

Effectiveness of Efforts to Eradicate Land Mafia in Cirebon City

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Abstract. *Land mafia is a serious problem that can harm society and the state. As a serious problem, the law, which is a state instrument in national land management that is mandated to be able to eradicate land mafia, has not been optimally implemented. This is proven by the increasing number of land mafia cases, including in the Cirebon City area. This thesis research aims to determine and analyze the implementation of land mafia eradication efforts in the Cirebon City Area at this time and to determine and analyze the obstacles and solutions in implementing land mafia eradication efforts in the Cirebon City Area at this time. The type of legal research used is analytical descriptive. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in the interactions between them. That the real reality of life does not exist in the empirical world which is also the world of observation, does not appear in the form of objectively patterned and structured behavior (let alone normative) and therefore can be measured to produce quantitative data. Based on the research conducted, it was found that the implementation of efforts to eradicate land mafia in the Cirebon City area is currently not optimal, this is because...the absence of regulations regarding the criminal law enforcement process in the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia. So that the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia only regulate the implementation of handling land mafia cases with an administrative approach, this results in a lack of severe sanctions to create a deterrent effect for land mafia perpetrators in Cirebon City. Suggestions that can be given in this thesis are bFor the public, it is necessary to understand the importance of proper management and storage of land ownership certificate documents, and for the government, it is necessary to emphasize the mechanism for implementing criminal sanctions in the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia to create a deterrent effect for land mafia perpetrators.*

Keywords: *Effectiveness; Eradication; Land; Mafia.*

1. Introduction

Land has a vital function for human life. The important position of land is because land is a supporting medium for human life, both in economic and social and cultural aspects, in other words that human life cannot be separated from land, this fact is because land is one of the sources of life in the order of community life from traditional to modern times.¹

This is indicated by the shift in land use. Since the era of the kingdom, colonization until now, land and its wealth have an important function for the provision of sufficient food and energy resources. This then developed again in the modern era, where land is no longer only a means of agriculture but also a means in the development of non-agricultural and mining industries, for example the development of trade areas and factory areas.²

The importance of the position of land in the lives of the community makes land have a high economic value. The high economic value of land is in fact based on the price desired by the seller and the market price of land in a region. According to a study related to the position of land in business development conducted by IDX, it is known that the factors causing high land prices in a region are:³

1. Land location;
2. High demand for land;
3. Objects located on the ground;
4. Free from areas prone to natural disasters;
5. Population density and increasing economic activity; and
6. Land tenure status.

The high economic value of land indicates the need for certain protection related to land ownership. The media for protecting land ownership rights that can optimally protect land ownership rights is the law. Currently, land ownership is regulated in Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Agrarian Principles

Article 16 of the Republic of Indonesia Law Number 5 of 1960 concerning Basic Agrarian Regulations states that:

- 1) The rights to land as intended in article 4 paragraph (1) are:
 - a. right of ownership,
 - b. Cultivation Rights,
 - c. building rights,
 - d. right of use,

¹Muslim Andi Yusuf, Legal Certainty of Customary Law Community Rights to Land and Natural Resources, Proceedings of the National Seminar, Volume 02, Number 1, P. 675.

²Djoko Prakosa and Budiman Adi Purwanto, The Existence of Prona as the Implementation of the Agrarian Function Mechanism, Ghalia Indonesia, Jakarta, 1985, p. 19.

³English: There are 7 Determinants of Land Prices that Increase Every Year, What are They? Accessed via <https://www.idxchannel.com/economics/ada-7-faktor-penentu-harga-lanah-yang-aik-setiap-tahun-apa-saja#:~:text=Faktor%20paling%20mendasar%20dari%20kenakan%20hasil%20untuk%20hasil%20tinggi,> on May 12, 2022.

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- e. lease rights,
- f. land clearing rights,
- g. forest harvest rights,
- h. Other rights which are not included in the rights mentioned above will be determined by law as well as temporary rights as mentioned in article 53.

2) The rights to water and space as referred to in Article 4 paragraph (3) are:

- a. water use rights,
- b. rights to maintain and capture fish,
- c. space use rights.

Article 32 of the Republic of Indonesia Government Regulation Number 24 of 1997 concerning Land Registration then states that:

1) A certificate is a document that serves as proof of rights which is a strong means of proof regarding the physical data and legal data contained therein, as long as the physical data and legal data are in accordance with the data contained in the measurement letter and the land title book in question.

2) In the event that a certificate has been legally issued for a plot of land in the name of a person or legal entity that acquired the land in good faith and actually controls it, then other parties who feel they have rights to the land can no longer demand the implementation of these rights if within 5 (five) years from the issuance of the certificate they do not submit a written objection to the certificate holder and the Head of the relevant Land Office or do not file a lawsuit with the Court regarding control of the land or the issuance of the certificate.

Based on the provisions of the Article above, it can be seen that the state recognizes the existence of land ownership rights, related to evidence of land ownership which is proven by a certificate.

Legal recognition of land ownership above in its development cannot guarantee the occurrence of various land conflict issues in society. This is partly due to the existence of land mafia. The modes used by land mafia in achieving their goals are:⁴

- 1. the mode of taking vacant land, then the individual works together with the BPN to change the data at the ATR/BPN Data Center and issue a certificate.
- 2. mode by changing data, both physical data and linguistic data by deleting then changing the name and changing the land area.
- 3. The individuals who are land mafia entered the ATR/BPN Data Center with illegal access and then changed the electronic land certificate data themselves.

