

HANDLING LAND MAFIA CRIMES IN INDONESIA

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Abstract

The rampant cases of land mafia activity are a sign and warning that the policy framework for state protection remains weak as part of the economic, social, and cultural rights guaranteed by the constitution. If not quickly addressed, these issues could lead to conflicts that harm many parties. This article examines the handling of land mafia crimes in Indonesia. Commission II of the DPR RI has held working meetings with the Ministry of ATR/BPN to swiftly respond to public reports on land mafia cases. The handling of land mafia cases has not been optimal because the government is still primarily focused on the eradication stage, which only occurs after reports of land mafia crimes have been filed. However, preventive measures still need to be maximized. Commission II of the DPR RI, through its oversight function, needs to push the government and the Ministry of ATR/BPN to strengthen preventive measures within the land system to eradicate land mafia crimes more effectively.

Introduction

In a working meeting between Commission II of the DPR RI and the Ministry of Agrarian and Spatial Planning/National Land Agency (Ministry of ATR/BPN) on June 11, 2024, Commission II urged the Ministry of ATR/BPN to promptly respond to public reports related to land mafia cases (DPR RI, 2024). The request from Commission II was driven by the fact that land mafia crimes are highly detrimental to

society, particularly to legal land-owners. An Anti-Land Mafia Task Force has been established at the national and sub-national levels to eradicate the land mafia. However, the Task Force has not yet been able to significantly reduce, let alone eradicate, land mafia crimes, as these criminals exploit weaknesses in the land administration system. The preventive aspect, including developing an anti-land mafia land administration system, has yet to be maximized.



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The rampant cases caused by the land mafia, which have led to potential state losses of IDR5.7 trillion throughout 2024 (Arini, 2024), serve as a sign and warning that the policy framework for state protection, as part of the economic, social, and cultural rights guaranteed by the constitution, remains weak. This issue could lead to conflicts that harm many parties over land rights if not quickly addressed. The challenge lies in how to effectively handle land mafia crimes in Indonesia to prevent society from becoming victims of these crimes. This article aims to provide an overview and recommendations to Commission II of the DPR RI regarding handling land mafia crimes in Indonesia.

Modes of Land Mafia Crimes

The land mafia is a collusion between officials with authority and other malicious individuals to endanger the state and society by illegally occupying or controlling land. The practices of the land mafia often involve corrupt methods. In their operations, the land mafia commonly engages in organized criminal activities such as forging land documents, fabricating evidence in court to obtain land rights, and entering into fraudulent agreements. These activities often involve public officials such as notaries, land deed officials (PPAT), civil servants within the National Land Agency (BPN) and its ranks, law enforcement officers, and judges. These officials may either be complicit in the land mafia's activities or become victims of their schemes (Noviani, 2023).

The land mafia continuously adapts and refines their actions to avoid legal disputes, even though

their activities consistently violate the law. One key aspect of their operations is organized groups' systematic, scheduled, and highly cautious approach. The land mafia also studies how to deceive potential victims, making them targets of their schemes. The persistence of land mafia cases can be attributed to the fact that land availability is increasingly limited and cannot be easily expanded, especially in Indonesia, where there is still a lack of tools to develop land functionally despite high public demand. Moreover, land has become an extremely valuable asset, as evidenced by the rising prices, particularly in urban areas. This situation fuels the desire of certain individuals or groups to gain control of land through unlawful means (Tumangger, 2023).

Bambang Prayitno also emphasized that the methods employed by the land mafia are highly diverse and often involve officials and law enforcement personnel. The land mafia typically operates in a systematic and planned manner, engaging in illegal activities that are carefully coordinated. Their actions are not limited to administrative forgery but extend to more advanced levels, such as altering spatial plans for infrastructure projects (Prayitno, 2021).

Public ignorance about land rights is also a significant factor contributing to land mafia crimes. Many people lack access to clear and transparent information regarding the legal status of their land, making them easy targets for fraud. The land mafia often operates in very deceptive ways, and as a result, many people are unaware that they have become victims (Pribadi et al., 2024).

A notable land mafia crime case that became a public conversation involved the artist Nirina Zubir (NZ). The case began when NZ's mother entrusted six land certificates to Lili, the family's trusted housemaid, to pay the Land and Building Tax (PBB) using a power of attorney. NZ's mother had such confidence in Lili that she gave Lili the certificates to be taken to the National Land Agency (BPN) before she passed away. However, Lili fraudulently transferred the ownership of the six land certificates to herself and her husband, Endrianto. Four certificates were used as collateral at a bank, and the other two were sold (Subagja, 2022).

