Legal Protection for Land Rights Holders Who Are Victims of the Land Mafia

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Abstract

Cases over land disputes will be increasingly widespread. News of clashes during executions between the apparatus and the community in land cases every day color the reports in both print and electronic media. Land disputes cover a fairly large number. The continuing increase in land conflicts today, is a combination of the lack of efforts to resolve these conflicts systematically. Especially in the context of fulfilling the sense of justice and human rights of the victims on the one hand. There are several main causes that cause conflicts over land to increase, first, the existence of land mafias playing in land registration. This means that someone is trying to find the slightest opportunity by entering the official's signature. Second, the lack of knowledge of the apparatus, in this case someone who wants to register his land in order to get a certificate of his rights must really know how the process must be carried out or passed to register the land. The procedure used to collect data in this study is documentation, namely the guidelines used in the form of notes or quotes, searching legal literature, books and others related to the identification of problems in this study both offline and online. Analysis of legal materials is carried out using the content analysis method (centent analysis method) which is carried out by describing the material of legal events or legal products in detail to facilitate interpretation in the discussion. One of the government's efforts in eradicating the land mafia is to make regulations or technical instructions in this case the Ministry of Agrarian Affairs and Spatial Planning of the National Land Agency issued technical instructions Number 01/JUKNIS/D.VII/2018 concerning Prevention and Eradication of Land Mafia. In addition, the government's efforts through the National Land Agency to eradicate the land mafia are by filing good and correct land rights certificates. Archives have an important role for every agency or organization because the archive is evidence of the administrative track record for the agency or organization. Government Regulation No. 24 of 1997 concerning Land Registration which aims to provide legal certainty to the holders of rights to a parcel of land, housing units and other registered rights so that they can easily prove themselves as holders of the rights in question, to provide information to the parties concerned. interested parties including the Government so that they can easily obtain the data needed to carry out legal actions regarding registered land parcels and apartment units, for the orderly implementation of land administration. In order to protect the community as victims of the land mafia, in this case, of course, criminal sanctions are needed for land mafias who have violated the applicable laws and regulations. Criminal law enforcement is part of criminal politics (criminal policy) as one part of the overall crime prevention policy, indeed the implementation of criminal law is not the only hope to be able to resolve or overcome the crime completely.

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Legal Protection, Land Rights, Land Mafia

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A. Introduction

Land is a gift from God Almighty, on the basis of the right to control from the state. In fact, it is not uncommon for many certificates of land rights to be circulated, which in addition to the land are partly certified, resulting in the term "overlapping certificates". Land registration includes: measurement, mapping and bookkeeping of land, registration of land rights and their transfer, giving proof of rights that is valid as a strong evidence (Article 19 of the LoGA: Law Number 5 of 1960). then land registration is held throughout the territory of the Republic of Indonesia. The provision of legal certainty in the land sector requires the availability of written, complete and clear legal instruments that are carried out
consistently in accordance with the spirit and content of the provisions. Currently, most land disputes, in this case overlapping certificates, are resolved in 3 (three) ways, namely:

1. Settlement directly by the parties through deliberation. The basis for deliberation for consensus is implied in Pancasila as the basis of Indonesian social life and in the 1945 Constitution. Deliberations are conducted outside the court with or without a mediator. Mediators are usually from parties who have influence, for example the Village Head/Lurah, customary leaders and of course the National Land Agency.

2. Through arbitration and alternative dispute resolution, an agreement is made in writing and agreed to by the parties.

3. Settlement of disputes through the judiciary.

In addition, Article 32 paragraph (1) of Government Regulation Number 24 of 1997 states that “Certificates are evidence of rights that apply as a strong evidence tool regarding physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with contained in the letter of measurement and the land book concerned”.

