



Legal and Social Aspects of Land Mafia Crime in Urban Areas

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Abstract

Land mafia crimes in urban areas have become a serious threat that undermines social order and trust in the legal system. This article analyzes the legal and social aspects of this crime, focusing on the regulatory loopholes exploited by the perpetrators and the social impacts they have on society. Using normative qualitative legal methods, this research evaluates the effectiveness of law enforcement and identifies factors that hinder this process, such as corruption, lack of capacity of law enforcement institutions, and intimidation of victims and witnesses. Apart from that, the social impact of injustice and disruption to urban development is also discussed. This research concludes that regulatory reform, increased law enforcement capacity, and better protection for witnesses and victims are needed to effectively tackle land mafia crimes. Strategic recommendations are provided to strengthen law enforcement and promote social justice in urban communities.

Keywords: *Land; Mafia; Crime; Urban*

Introduction

Land mafia crime has become a worrying phenomenon in many countries, including Indonesia. This illegal practice not only causes huge financial losses for victims, but also damages social order and public trust in the legal system and government. Land mafia crimes include a series of organized actions, such as document falsification, fraud, intimidation, and violence, all of which aim to illegally control land. In big cities, where land values are very high and demand for land for development continues to increase, land mafia crimes are becoming increasingly widespread. Increasing urbanization and infrastructure development increase opportunities for groups seeking to make quick profits through illegal means. As a result, not only individuals or families become victims, but also society as a whole experiences the negative impact of this criminal practice.¹

Legally, Indonesia has various regulations governing land ownership and control. Basic Agrarian Law (UUPA) no. 5 of 1960, for example, is the main legal basis governing land rights and the procedures

¹ Damianus Krismantoro, "Kebijakan Pencegahan dan Pemberantasan Mafia Tanah: Reforma Agraria di Indonesia," *Jurnal Kewarganegaraan* 6, no. 3 (2022): 6031.

for obtaining these rights. In addition, Government Regulation no. 24 of 1997 concerning Land Registration aims to provide legal certainty to land owners through a transparent and accountable registration process. However, in practice, the implementation of these regulations is often not effective. Legal loopholes are exploited by the land mafia to falsify certificates or manipulate land data. The legal process that should provide protection to land owners is often hampered by corrupt and inefficient bureaucracy. This creates legal uncertainty which is detrimental to society and reduces public trust in law enforcement agencies.²

From a social perspective, the impact of land mafia crimes is very broad and detrimental. These crimes create deep social injustice, especially for weak and vulnerable groups in society. The urban poor, who often lack legal land ownership documents, are the main targets of these illegal practices. They were forced to leave their homes and land without proper compensation, thereby worsening their economic and social conditions.³

In addition, the existence of the land mafia hinders sustainable urban development. Land that should be used for the development of public infrastructure or affordable housing is actually controlled illegally and used for private interests. As a result, the government finds it difficult to provide adequate public facilities for the community, and the urban environment becomes poorly organized.⁴

This phenomenon also has a negative impact on the investment climate. Legal uncertainty and the risk of losing assets make investors reluctant to invest capital in the property sector or other development projects. This is detrimental to the city's economic growth and reduces opportunities for job creation, which ultimately worsens the socio-economic conditions of urban communities.

This research aims to analyze in depth the legal and social aspects of land mafia crimes in urban areas. The specific objectives of this research include:

1. Identify and analyze legal loopholes exploited by the land mafia.
2. Evaluate the effectiveness of law enforcement against land mafia crimes.
3. Revealing the social impact of land mafia crimes on urban communities, especially vulnerable groups.
4. Formulate comprehensive strategies and solutions to tackle land mafia crimes, both from legal and social aspects.