The existence of land mafia is currently increasing. The electronic daily CNN Indonesia recorded that there were 434 land mafia cases throughout 2021 to 2022. In 2021 there

⁴English:Beware! This is the Most Frequent Land Mafia Mode, accessed via <https://news.harianjogja.com/read/2022/07/26/500/1107265/waspada-ini-modus-mafia-tanah-yang-paling-sering-terjadi>, on May 12, 2022.

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were 253 land mafia cases and only 179 cases were resolved, while in 2022 there were 181 land mafia cases and only 93 cases were resolved by law enforcement.⁵

The increasing number of land mafia also occurred in the Cirebon City Area. The increasing number of land mafia also occurred in Cirebon Regency, in 2024 the land mafia case There were 69 cases recorded, with a land area of more than 54 thousand hectares and total losses reaching IDR 2.5 trillion, involving 412 land mafia perpetrators from various professions.⁶ This situation is clearly far from the purpose of the existence of land law which should be able to protect the ownership rights to land owned by every Indonesian citizen.

In relation to the land mafia issue, it is clearly proven that until now the government has not been able to systematically and comprehensively eradicate the land mafia. This situation clearly results in the violation of the mandate of Pancasila, especially the Fifth Principle, as well as the violation of the mandate of Article 28G of the 1945 Constitution of the Republic of Indonesia paragraph (1) regarding the guarantee of protection of ownership rights to an object, including ownership rights to land. The violation of the mandate of Article 28G of the 1945 Constitution of the Republic of Indonesia paragraph (1) clearly results in the violation of the principle of equal treatment before the law as regulated in Article 28D of the 1945 Constitution of the Republic of Indonesia paragraph (1). In terms of the state, the land mafia has also violated the mandate of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia regarding the state's responsibility to manage land management in a just manner through a clear agrarian formulation in order to realize the welfare of the Indonesian people.

The various explanations above show that it is necessary to study more deeply regarding the "EFFECTIVENESS OF EFFORTS TO ERADICATE LAND MAFIA IN CIREBON CITY".

2. Research Methods

The type of legal research used is analytical descriptive. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in the interactions between them. That the real reality of life does not exist in the empirical world which is also the world of observation, does not appear in the form of objectively patterned and structured behavior (let alone normative) and therefore can be measured to produce quantitative data. The reality of life actually only exists in the realm of meaning which appears in the form of symbols that can only be understood after being interpreted. Such realities cannot be easily "captured" through external observation and measurement. These realities can only be "captured" through experience and internal experiences that produce a complete picture of understanding.⁷

⁵Dika Cardi, Throughout 2021-2022 there were 434 Land Mafia, accessed via [https://www.cnnindonesia.com/nasional/20220630132705-12-815534/sepanjang-2021-2022-ada-434-mafia-tanah-sulsel-3-ditargetkan-selesai#:~:text=Tahun%202022%20ada%20181%20laporan,Kamis%20\(30%2F6\).&text=Nana%20menerangkan%20sejak%20tahun%202021,untuk%20menuntaskan%20kasus%20mafia%20tanah](https://www.cnnindonesia.com/nasional/20220630132705-12-815534/sepanjang-2021-2022-ada-434-mafia-tanah-sulsel-3-ditargetkan-selesai#:~:text=Tahun%202022%20ada%20181%20laporan,Kamis%20(30%2F6).&text=Nana%20menerangkan%20sejak%20tahun%202021,untuk%20menuntaskan%20kasus%20mafia%20tanah), on May 12, 2022.

⁶Interview with Idin Yunindra Ibnu Parasu as Head of the Cirebon City BPN Office, December 20 2024.

⁷Soetandyo Wignjosoebroto, Law, Paradigm, Method, and the Dynamics of the Problem, HUMA, Jakarta, 2002, p.198.

3. Results and Discussion

3.1. Legal Analysis of the Implementation of Land Mafia Eradication in Cirebon Regency

Land mafia is a problem that can harm society and has various methods of carrying out its crimes.

According to Member of the Indonesian House of Representatives Commission II H. Guspardi Gaus, who is a working partner of the Ministry of ART/BPN as a resource person at the National Seminar on End-of-Year Reflection on Breaking the Ecosystem and Epicenter of the Land Mafia at the GBHN Building, MPR/DPR RI Complex on Tuesday, December 14, 2021, he explained that the modes often used by the land mafia are as follows:⁸ Use of falsified land title deeds; Forgery of Warkah; Providing false information; Falsification of rights base; Fictitious buying and selling; Fraud or embezzlement; Lease; Contesting land ownership; Controlling land like thugs (illegal land occupation); Carry out case engineering.

Furthermore, according to him, the land mafia uses the following methods:⁹

1. Pretending to be a Buyer. The perpetrator borrows the land certificate, the reason is checking with the National Land Agency (BPN), after that, the land mafia will falsify the certificate, sell the land without the owner's knowledge, involving the prepared person.
2. Girik Certificate Ownership Mode. The perpetrator often claims that a girik is a piece of land owned by someone else, even though the landowner has a certificate of ownership of the girik.
3. Involving Brokers and Notary Officials. Land sales are carried out by brokers, who cheat by taking advantage of the age of the land certificate owner, brokers play with the selling price of the land, the mode is that the AJB seller's price is not appropriate for the owner, usually involving notary officials.
4. Using a fake power of attorney to process a replacement certificate in the name of the actual owner.