Cases over land disputes will be increasingly widespread. News of clashes during executions between the apparatus and the community in land cases every day color the reports in both print and electronic media. Land disputes cover a fairly large number. The continuing increase in land conflicts today, is a combination of the lack of efforts to resolve these conflicts systematically. Especially in the context of fulfilling the sense of justice and human rights of the victims on the one hand. There are several main causes that cause conflicts over land to increase, first, the existence of land mafias playing in land registration. This means that someone is trying to find the slightest opportunity by entering the official's signature. Second, the lack of knowledge of the apparatus, in this case someone who wants to register his land in order to get a certificate of his rights must really know how the process must be carried out or passed to register the land.

The high number of cases of land disputes so far cannot be separated from the weak protection of the State for the rights and access of the people to land and other natural resources as part of the economic, social and cultural rights guaranteed by the constitution. The position of the people is getting weaker because the land they control is not all certified. Even if there is a certificate, just proving that the certificate was issued by an official agency (in this case BPN) does not necessarily guarantee that there will be no problems. Land policy in Indonesia has actually long been formulated in Law No. 5 of 1960 concerning Basic Agrarian Regulations or better known as UUPA (Basic Agrarian Law) which is based on Article 33 paragraph (3) of the 1945 Constitution. This is supported by regulations that have been issued in relation to land registration, namely Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration. In the government regulation of the Republic of Indonesia concerning Land Registration, it is stated that Land Registration is a series of activities carried out by the Government continuously, continuously and regularly, including the collection, processing, and presentation and maintenance of physical data and juridical data, in the form of maps and lists, regarding fields - parcels of land and apartment units, including the issuance of certificates of proof of rights for parcels of land that already have rights and ownership rights to apartment units as well as certain rights that encumber them.

Quoted from beritasatu.com, he wrote that the State should be able to protect legitimate land owners from the plunder of the land mafia, armed with only a letter and piles of money to bribe the authorities. However, the reality is that the practice of land mafia is difficult to eradicate until now. One of the reasons is the lack of adequate land regulations to prevent these illegal practices and the still weak integrity of the state apparatus. This is the opinion of a professor of criminal law from Krisnadwipayana University, Indriyanto Seno Adji, legal expert Frans Hendra Winarta, and member of Commission III of the DPR, Masinton Pasaribu, which was compiled by SP recently. The statement relates to the practice of the land mafia, which not only harms the small people who own the land, but also corporations, and even the state. ndriyanto said that strict regulations were needed to prevent or narrow the space for the land mafia. One of them is related to land ownership restrictions. "To overcome this land mafia, there

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1 Kuswanto, “Perlindungan Hukum Bagi Pemegang Hak Atas Tanah Dalam Kasus Tumpang Tindih Kepemilikan Atas Sebidang Tanah Di Badan Pertanahan Nasional/Atk Kabupaten Kudus”, Jurnal Akta 4 No. 1, (2017): p. 71-72.
must be strict regulations to prevent monopoly of land ownership power, although the obstacles to implementing regulations are not easy and law enforcement is always questioned by the public,” he said. He admitted that the understanding of the land mafia as an organized and systematic crime is difficult to interpret, let alone prove. However, in a number of cases in court related to land cases, the role of the land mafia will appear.2

Regarding the existence of this land mafia, the Head of the Investment Coordinating Board (BKPM) Bahlil Lahadalia called it like a ghost: it can be felt but cannot be touched. Bahlil said that those who could solve the "land ghost" problem were those who learned about ghosts or former ghosts. Regarding regulations, Bahlil hopes that one of the clusters in the omnibus law regarding industrial estates and land tenure can solve this problem. Indriyanto added that in cases in the land courts, the role of the land mafia in the games of rules as a syndicate based on economic power will be seen rather than the legitimacy of the law itself. He also revealed a number of challenges faced by investigators or law enforcement officers in dismantling land mafia cases. Investigators do not only have to prove the issue of authenticating land ownership documents. Moreover, law enforcement sometimes collides with the economic power of land syndicates, which can cripple the power of authenticating land ownership documents. For this reason, Indriyanto asked the National Land Agency as the upstream agency regarding land to be more careful with the issued land rights. This step is important to prevent duplication of land rights documents. According to Frans Hendrawan, the land mafia plays with money and power by influencing judges and courts because of the scarcity of land. He added that the absence of law enforcement on land which should have a social function has triggered the practice of land mafias, including regarding the varying boundaries of land ownership. Frans admitted that the current Agrarian Law was not created to address the practice of the land mafia. For this reason, he suggested that the legislative products be adapted to current and future needs in dealing with land mafia practices.3

