

Effectiveness of Land Mafia Task Force in Prevention and Eradication of Land Mafia in Indonesia

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Abstract : *Various problems and issues of land conflict in Indonesia are caused by many parties who often commit land misappropriation or the popular term land mafia. To answer this problem, the S task force Mafia Land, but in reality land conflicts due to land mafia continue to occur. Therefore, this study examines the effectiveness of the Land Mafia Task Force in preventing and eradicating land mafia in Indonesia and the factors that hinder the performance of the Land Mafia Task Force in preventing and eradicating land mafia in Indonesia. The results of the study indicate that the Land Mafia Task Force in preventing and eradicating land mafia in Indonesia has not been fully effective. Factors that hinder the performance of the land mafia task force in preventing and eradicating land mafia in Indonesia include the absence of legal regulations that cover the eradication of land mafia perpetrators, the unsynchronized task force established in each institution, the absence of a special budget provided for eradicating land mafia, the community is still unfamiliar with agrarian law and a culture of legal awareness regarding land that has not been built.*

Keywords : *Effectiveness, Land Mafia Task Force, Prevention, Eradication and Land Mafia*

Abstrak : Berbagai permasalahan dan isu konflik pertanahan di Indonesia disebabkan oleh banyaknya pihak yang sering melakukan penyelewengan hak atas tanah atau yang populer dengan istilah mafia tanah. Untuk menjawab permasalahan tersebut dibentuklah Satgas Mafia Tanah, namun pada kenyataannya konflik pertanahan akibat mafia tanah terus menerus terjadi. Oleh karena itu, penelitian ini mengkaji tentang efektivitas Satgas Mafia Tanah dalam mencegah dan memberantas mafia tanah di Indonesia serta faktor-faktor yang menghambat kinerja Satgas Mafia Tanah dalam mencegah dan memberantas mafia tanah di Indonesia. Hasil penelitian menunjukkan bahwa Satgas Mafia Tanah dalam mencegah dan memberantas mafia tanah di Indonesia belum sepenuhnya efektif. Faktor-faktor yang menghambat kinerja Satgas Mafia Tanah dalam mencegah dan memberantas mafia tanah di Indonesia antara lain belum adanya regulasi perundang-undangan yang menaungi pemberantasan pelaku mafia tanah, belum sinkronnya Satgas yang dibentuk di setiap instansi, belum adanya anggaran khusus yang disediakan untuk pemberantasan mafia tanah, masyarakat masih awam dengan hukum agraria dan budaya kesadaran hukum terkait pertanahan yang belum terbangun.

Kata kunci : Efektivitas, Satgas Mafia Tanah, Pencegahan, Pemberantasan dan Mafia Tanah



I. Introduction

Land and buildings have a very important meaning for every individual in society. In addition to having economic value that can be reserved as a source of support for human life in the future.¹ Land is the main supporting factor for life and community welfare.² The function of land is not only limited to the need for housing, but also a place for growth, social, political and cultural development of a person or a community.³

Land has a very important role, because it is the source of life and human livelihood itself, all activities carried out by humans, always and certainly require land as a support for activities in their lives. Society views land as a source of human life from birth to death. Land is used as a place to live and as a source of human livelihood.

Land plays a very important role in human life, so it is not uncommon for land disputes to result in long and unresolved conflicts. Land conflicts that occur in society appear in various forms. The parties involved in the conflict resolution process are not few, both the state and *civil society institutions* such as; non-governmental organizations (NGOs). However, the dispute resolution process often reaches a dead end, making the conflict even more protracted.⁴

Christopher More in Maria SW stated that the root of the problem of land disputes in general can be caused by the following things:

1. Conflict of interest is the existence of competing interests related to substantive interests, procedural interests, or psychological interests;
2. Structural conflict, caused by destructive behavior patterns, unequal control of resource ownership;
3. Value conflicts, due to differences in criteria used to evaluate ideas or behavior, differences in lifestyle, ideology, religion or beliefs;
4. Relationship conflicts, due to excessive emotions, mistaken perceptions, poor or incorrect communication, repetition of negative behavior;
5. Data conflicts, due to incomplete information, erroneous information, different opinions about relevant matters, different interpretations of data and differences in assessment procedures.⁵

In addition, Maria SW also stated that the root of land problems that ultimately become land disputes in Indonesia are caused by:

1. Lack of order in past land administration;
2. Inequality in land ownership and control structures;
3. Negative land registration publication system;
4. The increasing need for land, so that land prices cannot be controlled due to the actions of the land mafia;

¹Achmad Chulaemi, *Land Acquisition for Specific Needs in the Framework of Development*, Legal Issues Magazine Number 1 FH UNDIP, 1992, Semarang, page 9.

²Rianto Bachiadi, et, al, eds, 1997, *Political Change and the Agrarian Reform Agenda in Indonesia*, FE UI, Jakarta, pp. 28-31

³Winahyu Herwiningsih, 2009, *State's Right to Control Land*, Total Media and FH UII, Yogyakarta, p. 1

⁴Bernhard Limbong, 2012, *Land Conflict*, Margareta Pustaka, Jakarta, p. 65

⁵Maria SW, 2008, *Land in the Perspective of Economic, Social and Cultural Rights*, Kompas Books, Jakarta, pp. 112-113

5. The laws and regulations overlap, both horizontally and vertically, as does the substance that is regulated;
6. There are still many abandoned lands;
7. Notaries and officials making land deeds are not careful in carrying out their duties;
8. There has been no implementation of perceptions or interpretations by law enforcers, especially judges, regarding laws and regulations in the land sector; and
9. Law enforcers have not been less committed to implementing laws and regulations in a consumer and consistent manner.⁶

