

# **Resolution of Multiple Certificates By The National Land Agency (BPN) of Pamekasan District In Prevention of Land Mafia**

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## **ABSTRACT**

Land mafia is still a serious threat in Indonesia, including in Pamekasan Regency, where the need for land is increasing rapidly. This study aims to examine the role of the National Land Agency (BPN) in resolving dual certificate disputes which are often the modus operandi of land mafia. The study uses a normative legal method with a descriptive analytical approach, as well as data collection through literature studies and legal documents. The results show that land mafia exploits weaknesses in land administration, especially in issuing fake documents and falsifying dual certificates. The Ministry of Agrarian Affairs and Spatial Planning/BPN has formed policies and an Anti-Land Mafia Task Force to prevent and eradicate this practice. However, the success of handling this problem requires cross-sector coordination and consistent law enforcement. In an effort to eradicate dual certificates from land mafia practices, the Ministry of ATR/BPN has made written regulations, namely Technical Instructions for the Prevention of Eradication of Land Mafia Number: 01/JUKNIS/D.VII/2018. In addition, the Ministry of ATR/BPN also formed a Land Mafia Task Force Team in order to eradicate land mafia practices that have the potential to cause double certificates based on bad faith. This study is expected to provide input for improving land law policies, in order to ensure justice and legal certainty for the community.

**Keywords:** Double Certificates, Land Disputes, National Land Agency (BPN), Land Mafia

## **1. INTRODUCTION**

For legal certainty in land ownership rights, the community must register the land to obtain a Land Rights Certificate as stated in Article 19 paragraph (1) of the Basic Agrarian Law which states that to guarantee legal certainty, the Government will register land throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulation. Because many land problems arise over land rights that are granted due to the community's lack of understanding or unlawful acts where the problem is brought to court.

UUPA introduces various types of land rights, both primary such as ownership rights, business use rights, building use rights and use rights, as well as secondary such as lease rights and rights to collect forest products. From the existence of various land rights, the method to achieve legal certainty regarding ownership is then determined. In the past year, the term land mafia has become a popular phrase to be discussed in society. Along with the emergence of many land dispute cases in Indonesia. The number of land mafia is a form of crime by obtaining large profits



by taking other people's rights, in this case for example by falsifying double certificates, fake certificates, and other forms of crime in the land sector.

Land ownership in Indonesia itself, if traced from its history, is divided into two periods, namely land ownership before and after the enactment of the Basic Agrarian Law (UUPA). Land ownership before the enactment of UUPA gave rise to a dualism of laws governing land in Indonesia, on the one hand, the Dutch colonial land law or the one that adheres to the Western Civil Law system applies and on the other hand, the Customary Law system applies to native people who do not have written evidence, which is often called customary land or ulayat land.

Then, after the enactment of Law Number 5 of 1960 concerning Basic Agrarian Regulations, the dualism of land law in Indonesia ended and land law in Indonesia experienced standardization. Of course, this UUPA provided a major change in land regulations in Indonesia which were so complex before the enactment of the UUPA. Along with its development, now there are also problems regarding land registration in Indonesia considering that there was a dualism of applicable law, namely before the enactment of the UUPA, this still left new problems, especially in terms of recording land ownership. Double land certificates are one of the problems of land law in Indonesia and something that must be given special attention in order to create certainty of land law in Indonesia.

Land mafia is still thriving along with the high demand of the community for the availability of land. From a number of land dispute cases that have occurred, both in big cities and regions, it is strongly suspected that they always involve land mafia. In addition, another problem is the existence of certain village officials, especially village heads who know very well the status of land in their environment who are then tempted by the land mafia's enticement to issue fake girik or verponding equipped with other supporting letters such as from the RT/RW to the sub-district level. This condition is also regulated by the mafia when the media publishes it. Basically, the National Land Agency (BPN) is an institution that records and administers letters related to land. BPN is an institution that cannot be proactive because this institution can only record. However, land mafia does not only involve a handful of people starting from village officials. However, some of them also involve certain BPN officials.

The crime modes carried out by land mafias are various, one of which is falsifying land rights certificates. With the capital of fake documents, land mafias claim ownership of certain land plots. In the Madura region, it was found that there were perpetrators who produced new girik with original stamps and the perpetrators were former tax officials. Even land mafias do not hesitate to sue the original land owners if their claim to the land is questioned. There is also a mode of land



mafia to seek legality in court. Some land mafias will use the courts to decide that they legally own land plots. The method is by pretending to file a civil lawsuit. In fact, the plaintiffs and defendants are the land mafia group itself.

There are several cases that occurred in Pamekasan Regency reflecting weaknesses in the land administration system that were exploited by irresponsible individuals. The first case involved the transfer of part of the village treasury land of Majungan, Pademawu District, which since 1986 had the status of Village Treasury Land (TKD). The 10,275 square meter land that had been certified in 1999, was illegally transferred in 2015 and a certificate of ownership was issued in the name of Nurrahman, an employee of the Pamekasan District Attorney's Office, in 2016. The Head of Majungan Village, Subahnan, sued the transfer of the land to the Pamekasan District Court on suspicion of falsification of documents, including the signatures of the village head and witnesses who were still alive. This case shows the existence of land mafia practices involving several parties, including notaries and Pamekasan BPN employees. The plaintiffs are trying to have the land returned to state property or red plate, in accordance with its original status as village treasury land.