Based on the descriptions above, it can be seen how important legal protection is for land rights holders who are victims of the land mafia. Based on the description above, the problem can be drawn, namely how the government's efforts to eradicate the land mafia? And what about legal protection for land rights holders who are victims of the land mafia?

This research is a normative legal research, so according to the type and nature of the research, the data sources used are secondary data consisting of primary legal materials and secondary legal materials consisting of books, scientific journals, scientific papers and articles that can provide an explanation of the material primary law.4 The data collection technique was carried out by library research with qualitative data analysis.5 The procedure used to collect data in this study is documentation, namely the guidelines used in the form of notes or quotes, searching legal literature, books and others related to the identification of problems in this study both offline and online. Analysis of legal materials is carried out using the content analysis method (content analysis method) which is carried out by explaining the material of legal events or legal products in detail in order to facilitate interpretation in the discussion.6 This research was conducted using the problem approach, namely by approaching the results of theoretical empirical studies by looking at various opinions of experts, writers and studies of laws and regulations relating to issues based on legal principles and formulating legal definitions.7

B. Discussion

2 https://www.beritasatu.com/nasional/660607/perlu-regulasi-tegas-untuk-berantas-mafia-tanah.
3 Ibid.,
4 Zainuddin dan Rahmat Ramadhani, “The Legal Force Of Electronic Signatures In Online Mortgage Registration”, Jurnal Penelitian Hukum De Jure 2, No. 21, (2021): p. 244.
5 Rahmat Ramadhani, “Legal Consequences of Transfer of Home Ownership Loans without Creditors' Permission”, IJRS: International Journal Reglement & Society 2, No. 1, (2020): p. 33.
6 Peter Mahmud Marzuki, Penelitian Hukum, Jakarta: Kencana Prenada Media Group, (2011), p.171.
7 Rahmat Ramadhani, “Peran Poltik Terhadap Pembangunan Hukum Agraria Nasional”, SOSEK: Jurnal Sosial dan Ekonomi 1, No. 1, (2020): p. 2.
1. The Government’s Efforts to Eradicate the Land Mafia

Based on Article 2 paragraph (1) of the 1960 Basic Agrarian Principles No. 5, L.N of the Republic of Indonesia No. 104. Additional L.N No. 2034 (hereinafter referred to as UUPA No. 5 of 1960) which contains: Based on the provisions in Article 33 paragraph (3) of the 1945 Constitution and the matters referred to in Article 1, earth, water and space, including the natural wealth contained therein, at the highest level controlled by the State, as an organization of power for the entire people The definition ofmastered words in this article is stated in the general explanation of UUPA No. 5 of 1960, meaning that the State is not the owner but the State is authorized as an organization of power from the Indonesian Nation, for the highest level and:

a. Regulating and administering the designation, use, supply and maintenance;
b. Determine and manage the rights that can be had on (part of) the earth, water and space;
c. Determine and regulate legal relations between people and legal actions concerning earth, water and space, (Article 2 paragraph (2) UUPA No. 5 of 1960).