Meanwhile, according to the Main Criminal Investigator of Level II of the Criminal Investigation Unit of the Indonesian National Police, Brigadier General Agus Suharnoko, as a resource person at the national seminar on End of Year Reflection on Breaking the Ecosystem and Epicenter of the Land Mafia at the GBHN Building, MPR/DPR RI Complex on Tuesday, December 14, 2021, he said that the mode used by the land mafia is as follows:¹⁰

1. Challenging Land Ownership in Court;
2. Use of Land Rights that are Considered Unowned; Falsification of Documents on Land Objects:
 - a. Girik/Petruk;
 - b. AJB, PPJB;
 - c. Land Certificate;

⁸Yunawati Karlina and Irwan Sapta Putra, 2022, "Eradication of Land Mafia Using Criminal Law Instruments in Indonesia" *Jurnal Res Justitia: Jurnal Ilmu Hukum*, Volume 2 Number 1, pp. 123-124.

⁹Cit.

¹⁰Cit.

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d. Inheritance Deed, Inheritance Note;

e. Signature forgery.

According to the Head of FKMTI (Indonesian Land Mafia Victims Forum) Supardi Kendi Budiarjo, as a resource person at the National Seminar on End-of-Year Reflection on Breaking the Ecosystem and Epsintrum of the Land Mafia at the GBHN Building, MPR/DPR RI Complex on Tuesday, December 14, 2021, the mode of the land mafia is as follows:¹¹

1. Creating new data by searching for data related to the victim's data or data in other places is postulated at the victim's location;
2. Carrying out transactions with new data, namely by making transactions with one of the heirs;
3. Submit a certificate by submitting Government Regulation No. 24 of 1997 concerning Land Registration by requesting that the interested buyer has good intentions;
4. Negotiation with the victim, namely by means of criminalization, looking for the victim's faults through the legal process so that the victim is willing to negotiate;
5. Fighting in court: This method is carried out by land mafia by putting the victim on a chessboard to fight in court, the outcome of which has been determined by the victim.

Land mafia cases are increasing in Indonesia, this can be seen from several cases that have occurred at the national level. Some examples of land mafia involvement in popular land cases recently include:

- a. The involvement of the land mafia in early 2019, with the victim being Indra Hosein, the owner of a plot of land with SHM Number 902 located on Jl. Brawijaya III Number 12, South Jakarta. This gang or network of land mafia in carrying out their actions collaborated with a fake notary named the office "Notary/PPAT Idham". It is known that Notary Idham was played by the suspect Raden Handi (alias Adri).¹²
- b. The involvement of the land mafia with the victim, namely Zurni Hasyim Djalal, the mother of Dino Patti Djalal, Former Deputy Minister of Foreign Affairs of Indonesia during the era of President Susilo Bambang Yudhoyono. This case began in 2020, which occurred when SHM Number 8516/West Cilandak in the name of Zurni Hasyim Djalal wanted to be sold or rented by entrusting Yurmismawita to take care of all his needs.¹³
- c. Nirina Zubir Case. The uncovering of the land mafia case experienced by artist Nirina Zubir which had shocked the wider community because the news was widely reported by both print and online news media, in a press conference in Jakarta, on Wednesday, November 17, 2021, Nirina Zubir explained the chronology of events that caused losses of around IDR 17,000,000,000. (Seventeen billion rupiah) which was quoted from the online

¹¹Cit.

¹²Cantika Adinda Putri, "Exposed Again, Land Mafia Caught in Jakarta," <https://www.cnbcindonesia.com/news/20200212203238-4-137462/terbongkar-lagi-mafia-tanah-tertangkap-di-jakarta>, February 12, 2020. Accessed on September 06, 2021

¹³Zurni Hasyim Djalal has been a victim of land mafia 5 times since 2019, see Muhammad Isa Bustomi, "Dino Patti Djalal Says His Mother Has Been a Victim of Land Mafia 5 Times," <https://megapolitan.kompas.com/read/2021/02/10/14064991/dino-patti-djalal-sebut-ibunya-sudah-5-kali-jadi-korban-mafia-tanah?page=all>, February 10, 2021. Accessed on September 06, 2021.

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media Kompas.com which summarized several things conveyed by Nirina Zubir's family regarding the problem. In this case, the perpetrator was the household assistant (ART) of Nirina Zubir's family, especially her late mother, Cut Indria Marzuki who was a victim of land mafia. The criminal act was carried out by her household assistant who had worked for her mother since 2009. The perpetrator is named Riri Khasmita. The perpetrator is suspected of being her ART according to Nirina Zubir, the incident initially my mother felt that her letter was lost, then her mother asked the household assistant in 2009 to take care of her letter. But instead of being taken care of, the letter was misused by changing the name of ownership. This was conveyed by Nirina Zubir at a press conference held in the Cipete area of South Jakarta. It is known that the perpetrators secretly exchanged land certificates with their names as many as 6 land certificates. The perpetrator named Riri Khasmita worked with her husband and the PPAT Notary to carry out the action.¹⁴

Until now, there have been several reports of development and social problems triggered by land mafias that have made land cases endless. There have been at least 180 (one hundred and eighty) cases of land mafia since the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency made a memorandum of understanding (MoU) with the National Police recorded that have been received from 2021 to 2022 consisting of land disputes and land conflicts, both those that have gone to court, have been P21, or have been named suspects.¹⁵

According to the Secretary General of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Himawan Arief Sugoto, it is important to understand that the existence of land mafia cases in the land sector occurs because of the gap created by the land mafia space from the national land law policy in Indonesia which regulates the land registration system, where the national land registration legal system adheres to negative publications that contain positive elements. This land registration system produces legal and official products, with proof of rights in the form of land title certificates, which are strong but not absolute, so that they have gaps that can be sued at a later date.¹⁶

The land mafia issue is not only a national problem. This is because the land mafia issue is also developing massively in various regions of Indonesia, including in the Cirebon Regency area. One of the land mafia cases that occurred in Cirebon Regency is a case of Asep's fraud against Indra Faherdiansyah. The case began when Asep promised Indra Faherdiansyah to give him a piece of land because he had successfully helped him increase Asep's agricultural business capital in Cirebon. After the land was handed over by Asep to Indra Faherdiansyah, it was later discovered that the land did not belong to Asep but to the state. This made Indra Faherdiansyah feel cheated, because his achievements were not rewarded according to Asep's promise, namely with a piece of land. Sujono's case is also related to the falsification of land ownership documents that he gave to Indra Faherdiansyah, where it can be seen

¹⁴Cit.

