

Efforts to Eradicate Land Mafia in Banjarbaru City

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Abstract. *Land mafia is a serious problem that can be detrimental to society and the state. As a serious problem, the law, which is a state instrument in national land management and is mandated to eradicate land mafia, has not been optimally implemented. This is evidenced by the increasing number of land mafia cases, including in the Banjarbaru City area. The type of legal research used is non-doctrinal. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in their interactions. That the real reality of life does not exist in the empirical realm that is also the realm of observation, it does not appear in the form of patterned and structured behavior that is objective (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 Banjarbaru City area is currently not optimal, this is becauseThe 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. Therefore, 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 inBanjarbaru City.*

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

1. Introduction

Land plays a vital role in human life. This importance stems from its role as a supporting medium for human life, both economically and socially, and culturally. In other words, human life is inseparable from land. This is because land has been a vital source of life in the social order of society, from traditional to modern times.¹

This is reflected in the shift in land use. From the era of kingdoms and colonialism to the present day, land and its resources have played a vital role in ensuring sufficient food and energy resources.

This then developed again in the modern era, where land was no longer only used as a means for agriculture but also as a means for developing non-agricultural and mining industries, for example the development of trade areas and factory areas.² The importance of land in people's lives gives it a high economic value. The high economic value of land is actually based on the seller's desired price and the market price of land in a given area.³ 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:⁴

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 implies the need for definite protection related to land ownership. The medium that can optimally protect land ownership rights is the law.⁵

The presence of land mafias is currently on the rise. The electronic daily CNN Indonesia reported 434 land mafia cases between 2021 and 2022. In 2021, there

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

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

³Agus Nuryanto Adi Yusman, Setyawati, and Achmad Arifullah, "The Duties & Authorities of Land Deeds Officer (PPAT) in Implementing the First Land Registration", Sanlar, Volume 4, No. 2, 2022, p. 447.

⁴Rizki Setyo Nugroho, "There are 7 factors that determine the increase in land prices every year. What are they?" <https://www.idxchannel.com/economics/ada-7-faktor-penentu-harga-tanah-yang-naik-setiap-tahun-apa-saja#:~:text=Faktor%20paling%20mendasar%20dari%20kenakan, akan%20milik%20harga%20yang%20tinggi>, on May 12, 2025.

⁵Ruktisandi Sindu Abe and Aryani Witasari, "Legal Review of Land Remeasurement Procedures as a Settlement of Land Ownership Boundary Disputes at the Blora City Land Office", Proceedings: Unissula Student Scientific Conference (Kimu) 2, Semarang, 2019, p. 49.

were 253 land mafia cases, with only 179 resolved. Meanwhile, in 2022, there were 181 land mafia cases, with only 93 resolved by law enforcement.⁶

The increase in the number of land mafias is also occurring in Banjarbaru City. In 2024, there were 10 land mafia cases. A total of 69 cases were 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.⁷ Then the land mafia case in Banjarbaru City.

A number of residents from various villages in Banjarbaru City, came to the Criminal Investigation Unit of the Police Banjarbaru to report suspected fraud in land sale and purchase transactions in Banjarbaru City. Residents admitted that they felt disadvantaged because the ownership status of the land they purchased was unclear. The residents were only shown the land verbally. However, over time, each person (resident) claimed ownership of the land. In this case it is suspected that village and sub-district officials were involved in the fraud and embezzlement case in the sale and purchase of land in Banjarbaru City.⁸ This situation is clearly far from the purpose of the existence of land law, which should be able to protect the land ownership rights of 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). From a state aspect, 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 in managing land management in a just manner through a clear agrarian formulation in order to realize the welfare of the Indonesian people.

⁶Dika Kardi, "Throughout 2021-2022, there will be 434 Land Mafias," [https://www.cnnindonesia.com/nasional/20220630132705-12-815534/sepanjang-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-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, 2025.

⁷Interview with Ahmad Suhaimi as Head of the Banjarbaru BPN Office, December 20, 2024.

⁸Interview with Tohenda as the residents' legal representative Banjarbaru City, which became a victim of land mafia, May 12, 2025.

2. Research Methods

The type of legal research used is non-doctrinal. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in their interactions. The true reality of life does not exist in the empirical realm, which is also the realm of observation, and 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 exists only 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.⁹

3. Results and Discussion

3.1. Current Implementation of Land Mafia Eradication Efforts in Banjarbaru City

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

According to Member of the Indonesian House of Representatives Commission II H. Guspari Gaus, who is a working partner of the Ministry of ART/BPN as a resource person 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, he explained that the modes often used by the land mafia are as follows:¹⁰ 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:¹¹

- a. Pretending to be a buyer. The perpetrator borrows a land certificate, claiming to check with the National Land Agency (BPN). Afterward, the land mafia falsifies the certificate and sells the land without the owner's knowledge, involving pre-arranged individuals.
- b. Girik Certificate Ownership Mode. Perpetrators often claim that a girik on land belongs to someone else, even though the landowner has a certificate to claim ownership of the girik.

