

## Handling of Land Mafia Practices in the Ministry of ATR BPN Environment to Achieve Public Transparency

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**Abstract.** *Land is a natural resource that is very important for human life. The state, as the holder of supreme power over the entire nation, is responsible for regulating the use of land to advance the prosperity of all parts of the country, as regulated in Article 33 paragraph (3) of the 1945 NRI Constitution. Legal research is conducted using the normative legal method, namely an approach to discussing by scientifically reviewing problems that are conceptualized through the description of regulations and legislation in order to produce a rule or norm. In the era of increasingly sophisticated technology in today's era, it has become something that the bureaucracy needs to try in implementing electronic certificates so that they can adapt to the future, and in implementing certificates. electronically, the government must be able to resolve the agrarian conflicts that are rife in various regions which are currently urgent. The government has created an Agrarian Reform program by issuing agrarian reform regulations. In taking action against land crimes in order to prevent and resolve conflicts, especially in law enforcement, the government should be proactive and not reactive, and the government seems to ignore issues related to land.*

**Keywords:** *Land; Mafia; Ministry; Transparency.*

### 1. Introduction

Land is a natural resource that is very important for human life. The state, as the holder of the highest power over the entire nation, is responsible for regulating the use of land to advance the prosperity of all parts of the country, as regulated in Article 33 paragraph (3) of the 1945 NRI Constitution which states that the earth

and water and the natural resources contained therein are controlled by the state for the greatest prosperity of the people.<sup>1</sup>

Along with the survival and development of human beings, and the development of economic activities, the need for land is increasing and the value of land is getting higher day by day. The imbalance between the amount and area of land available does not increase with the needs of its use by the community. This makes the land vulnerable to problems. The imbalance between the amount and area of land and the needs of the community causes land grabbing or competition between humans, thus causing many land problems.<sup>2</sup>

The problem of control over land ownership without rights has been a serious problem, because it can not only harm the community as victims or parties concerned, but also harm the State. Ownership or control of land without rights in question includes falsifying certificates as proof of ownership of land rights, or what is often referred to as 'land mafia'.

In general, the community members who become victims are not aware that the certificates they have are not appropriate or are fake, considering that land certificates are in physical form, the incidental nature of which means they are rarely checked at the local Land Agency Office.

The Directorate General of Land Dispute and Conflict Handling (Dirjen PSKP), Ministry of ATR/BPN, R. Bagus Agus Wijayanto, has at least noted that various modes of land crimes in general that are most often carried out are by falsifying documents, namely 66 percent; then by embezzlement and fraud as much as 16 percent, and by illegal occupation (11 percent)<sup>3</sup>.

This fact can be seen from the occurrence of various forms of land mafia cases that have been able to falsify land title certificates. A series of land certificate falsifications began with the role of land mafia starting from falsifying documents of land sales power of attorney or land sale and purchase letters, using ownership certificates in village or sub-district government offices assisted by related officials, or by falsifying rights that can be used to give rise to a lawsuit in court,

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<sup>1</sup>Wahyuni, Ruslina Dwi, and Irmayani Misrah. *"Kebijakan Pemerintah Dalam Upaya Pencegahan Dan Pemberantasan Mafia Tanah."* *Inisiasi* (2023): p. 25-30.

<sup>2</sup>Wirawan, V. Yusriadi dkk. *"Rekonstruksi Politik Hukum Sistem Pendaftaran Tanah Sebagai Upaya Pencegahan Mafia Tanah"*. *Negara Hukum : Membangun Hukum Untuk Keadilan dan Kesejahteraan*, Volume XIII No.2 (2022)

<sup>3</sup>R. Bagus Agus Wijayanto, *"Data BPN Tentang Kegiatan Pertanahan"*, Materi disampaikan pada Webinar Program Doktor Hukum: Strategi Pemberantasan Mafia Tanah Demi Mewujudkan Kepastian Hukum dan Keadilan Sosial, (Jakarta: Fakultas Hukum Universitas Jenderal Soedirman, 2021).

where the falsification is against the existence of an authentic form in the form of writing or letters, but if proven it cannot describe properly legally or correctly.<sup>4</sup>

Land issues are increasingly complex along with the needs of the community related to the availability of land. Various methods have been used to obtain the land itself to own. The occurrence of land dispute cases in the community is usually suspected of always involving land mafia. One type of land archive is a land certificate. Land certificates which are proof of ownership of land rights by someone are currently still issued physically (paper). This has the potential for certificate forgery and the vulnerability of certificates being damaged or lost<sup>5</sup>. The next problem is the emergence of village / sub-district officials who know the status of the land, by issuing fake prefunding based on persuasion or enticement in the form of bait given by land mafia.

