffective enforcement exacerbate this issue. This research aims to analyze the underlying causes of the rise in land mafia activities, identify legal loopholes exploited by perpetrators, and propose effective measures for eradicating this phenomenon. Employing a legal sociological approach, the research utilizes qualitative methods, including the analysis of relevant literature, empirical data, and regulations, supplemented by case studies and interviews with key stakeholders. The findings reveal that the proliferation of land mafia activities stems from regulatory weaknesses, insufficient oversight, and collusion between perpetrators and law enforcement officials. Proposed solutions include revising relevant legislation, enhancing the capacity of law enforcement personnel, and fostering synergy between legal institutions. Furthermore, public education plays a crucial role in preventing individuals from engaging in such illegal activities. The results have implications for policymakers and legal practitioners in strengthening legal frameworks and improving law enforcement mechanisms to address this pressing issue.

Keywords: Land Mafia, Law Enforcement, Regulatory Gaps, Indonesia, Legal Sociology.

INTRODUCTION

The activities of the land mafia are one of the crucial problems that threaten the land system in Indonesia (Gunanegara, 2020). This phenomenon not only harms certain individuals or groups, but also creates wider social and economic instability. Land mafias take advantage of loopholes in legal regulations, weak supervision, and vulnerabilities in the land administration system to carry out various illegal practices such as document forgery, manipulation of ownership data, and collusion with authorities (Tehupeiory, 2022). This condition shows that the land mafia problem is a multidimensional problem, covering legal, social and political aspects (Salim & Utami, 2020).

As a vital resource, land has a strategic role in the lives of Indonesian people. However, its high economic value often makes land an object of exploitation by irresponsible parties. This issue is increasingly complex with the increasing need for land amidst population growth and urbanization. In this context, the presence of land mafia not only harms legitimate landowners, but also undermines public trust in the legal system and government institutions (Nashuha & Mahfud, 2023).. If left unchecked, this practice has the potential to exacerbate social inequality and lead to serious horizontal conflicts.

The urgency of this research is heightened by reports of overlapping land ownership in large numbers. This situation shows that the existing land regulations have not been able to provide legal certainty as expected. In addition, weak legal sanctions against land mafia actors provide a loophole for this illegal activity to continue to grow. Various theories support the importance of addressing this issue, such as the theory that law must be present in every aspect of society. Land as an essential resource for humans requires strong legal protection so that it does not become an object of exploitation. In addition, human behavior driven by economic interests is often the basis of land mafia activities.

Previous research has shown that land mafia activities often involve collusion between perpetrators and law enforcement officials. For example, research by (Putra et al., 2019) revealed that weak internal supervision in land agencies opens opportunities for data manipulation and issuance of fake certificates by unscrupulous officials. Similar research was conducted by (Ardiansyah, 2022) who found that collaboration between the land mafia and certain officials is often motivated by large economic benefits and the lack of strict sanctions against these violations. On the other hand, a research conducted by (Soepandi & Widodo, 2021) highlighted the weaknesses in the manual-based land administration system, which makes it easier for land mafia to manipulate ownership documents.

However, these studies have not explored the sociological aspects of law that are the root causes of land mafia behavior, so they have not provided comprehensive solutions. The gap in this research is the lack of studies that link the weakness of legal regulations with social factors, such as a culture of corruption, economic inequality, and weak public legal awareness, which encourage the existence of land mafia. For example, (Hulu, 2022) emphasizes the need for a sociocultural approach in understanding land mafia practices, especially in areas with high levels of agrarian conflict.

The majority of studies focus on legalistic approaches, such as evaluating regulations and administrative mechanisms, without looking at deeper sociological dimensions. In addition, research by (Polii, 2024) highlights that the solutions offered are often technical and do not consider social dynamics at the local level. This is a gap that needs to be filled to provide a more thorough understanding and relevant solutions. With an interdisciplinary approach that combines legal and sociological analysis, this research is expected to identify the root of the problem holistically and propose strategic measures that can be applied practically.