Indonesia is an agrarian country where land ownership has an important position for the lives of citizens, especially for factors of production. Land has such a crucial role for Indonesian citizens so that land determines the welfare of citizens, the more land you own, the more prosperous your life will be. Seeing the importance of land for the lives of the Indonesian people, the faster land prices will rise in certain areas. Land prices are fantastic and rise at a price that is much different from one or two years and above is something that needs to be critically reviewed about the causes of the skyrocketing land prices in this country. Indonesian people need to think at a high level on environmental/agrarian issues such as the land case in Indonesia, because critical thinking (HOTS) is needed to foster a positive attitude in developing the environment through the ability to find ideas for solving environmental problems. It is no longer a secret that the high price of land in big cities is the work of the land mafia. Quoted in the Technical Guidelines for the Prevention and Eradication of the Land Mafia, it is stated that the land mafia is an individual, group and/or legal entity who takes action intentionally to commit a crime that can cause and hinder the implementation of handling land cases. The existence of the land mafia is a problem that has been very troubling to the community. Until now, there have been many reports of development and social problems triggered by the land mafia, which has made land disputes endless. The land mafia takes advantage of land scarcity with land related parties for various purposes. The Ministry of Agrarian and Spatial Planning (ATR)/National Land Agency (BPN) as the most responsible institution in land administration is still paying attention to the existence of the land mafia, by the local government such as the local government. For example, the government has made plans to build economic centers or industrial areas in new areas, and then the land mafias will seek information about their location and current market prices in the government, especially in Bapeda or Bappenas. Local officials with the land mafia will exchange information for various interests and of course profit, when information is obtained, then they buy land around the location that will be built by the government at a low price because the area is still not developed.8

One of the government's efforts in eradicating the land mafia is to make regulations or technical instructions, in this case the Ministry of Agrarian Affairs and Spatial Planning, the National Land Agency issued technical instructions Number 01/JUKNIS/D.VII/2018 concerning Prevention and Eradication of Land Mafia, hereinafter referred to as (Technical Instructions No. 01/JUKNIS/D.VII/2018). In the introductory section of the technical manual, it describes that:

a. Whereas there are disputes, conflicts and land and space cases that are difficult to resolve because there are indications of the involvement of the land mafia which plays a role in influencing their handling and settlement;
b. Whereas in the context of eliminating the involvement of the land mafia in handling and resolving disputes, conflicts and land and space cases at the Ministry of Agrarian Affairs and Spatial Planning, the National Land Agency;
c. That in order to carry out the prevention and eradication of the land mafia as referred to in letter b, in its implementation, it is necessary to regulated in technical instructions petunjuk.

Furthermore, this technical guide is made with the intent and purpose:

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8 Nur Choerun Nisa, Nadiroh Nadiroh, Eko Siswono, “Kemampuan Berpikir Tingkat Tinggi (HOTS) Tentang Lingkungan Berdasarkan Latar Belakang Akademik Siswa”, Jurnal Ilmiah Pendidikan Lingkungan dan Pembangunan, (2018): p.5.
a. This technical guideline is intended for uniformity, unity of understanding and standardization to carry out activities to prevent and eradicate land mafia in handling and resolving disputes, conflicts and land and space cases.

b. This technical guide is intended as a guideline for implementing the duties of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, Regional Office of the National Land Agency to carry out activities to prevent and eradicate land mafia in handling and resolving disputes, conflicts and land and space cases.

In addition, the government’s efforts through the National Land Agency to eradicate the land mafia are by filing good and correct land rights certificates. Archives have an important role for every agency or organization because the archive is evidence of the administrative track record for the agency or organization. The trend of digitizing archives or documents in electronic form is unavoidable as part of the modernization process in the digital era. The National Land Agency (BPN) as an agency dealing with land issues continues to make efforts to ensure the availability of archives. Archives in the land sector, especially land certificates, need updating in terms of management by utilizing developments in information technology. This update can be realized through electronic archiving or what is known as archive digitization. Physical data and juridical data are contained in the land certificate, so that the land certificate is a proof of rights that acts as a strong evidence. Land certificates become strong legal evidence in the event of a land dispute. The rise of cases of double certificates and the vulnerability of damage and loss to physical land certificates (paper) requires BPN to do electronic filing of land certificates. The aim is to protect land certificates from damage and loss and to speed up archive retrieval. The electronic filing model of land certificates can be started from the land registration stage. This is in accordance with Article 1 Paragraph (1) of the Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration which states that land registration is a series of activities carried out by the government continuously, continuously and regularly, including collection, management, bookkeeping and presentation, and maintenance of physical data and juridical data, in the form of maps and lists of land parcels and apartment units including the issuance of certificates as proof of rights for land parcels that already have rights and Ownership Rights to Flats Units and -certain rights that burden him.