Land mafia is one of the roots of land conflicts in Indonesia. Land mafia is a conspiracy between parties with evil intentions in controlling land with the involvement of officials who have the authority to issue legal rights to land.⁷ Land mafia is a land crime involving a group of people who work together to own or control land belonging to others illegally. The perpetrators use unlawful methods that are carried out in a planned, neat, and systematic manner.⁸

The government sees that land and space disputes, conflicts and cases are difficult to resolve because there are indications of the involvement of land mafias who play a role in influencing the handling and resolution. President of the Republic of Indonesia, Mr. Joko Widodo (Jokowi) has specifically instructed law enforcement officers, namely the Indonesian Police (Polri) and the Attorney General's Office of the Republic of Indonesia to eradicate land crime practices. However, it is not only law enforcement institutions that are instructed to eradicate land mafias, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has also played a role since 2017 by forming an Anti-Land Mafia Task Force (Satgas).⁹

The Coordinating Chair of the Alliance of People Seeking Justice (Ampek) Naldy Nazar Haroen assessed that the role and function of the Anti-Land Mafia Task Force (Satgas) formed in 2017 was not optimal.¹⁰ The formation of the task force aims to eradicate land crime practices that are indicated as land mafia. However, it turns out that land mafia continues to occur in Indonesia. Thus, is the formation of the Land Mafia Task Force effective in preventing and eradicating land mafia in Indonesia?

Cooperation between law enforcement agencies and the Ministry of ART/BPN is the right step to eradicate land mafia criminals because land mafias carry out their crimes. This is because land mafias do not move alone but are structured and also involve many parties, starting from law enforcement officers and BPN employees and also other parties such as Notaries/PPATs. Therefore, the performance of the land mafia eradication task force is also influenced by legal and non-legal factors that influence it.

⁶ *Ibid.*, p. 80

⁷Yunawati Karlina, et al., *Eradication of Land Mafia Using Criminal Law Instruments in Indonesia*, Jurnal Res Justitia: Journal of Legal Studies, Law Study Program, Faculty of Law, Bina Bangsa University Volume 2 Number 1, January 2022, p. 113

⁸Dian Cahyaningrum, *Eradication of Land Mafia*, Jurnal Info Singkat, Brief Study of Current and Strategic Issues Vol. XIII, No.23/I/Puslit/December/2021, page 2

⁹Yunawati Karlina, et al., *Op cit.*, pp. 113-114

¹⁰ Adam Prawira, *Anti-Land Mafia Task Force Performance Considered Not Optimal*, <https://nasional.sindonews.com/read/342808/13/kinerja-satgas-anti-mafia-tanah-dinilai-tidak-dinamik-1613966536>, accessed on April 5, 2022.

Chambliss and Seidman stated that the working of the law is influenced by social factors or forces starting from the stage of making laws, their implementation, and up to the expected role. This description will later show that law is a social process that is itself an independent (autonomous) and non-independent (non-autonomous) variable at the same time. ¹¹Therefore, the effectiveness of the performance of the Land Mafia Task Force in preventing and eradicating land mafia in Indonesia needs to be studied.

II. Formulation of the problem

Based on the background explained above, a problem formulation can be drawn as follows:

1. How effective is the Land Mafia Task Force in preventing and eradicating land mafia in Indonesia?
2. What factors hinder the performance of the Land Mafia Task Force in preventing and eradicating land mafia in Indonesia?

III. Discussion

1. The Effectiveness of the Land Mafia Task Force in Preventing and Eradicating Land Mafia in Indonesia

Land cases always start with land disputes. As the forms of disputes explained above, the main topic of this discussion is land disputes. Land disputes can be defined according to Irawan Surojo as follows:

A land dispute is a conflict between two or more parties who have different interests in one or more land rights objects which can result in legal consequences for both parties.¹²

Ali Achmad said:

A dispute is a conflict between two or more parties that arises from different perceptions about an interest or property right that can have legal consequences for both parties.¹³

In relation to the above, Edi Prajoto also said that:

A land dispute is a conflict between two or more people who have the same rights. has an interest in the status of land object rights between one or several land objects that can result in certain legal consequences for the parties.¹⁴

Based on the definition above, it can be said that a land dispute is a conflict between several parties who have the same interest in certain areas of land which because of these interests can give rise to legal consequences. Legally, Boedi Harsono in his book by Arie Sukanti Hutagalung entitled "*Resolution of Land Disputes According to Applicable Law*", details the land problems that can be disputed consisting of:

1. Dispute over which field is meant
2. Disputes regarding land boundaries

¹¹Esmi Warassih, 2005, *Legal Institutions: A Sociological Study*, Publisher PT. Suryandaru Utama, Semarang, p.13.

¹²Irawan Soerodjo, 2003, *Legal Capacity Over Land in Indonesia*, Arkola, Surabaya, p. 12

¹³Ali. Achmad Chomzah, 2003, *Land Law Series III Settlement of Land Rights Disputes and Land Law Series IV Land Acquisition by Government Agencies*, Prestasi Pustaka, Jakarta, p. 14

¹⁴English: Mr. Edi Prajoto, 2006, *Antinomy of Legal Norms on Cancellation of Granting of Land Rights By State Administrative Court and National Land Agency*, CV. Utomo, Bandung, p. 21

3. Dispute regarding the area of land
4. Dispute regarding the status of the land: State land or private land
5. Disputes regarding the rights holder
6. Dispute regarding the rights that burden him
7. Dispute regarding the transfer of rights
8. Disputes regarding location designation and its determination for a project or private sector.
9. Disputes regarding the release/acquisition of land
10. Dispute regarding land clearing
11. Dispute regarding award of compensation
12. Dispute regarding cancellation of his rights
13. Dispute regarding the granting of rights
14. Dispute regarding the revocation of his rights
15. Dispute regarding the granting of the certificate
16. Disputes regarding the means of proving the existence of rights/acts of law that are carried out with other disputes.¹⁵

Illegal land ownership and control often trigger conflicts or disputes that often result in human lives. Weak supervision, law enforcement, and lack of transparency are some of the causes of the land mafia. In addition, the neglect of the community towards the land they own is also often exploited by land mafia to control their land illegally. Ironically, victims sometimes do not know that their land certificates have been transferred to another name because they do not check with the National Land Agency (BPN).¹⁶

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.¹⁷ Disputes, conflicts and land and space cases that are the object of activities in the context of preventing and eradicating land mafia are land cases that are reported to indicate the involvement of land mafia, especially land cases with broad dimensions.