¹⁵Indonesian National Police Public Relations Division, "Data from the Ministry of ATR/BPN: 180 Land Mafia Cases Received," <https://Humas.Polri.Go.Id/2021/03/04/Data-Kementerian-Atr-Bpn-Sudah180-Kasus-Mafia-Tanah-Yang-Diterima/>, March 4, 2021. Accessed on September 5, 2021.

¹⁶CNBC, "Watch the Ministry of ATR/BPN's Efforts to Eradicate Land Mafia," <https://Www.Cnbcindonesia.Com/News/20191127152107-8-118420/Simak-UpayaKementerian-Atr-Bpn-Berantas-Mafia-Tanah>, November 28, 2019. Accessed on September 06, 2021.

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that the land ownership documents that he wanted to give to Indra Faherdiansyah were not true or fake.¹⁷

Another case of land mafia in Cirebon is a case of certificate forgery. Certificate of ownership No. M238 in the name of Rasiman Aminudin and certificate of ownership No. M368 in the name of Sarnidi have been canceled by the Cirebon District Court, based on the decision of the Head of the Cirebon District Court dated January 14, 2016 No. 9/Pen.Pdt.Eks/2015/PN.Im.Jo. No. 42/Pdt.G/2010/PN. The execution based on the decision has been carried out by the Cirebon District Court and canceled both certificates. According to the Cirebon District Court (PN) has canceled the certificate of ownership, but there is still land control that has been executed by irresponsible individuals. According to As ngad as the plaintiff, there was something odd in this certificate forgery case, according to the plaintiffs this can be seen from the cancellation of land ownership certificates No. M238 and No. M368 by the Cirebon District Court, without any further legal process from the District Attorney's Office or the Police. In fact, when viewed from a legal aspect, in the making of the land ownership certificate, it is strongly suspected that there was document forgery and data manipulation. However, strangely, it seems that there is no investigation whatsoever into the certificate problem in question.¹⁸

This clearly contradicts the objectives of law according to Islam. The objectives of law according to Islam are basically regulated in the principle *the purpose of the Shariah*. In the principle of maqsid al-Syariah it is explained that the law must be able to protect five things, namely:¹⁹

1. Religion;
2. Reason;
3. Soul;
4. Property;
5. Descendants.

The issue of land mafia in the legal dimension also still has problems. Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning Prevention and Eradication of Land Mafia regulates the mechanism for eradicating land mafia. The Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning Prevention and Eradication of Land Mafia does not contain a mechanism for penal efforts. This provides an opportunity for land mafia perpetrators to be able to escape freely because in the process of research, legal studies to the transfer of the legal process for suspected land mafia perpetrators there is no mechanism for detention, even though a land case takes a long time.²⁰

¹⁷Personal interview with Indra Faherdiansyah as a victim of land mafia in Cirebon Regency, on May 12, 2025.

¹⁸Personal Interview with Asngad as a Victim of Land Mafia Regarding Certificate Forgery in Cirebon Regency, on March 10, 2025.

¹⁹Sri Endah Wahyuningsih, Principles of Criminal Individualization in Islamic Law and Indonesian Legal Reform, UNDIP, Semarang, 2013, p. 68.

²⁰Personal interview with Idin Yunindra Ibn Parasuas Head of the Cirebon Regency Land Agency, on January 19, 2025.

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This makes the performance of the Anti-Land Mafia Task Force also unable to work quickly and accurately. The rampant mode of land mafia crime has encouraged the formation of a land mafia task force from the central to regional levels and in collaboration with the relevant Ministry of ART/BPN. The basis for the formation of the land mafia task force is as follows:²¹

1. Memorandum of Understanding between the Ministry of ATR/BPN and the Indonesian National Police dated March 17, 2017 No. 3/SKB/III/2017 and B/26/III/2017 concerning Cooperation in the Field of Agrarian/Land Affairs and Spatial Planning;
2. Working Guidelines between the Ministry of ATR and the Police dated 12 June 2017 No. 26/SKB - 900/VI/2017 and 49/VI/2017 concerning Cooperation in the Agrarian/Land and Spatial Planning Sector;
3. Joint Decree of the Head of Criminal Investigation Unit and the Director General of Agrarian Problem Handling, Utilization of Space and Land No.: B/01/V/2018/Bareskrim - 34/SKB - 800/V/2018 dated May 8, 2018 concerning the Task Force for the Prevention and Eradication of Land Mafia.

According to Deputy Chairman of the MPR RI Ahmad Basarah, in his remarks at the national seminar on Year-End Reflection on Breaking the Ecosystem and Epicenter of the Land Mafia at the GBHN Building, MPR/DPR RI Complex on Tuesday, December 14, 2021, said that the actions of this land mafia fall into the category of crimes. In the Criminal Code, several criminal offenses are used as a reference for punishment in land crimes, some of which are:²²

1. Article 167, "entering a house or yard unlawfully."
2. Article 263, "making fake documents that can give rise to rights."
3. Article 266, "inserting false information into an authentic deed."
4. Article 385, "unlawfully selling, exchanging or encumbering land rights."