Discussion

Land mafias are groups or individuals who carry out various illegal actions to control land in an unauthorized manner. These crimes include various acts such as document forgery, fraud, intimidation, and violence. Document falsification often involves fake land documents or title certificates created by exploiting loopholes in the land administration system. Fraud is committed by tricking legitimate land owners into giving up rights to their land, often through legal manipulation or financial pressure.⁵

² Hanafiyah Arya Nashuha dan Muh Afif Mahfud, "Pemberantasan Mafia Tanah dengan Menggunakan Instrumen Hukum di Indonesia (Peraturan Menteri Agraria dan Tata Ruang/Badan Pertanahan Nasional Nomor 16 Tahun 2020)," *UNES Law Review* 6, no. 1 (2023): 2964–73.

³ Ita Novita, "Kebijakan Hukum Kementerian ATR/BPN Terhadap Pencegahan Mafia Tanah Dalam Basis Penerapan Sistem Pendaftaran Tanah," 2022.

⁴ Resty Mutiara, "Kebijakan non penal penanggulangan tindak pidana yang dilakukan oleh mafia tanah," *Lex LATA* 4, no. 1 (2022).

⁵ Aditya Nurahmani, "Kajian Kebijakan Pengendalian Di Bidang Pertanahan Dalam Mencegah Dan Memberantas Para Spekulasi Dan Mafia Tanah Di Ibu Kota Nusantara," *Bina Hukum Lingkungan* 7, no. 3 (2023): 290–309.

Legal regulations governing land ownership and control in Indonesia are regulated in several laws and government regulations, such as the Basic Agrarian Law (UUPA) no. 5 of 1960 and Government Regulation no. 24 of 1997 concerning Land Registration. UUPA regulates land rights and how to obtain these rights, while PP no. 24 of 1997 focuses on the land registration process to ensure legal certainty for land owners.

However, implementation of these regulations is often weak, mainly due to corruption and lack of effective oversight. As a result, many land mafia cases go undetected or are not handled properly by law enforcement officials. Insufficient supervision also opens up opportunities for the land mafia to take advantage of corrupt bureaucrats and circumvent the law.

Law enforcement against land mafia crimes involves various institutions, including the Police, Prosecutor's Office and Courts. However, the legal process is often hampered by complicated bureaucracy, lack of coordination between institutions, and corruption. Many land mafia cases are ultimately unresolved or take a very long time, resulting in losses for the victims.

One step that can be taken to improve law enforcement is to strengthen the capacity and integrity of law enforcement institutions. Apart from that, bureaucratic reform is needed in related institutions, such as the National Land Agency (BPN), to increase transparency and accountability in processing land certificates.⁶

Law enforcement against land mafia crimes in urban areas is a complex and challenging process. These crimes involve a variety of organized illegal acts, such as document forgery, fraud, intimidation, and even violence. The law enforcement process requires good coordination between various law enforcement agencies and government agencies to ensure that criminals can be caught, tried, and given appropriate punishment. The following is a long discussion about the land mafia law enforcement process, which includes the steps required and the challenges faced at each stage.

1. Reporting and Complaints

The first step in the law enforcement process is reporting and complaints from victims or the public who are aware of land mafia practices. This process is often hampered by a lack of legal awareness and fear of intimidation from perpetrators. Therefore, it is important to educate the public about their rights and the reporting mechanisms available. Complaints can be made through various channels, including police stations, the National Land Agency (BPN), or other public complaint institutions.

2. Investigation and Evidence Collection

After receiving the report, the next stage is an investigation by law enforcement officials, especially the police. This investigation involves gathering evidence that includes land documents, title deeds, as well as testimony from victims and other witnesses. This process requires special skills to detect document forgery and understand the fraudulent schemes used by the land mafia. In addition, investigations often require cooperation with BPN to verify the authenticity of land documents.

3. Investigation and Determination of Suspects

Based on the evidence that has been collected, investigators will determine whether there is sufficient reason to designate someone as a suspect. This investigation involves an in-depth analysis of existing evidence and facts. In many cases, the land mafia involves a wide network, so investigators must be able to uncover the links between the various perpetrators. Determination of a suspect is carried out after there is sufficient confidence that the individual is involved in the reported crime.