Land mafia that occurs usually consists of two or more people working together. The mode used by land mafia is starting from falsifying data or land rights documents, to complaining by seeking legality in court, where the case is carried out by engineering, with collusion with related officials in order to obtain legality, through corporate crimes by means of embezzlement or fraud, falsification of the power of attorney for land rights management. So that the existence of a false decision results in the loss of land deed status<sup>6</sup>.

## 2. Research Methods

Legal research is conducted using the normative juridical method, namely an approach to discussing by scientifically reviewing problems that are conceptualized through the description of regulations and legislation in order to produce a rule or norm as a benchmark for proper, correct and appropriate human behavior for the sake of the sustainability of norms in community life.<sup>7</sup>

A series of normative research in legal science that is carried out is to combine the object of the problem with a literature review, including theoretical, regulations and related legislation. This includes journals, research that has been studied by researchers and publications in various media, both print and online, so that

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<sup>4</sup>Muhammad Chafi Sholeh, 2021. *Analisis Yuridis Resiko Pemalsuan Terhadap Pengadaan Sertifikat Elektronik di Indonesia*. Jurnal Ilmiah Ilmu Hukum, Vol. 27 No. 10, July 2021. Unisma. p. 1531

<sup>5</sup>Yani, Ahmad Dan Rezky Amalia Syafiin, "Pengarsipan Elektronik Sertifikat Tanah Untuk Menjamin Ketersediaan Arsip Sebagai Alat Bukti Yang Sah Pada Sengketa Pertanahan", *Jurnal Khazanah* 14, No. 1, (2021)

<sup>6</sup>Arjanto, D. (2021, November 24). GaduhMafia Tanah: Apa itu Mafia Tanah dan Dugaan Faktor Campur Tangan Birokrat. *Tempo*. <https://nasional.tempo.co/read/1531865/gaduh-mafiatanah-apa-itu-mafia-tanah-dan-dugaan-faktor-campur-tangan-birokrat>

<sup>7</sup>Sabowo, Hudi Karno, and Heri Purnomo. "Pemberantasan mafia tanah sebagai upaya bersama pemerintah dan masyarakat." *Jurnal Politik Hukum* 1.1 (2023): p. 106-123.

research can produce findings on its truth so that it is based on appropriate logic, accompanied by the rules of legal science.<sup>8</sup>

### 3. Results and Discussion

#### 3.1. Mechanisms Used by Land Mafia in Carrying Out Their Actions.

The term dispute explained in the Big Indonesian Dictionary (KBBI) is an attempt at a dispute or more briefly called a conflict. Conflict also basically occurs because of the emergence of a dispute or opposition either between individuals, between people in one group with people in another group, or between organizations against one problem object. The definition of a dispute according to Ali Achmad himself is a dispute that occurs and is carried out between 2 (two) or more parties. Where the dispute begins because there are different perceptions regarding an interest in property rights which results in a legal consequence between the two parties.<sup>9</sup>

From the two definitions above, it can be seen that land disputes are conflicts that arise between several parties, in which case the parties involved have the same interest, namely the interest in a certain area of land. Where this interest has apparently given rise to a legal consequence. Land disputes are evidence that in Indonesia, land has a very important position, especially in the dynamics of a country's development and the welfare of the people in it.<sup>10</sup>

The beginning of a legal dispute is usually due to a complaint by a party, either individually or in a legal entity. Basically, the dispute contains objections and demands from the community, especially the land rights owners, whether seen from the status of their land, what the priorities are, or the ownership of the land itself, which aims to find a solution or administrative settlement path in accordance with applicable regulations.<sup>11</sup>

The importance of legal certainty as one of the foundations for land rights of the community in Indonesia, as in the UUPA, that legal certainty regarding land rights consists of 2 (two) dimensions, namely certainty regarding the object of land rights which means certainty regarding the layout of the land plot coordinated on the land registration map and certainty regarding the subject of land rights, where the

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<sup>8</sup>Jhonny Ibrahim, 2007. *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing. p. 57.