Based on the existing explanation, it is clear that positive law has actually regulated criminal acts concerning land crimes. However, these articles cannot be imposed easily because in reality, land mafia colludes with individuals in the central and regional government, Notary/PPAT individuals to law enforcement officers, to individuals in the courts. Basarah further quoted the opinion of the Coordinating Minister for Political, Legal and Security Affairs Mahfud MD, who said that land mafia has damaged the legal system. Not only at the investigation level, but also to the end of the justice system, namely the courts. So that often the conflict between land mafia and the people is a fight between the strong and the weak. Moreover, if we look at the many agrarian conflicts in forest and plantation areas, often the common people/indigenous people have to face large corporations with unlimited capital power. Meanwhile, according to the Chairman of the National Council of the Agrarian Reform Consortium, Iwan Nurdin, said. wherever mafia alliances grow, it is because of closedness, low public supervision, and minimal law enforcement. Land is an important means in development and for human life, both from economic, socio-cultural, and legal aspects. The more development increases, the need for land increases, while land supplies

²¹Cit.

²²Cit.

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are very limited. The importance of land often results in conflict in society, marked by land conflicts, namely land disputes between individuals, groups, classes, organizations, legal entities, or institutions that have had a broad socio-political impact. Various problems and issues of land conflicts in Indonesia are caused by many parties who often commit land misappropriation with the popular term 'land mafia'. "The rise of this land mafia shows that land has become a high and promising economic investment community so that it attracts certain interests to own and control it in various ways, resulting in violations of the law, disputes, and conflicts in the land sector" That based on the statements of state officials and law enforcers above, we can see together that the handling of the eradication of land mafia has formed a task force or what is known as the Land Mafia Task Force, which consists of the Police, the Prosecutor's Office and the BPN starting from the City and Provincial levels to the Central level. So that with the formation of the land mafia task force, we hope that land mafia crimes can be eliminated.²³

The spirit of the formation of the Land Mafia Task Force in reality has not been clearly seen, this is because the Land Mafia Task Force still seems to be waiting for complaints, not actively carrying out prevention and eradication of the increasing land mafia in society.²⁴

Optimizing the eradication of land mafia requires land law experts to solve every land mafia case, this clearly shows the important position of Notaries/PPAT in efforts to eradicate land mafia. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is collaborating with Land Deed Officials or Notaries/PPATs in an effort to eradicate land mafia. The Director General of Land Dispute and Conflict Handling of the Ministry of ATR/BPN Agus Widjayanto asked Notaries/PPATs as partners of his institution to participate in efforts to prevent land mafia practices. The importance of Notaries/PPATs as parties needed in eradicating land mafia was stated by the Director General of Land Dispute and Conflict Handling of the Ministry of ATR/BPN Agus Widjayanto who stated that "We cannot do it alone, all lines need to work together to carry out prevention and supervision including Notaries/PPATs".

The role and responsibility of the BPN so far in eradicating land mafia where the BPN is assisted by Notaries/PPAT and is one agreement with the Land Mafia Task Force has not been optimal. This is because the BPN only acts when there are complaints from the community. The BPN should be able to conduct early data collection related to the existence of land mafia in the community. So that the role of the BPN has not been maximized in terms of eradicating land mafia in Cirebon Regency. This is clearly contrary to the concept legal certainty LJ Van Apeldoorn stated that one form of legal certainty is the existence of legal guarantees that are able to protect the rights of the community. The lack of proactivity of the Cirebon Regency BPN in efforts to eradicate land mafia has resulted in many people who have become victims of land mafia whose rights have been violated.

This is clearly contrary to the concept Legal certainty LJ Van Apeldoorn stated that one form of legal certainty is the existence of a legal guarantee that is able to protect the rights of the community. The lack of proactivity of the BPN Central Java In efforts to eradicate land mafia,

²³Cit.

²⁴Personal interview with Citra Yoanita as Notary/PPAT in Cirebon Regency, on January 11, 2025.

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many members of society who are victims of land mafia have had their rights violated, this is clearly far from LJ Van Apeldoorn's concept of legal certainty.

Based on the results of the Technical Working Meeting of each field/agency of the Prosecutor's Office in 2023 as stated in the Regulation of the Prosecutor's Office of the Republic of Indonesia Number 2 of 2024 concerning the Work Plan of the Prosecutor's Office of the Republic of Indonesia in 2024, a number of recommendations can also be concluded related to strategic issues in accordance with the priorities in each field and the Prosecutor's Office Education and Training Agency, including the Intelligence field, namely:

- a. improving cooperation between the Central and Regional Intelligence Communities in order to fulfill the intelligence data bank and map threats, disturbances, obstacles and challenges to 75 (seventy five) problem sectors in the intelligence sector;
- b. utilization of information technology to support intelligence operations;
- c. internalization of work patterns to be more proactive in carrying out early detection and early prevention in the law enforcement process; and
- d. optimization of the Village Guard Program, Eradication of Land Mafia, PPS, the role of the Prosecutor's Office in the implementation of the 2024 Simultaneous General Election, public information services to the community and other programs in the field of law enforcement intelligence.

The existence of the increasingly numerous and uncontrolled land mafia essentially sacrifices the sense of security and harms the protection of people's rights to land ownership. This situation also essentially damages the essence of the purpose of law.