⁶ Maharani Nurdin, "Urgensi Pembentukan Bank Tanah di Indonesia," *Gorontalo Law Review* 5, no. 2 (2022): 385–90.

4. Detention and Prosecution

After being named a suspect, the next step is detention and prosecution. Suspects will be detained by the police to prevent them from fleeing, destroying evidence, or intimidating witnesses. Next, the case files are handed over to the Prosecutor's Office for the prosecution process. The prosecutor will prepare charges based on the available evidence and prepare the case to be submitted to court.

5. Judicial Process

The judicial process is the most crucial stage in law enforcement. This is where the suspect will be tried based on the charges prepared by the prosecutor. This process involves several stages, including a preliminary hearing, examination of witnesses and experts, and presentation of evidence before a judge. Land mafias often use various means to influence the course of trials, such as bribing witnesses or trying to manipulate the legal process. Therefore, the integrity and professionalism of judicial officers is very important to ensure that trials run fairly and transparently.

6. Court Decision and Execution of Sentence

After going through a series of trials, the judge will give a decision based on the evidence and arguments presented by both parties. Court decisions can take the form of criminal penalties, such as imprisonment or fines, depending on the severity of the crime committed. Apart from that, the court can also decide to return land rights to the victim if it is proven that the land was obtained illegally by the land mafia. The execution of sentences is carried out by the relevant agencies, such as the police or prosecutors, to ensure that court decisions are carried out correctly.⁷

7. Supervision and Control

After the court decision and execution of the sentence, it is important to supervise and control the implementation of the sentence and the restoration of the victim's rights. This supervision involves various agencies, including internal and external monitoring agencies, to ensure that there are no irregularities in the process of carrying out sentences. Control also includes monitoring land that has been returned to victims to prevent disputes or repeat crimes by the land mafia.

Challenges in the Law Enforcement Process

The process of law enforcement against land mafia crimes is not easy and is faced with various challenges. Here are some of the main challenges that often hinder effective law enforcement:

1. **Corruption and Collusion:** One of the biggest challenges is corruption and collusion among law enforcement officials and bureaucrats. Corrupt individuals can slow down or even thwart the law enforcement process by accepting bribes or collaborating with criminals.
2. **Lack of Capacity and Resources:** Investigating and handling land mafia cases requires sufficient resources, both in the form of experts, technology and budget. Lack of capacity and resources often hinders the investigation and prosecution process.
3. **Limited Regulations and Legal Implementation:** Gaps in regulations and weak legal implementation are also challenges. Unclear or overlapping regulations can be exploited by land mafias to avoid punishment.
4. **Intimidation and Threats:** Victims and witnesses often face intimidation and threats from criminals, which may prevent them from providing testimony or continuing with legal proceedings.

⁷ Yunawati Karlina dan Irwan Sapta Putra, "Pemberantasan Mafia Tanah Dengan Menggunakan Instrumen Hukum Pidana Di Indonesia," *Jurnal Res Justitia: Jurnal Ilmu Hukum* 2, no. 1 (2022): 109–30.

5. Lack of Legal Awareness and Education: People often lack awareness of their rights and the mechanisms available to report land mafia crimes. Adequate legal education is needed to increase public awareness and participation in law enforcement.

Efforts to Improve Law Enforcement

To overcome these challenges, various efforts need to be made to increase the effectiveness of law enforcement against land mafia crimes:

1. Bureaucratic Reform and Eradication of Corruption: Comprehensive bureaucratic reform and efforts to eradicate corruption among law enforcement officers and bureaucrats are very important to ensure integrity and accountability in the law enforcement process.
2. Increased Capacity and Resources: Investments in expert training, development of investigative technology, and increased budgets for law enforcement are needed to strengthen the capacity of law enforcement agencies.
3. Revision and Harmonization of Regulations: It is necessary to revise and harmonize regulations governing land ownership and control to close legal loopholes that can be exploited by the land mafia.
4. Witness and Victim Protection: Provide adequate protection for witnesses and victims to ensure that they can provide testimony without fear of threats or intimidation.
5. Community Education and Empowerment: Increase legal awareness and education among the community to encourage active participation in reporting land mafia crimes and support law enforcement efforts.
6. Inter-Agency Cooperation: Increase coordination and cooperation between law enforcement agencies, government and civil society organizations to speed up and strengthen the process of handling land mafia cases.

