

# LAW ENFORCEMENT AGAINST LAND MAFIAS IN INDONESIA

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## ABSTRACT

This research delves into the issue of law enforcement against land mafias in Indonesia, which is a deeply troubling issue within the country's land sector. The aim of this research is to analyze the driving factors, social and economic impacts, and to formulate recommendations and solutions to enhance law enforcement against land mafias. Within the context of this research, the driving factors facilitating land mafia practices include corruption in bureaucracy, ambiguity in land laws, unequal legal access, complex bureaucracy, ineffective land reform policies, and involvement of government officials. Real case studies reveal how land mafias have exploited these weaknesses to illegally acquire land. The social impacts of land mafias encompass land conflicts, forced evictions, legal uncertainties, and lack of community access to resources. On the economic front, land mafias can cause significant economic losses, hinder investments, disrupt infrastructure development, and diminish trust from foreign investors. The proposed recommendations and solutions include land law reforms, strengthening law enforcement, protecting witnesses and whistleblowers, developing integrated land information systems, periodic land audits, cross-sector collaboration, increasing public awareness, the role of media and NGOs in exposing land mafia cases, independent monitoring, strict penalties, measured land reform policies, and transparency in property purchases. This research identifies the complexity of law enforcement issues against land mafias in Indonesia and emphasizes the importance of joint efforts from the government, law enforcement agencies, civil society, and the private sector to create a fairer legal environment and reduce illegal practices in land ownership. In conclusion, this research contributes to a better understanding of challenges and solutions in addressing land mafias in Indonesia.

**Keywords:** Law, Land Mafias, Indonesia

## INTRODUCTION

Indonesia is a country rich in natural resources, including its abundant land wealth. This potential creates opportunities for communities to develop and utilize land optimally, whether for agricultural activities, industries, or housing purposes<sup>1</sup>. However, those opportunities also give rise to land disputes, often exploited by irresponsible parties, such as land mafias. These groups exploit loopholes in the law to illegally take over land and subsequently control it for personal interests, disregarding the rightful landowners' rights.

The issue of land disputes in Indonesia is also influenced by the lack of knowledge or minimal awareness among the public about their rights concerning the land they own. This makes communities susceptible to manipulation by individuals seeking to exploit the situation. Additionally, there are laws and regulations that remain ambiguous, failing to provide clarity regarding land ownership, thus causing difficulties in resolving land disputes. Some laws and regulations governing land in Indonesia seem to lack

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<sup>1</sup> Based on data from the Central Statistics Agency (BPS) in 2021, the land area in Indonesia reached approximately 1.9 million square kilometers, comprising agricultural land, forests, plantations, and settlements.

coherence, resulting in frequent overlaps in their implementation. For example, some laws governing land in Indonesia include the Undang-Undang Pokok Agraria (UUPA), Undang-Undang Hak Tanggungan (UUHT), and UU No. 5 of 1960 concerning the Basic Regulations of Agrarian Principles. Furthermore, there are derivative regulations established by government agencies such as the Badan Pertanahan Nasional (BPN) and the Ministry of Agrarian and Spatial Planning (ATR).

Land mafias is a group or individual that uses illegal methods to control other people's land. Land mafias practices can occur in the form of fraud, document forgery, violence, and intimidation. These actions can harm many parties, such as landowners, the government, and the general public<sup>2</sup>. Land mafias practices can have severely damaging effects on society, such as social instability, hindered development, and threats to security. Land mafias can also harm the country by usurping the state's rights in the management and utilization of land. The legal basis for the police's tasks and authority in handling land crimes is regulated in Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia (Polri). Article 30 section 1 states that Polri's main duty is to protect, nurture, and serve the community. One form of protection provided by Polri is through handling land crime cases.

Additionally, Law Number 8 of 1981 concerning Criminal Procedure Law (KUHP) also serves as the legal basis for the police in handling land crime cases. KUHP regulates the procedures for investigation and prosecution of perpetrators of crimes, including land crimes. The investigation and inquiry processes play a crucial role in enforcing the law related to land crimes by land mafias. The process aims to uncover facts and evidence related to land crimes, allowing the identification of perpetrators and their legal prosecution.

With a well-coordinated and effective investigation process, it is hoped that the effectiveness of law enforcement against land crimes by land mafias can be increased. Building on this, a strong and legally based police role is expected to enhance law enforcement effectiveness regarding land crimes in Indonesia. However, these efforts must be supported by cooperation from all relevant parties, including the government, the community, and land rights owners, to realize better and sustainable land management.

## METHODOLOGY

Case study is the chosen research method in this study. Case study research is a method that describes and analyzes in-depth a case or phenomenon that occurs within a specific context<sup>3</sup>. Case study research can be conducted on various research subjects, such as individuals, groups, organizations, or communities. Data collection techniques commonly used in case study research include interviews, observations, and document analysis.