In a country, land conflicts themselves can occur because of the limited amount of land while population growth is increasing so that things like land mafia will actually be difficult to contain. However, this is becoming increasingly worrying because land disputes are increasingly diverse and also increasingly complex so that they can affect the development of the desire for land. This has made a lot of news about land mafia increasingly emerge, because of the various new problems and complicated modes that have emerged along with the growth of the population. Not a few people have experienced losses or fraud in land dispute cases, due to the naughty hands of the land mafia that continue to run rampant. Legal certainty is also one of the theories that can be

¹⁵Ari Sukanti Hutagalung, 2003, *Settlement of Land Disputes According to Applicable Law*, Journal of Business Law, Jakarta. p. 52

¹⁶ English: Dr. Dian Cahyaningrum, *Op cit.*, p. 2

¹⁷Yunawati Karlina, et al., *Op cit.*, p. 119

applied to this very complicated land issue, especially related to the main objective of legal certainty which is expected to provide a sense of security to the community by protecting the rights owned by the community.¹⁸

The mode used by the land mafia by means of evil conspiracy so that there are indications of the involvement of the land mafia in land cases, among others, can be identified as follows:

- a. Publishing and/or using more than one letter girik/ pipil/ ketitir/ pepel/ yasan / letter c/ land certificate/ register/ land information letter/ statement of physical control or other similar names, certificate of no dispute, or other letters related to land by the Village Head/Lurah to several parties regarding the same plot of land;
- b. Issuing and/or using documents that are suspected of being fake related to land such as land title certificates/deeds of ownership/erfpacht/opstal, girik/pipil/ketitir/pepel/yasan/letter c/land certificate/register/land information letter/statement of physical control or other similar names, certificate of non-dispute, which are accepted by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency;
- c. Carrying out occupation or exploitation of land without permission on land owned by another person (Freehold Rights/HGU/HGB/HP/HPL) whether the rights have expired or are still valid;
- d. Changing/moving/removing land boundary markers;
- e. Submitting an application for a replacement certificate due to loss, while the certificate still exists and is still held by its owner or another person in good faith, resulting in there being two certificates for the same plot of land;
- f. Utilizing judicial institutions to validate proof of land ownership, by:
- g. Filing a lawsuit using an incorrect letter, so that when the lawsuit is decided and has permanent legal force, the letter is used as the basis for rights at the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency;
- h. Filing a lawsuit in court to be declared the owner of the land, while the legitimate owner of the land is completely unaware of or is not made a party to the lawsuit;
- i. Making a purchase of land that is still the subject of a case in bad faith and trying to ensure that the court decision is in his/her/his group's favor;
- j. Continuous filing of lawsuits which results in many court decisions which have permanent legal force with decisions which conflict with each other, so that these decisions cannot be implemented, resulting in land and space disputes and conflicts not being resolved.
- k. Evil conspiracy carried out in authentic deeds/letters of information by land mafia involving Public Officials (Notaris/PPAT/Sub-district Heads/Village

¹⁸Rahmat Ramadhani, *Community Participation in Efforts to Eradicate Land Mafia Post Covid-19 Pandemic*, Jurnal Sanksi (National Seminar on Law, Social and Economics) E-ISSN: 2828-3910, p. 2

Heads) which results in disputes, conflicts and land cases of broad dimensions.¹⁹

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. Handling 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 from the Regency/City and Provincial levels to the Central level.

In order to eliminate the involvement of land mafia in handling and resolving land and space disputes, conflicts and cases at the Ministry of Agrarian Affairs and Spatial Planning/ National Land Agency, it is necessary to carry out prevention and eradication of land mafia. The basis for the formation of the land mafia task force is as follows:

- a. 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 Agrarian/Land and Spatial Planning Sector;
- b. Working Guidelines between the Ministry of ATR and the Indonesian National 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;
- c. 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.

The Land Mafia Task Force in this case stands alone, where each institution, namely the BPN, Police, and Prosecutors' Office, creates its own task force. At the Central level, the National Police Headquarters has formed a special anti-land mafia Task Force. The special task force, at the National Police Headquarters level, collaborates with the Ministry of Agrarian Affairs (Kemen ART/BPN). The formation of the special team also orders the Regional Police to form the special task force and collaborate with the regional offices of the Ministry of ATR/BPN.

The special team to eradicate land mafia by the National Police, complements a similar working team in the Attorney General's Office (Kejagung). Attorney General Sanitiar Burhanuddin, also ordered the ranks of prosecutors throughout Indonesia, to eradicate land mafia practices. He said, land mafia, not only harms the community. But also hinders the government's development program because it often causes disputes in land and land control.