With these steps, it is hoped that the law enforcement process against land mafia crimes can run more effectively and provide justice for victims and maintain legal certainty in land ownership in urban areas.

Land mafia crimes have a broad and deep impact on urban society. One of the most striking impacts is social injustice. Vulnerable groups, such as the urban poor and minority groups, are often the main victims. They are forced to leave their land or homes without adequate compensation, thereby exacerbating their conditions of poverty and social vulnerability.

Land mafia practices also hinder sustainable urban development. Land that could be used for the development of public infrastructure, affordable housing, or green open space is often controlled illegally and used for narrow personal interests. As a result, the government and city communities lose the opportunity to improve the quality of life and create a better environment.⁸

Land mafia crimes also have a negative impact on the investment climate. Legal uncertainty and the risk of losing assets due to the actions of the land mafia make investors, both local and foreign, reluctant to invest their capital in the property sector or other development projects. This is detrimental to urban economic growth and reduces opportunities for job creation.

Land mafia practices involving corrupt officials and bureaucrats also reduce public confidence in the legal system and government. When people see that the law is unable to protect their rights and

⁸ Vani Wirawan, Ana Silviana, dan Yeni Widowaty, "Rekonstruksi Politik Hukum Sistem Pendaftaran Tanah Sebagai Upaya Pencegahan Mafia Tanah (Reconstruction of Legal Politics of Land Registration System as Land Mafia Prevention Efforts)," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 13, no. 2 (2022): 185–207.

instead favors criminals, trust in state institutions decreases. This can have long-term impacts on social and political stability.⁹

One important step to tackle land mafia crimes is to strengthen regulations and law enforcement. The government needs to carry out legal reforms to close loopholes that are often exploited by the land mafia. Apart from that, firm and indiscriminate law enforcement against criminals, including the officers involved, is very necessary.

Empowering the community through legal education and increasing awareness of their rights can help prevent these crimes from occurring. The public needs to be encouraged to report illegal actions and cooperate with law enforcement officials to eradicate land mafia practices. Empowerment programs focused on vulnerable groups also need to be improved to protect them from this criminal practice.¹⁰

Cooperation between government and non-government institutions is very important in efforts to overcome land mafia crimes. The formation of a special task force consisting of various related agencies, such as the Police, Prosecutor's Office, BPN and civil society organizations, can speed up the process of handling and resolving cases. Increased coordination and information sharing between agencies can also prevent overlap and strengthen law enforcement efforts.

Increasing transparency and accountability in land administration is a key step to prevent land mafia practices. The use of information technology in registering and managing land data can help increase transparency and minimize opportunities for corruption. In addition, regular audits of the land registration process and case handling must be carried out to ensure that all procedures are carried out in accordance with applicable laws.¹¹

Conclusion

Land mafia crime is a complex problem that requires a multidimensional approach to solving. The legal and social aspects of this crime are interrelated and influence each other. Effective handling does not only require strong law enforcement, but also community empowerment efforts, increased cooperation between institutions, as well as transparency and accountability in land administration. With these steps, it is hoped that land mafia crimes can be eradicated and people's rights to land can be properly protected.

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¹⁰ Gabriel Yericho Damanik, Mia Hadiati, dan Erland Jovian, "Perlindungan Hukum Bagi Pemilik Tanah dari Aparat yang Tidak Bertanggung Jawab," *Jurnal Kewarganegaraan* 7, no. 1 (2023): 909–17.

¹¹ Rasdianah Rasdianah, "Implementasi Sistem Informasi Dan Manajemen Pertanahan Nasional (Simtanas) Untuk Mencegah Sertifikat Ganda (Overlapping)," *Jurnal Mirai Management* 7, no. 3 (2022): 599–609.

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