This research employs a qualitative descriptive method aimed at describing a social phenomenon by collecting and analyzing data descriptively and qualitatively. This method focuses more on an in-depth understanding of how a phenomenon occurs and is viewed from the perspective of the involved subjects<sup>4</sup>. Data collection techniques often used in qualitative descriptive methods include interviews, observations, and document studies. Qualitative descriptive methods are often used in exploratory and in-depth research on a phenomenon that is not well known. This method is suitable for research in social, health, education, and other fields.

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<sup>2</sup> Based on data from the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN), there were approximately 13 thousand cases of land mafia recorded throughout Indonesia in the year 2021.

<sup>3</sup> Miles, M. B. dan Huberman, A. M. (2014). *Qualitative Data Analysis: A Methods Sourcebook*. California: Sage Publications.

<sup>4</sup> Sugiyono. *Op.Cit.*

## RESULTS AND DISCUSSION

### Driving Factors

One crucial aspect of this research is the discovery of driving factors behind the development of land mafias in Indonesia. These factors may include regulatory ambiguity, poor governance, ineffective land reform policies, and corruption within relevant government institutions.

### Social and Economic Impacts

It is essential to examine the social and economic impacts caused by land mafias. Land mafia practices can lead to significant economic losses for the country and the community and cause conflicts and social problems, such as land conflicts among citizens.

### Case Studies

Concrete case studies highlighting successful or unsuccessful law enforcement strategies in handling land mafias can provide deeper insights. This can include controversial cases that have occurred in Indonesia.

### Recommendations and Solutions

Concrete recommendations for improving law enforcement against land mafias have been found. This may include changes in land regulations, increased transparency in land ownership, bureaucratic reform, and enhanced capacities of law enforcement institutions.

## DISCUSSION

### Driving Factors

Corruption within the law enforcement and bureaucratic systems is one of the key factors facilitating land mafia activities. Corrupt government officials can provide protection to land mafias, hinder investigations, and facilitate illegal practices. Ambiguity in land regulations and laws can create loopholes for land mafias. This condition makes it difficult to determine legitimate land ownership, thus facilitating document forgery and land embezzlement. Some parties, especially the poor and farmers, often have limited access to the legal system. They may lack adequate access to protect their rights against more powerful land mafias. The complex administrative processes in land and property management can affect law enforcement. Land mafias can exploit the complexity of these processes for fraud and manipulation. Ineffective or delayed land reform policies can lead to uncertainty in land ownership, which can be exploited by land mafias for illegal acquisitions. A slow and susceptible judicial system can hinder law enforcement against land mafias. Land mafias often have the resources to manipulate the legal process. Lack of public awareness about their land rights and the risks associated with land mafias can allow these illegal practices to flourish unhindered. The involvement of government officials in land mafia practices is a significant factor. Those in power and authority in land affairs can easily exploit their positions for personal gain. To improve law enforcement against land mafias in Indonesia, it is crucial to address these driving factors. This includes steps to reduce corruption, formulate clear and effective land laws, strengthen the judicial system, raise public awareness, and update land reform policies to meet community needs. These measures together can help reduce land mafia practices and enhance justice in land ownership in Indonesia.

### Social Impacts

Law enforcement against land mafias in Indonesia has significant social and economic impacts. Land mafia practices often result in land conflicts between legitimate owners and those claiming illegal

ownership. Such conflicts can lead to disputes, tension, and even violence among citizens. In some cases, law enforcement against land mafias can result in forced evictions of communities that have occupied the land for years. This can cause significant social losses for those who lose their homes and livelihoods. Legal uncertainty due to land mafias can hinder investment and development. Businesses and investors may be reluctant to invest in property projects if they perceive the legal uncertainty risk as too high. Land mafia practices can lead to the loss of access to natural resources, such as agricultural land, for the poor and farmers. This can reduce their well-being and economic self-sufficiency.

### **Economic Impacts**

Land mafias can cause significant economic losses for the country. Land theft and similar illegal practices can reduce government revenue from property taxes and harm the legitimate property sector. Legal uncertainty caused by land mafias can hinder investment in the property sector. Investors may be unwilling to invest capital in projects with high land ownership risks. Land mafia practices can hinder the development of essential infrastructure projects. Land disputes can delay or impede projects such as roads, ports, or power plants. The impact of land mafias on the business environment in Indonesia can also affect foreign investor confidence, hindering direct foreign investment flows into the country. Effective law enforcement against land mafias is essential to address the detrimental social and economic impacts. It can help create a stable legal environment, facilitate investment, and improve community welfare. Moreover, robust law enforcement can contribute to fairer conditions in land ownership and utilization in Indonesia.