At the Ministry of ATR ATR/BPN, the Land Mafia Prevention and Eradication Task Force at the ministerial level is appointed and determined based on a joint decision

¹⁹Directorate General of Agrarian Problem Handling, Utilization of Space and Land, 2018. *Technical Instruction Number: 01/JUKNIS/D.VII/2018 About Prevention and Eradication of Land Mafia*, Ministry of ATR/BPN, Jakarta, pp. 3-4

between the Minister of Agrarian Affairs and Spatial Planning/National Land Agency and the Republic of Indonesia Police with the following membership composition:

- a. Task Force 1
 - 1) Director
 1. Director General of Agrarian Problem Handling,
Space and Land Utilization
 2. Head of Criminal Investigation Agency
 - 2) Chairman

Director of Land and Space Disputes and Conflicts Region I
 - 3) Vice Chairman

One of the Directors at the Criminal Investigation Unit of the Indonesian National Police Headquarters/Appointed Official
 - 4) Secretary

Head of Sub-Directorate of Land and Space Disputes Region I
 - 5) Member
 1. Indonesian National Police Headquarters Investigators (2 people)
 2. ATR/BPN Ministry officials (2 people)

- b. Task Force 2
 - 1) Director
 1. Director General of Agrarian Problem Handling, Space and Land Utilization
 2. Head of Criminal Investigation Agency
 - 2) Chairman

Director of Land and Space Disputes and Conflicts Region I I
 - 3) Vice Chairman

One of the Directors at the Criminal Investigation Unit of the Indonesian National Police Headquarters/Appointed Official
 - 4) Secretary

Head of Sub-Directorate of Land and Space Disputes Region I I
 - 5) Member
 1. Indonesian National Police Headquarters Investigators (2 people)
 2. ATR/BPN Ministry officials (2 people)

The Land Mafia Prevention and Eradication Task Force at the Regional Office level is determined and appointed based on a joint decision between the Head of the Provincial BPN Regional Office and the Head of the Regional Police with the following composition:

- 1) Director
 1. Head of the Regional Office of the National Land Agency of the Province

- | | |
|------------------|--|
| | 2. One of the Directors of Criminal Investigation at the Regional Police |
| 2) Chairman | One of the Sub-Directorates at the Regional Police Criminal Investigation Directorate |
| 3) Vice Chairman | Head of Land Disputes and Conflicts Section, BPN Regional Office, Province |
| 4) Secretary | Head of Sub-Directorate of Land and Space Disputes Region I I |
| 5) Member | 1. Regional Police Investigators (2 people)
2. BPN Regional Office Officials (2 people) |

The Land Mafia Prevention and Eradication Task Force at the Land Office level is established and appointed based on a joint decision between the Head of the Land Office and the Chief of Police Resort with the following composition:

- | | |
|------------------|---|
| 1) Director | 1. Head of District/City Land Office
2. Police Chief/ ta/ Metro / Tabes |
| 2) Chairman | Head of Criminal Investigation Unit of Metro Police/Tabes |
| 3) Vice Chairman | Land Problem Handling and Control Section |
| 4) Secretary | 1. Head of Binops Satreskrim Polres/ta/Metro/Tabes
2. Head of Sub-Section for Cases and Disputes |
| 5) Member | 1. Police personnel / ta / Metro / Tabes
2. Appointed Land Office Official |

The Land Mafia Task Force that has been formed has the following tasks:

- a. Conducting research and collecting information on land cases that indicate the involvement of land mafia and/or are broad in scope;
- b. Conducting studies and analysis of land case data indicating the involvement of land mafia;
- c. Carrying out coordination with other agencies related to the handling and mitigation of land cases that are broad in dimension and/or involve land mafia;
- d. Transferring the results of handling land cases that indicate land mafia involvement to the police for further handling;
- e. Reporting the results of the implementation of the task force periodically every 6 (six) months;
- f. Making a report on the results of handling and recommendations to the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency at the ministerial level, to the head of the provincial BPN regional office at the provincial level and to the head of the land office at the district/city level.

The implementation mechanism for preventing and eradicating land mafia is as follows:

- a. Collecting information from public complaints or information obtained by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency and/or from the Indonesian National Police regarding land cases that indicate the involvement of land mafia;
- b. Conduct coordination meetings for:
 - 1) formulate handling steps in the form of:
 - a) research plan; things/data needed;
 - b) plan for collecting information from related parties;
 - c) case study plan.
 - 2) Conducting research on cases that indicate the existence of land mafia with inventory and data collection. The data collected can be in the form of:
 - a) physical data and legal data;
 - b) court decisions, minutes of examination from the Indonesian National Police, the Indonesian Attorney General's Office, the Corruption Eradication Commission or other documents issued by law enforcement agencies/institutions;
 - c) data issued or published by authorized officials;
 - d) other data that is related and can influence and clarify the issue of the Dispute and Conflict; and/or
 - e) witness statement.
- c. To complete legal data, physical data or other data, field research activities can be carried out, including:
 - 1) research into the validity/conformity of data with its source or testing the authenticity of documents through historical opinions;
 - 2) seeking information from witnesses related to the case;
 - 3) physical review of the disputed land object;
 - 4) land boundary research, situation drawings, field maps or measurement letters; and
 - 5) other necessary activities.
- d. Field research activities are carried out based on the Assignment Letter:
 - 1) Secretary of the Directorate General for Handling Agrarian Problems, Utilization of Space and Land as acknowledged by the Director;
 - 2) Head of the BPN Regional Office or Head of the General Administration Section, at the National Land Agency Regional Office level.
 - 3) Head of the Land Office or Head of the General Administration Sub-Division, at the District/City Land Office level.
- e. The results of each research are stated in the Research Report signed by the relevant officer and acknowledged by the Head of the Task Force.
- f. After obtaining sufficiently complete data, an external case study was conducted to determine whether there were indications of land mafia in the case or not. The case study can present competent resource persons in their fields, both from academics and other related agencies.
- g. Conducting a review of the research results and information as well as the results of the initial case study.

- h. Conducting 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.
- i. If the results of the case report in point 8 provide initial evidence of land mafia involvement, the Task Force will hand it over to the police.
- j. All implementation of activities by the Task Force is reported to the Minister through the Director General of Handling of Agrarian Issues, Space and Land Utilization at the Ministry level, to the Head of the Provincial BPN Regional Office at the Provincial level and the Head of the Land Office at the Regency/City level.
- k. The report in point 10 will then be the subject of discussion in the Coordination Meeting between the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency and the National Police Headquarters.