<sup>9</sup>Rumokoy, N. K. (2012). Ali Achmad, Pintar Berbahasa, 2003, Accessed from Nike K Rumokoy "Peran PTUN Dalam Penyelesaian Sengketa Tata Usaha Negara." *Jurnal Hukum Unsrat*, Vol.XX, (No.2), p.126–139.

<sup>10</sup>Ginting, D. (2011). *Penyelesaian Sengketa Pertanahan di Indonesia, Seminar Tentang Penyelesaian Sengketa dan Konflik Pertanahan Dalam Perspektif Pembaharuan Hukum Pertanahan Nasional*. Bandung: Ghalia Indonesia.

<sup>11</sup>Suhadi, M. (2017). Penyelesaian Sengketa Hak Atas Tanah Melalui Pengadilan Tata Usaha Negara. Fairness and Justice: *Jurnal Ilmiah Ilmu Hukum*, Vol.15, (No.1), p.11–26.

subject referred to here is the name of the holder of rights to a land. Where there is certainty regarding the name that has been listed in the land registration book at the land agency, where a copy of the map and land registration book is known as a Land Certificate<sup>12</sup>.

Land Certificates made due to the need for legal certainty regarding land rights, are strong and can be used as evidence if a dispute arises in the future. In addition to its strong nature, the disadvantage of land certificates is that the certificate is not an absolute proof, which is in accordance with the provisions of the Basic Agrarian Law (UUPA) and the implementing Government Regulations (Government Regulation Number 10 of 1961 and Number 24 of 1997)<sup>13</sup>. However, the contents of the land certificate as stated in the above statutory regulations, in court proceedings have legal force which must be accepted (by the judge) as a true statement as long as and as long as the parties involved no longer have any evidence which can prove otherwise.<sup>14</sup>

In Article 32 paragraph (1) of Government Regulation Number 24 of 1997 it is explained that certificates have the status of evidence of valid land rights, where in paragraph (2) it is also explained that if in a plot of land a land certificate is legally issued in the name of each individual or a legal entity that has the right to obtain the land based on good intentions and in reality can control the land, then other parties who feel they have rights to the land are not permitted to make demands in any form against the implementation of the land rights, if within a period of 5 years calculated from the issuance of the land certificate, the other party who feels aggrieved has not yet submitted a written objection to either the certificate holder and the head of the BPN concerned or has not submitted an objection by filing a lawsuit in court to control or issue a certificate of rights to the land.<sup>15</sup>

One of the factors causing land dispute cases in Indonesia is the practice of making genuine but fake certificates.<sup>16</sup> The original but fake certificate itself is a certificate that is made legally and formally at the District/Municipal Land Office where the certificate is made, but data such as personal identity in the form of an Identity Card (KTP), Family Card (KK), proof of land ownership as the basis for making and

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<sup>12</sup>Sutedi, A. (2011). *Sertifikat hak atas tanah* (Cet. 1). Jakarta: Sinar Grafika.

<sup>13</sup>Hutagalung, A. S. (2005). *Tebaran pemikiran seputar masalah hukum tanah* (Cet. 1). Jakarta: Lembaga Pemberdayaan Hukum Indonesia.

<sup>14</sup>Anatami, D. (2017). Tanggung Jawab Siapa, Bila Terjadi Sertifikat Ganda Atas Sebidang Tanah. *Jurnal Hukum Samudra Keadilan*, Vol.12,(No.1), p.1-17.

<sup>15</sup>Salim, A. (2019). Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda. *Jurnal Usm Law Review*, Vol.2,(No.2), p.174–187.

<sup>16</sup>Chomzah, H. A. A. (2002). *Hukum pertanahan: Seri hukum pertanahan I: pemberian hak atas tanah negara, dan Seri hukum pertanahan II: sertipikat dan permasalahannya* (Cet. 1). Jakarta: Prestasi Pustaka Publisher.

issuing the certificate, the data is not made correctly or in other words the certificate is fake.<sup>17</sup>.

### **3.2. Mechanism for Implementing Prevention and Eradication of Land Mafia**

The mechanism for implementing prevention and eradication of land mafia is as follows: "Collecting information from public complaints or information obtained by the Ministry of ATR/BPN and/or the Indonesian National Police ('Polri') regarding land cases that are suspected of involving land mafia. Conducting coordination meetings to formulate handling steps in the form of a research plan for the necessary matters or data, a plan to collect information from related parties, and a case presentation plan<sup>18</sup>."