In realizing an order in society, three things are needed, namely justice, morality, and legal certainty. These three things are stated by Gustav Radbruch as basic legal values. The three basic values include:

1. Value of justice

In fact, the concept of justice is very difficult to find a benchmark because what is fair for one party is not necessarily felt by the other party. The word justice comes from the word fair, which means it can be accepted objectively.²⁵ Furthermore, according to Aristotle, there are several definitions of justice, including equality-based, distributive, and corrective justice.²⁶ Equality-based justice, based on the principle that the law binds everyone, so that the justice to be achieved by the law is understood in the context of equality. The equality referred to here consists of numerical equality and proportional equality. Numerical equality is based on the principle of equality of degree for everyone before the law, while proportional equality is giving everyone what is their right. Distributive justice, this is identical to proportional justice, where distributive justice is based on granting rights

²⁵Algra, et al., *The Beginning of Law*, Jakarta, Binacipta, 1983, p. 7.

²⁶Aristotle, (384 BC – 322 BC) was a Greek philosopher. He wrote on a variety of different subjects, including physics, metaphysics, poetry, logic, rhetoric, politics, government, ethnicity, biology, zoology, natural sciences and art. Along with Socrates and Plato, he is considered to be one of the three most influential philosophers in Western thought. Quoted from <http://id.wikipedia.org/wiki/Aristotle/keadilan>. accessed December 13, 2016, at 21.00 WIB. p. 1.

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according to the size of the service, so that in this case justice is based on equality, but according to their respective portions (proportional). Corrective justice, is basically justice that is based on correcting a mistake, for example if there is a mistake by someone that causes harm to another person, then the person who caused the loss must provide compensation to the party who received the loss to restore their condition as a result of the mistake made.²⁷

Meanwhile, according to Thomas Aquinas, justice can be divided into two, namely general justice and special justice. General justice is justice formulated in laws and regulations that must be obeyed for the sake of the public interest. Special justice is justice based on equality or proportionality.²⁸

Furthermore, Hans Kelsen believes that a social order is a just order. This view means that the order regulates human actions in a manner that can provide happiness for the entire community. Justice is social happiness that cannot be found by humans as individuals and tries to find it in society. Therefore, human longing for justice is essentially a longing for happiness. This means that there is recognition by society of the justice that is produced, this justice can only be obtained from the order.²⁹ Furthermore, according to Socrates as quoted by Ahmad Fadlil Sumadi, "the essence of law in making a just decision must be: not biased, adhere to the correct facts, and not act arbitrarily based on its authority."³⁰

Then according to Satjipto Rahardjo as quoted by Syafruddin, he said that, "justice is the essence or nature of law."³¹ Justice cannot only be formulated mathematically that what is called fair is when someone gets the same share as another person. Because justice is actually behind something that appears in the numbers (metaphysical), formulated philosophically by law enforcers, namely judges.³²

Then according to LJ Van Apeldoorn said that, "justice should not be seen as the same as equality, justice does not mean that everyone gets the same share." What is meant by justice is that each case must be weighed separately, meaning that what is fair for one

²⁷Location, cit.

²⁸Thomas Aquinas (1225-1274) was born in Roccasecca near Naples, Italy. He was an Italian philosopher and theologian who was very influential in the Middle Ages. Thomas Aquinas' famous work is *Summa Theologiae* (1273), a book that is a synthesis of Aristotle's philosophy and the teachings of the Christian Church. Quoted from <http://id.wikipedia.org/wiki/Thomas/Aquinas/keadilan> accessed December 13, 2016, accessed December 13, 2016, at 21.30 WIB. p. 2.

²⁹Hans Kelsen (1881-1973). Kelsen was born in Prague, Austria on October 11, 1881. He was a legal expert and philosopher of the Pure Theory of Law. In 1906, Kelsen earned his doctorate in law. Kelsen began his career as a legal theorist. Kelsen said that the legal philosophy that existed at that time had been contaminated by political ideology and morality on the one hand, and had been reduced by science on the other. Kelsen found that these two reducers had weakened the law. Quoted from <http://id.wikipedia.org/wiki/hans/kelsen/keadilan> accessed December 13, 2016, accessed December 13, 2016, at 21.45 WIB. p. 1.

³⁰Ahmad Fadlil Sumadi, "Law and Social Justice" quoted from <http://www.suduthukum.com> accessed December 13, 2016, p. 5.

³¹Syafruddin Kalo, "Law Enforcement that Guarantees Legal Certainty and a Sense of Justice in Society" quoted from <http://www.academia.edu.com> accessed December 8, 2016, p. 5.

³²Location, cit.

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person is not necessarily fair for another. The purpose of law is to regulate social life peacefully if it leads to fair regulations, meaning regulations where there is a balance between protected interests, and everyone gets as much as possible of their share.³³ LJ Van Apeldoorn further added that:³⁴

Justice should not be seen as synonymous with equality. Justice does not mean that each person gets the same share.... If the law solely desires justice, so it solely has the aim of giving each person what he deserves, then he cannot form general regulations.... Legal order that does not have general regulations, written or unwritten is impossible. The absence of general rules means real uncertainty regarding what is fair or unfair. This uncertainty will cause disputes. So the law must determine general rules, must generalize. Justice forbids generalizing; justice demands that each case must be weighed separately.... the more the law fulfills the requirements, the rules are fixed, which as much as possible eliminates uncertainty, so the more precise and sharp the legal rules are, the more pressing justice is. That is the meaning of *summum ius*, *summa iniuria*, the highest justice is the highest injustice

In another sense, according to Satjipto Rahardjo as quoted by Syafruddin, he emphasized that, "formulating the concept of justice means how to create justice that is based on the values of balance of equal rights and obligations."³⁵