Effectiveness is a basic element to achieve the goals or targets that have been determined in every organization, activity or program. It is called effective if the goals or targets are achieved as determined. This is in accordance with the opinion of H. Emerson quoted by Soewarno Handayani S. who stated that "Effectiveness is a measurement in the sense of achieving previously determined goals.

The level of effectiveness can be measured by comparing the predetermined plan with the actual results that have been realized. However, if the efforts or results of the work and actions taken are not appropriate so that the goals are not achieved or the expected targets, then it is said to be ineffective.

The Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) stated that during the period 2018 to 2020, ATR/BPN has handled 185 land cases that indicate the presence of land mafia (rumah.com, August 16, 2021). Meanwhile, throughout January-October 2021, the Indonesian National Police (Polri) Anti-Land Mafia Task Force handled 69 cases related to land mafia with 61 people named as suspects. Of that number, 29 suspects have been handed over to the public prosecutor (JPU) for the trial process.²⁰

As for the development of the entire case as stated by the Head of the Public Relations Division (Kadiv) of the National Police, Inspector General Dedi Prasetyo, as many as 5 cases are still under investigation, 34 cases are in the investigation stage, 14 cases have been transferred to the Prosecutor's Office in Phase I, 15 cases have been transferred to Phase II or sending evidence and suspects, and 1 case has been stopped from being investigated with a *restorative justice approach*. In addition, among the suspects, there are 23 people who have not been detained and 2 people are on the wanted list.²¹

Some efforts that can be made to eradicate land mafia are first, taking firm action against land mafia perpetrators. Criminal sanctions need to be imposed on perpetrators who are proven to have committed crimes of forgery, fraud, embezzlement, bribery, gratification, money laundering, and other crimes as regulated in laws and regulations. The imposition of criminal sanctions is intended to provide a deterrent effect to the perpetrators so that they do not repeat their actions, in addition to protecting the rights of the community to legal ownership of their land. In addition to criminal sanctions,

²⁰ English: Dr. Dian Cahyaningrum, *Op cit.*, p. 2

²¹ *Ibid.*, p. 2

administrative sanctions such as dismissal also need to be imposed on officers who are proven to be involved in land mafia.

In this regard, the Ministry of ATR/BPN has given sanctions to 125 BPN employees involved in land mafia practices. Of the 125 employees who were given sanctions, 32 employees received heavy punishments, 53 people received moderate discipline, and 40 people received light discipline. Strict action in the form of permit revocation also needs to be taken against land deed making officials (PPAT) who are proven to be involved in the land mafia so that no more people are harmed by their actions.

Apart from transfers, efforts have also been made to impose sanctions on 125 BPN employees involved in land mafia practices. Of the 125 employees who were given sanctions, 32 employees received heavy punishments, 53 people received moderate discipline, and 40 people received light discipline (Kompas.com, 21 October 2021). Strict action in the form of permit revocation also needs to be taken against land deed making officials (PPAT) who are proven to be involved in the land mafia so that no more people are harmed by their actions.

supervision, for example, needs to be carried out by the Judicial Commission on the behavior of judges, considering that land mafias also often involve judges in committing their crimes. Monitoring and supervision especially also need to be carried out on BPN employees because they are the ones who issue land certificates and are the "spearhead" in providing protection. against the community's rights to their land.

Organizationally, ATR/BPN also improves cooperation/coordination between officers in handling and eradicating land mafia. As explained, crimes committed by land mafia are carried out in a planned, neat, and systematic manner. Therefore, expertise and good coordination between officers are needed in uncovering land mafia crimes. For this purpose, a Land Mafia Prevention and Eradication Team (PPMT Team) has been formed consisting of the Ministry of ATR/BPN, the National Police, and the Indonesian Attorney General's Office.

The basis for the establishment of the PPMT Team is to facilitate coordination and increase the success of handling cases that are suspected of having land mafia. In this coordination, efforts are made to align several activities through aligning perceptions, completing and matching data and case resolution methods in order to achieve common goals. Given the rampant land mafia cases, cooperation and the duties of the PPMT Team in preventing and eradicating land mafia need to be continuously carried out so that various land cases that are suspected of having land mafia can be resolved immediately.

The Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) stated that during the period 2018 to 2020, ATR/BPN had handled 185 land cases that indicated the presence of land mafia. Meanwhile, throughout January-October 2021, the Indonesian National Police (Polri) Anti-Land Mafia Task Force handled 69 cases related to land mafia with 61 people named as suspects. It turns out that until January 19, 2022, there were 394 reports, 110 complaints were being followed up, 284 reports were still in the review process.²²This means that the level of law enforcement

²² M. Kholil Ramli, *Spotlight on Task Force, DPR: Hundreds of Land Mafia Exist in the Land Agency*, <https://beritabarua.co/soroti-satgas-dpr-ratusan-mafia-tanah-ada-di-badan-pertanahan/>, accessed on April 5, 2022.

carried out by the Land Mafia Task Force is still very slow, while land mafia cases are increasing.

Land mafia is still rampant and disturbing the community. Land mafia is very detrimental to its victims so it must be eradicated. Some efforts to eradicate land mafia include taking firm action against the perpetrators, increasing the integrity and professionalism of the authorities, increasing coordination between the authorities in preventing and eradicating land mafia, organizing land certification, and increasing community participation/activity in maintaining and protecting their land.

Land mafia is not a new crime in Indonesia, so the Land Mafia Task Force should not be hesitant in eradicating land mafia. Land mafia has caused many victims, especially for small communities who have difficult access and safe, fair and profitable legal treatment. This land mafia often plays with government officials, both at the center and in the regions, and its existence also has great potential for social conflict, both vertically and horizontally.