Other coordination meetings are also needed to conduct research on cases that indicate land mafia with inventory and data collection. The data collected can be in the form of: "physical data and legal data; court decisions, minutes of examination from the Police, the Attorney General's Office, the Corruption Eradication Commission or other documents issued by law enforcement agencies/institutions; data issued or published by authorized officials; other data related to and can influence and clarify the issues of disputes and conflicts; and/or witness statements."

To complete the legal data, physical data or other data, field research activities can be carried out, including: "research on the validity/conformity of data with its source or testing the authenticity of documents through historical opinions; seeking information from witnesses related to the case; physical review of the disputed land object; research on land boundaries, situational drawings, field maps or measurement letters; and other necessary activities."

The Secretary of the Directorate General of Agrarian Problem Handling, Space and Land Utilization will issue a letter of assignment known to the Director for the commencement of field research activities. Other field research activity assignment letters can also be issued by the Head of the BPN Regional Office or the Head of the Administration Section at the BPN Regional Office level.

Officials assigned to carry out the field activities are required to record the results in a Minutes of Meeting known to the Head of the Task Force. Furthermore, the Minutes of Research Activities in which there is data that is considered sufficient must be conducted an external case title by involving sources from various agencies to find out whether the case is indicated as a land mafia or not.

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<sup>17</sup>Wahyuni, R. D., & Misrah, I. (2023). Kebijakan Pemerintah Dalam Upaya Pencegahan Dan Pemberantasan Mafia Tanah. *Inisiasi*, p. 25-30.

<sup>18</sup>Aartje Tehupeiory. "Monograf Penegakan Hukum Terhadap Praktek Mafia Tanah." Jakarta: UKI Press (2022). p. 43



The Anti-Land Mafia Task Force conducts “a review of the research results and statements as well as the results of the initial case conference. Then conducts an internal Task Force case conference to determine conclusions and recommendations, the results of which are stated in the Minutes and signed by the entire Task Force. If in this case conference initial evidence of land mafia involvement is obtained, the Task Force will submit it to the Police.”

All implementation of the Anti-Land Mafia Task Force activities are reported to the “Minister of ATR/BPN through the Directorate General of Handling Agrarian Issues, Spatial Utilization and Land at the ministerial level, as well as to the Head of the Provincial BPN Regional Office at the provincial level. This Anti-Land Mafia Task Force report will be the subject of discussion in the Coordination Meeting between the Ministry of ATR/BPN and the National Police Headquarters. All implementation of the Anti-Land Mafia Task Force activities are reported to the “Minister of ATR/BPN through the Directorate General of Handling Agrarian Issues, Spatial Utilization and Land at the ministerial level, as well as to the Head of the Provincial BPN Regional Office at the provincial level. This Anti-Land Mafia Task Force report will be the subject of discussion in the Coordination Meeting between the Ministry of ATR/BPN and the National Police Headquarters.

### **3.3 The Urgency of Electronic Certificates in Land Registration**

Land Registration Is something that is done by the Government of a country in a regular manner and is carried out continuously by collecting details and information about land in a certain area in the form of physical and legal data. Land Registration is also an administrative process carried out by the authorized government with this being represented by the BPN. Land registration here has a purpose, namely to provide clarity and legal certainty and also legal protection for land owners.<sup>19</sup>. Before UUPA the purpose of land registration was different. In Colonial Agrarian Law land registration was used for land that was in line with Western Agrarian Law.

In 2021, a policy was established by the Minister of ATR/Head of BPN which aims to provide a certificate product that is marked with proof in the form of electronic land ownership, this policy was made with the aim of implementing the regulations in the Job Creation Law No. 11 of 2020. Then the policy was stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN No. 1 of 2021 concerning Electronic Certificates. The implementation of electronic Land Registration in Indonesia is implemented in stages because it ensures how mature the infrastructure and human resources of the Land Office are implemented by the Minister<sup>20</sup>. The form of electronic land registration

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<sup>19</sup>Bücker, N. (2020). *How to code your qualitative data—A comparison between grounded theory methodology and qualitative content analysis*. Forum Qualitative Sozialforschung, 21(1). <https://doi.org/10.17169/fqs-21.1.3389>

<sup>20</sup>Ali, M. (2024). The Vulnerabilities of Electronic Land Certificates and Legal Adaptation

procurement is in the form of an electronic certificate that is verified or legalized with an electronic signature, and is a valid document as a sign of land ownership.