The land registration process goes through three stages, namely, measurement, mapping, and bookkeeping. This bookkeeping stage usually immediately issues land certificates. Land certificates are issued in paper form. The certificate is equipped with a hologram with the BPN logo, which is added to avoid certificate forgery. However, with electronic filing, the stages do not only stop at the issuance of land certificates, but land certificates are archived electronically. To find out that an electronic land certificate has not changed from the original, a certain mechanism is needed. Digital signature is a method used to secure a document from unauthorized modification. The way a digital signature works is to summarize the contents of the document that is secured and then encoded with a cryptographic algorithm, and the results are inserted into the document. The digital document and the digital signature will always exist together in one file. There are three main processes in digital signatures, namely the process of obtaining a summary of the contents of the document, the process of encoding the summary, and finally the process of inserting an encrypted summary. After the electronic filing, the electronic land certificate file is stored by the National Land Agency and is given access only to the owner if needed at any time. The electronic archive of land certificates is expected to be a valid evidence in the event of a land dispute.

2. Legal Protection for Land Rights Holders Who Are Victims of the Land Mafia

Land registration is an important thing to carry out, over time the dynamics of land law are also growing. Law is the basis of various implementations, one of which is for orderly administration and legal certainty of mortgage status which has been regulated in positive law in Indonesia. Because Indonesia adheres to positivism, it must be based on applicable law, for example, the implementation of
The role of land for the fulfillment of various needs will increase, both as a place to live and for business activities. In connection with this, the need for support in the form of legal certainty in the land sector will also increase. The provision of legal certainty guarantees in the land sector, first of all, requires the availability of written, complete and clear legal instruments that are carried out consistently in accordance with the spirit and content of the provisions. In addition, in dealing with concrete cases, it is also necessary to carry out land registration which makes it possible for holders of land rights to easily prove their rights to the land under their control, and for interested parties, such as prospective buyers and potential creditors, to obtain the necessary information regarding land that is the object of legal action to be carried out, as well as for the Government to implement land policies. Land registration is held in order to guarantee legal certainty in the land sector and in the publication system is a negative system, but which contains positive elements, because it will produce proof of rights documents that act as strong evidence, as stated in Article 19 and Article 38 paragraph (2) of the Basic Agrarian Law.12

Land registration is also still carried out in two ways, namely, firstly, systematically covering the area of one village or sub-district or part of it, which is mainly carried out at the initiative of the government and sporadically, namely registration of land parcels at the request of the holder or recipient of the respective rights individually or bulk. The improvements carried out include affirming various things that were not clear in the old regulations, including the definition of land registration itself, the principles and objectives of its implementation, which in addition to providing legal certainty as mentioned above are also intended to collect and present complete information regarding physical data and juridical data regarding the land parcel in question. The procedure for collecting land tenure data is also emphasized, shortened and simplified. In order to ensure legal certainty in the field of land tenure and ownership, the certainty of the location and area of each plot of land cannot be ignored. - plot of land is not correct. Therefore, the problem of measuring and mapping as well as providing large-scale maps for the purpose of carrying out land registration is something that should not be ignored and is an important part that needs serious and careful attention, not only in the context of collecting land tenure data but also in presenting data on tenure, or land ownership and data storage, the development of measurement and mapping technology, such as the method of determining points through a global positioning system (GPS) and computerization of processing, presenting and storing data, carrying out measurements and mapping can be used in land registration. To speed up the measurement and mapping of land parcels that must be registered, the use of modern technology, such as the Global Positioning System (GPS) and computerization of data processing and storage needs to be possible, the arrangements for which are left to the Minister.13