Institutionally, from the system side, the Police and ATR/BPN are not the only institutions that form a land mafia task force. The Attorney General's Office also formed the same task force team to eradicate the land mafia. Therefore, the team should unite under a clear line of command. One institution must also take the initiative to prepare a strategic plan together with other institutions to eradicate the land mafia. This is important considering that the land mafia operates in an integrated manner.

Indonesian Ombudsman Commissioner Mokh Najih. Stated that the performance of the National Police and also the land mafia task force at the Ministry of ATR/BPN is still inconsistent. The Indonesian Ombudsman hopes that the task force can resolve the land mafia cases that are increasingly being reported. The task force is actually very strategic, if it is able to play a consistent role, because it will improve the implementation of public services in the land sector. In the sense that public services in the land sector can show increasingly easy, fast and cheap performance, but in reality, public complaints to the Ombudsman in this sector are still high, entering the top three of public reports.²³

The unstructured law enforcement process is also felt by the community. A victim of a land mafia group, Treeswaty Lanny Susatya, reported her case to the South Kalimantan High Prosecutor's Office. Lanny Susatya admitted that she was disappointed because her report could not be continued to the investigation level by the land mafia Task Force team.²⁴ Thus, it is fitting that there is a massive network and joint work plan to eradicate and prevent land mafia in Indonesia.

The Land Mafia Task Force is actually a hit squad that has more authority and freedom in eradicating the land mafia. By eradicating the land mafia, it is hoped that there will be improvements in public services, especially public services in the land sector. In reality, public complaints to the Ombudsman in the land sector are still high, entering the

²³Wahyu Septiana, *Performance Questioned, Land Mafia Task Force Considered Dumb*, <https://jakarta.tribunnews.com/2021/11/08/kinerja-dipertanyakan-satgas-mafia-tanah-dinilai-tumpul?page=3> . accessed on April 5, 2022.

²⁴Mawardi, *Lanny Questions the Performance of the South Kalimantan Attorney General's Office Land Mafia Task Force Team*, <https://dutatv.com/lanny-pertanyakan-kinerja-tim-satgas-mafia-tanah-kejati-kalsel/> accessed on April 5, 2022.

top three from public reports. Thus, the Mafia Task Force does not provide a major effect in improving public services, especially public services in the land sector.

Eradication of land mafia must be carried out not only through a law enforcement approach, but also in terms of prevention and the root causes of agricultural conflicts must also be specifically. attention to the Attorney General's Office, the Police and the Ministry of ATR/BPN. Until now, the figures released are law enforcement figures, but both the Attorney General's Office, the Police and the Ministry of ATR/BPN have not shown prevention figures from 2017 to 2022, how the fluctuations are, whether each year it actually increases or decreases.

The Regional Representative Council (DPD) and the Ombudsman Commission urged the National Police to be more serious in resolving land mafia cases that have increasingly surfaced recently. Member of Committee 1 of the DPD RI Abdul Rachman Thaha said that until today there has been no clear evidence that the land mafia problem has been resolved by the National Police. ²⁵Until 2022, there have been no reports showing whether the land mafia still exists, has decreased or has been completely eradicated.

This is certainly contrary to Technical Instruction Number: 01/JUKNIS/D.VII/2018 Concerning Prevention and Eradication of Land Mafia where the Land Mafia Task Force is obliged to make a report on the results of handling and recommendations to the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency at the Ministry level, to the Head of the Provincial BPN Regional Office at the Provincial level and to the Head of the Land Office at the Regency/City level.

The lack of transparency and clarity regarding the results of the Land Mafia Task Force certainly shows that the land mafia task force has not been coordinated with each other. There is no clear work plan to guide the work procedures of the task force team, as well as clear reports presented to the public in assessing the performance of the land mafia task force, showing that the performance of the Land Mafia Task Force in preventing and eradicating land mafia in Indonesia has not been fully effective.

1. Factors Inhibiting the Performance of the Land Mafia Task Force in Preventing and Eradicating Land Mafia in Indonesia

Dian Cahyaningrum stated that, land mafia is still rampant and disturbing the community. The modus operandi used by land mafia to control and own land illegally include falsifying documents, illegal or unlawful occupation (*wilde occupatie*), seeking legality in court, engineering cases, collusion with certain officials to obtain legality, corporate crimes such as embezzlement and fraud, falsification of power of attorney for managing land rights, conducting land sales and purchases that are carried out as if formally, and the loss of land certificates.²⁶

The structured nature of land mafia actions makes it difficult to eradicate land mafia even though the Land Mafia Task Force has been present to eradicate and prevent

²⁵NN, *The Performance of the Land Mafia Task Force is Considered Ineffective*, <https://mediaindonesia.com/politik-dan-hukum/445335/kinerja-satgas-mafia-tanah-dinilai-belum-efektif>, accessed on April 5, 2022.

²⁶Dian Cahyaningrum, *Op cit.*, p. 5

land mafia. Therefore, the factors that cause land mafia to continue to occur need to be studied in such a way that the deadlock in the process of eradicating and preventing land mafia can be implemented properly and effectively.

Soerjono Soekanto stated that the problem of law enforcement actually lies in the factors that may influence it.²⁷ With Soerjono Soekanto's framework, the author tries to explain the factors that hinder the performance of the land mafia task force in preventing and eradicating land mafia in Indonesia, as follows:

1. Legal Factors/ Legislation

Laws are written regulations that apply generally and are made by legitimate central or regional authorities. The law is the embodiment of values agreed upon by the government. Until now, there have been no regulations specifically governing land mafia. Written regulations that provide criminal penalties for perpetrators are only sectoral.

The statutory regulations or positive law that apply in regulating the land mafia, especially acts of embezzlement and fraud, falsifying authority to administer land rights, carrying out land sales and purchases as if they were formal, and losing land certificates are more focused on the Criminal Code.