⁹Wignjosoebroto, Soetandyo, 2002, *Law, Paradigm, Method, and the Dynamics of the Problem*, HUMA, Jakarta, p. 198.

¹⁰Yunawati 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.

¹¹Yunawati Karlina and Irwan Sapta Putra, Loc. Cit.

c. Involving Brokers and Notaries. Land sales are conducted by brokers, who exploit the age of the land certificate owner to cheat. Brokers manipulate the selling price, often using the AJB price to set a price that is not suitable for the owner. This often involves notaries.

d. Using a fake power of attorney to process a replacement certificate in the name of the actual owner.

Meanwhile, according to Brigadier General Agus Suharnoko, the Main Criminal Investigator of Level II of the Indonesian National Police Criminal Investigation Agency, as a resource person at the national seminar on Year-End Reflection on Breaking the Ecosystem and Epicenter of Land Mafia at the GBHN Building, MPR/DPR RI Complex on Tuesday, December 14, 2021, he said that the modus operandi of the land mafia is as follows:¹²

- a. Challenging Land Ownership in Court;
- b. Use of Land Rights that are Considered Unowned; Falsification of Documents on Land Objects:
 - 1) Girik/Petruk;
 - 2) AJB, PPJB;
 - 3) Land Certificate;
 - 4) Inheritance Deed, Inheritance Note;
 - 5) Signature forgery.

According to the Chairman of FKMTI (Indonesian Land Mafia Victims Forum), Supardi Kendi Budiarjo, as a resource person at the National Seminar on Year-End 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 land mafia's modus operandi is as follows:¹³

- a. 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;
- b. Carrying out transactions with new data, namely by making transactions with one of the heirs;
- c. Submitting a certificate by alleging Government Regulation No. 24 of 1997 concerning Land Registration by requesting that the interested party be a good faith buyer;
- d. Negotiation with the victim, namely by criminalizing the victim by looking for mistakes through the legal process so that the victim is willing to negotiate;
- e. 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 is determined by the victim.

¹²Yunawati Karlina and Irwan Sapta Putra, Loc. Cit.

¹³Yunawati Karlina and Irwan Sapta Putra, Loc. Cit.

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

a. The involvement of a land mafia in early 2019, with the victim being Indra Hosein, the owner of a plot of land with a freehold title (SHM) No. 902 located on Jl. Brawijaya III No. 12, South Jakarta. This land mafia gang or network, in carrying out its operations, collaborated with a fake notary named "Notary/PPAT Idham." The notary Idham was known to have been played by suspect Raden Handi (alias Adri).¹⁴

b. The land mafia's involvement involved the victim, Zurni Hasyim Djalal, the mother of Dino Patti Djalal, former Deputy Minister of Foreign Affairs of Indonesia under President Susilo Bambang Yudhoyono. The case began in 2020, when SHM No. 8516/West Cilandak, in the name of Zurni Hasyim Djalal, was being sold or leased, entrusting Yurmismawita with all her needs.¹⁵

c. Nirina Zubir Case. The uncovering of the land mafia case experienced by artist Nirina Zubir which had shocked the public because the news was widely covered 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 Rp. 17,000,000,000. (Seventeen billion rupiah) as quoted from the online 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 the land mafia. The crime 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 to be her household assistant according to Nirina Zubir, the incident initially my mother felt her letter was lost, then her mother asked the household assistant for help in 2009 to take care of the letter. However, instead of processing the certificate, the perpetrator misused it by changing the ownership name. This was conveyed by Nirina Zubir during a press conference held in the Cipete area of South Jakarta. It was discovered that the perpetrator secretly exchanged six land certificates with their names. The perpetrator, identified as Riri Khasmita, collaborated with her husband and a PPAT notary to carry out the act.¹⁶

¹⁴Cantika Adinda Putri, "Exposed Again, Land Mafia Arrested in Jakarta," <https://www.cnbcindonesia.com/news/20200212203238-4-137462/terbongkar-lagi-mafia-tanah-tertangkap-di-jakarta>, February 12, 2020. Accessed on September 6, 2025.

¹⁵Zurni 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 6, 2025.

¹⁶Yunawati Karlina and Irwan Sapta Putra, Op. Cit.

To date, there have been several reports of development and social problems triggered by land mafias, leading to endless land disputes. Since the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency signed a memorandum of understanding (MoU) with the National Police, at least 180 cases have been recorded, including land disputes and conflicts, both those that have gone to court, those that have reached the P21 stage, and those that have been named as suspects.¹⁷

According to Himawan Arief Sugoto, Secretary General of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, it is important to understand that the existence of land mafia cases in the land sector occurs because of the gaps created by the land mafia space from the national land law policy in Indonesia that regulates the land registration system, where the national land registration legal system adheres to negative publicity with positive elements. This land registration system produces a legal and official product, with proof of rights in the form of a land title certificate, which is strong but not absolute, so it has loopholes that can be challenged in the future.¹⁸