Then according to Ahmad Ali MD, "the justice of a legal decision handed down by a judge to a justice seeker must be taken based on substantive truth, giving something to those who are entitled to receive it."³⁶

2. Certainty value

According to Syafruddin Kalo, "legal certainty can be seen from two angles, namely certainty in the law itself and certainty because of the law." Furthermore, Syafruddin Kalo stated that:³⁷

Certainty in law means that every legal norm must be able to be formulated with sentences in it that do not contain different interpretations. As a result, it will lead to behavior that obeys or disobeys the law. In practice, many legal events arise, where when faced with the substance of the legal norms that regulate it, sometimes it is unclear or imperfect so that different interpretations arise which will result in uncertainty. Certainty in law means that every legal norm must be able to be formulated with sentences in it that do not contain different interpretations. As a result, it will lead to behavior that obeys or disobeys the law. In practice, many legal events arise, where when faced with the substance of the legal norms that regulate it, sometimes it is unclear or imperfect so that different interpretations arise which will result in uncertainty.

³³LJ Van Apeldoorn, *Introduction to Legal Science*, translated by Oetarid Sadino, Jakarta, Pradnya Paramita, 1993, p. 11.

³⁴Ibid, pp. 11-13

³⁵Syafruddin Kalo, "Law Enforcement that Guarantees Legal Certainty and a Sense of Justice in Society" quoted from <http://www.academia.edu.com> accessed December 8, 2016, p. 5.

³⁶Ahmad Ali MD, "Legal Justice for the Poor," *Journal of Law and Justice*, (Yogyakarta) Edition 1, 2012, p. 132.

³⁷Syafruddin Kalo, op., cit., p. 4.

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Furthermore, Satjipto Rahardjo as quoted by Syafruddin Kalo said that:³⁸

One aspect of legal life is certainty, meaning that the law aims to create certainty in relations between people in society. One thing that is closely related to the issue of certainty is the issue of where the law comes from. Certainty regarding the origin or source of law has become important since law has become an increasingly formal institution.

Furthermore, Badai Husain Hasibuan and Rahmi Purnama Melati said that:³⁹

In practice in the field, we can see that many people seeking justice, especially the economically weak, feel that they do not get legal certainty. This is because the judicial process in Indonesia is relatively long and the costs are quite expensive, even though one of the purposes of establishing the court is to obtain legal certainty.

Therefore, what is the meaning of legal certainty is also very important for society. Legal certainty as stated in the judge's decision is a result based on legally relevant trial facts and considered with conscience. Judges are always required to be able to interpret the meaning of laws and other regulations that are used as the basis for application.⁴⁰

This is very important, because with the existence of legal certainty it will greatly affect the authority of the judge and the electability of the court itself. Because the judge's decision that contains elements of legal certainty will contribute to the development of science in the field of law. This is because the judge's decision that already has permanent legal force, is no longer the opinion of the judge himself who decides the case, but is already the opinion of the court institution and becomes a reference for society in everyday interactions.⁴¹

3. Utility value

According to Jeremy Bentham as quoted by Mohamad Aunurrohim, "a law can only be recognized as a law if it provides the greatest possible benefit to the greatest number of people."⁴²For example, a judge's decision will reflect the benefits, when the judge does not only apply the law textually and only pursues justice, but also directs it towards the benefits for the interests of the parties to the case and the interests of society in general. This means that the judge in applying the law, must consider the final result later, whether the judge's decision brings benefits or uses to all parties.⁴³

Basically, according to Satjipto Rahardjo, there is often tension or spannungsverhältnis between the three basic legal values. This means that the three basic values have different

³⁸Ibid, pp. 4 and 16.

³⁹Badai Husain Hasibuan and Rahmi Purnama Melati, "The Principle of Legal Certainty in Indonesian Justice" quoted from <http://www.amiyorazakaria.blogspot.com> accessed December 9, 2016, p. 1.

⁴⁰Syafruddin Kalo, op., cit., p. 4.

⁴¹Fence M. Wantu, "Realizing Legal Certainty, Justice and Benefit in Judges' Decisions in Civil Courts," *Jurnal Dinamika Hukum*, (Gorontalo) Vol. 12 Number 3, September 2012, Quoted from <http://www.academia.edu.com> accessed September 14, 2016, at 20.30 WIB, p. 483.

⁴²Mohamad Aunurrohim, "Justice, Certainty, and Legal Benefits in Indonesia" quoted from <http://www.academia.edu.com> accessed December 9, 2016, p. 7.

⁴³Sudikno Mertokusumo, *Understanding Law: An Introduction*, Yogyakarta: Liberty, 2005, p. 160.

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demands. This is because in every process of realizing the three basic values, it is inseparable from the interests of individuals or groups in society in a complex manner.⁴⁴ The issue of spannungsverhältnis results in the obstruction of law enforcement in its various dimensions.