The novelty of this research lies in the interdisciplinary approach that combines sociological analysis of law with empirical studies. As such, this research not only evaluates existing regulations, but also offers a new perspective in understanding the social dynamics behind land mafia activities.

Based on the above background, this study aims to identify the root causes of land mafia activities, evaluate gaps in legal regulations, and propose effective law enforcement strategies. In addition, this research also aims to provide recommendations that can be applied in government policies to improve surveillance and legal certainty in Indonesia. Thus, the benefit of this research is to contribute to strengthening the legal system and land governance in Indonesia. This research is expected to be a reference for policy makers in formulating strategic steps to prevent land mafia practices that harm the community. In addition, the results of this research are also expected to increase public awareness of the importance of monitoring legal certainty and encourage synergy between the government, legal institutions and the community in eradicating the land mafia.

METHOD

This research uses a descriptive qualitative approach with a legal sociological perspective to analyze the phenomenon of land mafia in Indonesia. This approach combines empirical data, legal documents, and in-depth interviews with selected resource persons, such as land officials, notaries, victims of the land mafia, and academics. The analysis process was conducted using thematic methods, identifying patterns and relationships between variables. The research procedure included a preliminary research to determine the focus of the problem, data collection from sources and documents, and qualitative data analysis that was codified and interpreted. This research aims to find the root of the problem, evaluate regulatory gaps, and propose comprehensive solutions to strengthen land law enforcement and supervision in Indonesia.

RESULTS AND DISCUSSION

Why Land is a Mafia Target

In essence, humans and land are inseparable, but legal rules must be made so that their use and utilization remain equitable (Ginting, 2011). The importance of the rule of law is due to the existence of humans as social beings (*son politicon*) as well as legal persons (*ius juridicus*) according to Del Vasechio, in accordance with Cicero's view that where there are humans there is law (*ubi societas ibi ius*) (Pratiwi & Ramadhan, 2023). Therefore, humans always try to fulfill their desires in accordance with the applicable norms or rules of law. At the very least, everyone will make every effort to be able to own and/or control land safely, and be registered with the authorized agency as referred to in Articles 19, 23, 32 and 38 of the UUPA in conjunction with Article 3 of PP Np. 24 of 1997 (Purnama, 2024). However, it is not as easy as turning both hands, because factually it does not rule out the possibility that efforts to fulfill land ownership and/or

control actually violate legal provisions and harm the rights of others so that they must be responsible for their actions before the law.

Recently there was horrendous news, because Nirina Zubir (one of the top artists) lost her parents' land assets estimated at Rp. 17,000,000,000, - (seventeen billion rupiah) as a result of unlawful acts committed by a group of land mafia involving her own housekeeper and a notary as a Land Deed Official (PPAT). Then on Friday (October 7, 2022) Minister Hartanto (Chairman of the Golkar Party) through the broadcast of Kompas TV (Sapa Indonesia Pagi) reported that today there are still ± 43 million overlapping lands. The news signals that land governance in Indonesia has not been maximized and is not as expected.

In connection with this phenomenon, it is reasonable and appropriate if in the midst of society there is a thought and idea regarding the ownership and / or control of land by unlawful means through the use of land mafia services. The ownership and control of land by the land mafia, in formal juridical terms, should be suspected of including unlawful acts by making land an object and an easy target to get the maximum profit without caring about the losses that will be suffered by the landowner (for example suffered by Nirina Zubir) (Karlina & Putra, 2022).