But the existence of this policy raises pros and cons in society, first, there are many agrarian cases that occur in various regions, the cases that occur are in the form of inequality in land ownership and also the many land mafia in Indonesia, second, the socialization of agrarian regulations or policies that are not evenly distributed, this makes people in remote areas or lack of knowledge of technology less effective in this policy and therefore it is difficult for people to understand the change from analog certificates to electronic certificates. Third, problems with land registration must be resolved in all regions, this happens because it reduces the sense of society towards the accuracy of electronic certificate data and data leaks<sup>21</sup>. But the policy of implementing electronic certificates also has a good impact on the community, namely, it can anticipate document damage or loss of land certificates because they have switched to electronic certificates, it is more effective when searching for documents or land certificates and easy to access.

In the era of increasingly sophisticated technology in today's era, it has become something that the bureaucracy needs to try in implementing electronic certificates so that they can adapt to the future, and in implementing certificates. Electronically, the government must be able to resolve the agrarian conflicts that are rife in various regions which are currently urgent.<sup>22</sup>. The Policy and Implementation of Electronic Certificates in land registration plays a very important role in the modernization and digitalization of land certificates for land registration.<sup>23</sup>. But it is noted that 20% of the urgency of the policy and the implementation of this Electronic Certificate is an important thing that requires the government and society to adjust to new regulations and methods. The definition of "forcing" in this case focuses on improvement, because a law must be able to follow the times and the needs of society., the implementation of the Electronic Certificate at the National Land Agency should be implemented as soon as possible, the program implemented by the Minister of ATR / BPN which is discussed in all land in Indonesia has a certificate through the PTSL program in 2025<sup>24</sup>.

The Ministry of ATR/BPN is currently implementing electronic certificates as a progressive step in improving services and modernization. In the current digital

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in Indonesia's Land Registration System. *Pakistan Journal of Criminology*, 16(2), p. 1095–1106

<sup>21</sup>Permadi, I., & Herlindah. (2023, 07 27). *SAS Journals*. Electronic title certificate as legal evidence: The land registration system and the quest for legal certainty in Indonesia, 20(Volume 20: 2023). <https://doi.org/10.14296/deeslr.v20i.5>

<sup>22</sup>Rohman, N. (2021). Urgensi dan Keamanan Digitalisasi Dokumen Penerbitan Sertifikat Elektronik Tanah. *Prosiding*, 65, p. 54-58

<sup>23</sup>Silviana, A. (2021). Urgensi Sertipikat Tanah Elektronik Dalam Sistem Hukum Pendaftaran Tanah di Indonesia. *Administrative Law and Governance Journal*, 4(1), p. 54-58

<sup>24</sup>Putranto, M.I.D., & Mansyur, A. (2023). URGENSI PENERAPAN SERTIPIKAT TANAH SECARA ELEKTRONIK. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 12(1), p. 22



era, this provides convenience for the community, making various activities more practical and modern. This technological innovation allows the transition from conventional report registration to electronic archive format, which is planned to be a more substantial method of proof. This step is also part of an effort to integrate data owned by the Ministry of ATR/BPN. Coordination of data and information with electronic certificates can provide legal protection for the community. With the existence of land certificates in electronic format, tracking land rights documents such as deeds and works will be easier and more efficient.<sup>25</sup>

### **3.4. Utilization of AI in Monitoring and Prevention of Land Mafia**

The use of artificial intelligence (AI) in monitoring and preventing land mafia in Indonesia shows significant potential, although it also faces challenges. Digitizing Land Certificates in Indonesia is an important step in the modernization of land services, which aims to increase legal certainty, reduce fraud, and facilitate land transactions. The implementation of electronic land certificates is regulated by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 1 of 2021<sup>26</sup>.

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is implementing land certificate digitization to reduce the risk of forgery and ownership disputes. This digitization aims to ensure that land ownership authentication can be accounted for digitally, making it difficult for land mafia to use fake certificates. By storing documents digitally, the process of searching and verifying data becomes faster and safer, and reduces the possibility of losing physical documents due to disasters such as fires.<sup>27</sup>

The use of the Justisia Application (Network for Dispute Application Systems in Indonesia) launched by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (Ministry of ATR/BPN) has been complained about by national housing developers and a number of investors. This is because this application is actually used and becomes a new loophole for the entry of land mafia practices. The Justisia application was launched to monitor and suppress land mafia practices. However, there are concerns that this application can be misused by land mafia to block valid certificates, thus disrupting the development process for developers. In some cases, land mafia can use this application to pressure developers by claiming rights to land that is actually certified. Therefore, it is important to verify data before applying a block to a certificate.