The land mafia issue is not only a national issue. This is because it is also widespread in various regions of Indonesia, including the city of Banjarbaru. One of the land mafia cases that occurred in Banjarbaru City This is a case of Iwan's fraud against Sabarudin. The case began when Iwan promised Sabarudin a plot of land in exchange for helping him increase his agricultural business capital. Banjarbaru City After Asep handed the land over to Sabarudin, it was later discovered that the land did not belong to Iwan but to the state. This left Sabarudin feeling cheated, as he hadn't been rewarded for his work as promised by Iwan, a plot of land.¹⁹

According to AKP Haris as Head of Criminal Investigation Unit of Banjarbaru City Police, there were 25 cases of land mafia throughout the end of 2025 to January 2026, where the 25 cases consisted of 10 cases of unauthorized land ownership rights encroachment with 20 perpetrators, and 15 cases of falsification of land ownership certificates involving 20 perpetrators who were civil parties, 5 from Notaries/PPAT, and 2 perpetrators who were employees of the Banjarbaru City BPN.²⁰

This clearly contradicts the objectives of law according to Islam. The objectives of law according to Islam are basically regulated in the principles *maqsid al-*

¹⁷Indonesian 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, 2025.

¹⁸CNBC, "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 September 6, 2021.

¹⁹Personal interview with Sabarudin has a victim of land mafia in Banjarbaru City, on May 12, 2025.

²⁰Interview with AKP Adam Gana as Head of Criminal Investigation Unit of Banjarbaru City Police, February 10, 2026

Shariah, In the principle of Maqsid al-Syariah, it is explained that the law must be able to protect five things, namely:²¹

- a. Religion;
- b. Reason;
- c. Soul;
- d. Property;
- e. Descendants.

Basically, land mafia practices are a form of illegally taking over other people's property rights. Such actions are strictly prohibited by religion. There are many verses of the Koran and hadith that mention it. One of them is the following words of Allah SWT:²²

Do not consume the wealth between you in a false way, and (don't) you bribe the judges with this wealth, with the intention that you can consume some of other people's wealth in a sinful way, even though you know. (Surah Al-Baqarah verse 188).

The issue of land mafia in the legal dimension also still has problems. 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 regulate the mechanisms for eradicating land mafia. 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 do not include a mechanism for penal efforts. This opportunity for land mafia perpetrators to be able to freely escape because in the process of research, legal studies until the transfer of legal proceedings for suspected land mafia perpetrators there is no mechanism for detention, even though a land case requires a long time.²³

3.2. Obstacles and Solutions in Implementing Efforts to Eradicate Land Mafia in Banjarbaru City

At the moment, implementation of land mafia eradication in Banjarbaru City has not been effective, this is due to several obstacles. Legal obstacles or in Friedman's theory can be said to be substantial obstacles 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

²¹Sri Endah Wahyuningsih, 2013, Principles of Criminal Individualization in Islamic Law and Indonesian Legal Reform, UNDIP, Semarang, p. 68.

²²<https://nu.or.id/syariah/mafia-tanah-menurut-islam-kerugian-dunia-dan-akhirat-v6gSO>, February 12, 2026.

²³Personal interview with Ahmad Suhaimi, as Head of the Banjarbaru City Land Agency, on January 19, 2025.

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, namely 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 regulate the mechanism for eradicating land mafia, not only prevention. Therefore, existing law enforcement mechanisms should also be included. The absence of penal and civil law enforcement mechanisms 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 criminal and civil legal processes experience vagueness, including coordination between the Police and the National Land Agency (BPN) in the investigation process where the BPN often ignores the Police's request to provide 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 can be said to be a structural obstacle consisting of internal and external obstacles. Internal obstacles are:²⁴

1. The National Land Agency (BPN) has been working to eradicate land mafia following public complaints regarding alleged land mafia cases. While most people involved with land mafia cases have filed criminal complaints with the police, the BPN has also been hampered by the ongoing recording of land ownership rights, particularly regarding outdated certificates that are not properly stored, and many of which 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 requires a fee based on the land area;
- 3) BPN has not been able to provide clear data before the fingerprinting 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;

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

2) The Land Office often states that the certificate is missing when investigators request the certificate issuing document 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 in Friedman's theory it can be said to be a cultural constraint. These are obstacles related to the legal culture in society regarding 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 land evidence other than land certificates, 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 (BPN) in protecting the community from land mafia who can seize their land rights illegally;

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

The National Land Agency (BPN) consistently seeks solutions to land mafia issues. The BPN also has the authority to negotiate, mediate, and facilitate efforts for parties affected by land mafia. BPN regional offices, at provincial and city/municipal levels, can only issue resolutions, while land administration follow-up remains the responsibility of the central BPN. To minimize land mafia issues, the BPN's role as a public servant includes:

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 regarding land mafia issues;

d. Reviewing and preparing a draft decision on the cancellation of land rights that are administratively flawed in the land mafia issue;

e. Coordinate 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

Implementation of efforts to eradicate land mafia in the Region Banjarbaru City 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. Therefore, 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 using an administrative approach.

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