Thus, there is a strong suspicion that the possibility of the birth of such thinking is based on the existence of land as one of the essential needs of humans. Moreover, if the optics of sociology of law are used against the activities of the land mafia, a conclusion can be drawn that the increasingly lively activities of the land mafia cannot be separated from the existence of land, which has 3 (three) basic characteristics, as follows:

1. Patient; meaning that the land never complains even when a relatively heavy load is placed on it. How heavy are the buildings built on the land, such as skyscrapers, real estate and flats, factories and various other types of buildings. However, because of its patient nature, the soil still patiently accepts the burden and never complains at all.
2. Consistent; meaning that the soil never speculates so that it is unlikely that a durian tree will grow when a *langsar* is planted. However, the soil is consistent, that is, if a coconut is planted, a coconut tree will grow; if a mango is planted, a mango tree will grow; if a durian is planted, a durian tree will grow.
3. Secrecy; meaning that the soil is good at hiding secrets. Therefore, if there is a carcass that already smells and is planted in the ground, the carcass that has been planted will not emit a foul smell that is unpleasant for the nose to breathe.

With regard to the three basic characteristics (patience, consistency and confidentiality) inherent in each plot of land, if linked to human existence that comes from the soil and one day when death arrives will be returned to the land (Djanggih & Salle, 2017). These are some of the privileges that land has, so that land becomes one of the essential needs of humanity as well as an easy target for the land mafia in trying to own and/or control land illegally.

In addition, today it is suspected that there has been a fundamental change for every person (legal subject) towards the distinction of land as the only property object that is fixed in its condition, among others:

1. Every piece of land can never be destroyed, even if it is burned or subjected to bombs and explosives. But its state will not change, it will remain as land.
2. Even if at some point a disaster (natural disaster) such as a flash flood causes every piece of land to be below the water level, such a situation will not be able to change its existence as land. When the floodwaters recede, the land appears as an economic object that may be more fertile and fatter than before.
3. Farmers and agricultural laborers assume that every plot of land is considered a place to grow various types of crops. Moreover, each plot of land is generally chosen as a place to find various sources of income or income through farming and plantation businesses to fulfill household and family life,
3. For those with a materialistic spirit and mindset, every piece of land has economic as well as magical-religious-cosmic value (especially for indigenous people) so that it can be used as an investment, and even every piece of land is seen as a means or a place to build various types and types of buildings (real estate).
4. No matter how great human thought is about each plot of land, in the end it comes down to a simple thought that the existence of land as a place where a person is buried when death arrives.

In connection with the three basic characteristics and multiple functions inherent in each plot of land, so that many people try in various ways to obtain (own and / or control) a plot of land. Empirically, there are many ways that can be taken to obtain a plot of land, both legally, such as buying and selling, exchanging, inheriting or granting (Putri & Ana Silviana, 2016). However, it is not uncommon for there to be issues, that now many people obtain land illegally, such as seizure, forgery of land documents, fraud, forced taking, or malicious agreements through the use of land mafia services.

Search and Find Causes

In essence, it is not an easy matter to find the causes of the occurrence and proliferation of land mafia in Indonesia, one of the reasons being that land mafia activities are sometimes not visible to the public, making it difficult to track legally. There are even land mafia activities that are oriented towards an affair and evil conspiracy between law enforcement officials and justice seekers, so that legal norms are only seen as silent rules. Therefore, we need the cooperation and participation of all elements of society as well as the support of data and theories that are considered capable of linking actions with their causes (through research) so that the causes of land mafia activities can be revealed systematically and scientifically.

Starting from some data, information and literature that has been collected regarding the causes and actions of the land mafia in Indonesia, among others:

1. Land is seen as an inseparable part of wealth, and the greedy nature of people. However, for those who hold this view, it is not based on scientific research. This view has been recognized by society since the glory of Roman and Greek culture. At that time, people associated gold (which had a high economic value) with individual greed.
2. The activities of the land mafia do not lie entirely within humans, but they are influenced by evil spirits (demons). Such a demonological view shows the spiritual weakness of every human being, so that sometimes a person takes other people's land illegally not because of his own will, but because of the influence of evil spirits (demons). It seems that this phenomenon has a theological background, reminiscent of the story of Prophetullah Adam (peace be upon him) who was forbidden to approach the khuldi tree, but the influence and temptation of the devil (satan) caused him to fall to the earth.
3. There are respondents who think that someone who belongs to the land mafia group is (individualistic and intellectualistic) because they are able to consider the good or bad of their actions (for example, the involvement of notaries as PPAT). Theoretically, Beccaria considers that such a view is categorized as hydonistic, where every human being is able to regulate their behavior on the basis of considerations for pleasure and suffering.
4. A person's involvement in the land mafia may be due to a talent for dishonesty and/or because he or she was born into a family that has always done bad things (in line with Lambroso's theory). Perhaps this is one example of what the preacher used to say, that humans come from the ground, except for those who often do bad things, perhaps born from landslides.
5. The environment around a person can cause him or her to become involved as a member of a land mafia group, because of friends, peers, and relatives who are influential enough to be involved in land mafia activities without realizing it. The social environment as one of the reasons why people commit crimes is consistent with the imitative theory pioneered by Tarde and Lasagne (French criminologists). Furthermore, this is consistent with the attitude of parents who often remind their children to be selective in choosing friends, if they are wrong or mistaken in choosing friends, their behavior will be wrong. If you make friends with a thief, you will eventually become a thief. If you make friends with people who often get drunk, you will also become a drunkard. If you make friends with drug addicts, you will eventually become dependent on drugs.
6. The freedom of the land mafia to carry out its actions is due to the loopholes in the laws and regulations, as well as the intention and opportunity to realize its actions. When examined in terms of basic regulations, it is clear that there is a loophole in the form of the imposition of relatively very light criminal sanctions, namely the threat of imprisonment for up to 3 months or a fine of up to Rp. 10,000, - as stipulated in Article 52 of the UUPA. The criminal sanctions are aimed at anyone who violates Articles 19, 22, 24, 26 paragraph 1, 46, 47, 48, 49 paragraph 3, and 50 paragraph 2 of the UUPA. Another loophole is contained in Article 62 of PP. No.24 of 1997 which threatens PPAT with the imposition of administrative sanctions in the form of a

written warning up to dismissal from his position as a PPAT, without prejudice to the possibility of being sued for compensation by parties who suffer losses caused by ignoring the provisions in Articles 38, 39 and 40 of PP.No.24 of 1997. Both regulations give a negative impression that unlawful acts or activities committed by the land mafia are categorized as violations rather than crimes. The jurisprudence of the Supreme Court of the Republic of Indonesia dated January 12, 1977 No. 1382 K/Sip/1974, the rule of law reads; "Tax payment receipts reinforced by witness testimony are valid evidence of ownership of the land concerned". The MARI jurisprudence has the opportunity to break the power of land rights certificates as the strongest and perfect evidence even if it is based on an evil conspiracy.

7. The rapid growth of the land mafia is due to a lack of effective supervision, ✓ and weak law enforcement. This raises the question: who is supervising and who is being supervised? What methods of supervision are ideally used, and what is the ability of supervisory personnel to carry out the supervisory duties imposed on them? It is even possible that there will be law enforcement officers who are involved and/or provide opportunities for the land mafia to carry out its activities.

Law Enforcement Eradicates the Land Mafia

The government realizes the importance of immediately taking quick, steady and organized steps in the field of law enforcement to try to eradicate the land mafia in Indonesia. While the principle of law enforcement is nothing but all efforts to actualize and describe the rules of law into people's lives (Tenri Salsa, 2021). The law in question contains legal norms or rules. While the norms or rules of law, not just as a supplement (complement) and mere lip decoration. Rather, it must be implemented, in the sense that it is enforced according to the applicable legal procedures and procedures (*ius constituendum*). In order for the *ius constituendum* to be realized in reality (empirical), it is *ex officio* necessary to have positive actions, activities or actions oriented towards law enforcement which is the spearhead of the creation of a good legal order in society. One of the positive steps from the government aimed at eradicating all forms of land mafia activities is the issuance of several regulations, including:

1. Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 11/2016 on Land Case Settlement (State Gazette of the Republic of Indonesia No. 569/2016).
2. Memorandum of Understanding between the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency and the National Police of the Republic of Indonesia dated March 17, 2017 No. 3/SKB/III/2017 and No. B/26/11/2017 on Cooperation in the Field of Agrarian Affairs/Land and Spatial Planning.
3. Working Guidelines between the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency and the National Police of the Republic of Indonesia dated June 12, 2017 No. 26/SKB-900/VI/2017 and No.49/VI/2017 on Cooperation in the Field of Agrarian Affairs/Land and Spatial Planning.

4. Technical Guidance dated April 10, 2018 No. 01/JUKNIS/D.VII/2018 on Prevention and Eradication of Land Mafia.

The four regulations specifically regulate cooperation in eradicating land mafia between the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency and the Indonesian National Police, both at the district/city level (Polres), as well as at the provincial (Polda) and central (Mabes Polri) levels. The regulation is intended as a legal basis for the importance of cooperation and coordination between the two institutions in trying to crack down and eradicate all forms of land mafia activities in Indonesia.

The implementation of law enforcement can run well, if it is supported by power which is realized in the form of legal authority (authority). In addition, it must also involve all components (forces in society), related agencies and stakeholders. For example; police, prosecutors, courts, academics, L.S.M., central government and blood government including officials from the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency. The legal norms that have been used as the legal basis for taking action against perpetrators of land crimes and land mafia in Indonesia, among others:

1. Article 167 of the Criminal Code on unauthorized entry.
2. Article 242 of the Criminal Code on perjury in court.
3. Article 263 of the Criminal Code on Forgery of Letters,
4. Article 264 of the Criminal Code on Forgery of authentic deeds.
5. Article 266 of the Penal Code on Inserting false information into an authentic deed.
6. Article 285 of the Penal Code on Embezzlement of land rights of movable property/land grabbing.

Given that law enforcement efforts are not only associated with a process of carrying out and obeying the law, but also about humans (individuals). Therefore, the implementation of law enforcement with regard to the prosecution and eradication of the land mafia should ideally be organized in a system that is linked to various sub-systems, among others:

- 1) Provision of legal regulations;
- 2) Institutionalization of law enforcement;
- 3) Resources of law enforcement officers;
- 4) Procedures (mechanisms) for implementing law enforcement; and
- 5) Availability of law enforcement infrastructure and facilities.

In connection with this, it is better if from now on all energy is concentrated to support the successful implementation of law enforcement in an effort to eradicate all kinds and forms of land mafia activities in Indonesia with a motto of equality before the law, intended so that the purpose of law (accuracy, usefulness and legal certainty) can be realized as it should. The way law enforcement officers work in the context of eradicating land mafia must be able to explain and distinguish which actions if carried out fall into the category of land mafia, when and in what cases

so that they are categorized as doing activities that include the activities of the land mafia, and can explain the legal consequences that must be accounted for as land mafia.

CONCLUSION

The conclusion of this research reveals that land mafia activities in Indonesia are driven by regulatory loopholes, weak supervision, and the involvement of unscrupulous officials in legal conspiracies. The exploitation of a fragmented land system allows for crimes such as document forgery, land grabbing and legal manipulation. Social factors, including greed and lack of public education on land rights, further exacerbate the problem. To address this, the study recommends regulatory reforms, stricter sanctions, capacity building of law enforcement agencies, and public education initiatives to raise awareness and prevent future violations.

Through an interdisciplinary approach, this research provides valuable insights into the interaction between legal frameworks and social dynamics. The research contributes to the sociology of agrarian law and policy by offering practical recommendations, including technology-based surveillance and interagency synergies, to strengthen governance and legal certainty. The findings provide a basis for policymakers to implement more effective strategies to eradicate land mafia activities and protect the public interest.

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