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<sup>25</sup>Putra, R.A., & Winanti, A. (2024). Urgensi Dan Kendala Dalam Penerbitan Dokumen Sertifikat Tanah Elektronik Pasca Peraturan Menteri ATR/BPN Nomor 3 Tahun 2023. *JURNAL USM LAW REVIEW*, 7(2), p. 841

<sup>26</sup>Maulana, Hashfi, et al. "Urgensi Sertifikat Elektronik Dengan Pemantauan Berbasis AI Untuk Efisiensi Pendaftaran Tanah Dan Mitigasi Mafia Tanah Di Indonesia." *Journal Customary Law* 2.1 (2024): p. 9-9.

<sup>27</sup>Harjono, D.K. (2022). Legal Development of the Validity of Electronic Mortgage Certificate in Indonesian Land Registration System. *Justice*, 11(2), p. 110–124.

AI, including platforms like OpenAI or ChatGPT, can play a role in providing real-time information on land issues. Research shows that AI can help people understand legal issues related to land, although it cannot completely replace complex legal decisions.<sup>28</sup> AI is useful in solving land issues by providing general information. Data security is a major issue in digitalization. Cyber attacks that threaten the security of personal data have attacked a number of government institutions. Therefore, it is important to ensure that the digital system used to store land information is well protected from cyber attacks. One of the strategic actions to increase public trust in land data security is the involvement of the National Cyber and Crypto Agency (BSSN) in the digitalization program.

The use of AI and digitization of land certificates can increase transparency and efficiency in monitoring and preventing land mafia in Indonesia. However, to achieve this goal, issues such as misuse of applications, the need for strict data verification, and the security of digital systems must be addressed. Digitizing Indonesian land certificates has many advantages, such as increased security, legal certainty, and ease of administration. However, for successful implementation, technical and social obstacles must be overcome. This digital transformation will be greatly assisted by improved public education and regulation.

### **3.5. The Role of Government in Land Mafia Problems**

Social inequality that can be seen around us, especially in rural areas, where the number of landowners with capital owners is very inversely proportional. That is the purpose of UUPA to prevent monopoly of capital owners over landowners. For example, farmers, their land ownership is still very low so that they are still on the unemployment and poverty line. Unemployment and poverty can only be overcome if the government is serious about implementing agrarian reform, meaning that agrarian reform is the will and sincerity of the state to guarantee land ownership for farmers and the poor. Agrarian reform is an effective tool or way to achieve development success because access to land is very important for socio-economic development, poverty alleviation and sustainable environmental sustainability. Land is not only a factor of production, but also a factor of wealth, prestige and power or authority. One of the obstacles in the implementation of Agrarian Reform that has been designed since the Reformation carried out in May 1998 is the result of the many conflicts and land disputes that have not been resolved. Therefore, the government must be present in the preparation of regulations and related groups among permanent bodies that can prevent or at least minimize land conflicts and disputes, so that the scope for speculators<sup>29</sup> and land mafia can be minimized.

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<sup>28</sup>Darman, R. (2024). Tunas Agraria. Peran ChatGPT Sebagai Artificial Intelligence Dalam Menyelesaikan Masalah Pertanahan dengan Metode Studi Kasus dan Black Box Testing, Vol. 7 No. 1. <https://doi.org/10.31292/jta.v7i1.256>

<sup>29</sup>Dalam KBBI, Spekulasi adalah orang yang mencari keuntungan besar (dalam perniagaan dan

The government has created an Agrarian Reform program by issuing agrarian reform regulations. In taking action against land crimes in order to prevent and resolve conflicts, especially in law enforcement, the government should be proactive and not reactive, and the government seems to ignore issues related to land. The idea of forming a task force to eradicate land mafia is a worthy effort to pursue. However, it must be sustainable, not just temporary. In addition to state offices, prosecutors and police, state law lecturers must also be part of the team. At the same time, the spirit of creating a special land jurisdiction is very much needed because current and future land issues are increasingly complex, broad in scope and have cross-sectoral implications.<sup>30</sup>.