The pressure for the state to protect the people emerged from a member of Commission III in charge of law, human rights and security, Masinton Pasaribu. “Besides positive law, there is an unwritten law that must be respected. The state must be able to protect lands that actually belong to the people so that people are not easily fooled by the land mafia who only has a piece of paper armed with them, sometimes even the documents actually need to be investigated”. He requested that law enforcement officers pay special attention to cases concerning community land rights. Law enforcement officials should be consistent with the legislation related to agrarian and land affairs. Masinton also admitted that he often heard whispers in the community that the land mafia often cooperated with government officials, especially at BPN. So, for BPN officials, Masinton believes that a stronger system must be built and able to provide maximum protection to the community. Deputy Chairman of Commission II of the

11 Zainuddin dan Rahmat Ramadhani, “The Legal Force Of Electronic Signatures In Online Mortgage Registration”, Jurnal Penelitian Hukum De Jure 21 No. 2, (2021): p. 244.
12 Pratomo Berito. “Penyelesaian Sengketa Tanah Akibat Sertifikat Ganda Di Kota Palangka Raya”, Jurnal Ilmu Hukum Tambun Bungai, 5, No. 1, (2020): p. 689.
13 Ibid., p. 690.
House of Representatives in charge of land and agrarian reform, Saan Mustopa said his party paid attention to the handling of the land mafia which is suspected to be one of the inhibiting factors in national economic growth. In recent years, as a partner of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, Saan stated that Commission II always emphasizes that the agency really builds a system so that the land mafia cannot operate. The Head of Sub-Directorate II for Property and Land Buildings at the Tipidum Directorate of Criminal Investigation at the National Police Headquarters, Kombes Kristiadi stated that the land mafia mode is classic. He also did not deny the involvement of the police. For example, eliminating scripts, selling blank girik blanks, then cooperating with people at various levels, from RT-RW, notaries, to BPN elements, and also falsifying land certificates. That's all around it, so that in the end it appears multiple certificates in the same object. These problems have been around for a long time and are finally piling up.14

Government Regulation No. 24 of 1997 concerning Land Registration which aims to provide legal certainty to the holders of rights to a parcel of land, housing units and other registered rights so that they can easily prove themselves as holders of the rights in question, to provide information to the parties concerned, interested parties, including the Government, so that they can easily obtain the data needed to carry out legal actions regarding land parcels and apartment units that have been registered, for the orderly implementation of land administration.

In order to protect the community as victims of the land mafia, in this case, of course, criminal sanctions are needed for land mafias who have violated the applicable laws and regulations. Criminal law enforcement is part of criminal politics (criminal policy) as one part of the overall crime prevention policy, indeed the implementation of criminal law is not the only hope to be able to resolve or overcome the crime completely. This is a natural thing because in essence the crime is a human problem and a social problem even stated as the oldest social problem that cannot be solved solely by using criminal law. Many legal laypeople think that if there is a problem with the land they own, civil law will be used to resolve it, even though the losses incurred on the land can also be used by criminal law. can be regulated in Presidential Decree No. 55 of 1993 concerning Land Procurement for Development. This decision is related to civil matters, but this decision can directly be realized as well as possible or not. Decisions on these provisions are made and ratified by the legislature carried out by the executive (government), some can implement this decision fairly, but some are unfair. Because there is a voice that can say that the government is more powerful.15

The dynamics of development resulted in the need for land increasing while on the other hand the supply of land was increasingly limited. So that the addition of one need will reduce the supply of land for other purposes. This, in addition to causing the transfer of land functions from agriculture to non-agriculture, is also increasing land prices. In the enforcement of criminal law in the field of experience, there are how many stages are carried out, namely:16

a. The Role of the State Land Agency (BPN) in Resolving Land Problems, Theoretically, the handling of land problems can be carried out by the agency that handles defense issues without always having to submit to the judiciary. In this case, BPN can take problem-solving initiatives by deliberation, either through mediation facilitated by BPN or submitting the settlement to each party. The most important thing in solving problems through deliberation is that decisions can be implemented and do not violate the provisions of land law. Usually BPN sends one of the disputed officers, to assist the parties to produce the best results, if they do not resolve the problem because they do not reach an agreement, then BPN invites both parties to use the Criminal Law, Civil Law and/or State Administrative Law. Based on the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 1 of 1999, it is regulated that the resolution of land disputes is attempted to be handled by the BPN agency itself, only if the problem is considered complicated related to other officials/agencies, the team formed must coordinate with other agencies, requesting information from various parties and review the field.