The process of achieving a sense of justice is a chain that cannot be separated at least from the creation of legislation, the occurrence of a legal case or event, to being processed verbally by the police and prosecution by the prosecutor, or a lawsuit in a civil case, and then ending with a judge's verdict that has permanent legal force (*inkracht van gewijsde*) so that the quality of the process is actually a guarantee of the quality of the culmination point of the results or benefits of a set of legislation that is made. Thus, it is very possible to uphold the supremacy of law in our country. Harold J. Laksi quoted by Sabian⁴⁵ says "that citizens are obliged to obey certain laws only if those laws satisfy their sense of justice."⁴⁶

3.2. Effectiveness of Implementation of Land Mafia Eradication in Cirebon Regency

The implementation of land mafia eradication in Cirebon Regency has not been effective, this is due to several obstacles. Legal obstacles or in Friedman's theory can be said as substantive obstacles are in the form of the absence of regulations regarding the criminal law enforcement process in the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01 / JUKNIS / D.VII / 2018 concerning the Prevention and Eradication of Land Mafia. So that the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01 / JUKNIS / D.VII / 2018 concerning the Prevention and Eradication of Land Mafia only regulate the implementation of handling land mafia cases with an administrative approach, meaning that the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01 / JUKNIS / D.VII / 2018 concerning the Prevention and Eradication of Land Mafia only contain administration carried out by the BPN and related parties regarding data collection and legal studies related to complaints of land mafia cases, while law enforcement efforts are handed over to law enforcers, both the Police, Prosecutors, and the Courts. This is clearly vague, considering that the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia regulates the mechanism for eradicating land mafia, not only prevention. So that the existing law enforcement mechanism should also be included. The absence of a penal or civil law enforcement mechanism in the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia makes coordination between institutions in the criminal and civil legal process vague, including coordination between the Police and the BPN in the investigation process where the BPN often ignores the Police's request to present data and information related to the issuance of land certificates in land mafia cases. The next obstacle is the obstacle in the aspect of law enforcement or in Friedman's theory it

⁴⁴Satjipto Rahardjo, op., cit., pp. 19-20.

⁴⁵Sabian Utsman, *Anatomy of Conflict and Solidarity of Fishing Communities*, Yogyakarta: Pustaka Pelajar, 2007, p. 262.

⁴⁶Sabian Ustman, op.cit., pp. 13-14.

can be said to be a structural obstacle consisting of internal and external obstacles. Internal obstacles are:⁴⁷

1. The BPN is making efforts to eradicate land mafia after public complaints regarding alleged land mafia cases, while most people who are in contact with land mafia are more likely to file criminal complaints about the case to the police. The next obstacle is the data collection of land ownership rights by the BPN, especially related to certificates that have been valid for a long time, are not stored properly, and most of them are lost.

2. Obstacles at the legal process stage:

a. Obstacles at the investigation stage:

1) Often the BPN has not submitted information and data related to the issuance of certificates for land plots that are the object of land mafia crimes;

2) Accessing data related to land area and land boundaries from the Land Office is very difficult and even charges are made according to the land area;

3) BPN has not been able to provide clear data before the investigation process.

b. Obstacles at the investigation stage:

1) When the Land Office is asked to provide a certificate issuance document in a land mafia case, it must ask for permission from the Head of the Land Office at the Regional or Regional Office level, this takes a long time;

2) The Land Office often states that the certificate is missing when investigators request the certificate issuing certificate in land mafia cases;

3) It is difficult to coordinate with the Land Office regarding coordination in the investigation process of land mafia cases.

External constraints or in Friedman's theory it can be said to be a cultural constraint are obstacles related to the legal culture in society related to the eradication of land mafia. These external obstacles consist of:

a. Most people do not take care of the documents for ownership of their land, so that there are many cases where land owners only have proof of land other than a land certificate, this situation is clearly weak before the law, and provides an opportunity for land mafia to seize the land illegally;

b. The community does not understand the existence of the Land Mafia Task Force and the role and responsibility of the National Land Agency in protecting the community from land mafia who can seize their land rights illegally;

c. The community does not have sufficient legal education so that they are often deceived by the enticements of the land mafia, especially regarding the administration of land certificates owned by the land mafia, so that land names are often changed illegally by the land mafia.

The National Land Agency always seeks solutions to resolve land mafia issues, BPN is also authorized to conduct negotiations, mediation and facilitation for parties harmed by land mafia. BPN regional offices, namely in the Province and City/Municipality, can only reach a

⁴⁷Personal interview with Citra Yoanita as Notary/PPAT in Cirebon Regency, on January 11, 2025.

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decision on resolving the problem, while the follow-up of land administration is still carried out by the Central BPN. To minimize land mafia issues, the roles carried out by BPN as a public servant include:

- a. Review and manage data to resolve land mafia issues;
- b. Accommodating public complaints regarding land mafia issues;
- c. Reviewing and preparing legal studies related to public complaints about land mafia issues;
- d. Reviewing and preparing a draft decision on the cancellation of administratively flawed land rights in the land mafia issue;
- e. Coordinating with the Police and the Prosecutor's Office regarding criminal legal action against perpetrators of land mafia issues;
- f. Collecting data related to land ownership status that can be accessed digitally or directly by the public;
- g. Create land ownership documentation that is in accordance with existing laws in the community.

4. Conclusion

1. The implementation of efforts to eradicate land mafia in the Cirebon City area is currently not optimal, this is because...the absence of regulations regarding the criminal law enforcement process in the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia. So that the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia only regulate the implementation of handling land mafia cases with an administrative approach; 2. Legal constraints are in the form of the absence of regulations regarding the criminal law enforcement process in the Technical Instructions of the Ministry of Agrarian Affairs and Land Affairs Number 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia. The next constraint is the constraint in the aspect of law enforcement which consists of internal and external constraints. Internal constraints are constraints from the BPN institution. External constraints are constraints related to the legal culture in society related to the eradication of land mafia. To minimize the problem of land mafia, the role carried out by BPN as a public servant includes reviewing and managing data to resolve land mafia cases, accommodating public complaints related to land mafia problems, reviewing and preparing legal studies related to public complaints about land mafia problems, reviewing and preparing a concept for a decision to cancel administratively flawed land rights.

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