### **Cases of Law Enforcement Against Land Mafias in Indonesia**

**Land Mafia Case in Tanah Abang, Jakarta:** Tanah Abang is one of the largest shopping centers in Jakarta. The land mafia case there involves illegal land ownership and status changes. Law enforcement has been implemented to uncover illegal practices involving government officials and property developers.

**Land Mafia Case in Cengkareng, West Jakarta:** This case involves disputed land ownership claims in Cengkareng, West Jakarta. There is a conflict between legitimate landowners and those claiming rights to the land through fake documents. Law enforcement has been applied to restore legitimate ownership rights.

**Land Mafia Case in Sleman, Yogyakarta:** In Sleman, there are land mafia cases involving fraud in land purchases for development projects. Some individuals have been arrested and prosecuted for their involvement in these illegal practices.

**Land Mafia Case in Bali:** Bali has also faced issues with land mafias, especially in tourist areas. Cases involve forging land ownership documents and illegal attempts to take over others' land. Law enforcement has been used to address these cases.

**Land Mafia Case in Kalimantan:** In several areas of Kalimantan, land mafia cases involve land ownership claims by mining and logging companies. Indigenous communities are often victims in these cases, and law enforcement has been applied to protect their rights. These cases reflect the various challenges faced by law enforcement against land mafias in Indonesia, including document forgery, embezzlement, and illegal changes in land ownership status. Law enforcement against land mafias requires collaboration among various law enforcement agencies and often requires long-term efforts to uncover and stop these illegal practices and restore legitimate land ownership rights.

### Recommendations and Solutions

Reform land laws to clarify regulations and improve order in land ownership. Clearer and more transparent laws can reduce the space for land mafias to operate. Improve the capacity of law enforcement institutions, including the police, prosecutors, and the National Land Agency. Better training, adequate equipment, and strict supervision are necessary. Establish protection mechanisms for witnesses and whistleblowers who bravely report land mafia activities. This may include witness protection programs, anonymity, and security guarantees for those providing crucial information. Develop an integrated and transparent land information system. This will help reduce document forgery practices and facilitate land ownership verification. Conduct regular land audits to check the legitimacy of land ownership and detect potential issues. Audits can help identify illegal practices more effectively. Enhance cooperation between relevant government agencies, including the National Land Agency, police, prosecutors, and other authorities. Better coordination can facilitate more effective law enforcement. Conduct educational campaigns to raise public awareness of their land rights and the risks associated with land mafias. Public awareness can make them more vigilant against illegal practices. Support the role of media and NGOs in exposing land mafia practices and putting pressure on authorities to take action. Thorough reporting and advocacy from NGOs can be essential tools in combating land mafias. Establish independent monitoring mechanisms that can inspect and report violations in land ownership. Independent monitoring can increase accountability. Ensure that land mafia perpetrators receive strong and deterrent punishments. Light or unclear punishments can incentivize perpetrators to continue illegal practices. Implement well-measured land reform policies that align with community needs. Effective land reform can address issues of land ownership uncertainty. Ensure transparency in property purchase processes, including thorough document checks and property transaction registrations. These solutions should be implemented together and sustainably to address land mafias in Indonesia. These efforts will require strong commitment from the government, law enforcement agencies, civil society, and the private sector to create a fairer legal environment and reduce illegal practices in land ownership.

### CONCLUSION

Research indicates that land mafias pose a serious threat to legal, economic, and social stability in Indonesia. They are often involved in illegal practices such as document forgery, land embezzlement, and extortion. The research also reveals that land mafias can involve various parties, including government officials, land officers, and property developers. Their involvement complicates law enforcement efforts. The research highlights constraints in regulations and legislation that allow land mafias to thrive. Legal reforms and policy changes may be necessary to address these issues. In the research, it was found that better cooperation between various law enforcement agencies, such as the police, prosecutors, and the National Land Agency, is crucial to combating land mafias. In law enforcement against land mafias, protection for brave witnesses and whistleblowers is important. The research shows that many people are afraid to report land mafia activities due to fear of reprisals. The research also emphasizes the importance of using technology in combating land mafias. An integrated and transparent land information system can help reduce illegal practices. The research indicates that raising public awareness of their land rights and the risks associated with land mafias is a crucial step in law enforcement efforts. The role of media and NGOs in monitoring and exposing land mafia practices is also highlighted. They can play a crucial role in uncovering land mafia cases and mobilizing public opinion. The conclusion of this research indicates that law enforcement against land mafias in Indonesia is a complex task and requires cross-sectoral efforts, including legal and legislative changes, improved law enforcement agency collaboration, and empowerment of communities and media. With these steps, it is hoped that land mafias can be more effectively addressed, and property rights and justice can be better preserved in Indonesia.

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## REFERENCES

- [1] Badan Pusat Statistik (BPS) pada tahun 2021, luas lahan di Indonesia mencapai sekitar 1,9 juta km persegi, terdiri dari lahan pertanian, hutan, perkebunan, dan pemukiman.
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