There should be a joint commitment from both the executive government and the judiciary to give maximum or increased punishment to land mafia perpetrators. Especially for perpetrators who occupy certain positions such as BPN officials and Notaries who must be given increased punishment, as a deterrent effect.

Each legal regulation indicates rules about how a role holder is expected to act.²⁸ Regulations are also important instruments in determining the operation of a law. As has been explained, there is a lack of synchronization in the institutionalization of the land mafia task force.

Currently, the technical regulations governing the Land Mafia Task Force are the Memorandum of Understanding between the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency with the Indonesian National Police dated March 17, 2017 Number 3/SKB/III/2017 and Number B/26/III/2017 concerning Cooperation in the Field of Agrarian Affairs/Land and Spatial Planning and the Work Guidelines between the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency with the Indonesian National Police, dated June 12, 2017 Number 26/SKB-900/VI/2017 and Number 49/VI/2017 concerning Cooperation in the Field of Agrarian Affairs/Land and Spatial Planning. The two Memorandum of Understanding are certainly not special regulations.

It is only right that the government/president who is committed to eradicating land mafia issue a presidential instruction with the substance of a comprehensive land mafia eradication strategy. Thus, the legal umbrella that can be implemented is complete. For example, the formation of an integrated task force from the Prosecutor's Office,

²⁷Soerjono Soekanto, 2011, *Op cit.*, p. 8

²⁸ Esmi Warassih, 2011, *Legal Institutions: A Sociological Study*, PT Suryandaru Utama, Semarang, page 2 1

Police, BPN/ATR. Thus, the design of the legal eradication becomes clear and focused.

2. Law Enforcement Factors

The scope of law enforcement is very broad, because it includes those who are directly or indirectly involved in law enforcement.²⁹ To limit this broad thing, it means that the subjective scale of law enforcement must be certain, namely the police, prosecutors, judges, and lawyers. The law enforcement factor plays a dominant role. Some of the problems faced by law enforcement include:

- a. The level of aspiration is not yet high
- b. Very limited enthusiasm for thinking about the future, making it very difficult to make any projections.
- c. The lack of ability to delay satisfying certain needs, especially material needs.
- d. *innovative* power is actually the counterpart of *conservatism*.
- e. Limited ability to place oneself in the role of the other party with whom one interacts.³⁰

The eradication of land mafia through the Land Mafia Task Force that has been implemented actually falls into the category of legal structure. The problem that occurs is that there is no unified land mafia task force. Therefore, the team should unite under a clear line of command. One institution must also take the initiative to prepare a strategic plan together with other institutions to eradicate land mafia. This is important considering that the land mafia operates in an integrated manner.

Good coordination must be centralized, so that there is an element of control to avoid each part (work unit) from moving independently, which is the nature that already exists in each part. The problem is that horizontal coordination is carried out between institutions of equal standing, namely ATR/BPN, the Prosecutor's Office and the Police. Thus, it will be difficult if coordination must be carried out centrally. However, ATR/BPN, the Prosecutor's Office and the Police can carry out integrated coordination, continuous coordination and coordination using a *multi-agency approach*. This means that ATR/BPN, the Prosecutor's Office and the Police must have the same vision and mission in carrying out coordination with a joint program, so that communication can be established continuously and ultimately a *multi-agency approach* can be realized. With integrated coordination, continuous coordination and coordination using a *multi-agency approach*, it is hoped that it will erode the sectoral ego that is currently still occurring between ATR/BPN, the Prosecutor's Office and the Police.

3. Facilities Factors

Without certain facilities, it is impossible for law enforcement to run smoothly. These facilities include, among others, educated and skilled human

²⁹*Ibid*, p. 19

³⁰*Ibid*, pp. 34-35

resources, good organization, adequate equipment, sufficient finances and others.³¹

One of the important points of the movement of the Land Mafia Task Force is sufficient funding or budget. Thus, it is necessary to think about the fixed budget that must be spent to carry out the law enforcement process and also massive prevention.

4. Community Factors

Law enforcement comes from society and aims to achieve peace in society. Therefore, viewed from a certain angle, society can influence law enforcement. There are several societal factors that create obstacles to law enforcement, including:

- a. Not knowing or not realizing, when their rights are violated or disturbed,
- b. Not knowing that there are legal measures to protect his interests,
- c. Powerless to utilize legal remedies due to financial, psychological, social or political factors,
- d. Having no experience of being a member of an organization that fights for its interests,
- e. Having bad experiences in the process of interaction with various elements of formal legal circles.³²

Based on BPS data, land ownership is still unfair and tends to lead to inequality with a figure of 0.68 percent. This means that one percent of the Indonesian people control sixty-eight percent of the land in Indonesia. This figure must immediately receive corrective efforts. In the midst of ATR/BPN targeting all land in Indonesia to be 100 percent recorded and registered by 2025 and there are still many unresolved agrarian conflicts. It is a challenge that is not easy, but must continue to be overcome together by various parties. Given the land mafia mode encountered in several cases has a significant impact on the level of inequality and escalation of agrarian conflicts.³³

The community is an important organ to know the legal aspects in Indonesia, because by doing so the community can protect themselves from becoming victims, in this case victims of land mafia. The Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) reminds the community to carry out preventive aspects to avoid land mafia. Among them is the need for concern and vigilance of land owners. In empowering the community, the government should more often carry out outreach in the form of education related to land mafia and ways to prevent and eradicate it, one of which is by completing the administration of land owned by the community.