This case illustrates that land mafia crimes are carried out systematically and deliberately by groups of individuals from various backgrounds, including officials who exploit the weaknesses in Indonesia's land system for personal gain through fraud and the illegal appropriation of others' land rights. The activities of the land mafia undermine legal certainty for the public, hinder development as investors become reluctant to invest, reduce public trust, and lead to land disputes.

Handling Land Mafia Crimes

The term "land mafia" does not appear in land-related legislation, including Law No. 5 of 1960 on Basic Agrarian Principles (Basic Agrarian Law/UUPA). However, the term is in the Technical Guidelines (Juknis) of the Ministry of Agrarian Affairs and Spatial Planning No. 01/Juknis/D.VII/2018 on the Prevention and Eradication of the Land Mafia. These guidelines

define the land mafia as "individuals, groups, and/or legal entities that engage in actions with the intent to commit crimes that obstruct the resolution of land cases." Additionally, the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020 on the Handling and Resolution of Land Cases also serves as a legal foundation for the Ministry of ATR/BPN in combating land mafia crimes.

The government established the Anti-Land Mafia Task Force to expedite the eradication of land mafia crimes. The legal basis for the formation of the Anti-Land Mafia Task Force includes: (a) the Memorandum of Understanding between the Ministry of ATR/BPN and the National Police dated March 17, 2017, No. 3/SKB/III/2017 and B/26/III/2017 on Collaboration in the Field of Agrarian/Land and Spatial Planning; (b) the Working Guidelines between the Ministry of ATR/BPN and the National Police dated June 12, 2017, No. 26/SKB-900/VI/2017 on Collaboration in the Field of Agrarian/Land and Spatial Planning; and (c) the Joint Decision of the Head of Criminal Investigation and the Director General for Agrarian Problem Handling and Space Utilization No. B/01/V/2018/Bareskrim-34/SKB-800/V/2018 dated May 8, 2018, on the Task Force for the Prevention and Eradication of the Land Mafia.

Considering that the activities of the land mafia fall under the category of criminal offenses, several criminal provisions serve as the basis for punishment in land mafia cases, including (a) Article 167 of the Criminal Code, which

addresses “unlawfully entering a house or yard”; (b) Article 263 of the Criminal Code, which concerns “forging documents that can create a legal right”; (c) Article 266 of the Criminal Code, which deals with “providing false information in an authentic deed”; and (d) Article 385, which covers “unlawfully selling, exchanging, or encumbering a land right.”

While existing laws provide a legal framework, a specific policy is needed to maximize the prevention of land mafia crimes effectively. Based on the description of the land mafia’s crime modes mentioned above, these activities often involve the forgery of land ownership certificates. Therefore, it is essential to implement policies that encourage the Ministry of ATR/BPN, as the authority responsible for land administration in Indonesia, to develop anti-mafia land certificates utilizing the latest technological advancements.

In addition, public education and awareness are crucial for the government in preventing land mafia activities. Ensuring that land is registered with the land office and properly certified is important. Furthermore, if a piece of land is already certified, the landowner should only show or hand the certificate to others if necessary. Landowners are also advised to personally handle transferring land rights, such as in sales transactions, and to avoid using powers of attorney for such matters.

Conclusion

Land mafia crimes are carried out systematically and deliberately by groups of individuals from vari-

ous backgrounds, including officials who exploit weaknesses in Indonesia’s land system for personal gain through fraud and the illegal seizure of others’ land. The activities of the land mafia undermine legal certainty for society, hinder development by discouraging investors, reduce public trust, and lead to land disputes.

Handling the land mafia has yet to be fully effective because the government is still primarily focused on eradication efforts, which occur only after reports of land mafia crimes are made. At the same time, preventive measures have not been maximized. Currently, no specific law addresses the handling of land mafia crimes. Commission II of the DPR RI needs to encourage the Ministry of ATR/BPN to enhance preventive measures within the land administration system to combat land mafia crimes. Therefore, Commission II of the DPR RI should meet with the Ministry of ATR/BPN to discuss implementing anti-mafia land certificates.

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