In addition, even though there are several laws and regulations in force, government intervention is still not effective in protecting landowners from land mafia crimes, especially since land mafias continue to bribe government officials to win a case. Therefore, Indonesian President Joko Widodo (Jokowi) specifically ordered law enforcement agencies, namely the Indonesian National Police (Polri) and the Attorney General's Office of the Republic of Indonesia, to effectively eradicate crimes related to Land. However, not only law enforcers are instructed to eradicate land mafia, but the role of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is also involved in forming the Anti-Land Mafia Task Force (Satgas) since 2017.

#### Characteristics of Land Mafia

- Often identified by sudden increase in assets and wealth without clear source of income, indicating that they gain profit from illegal land sales.
- Individuals or groups involved in land disputes consistently can be characteristics of land mafia, with efforts to claim land that is not legally theirs or challenge the claims of others.
- Manipulating land documents, such as changing details in certificates or creating fake certificates, to convince others that they have legal rights to the land.
- Having a shady legal track record or criminal record can be a strong indication of land mafia involvement in illegal activities.
- Land mafia has networks within the bureaucracy, allowing them to have access to various government agencies and use their positions to commit crimes.

In addition, the government has also issued Technical Instructions for Eradicating Land Mafia, which is expected to be a guideline for initiatives and efforts to prevent and eradicate land mafia in Indonesia. The government's breakthrough in

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sebagainya) dengan cara melakukan spekulasi (dugaan, perkiraan, dan sebagainya).

<sup>30</sup>Rachmawati, Ayu Dewi. "Peran Pemerintah Dalam Menangani Mafia Tanah Sebagai Perlindungan Kepada Pemilik Hak Tanah." *Jurnal Pendidikan Kewarganegaraan Undiksha* 7.3 (2019): p. 82-93.

implementing the Complete Systematic Land Registration (PTSL) program is an effort by the government, especially the Ministry of Agrarian Affairs and Spatial Planning, to accelerate agrarian reform, with the main objective of implementing legal certainty and massive land legalization which is useful for reducing and preventing land disputes and the rise of land mafia.

#### Legal Threats of Land Mafia

##### Article 263 of the Criminal Code

Any person who intentionally seizes or obtains rights to land or buildings or spaces within them by means of violence or threats of violence, or by using his power or circumstances that make it easier for him, shall be subject to a maximum imprisonment of seven years.

##### Article 266 of the Criminal Code

Any person who makes or orders to make an authentic or fake deed regarding an act that is prohibited by law or an act that is not true, with the intention that the deed be used as evidence, shall be subject to a maximum imprisonment of six years.

##### Article 167 of the Criminal Code

Forgery of documents, such as falsified land rights certificates, shall be subject to a maximum imprisonment of three years.

In addition, land mafia can also be subject to other severe penalties, such as:

##### Maximum Imprisonment of 20 Years

Land grabbers who are found guilty can be subject to a maximum imprisonment of 20 years.

There are several factors that will determine how land mafia can be eradicated, namely starting with strong involvement at all levels, from the lower middle level to the RT/RW and Kelurahan levels, accompanied by seriousness and courage to eradicate land mafia practices.<sup>31</sup>

## 4. Conclusion

The importance of legal certainty as one of the foundations for land rights of the people in Indonesia, as stated in the UUPA, that legal certainty regarding land rights consists of 2 (two) dimensions, namely certainty regarding the object of land

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<sup>31</sup>Tehupeiory, Aartje, Ratih Lestarini, and Haposan Sahala Raja Sinaga. "Hibah Penelitian Perguruan Tinggi UKI 2021–2022: Pencegahan dan Pemberantasan Praktik Mafia Tanah Melalui Pengoptimalan Peran Satgas Mafia Tanah." (2022).

rights which means certainty regarding the layout of the land plot coordinated on the land registration map and certainty regarding the subject of land rights, where the subject referred to here is the name of the holder of the rights to a land. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is implementing digitization of land certificates to reduce the risk of forgery and ownership disputes. This digitization aims to ensure that land ownership authentication can be accounted for digitally, making it difficult for land mafia to use fake certificates. By storing documents digitally, the process of searching and verifying data becomes faster and safer, and reduces the possibility of losing physical documents due to disasters such as fires. The government has created an Agrarian Reform program by issuing agrarian reform regulations. In taking action against land crimes in the context of preventing and resolving conflicts, especially in law enforcement, the government should be proactive and not reactive, and the government seems to ignore issues related to land.

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