5. Cultural Factors

Culture basically includes the values that underlie applicable laws, values that are abstract conceptions of what is considered good (and therefore

³¹*Ibid*, p. 37

³²*Ibid*., pp. 56-57

³³ Dear Mr. Rahmat Ramadhani, *Op cit.*, p. 4

adopted) and what is considered bad (and therefore avoided). These values are usually a pair of values that reflect two extreme conditions that must be harmonized.³⁴

The community currently does not have a culture of legal awareness in owning land. There are still many people who are reluctant to register their land if there has been no problem. The culture of buying and selling underhand, being satisfied with the existence of SPPT, or the habit of not conducting buying and selling through clear formal channels and obeying procedures sometimes results in the entry of legal mafia. In addition, corruption that still occurs in the government, especially ATR / BPN, also results in the continued occurrence of land mafia.

IV. Closing

1. Conclusion

Until 2022, there has been no report showing whether the land mafia still exists, has decreased or has been completely eradicated. The lack of transparency and clarity regarding the results of the Land Mafia Task Force certainly shows that the land mafia task force has not been coordinated with each other. There is no clear work plan to guide the work procedures of the task force team, as well as clear reports presented to the public in assessing the performance of the land mafia task force, showing that the performance of the Land Mafia Task Force in preventing and eradicating land mafia in Indonesia has not been fully effective.

Factors that hinder the performance of the land mafia task force in preventing and eradicating land mafia in Indonesia include the absence of legal regulations that cover the burden on land mafia perpetrators, the lack of synchronization of task forces established in each institution, the absence of a special budget provided for eradicating land mafia, the public who are still unfamiliar with agrarian law and a culture of legal awareness regarding land that has not yet been established.

2. Suggestion

- a. The government should create special regulations regarding penalties for land mafia perpetrators.
- b. It would be better to synchronize and create an integrated task force team against land mafia with elements of ATR/BPN, Police and Prosecutor's Office.
- c. It would be better to conduct socialization regarding land and eradicate land mafia among the community.

³⁴ *Ibid.*, p. 59-60

BIBLIOGRAPHY

- Bachiadi, Rianto. et. al. eds. 1997. *Political Change and the Agrarian Reform Agenda in Indonesia*. FE UI. Jakarta.
- Cahyaningrum, Dian. *Eradication of Land Mafia*. Brief Info Journal. Brief Study of Current and Strategic Issues Vol. XIII. No.23/I/Puslit/December/2021.
- Chomzah, Ali Achmad. 2003. *Land Law Series III Settlement of Land Rights Disputes and Land Law Series IV Land Acquisition by Government Agencies*. Prestasi Pustaka. Jakarta.
- Chulaemi, Achmad. *Land Acquisition for Specific Needs in the Framework of Development*. Legal Issues Magazine Number 1 FH UNDIP. 1992. Semarang.
- Directorate General of Agrarian Problem Handling, Utilization of Space and Land. 2018. *Technical Instruction Number: 01/JUKNIS/D.VII/2018 About Prevention and Eradication of Land Mafia*. Ministry of ATR/BPN. Jakarta.
- Herwiningsih, Winahyu. 2009. *State's Right to Control Land*. Total media and FH UII. Yogyakarta.
- Hutagalung, Ari Sukanti. 2003. *Land Dispute Resolution According to Applicable Law*. Journal of Business Law. Jakarta.
- Karlina, Yunawati. et al. *Eradication of Land Mafia Using Criminal Law Instruments in Indonesia*. Res Justitia Journal: Journal of Legal Studies, Law Study Program, Faculty of Law, Bina Bangsa University Volume 2 Number 1, January 2022.
- Limbong, Bernhard. 2012. *Land Conflict*. Margareta Pustaka. Jakarta.
- Maria SW 2008. *Land in the Perspective of Economic, Social and Cultural Rights*. Kompas Book. Jakarta. p.
- Mawardi. *Lanny Questions the Performance of the South Kalimantan Attorney General's Office's Land Mafia Task Force Team*. <https://dutatv.com/lanny-pertanyakan-kinerja-tim-satgas-mafia-tanah-kejati-kalsel/> accessed on April 5, 2022.
- NN. *Land Mafia Task Force Performance Considered Ineffective*. <https://mediaindonesia.com/politik-dan-hukum/445335/kinerja-satgas-mafia-tanah-dinilai-belum-efektif> . accessed on April 5, 2022.
- Prajoto, Edi. 2006. *Antinomy of Legal Norms on Cancellation of Granting of Land Rights By State Administrative Court and National Land Agency*. CV. Utomo. Bandung.
- Prawira, Adam. *Anti-Land Mafia Task Force Performance Considered Not Optimal*. <https://nasional.sindonews.com/read/342808/13/kinerja-satgas-anti-mafia-tanah-dinilai-tidak-dinamik-1613966536> . accessed on April 5, 2022.

Ramadhani, Rahmat. *Community Participation in Efforts to Eradicate Land Mafia Post Covid-19 Pandemic*. Journal of Sanctions (National Seminar on Law, Social and Economics) E-ISSN: 2828-3910.

Ramli, M. Kholil . *Spotlight on the DPR Task Force: Hundreds of Land Mafias Exist in the Land Agency*. <https://beritabarbaru.co/soroti-satgas-dpr-ratusan-mafia-tanah-ada-di-badan-pertanahan/>. accessed on April 5, 2022.

Septiana, Wahyu. *Performance Questioned. Land Mafia Task Force Considered to be Focused 1*. <https://jakarta.tribunnews.com/2021/11/08/kinerja-dipertanyakan-satgas-mafia-tanah-dinilai-tumpul?page=3> . accessed on April 5, 2022.

Soerodjo, Irawan. 2003. *Legal Capacity Over Land in Indonesia*. Arkola. Surabaya.

Warassih, Esmi. 2005. *Legal Institutions: A Sociological Study*. Publisher PT. Suryandaru Utama. Semarang.

----- . 2011. *Legal Institutions: A Sociological Study*. PT Suryandaru Utama. Semarang.