b. Settlement of land issues through criminal law in general courts. In settlement using criminal law, there are several regulations that regulate land disputes that can be criminalized, namely:

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14 https://www.heritasatu.com/nasional/660607/perlu-regulasi-tertangkap-untuk-berantas-mafia-tanah.
15 Leonie Lokoll, dkk, “Penegakan Hukum Pidana Terhadap Penguasaan Tanah Yang Bukan Hak Milik Pasca Konflik Sosial”, *Jurnal Belo 6*, No. 1, (2020): p. 105-106.
16 Ibid., p. 106.
1) Leden Marpaung states that land crimes in the Criminal Code are acts that are prohibited by laws and regulations accompanied by criminal sanctions for those who commit them. The opinion of legal scholars distinguishes land crimes in terms of time into three parts, namely pre-acquisition, control without rights and admitting without rights. When detailed, land crimes in the Criminal Code are contained in Book II and Book III of which are distinguished in terms of time:
   a) Pre-acquisition, contained in Articles 385, 389, 263, 264, 266 of the Criminal Code
   b) Control by extortion, contained in Article 425 of the Criminal Code
   c) Control without rights, contained in Articles 167, 168 of the Criminal Code.

A criminal act is an act that is prohibited by a prohibition law which is accompanied by threats (sanctions) in the form of certain crimes, for anyone who violates the prohibition. Furthermore, it can also be said that a criminal act is an act which is prohibited by a legal regulation and is threatened with punishment, provided that at the same time it is remembered that the prohibition is aimed at an act (i.e. a situation or event caused by the behavior of a person while the criminal threat is directed at the person who caused the incident). There is a close relationship between the prohibition and the threat of punishment, because there is a close relationship between the incident and the person who caused the incident. An incident cannot be prohibited if it is not a person who causes it, and a person cannot be threatened with a criminal if it is not because of the incident which caused the incident. caused by him.

C. Conclusion
The Ministry of Agrarian and Spatial Planning (ATR)/National Land Agency (BPN) as the most responsible institution in land administration is still paying attention to the existence of the land mafia. by the local government such as the local government. For example, the government has made plans to build economic centers or industrial areas in new areas, and then the land mafias will seek information about their location and current market prices in the government, especially in Bapeda or Bappenas. One of the government's efforts in eradicating the land mafia is to make regulations or technical instructions in this case the Ministry of Agrarian Affairs and Spatial Planning of the National Land Agency issued technical instructions Number 01/JUKNIS/D.VII/2018 concerning Prevention and Eradication of Land Mafia. In addition, the government's efforts through the National Land Agency to eradicate the land mafia are by filing good and correct land rights certificates. Archives have an important role for every agency or organization because the archive is evidence of the administrative track record for the agency or organization. The trend of digitizing archives or documents in electronic form is unavoidable as part of the modernization process in the digital era. The National Land Agency (BPN) as an agency dealing with land issues continues to make efforts to ensure the availability of archives.

Government Regulation No. 24 of 1997 concerning Land Registration which aims to provide legal certainty to the holders of rights to a parcel of land, housing units and other registered rights so that they can easily prove themselves as holders of the rights in question, to provide information to the parties concerned. interested parties including the Government so that they can easily obtain the data needed to carry out legal actions regarding registered land parcels and apartment units, for the orderly implementation of land administration. In order to protect the community as victims of the land mafia, in this case, of course, criminal sanctions are needed for land mafias who have violated the applicable laws and regulations. Criminal law enforcement is part of criminal politics (criminal policy) as one part of the overall crime prevention policy, indeed the implementation of criminal law is not the only hope to be able to resolve or overcome the crime completely.
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