The second case involved a land dispute between Grandmother Bahriyah and her niece Sri Suhartatik, which began with alleged forgery of a land certificate that was previously registered in Bahriyah's name. The land, which was inherited from Sri's late father, was registered in Bahriyah's name, but in 2020, Sri began to no longer receive Land and Building Tax (PBB) bills for the land. Sri claimed that the land certificate had been forged, and she reported this to the authorities. This case developed into a civil case that was registered on January 5, 2024 at the Pamekasan District Court, with a verdict with the status of No Order (NO), meaning that neither party won or lost. Allegations of intervention by the Pamekasan Police in the trial process added to the complexity of this case, with Bahriyah's family hoping that the land would be returned to the state or remain Bahriyah's property, in accordance with its original status as village treasury land.

The third case involved the forgery of land certificates by certain Pamekasan BPN employees. In 2020, the Devitli family, residents of Larangan Tokol Village, Tlanakan District, Pamekasan, questioned the demolition of a house standing on their 1,418 square meter land. After investigation, it was discovered that the certificate registered in Devitli's name, issued in 2013, had been forged and a new certificate was issued in Suliha's name in 2020. Four Pamekasan BPN employees Suparman, Achmad Setiawan, Abd. Fani, and Bambang Wijono were found guilty of the crime of forging land certificates and were sentenced to eight months in prison based on the Supreme Court's decision on November 1, 2022. Although the Supreme Court's decision had been



issued, the execution of the BPN employees was delayed, so the Devitli family felt aggrieved and urged that justice be upheld immediately. This case is a real example of land mafia practices that are detrimental to the community and show the need for firm action from the authorities in prosecuting perpetrators of land certificate forgery. This case shows how serious the problems faced by the community are related to the illegal transfer of land rights, certificate forgery, and land mafia practices that are detrimental to parties who have legal rights to the land. All of the cases above involve complicated legal processes and require effective resolution efforts from the National Land Agency (BPN) and related institutions to restore justice to legitimate land owners, as well as prevent land mafia practices in the future.

Settlement of land disputes between parties that are not land mafia is already very troublesome and can take a long time, especially if it is against a land mafia group, it tends to lose and lives can be at stake. Therefore, there needs to be a scientific study that reviews the settlement of land disputes related to double certificates arising from criminal acts of land mafia, so that the community can fight for the land that is their right and provide better resistance to the tricks of the land mafia. By considering the importance of resolving land disputes related to double certificates arising from criminal acts of land mafia, the knowledge that can be explored from this paper, it is necessary to conduct research to be able to provide legal protection to the entitled party, so that input is obtained for the improvement of land law policies and justice and legal certainty in the land sector can be increasingly realized.

## **2. RESEARCH METHODS**

The research method uses an empirical legal method. The approach used in this study is carried out using a descriptive analysis method of analyzing the resolution of land disputes related to double certificates arising from criminal acts of land mafia in Pamekasan Regency.

The research location in this case focuses on Madura Island, precisely in Pamekasan Regency, which is one of the areas that has significant challenges in terms of land issues and land mafia practices that still occur very often. Data collection techniques are carried out through interviews, documentation, literature through library studies including internet materials, articles and scientific journals related to this research. After all legal materials have been collected, they are then analyzed using qualitative analysis, namely research that is based on existing regulations as positive legal norms. Furthermore, data from the results of research in the field will be inventoried and systematically compiled to then be analyzed qualitatively.



### 3. RESULTS AND DISCUSSION

#### **Factor affecting Issuance of Double Certificates by the National Land Agency in Pamekasan Regency**

Land mafia exploits land scarcity with land-related parties for various interests. The Ministry of Agrarian Affairs and Spatial Planning (ATR)/National Land Agency (BPN) as the institution most responsible for land administration is still paying attention to the existence of land mafia. However, along with the demands of the need for control of land rights, there are several parties who deliberately exploit it in an unlawful manner. Such as in the case of land mafia which is rampant, especially in the regions. A real example of a case of cooperation between land mafia and local governments is the Meikarta case in Bekasi in 2018. The Indonesian Police arrested the Bekasi regent named Neneng Hassana Yasin who was suspected of accepting a bribe of IDR 10 billion from the Lippo Group to smooth the licensing of the Meikarta project. Sofyan Djalil as the Head of the National Land Agency, in the journal of the Minister of ATR/BPN explained about land mafia, as follows:

Land mafia are criminals who use land as an object of crime. Various modes of crime are used to launch their actions. One mode that is often used by land mafia to launch their actions is ownership of girik evidence. We know that customary land is evidence of ownership in the form of girik. This girik was proof of payment of land tax in the past, but in the 1990s, girik was no longer used so that it was not managed.

These unmanaged girik were then exploited by the land mafia. They searched for unmanaged girik files in the tax office. Several police findings showed that the files were genuine, but the information was fake. After that, these fake girik were used by the land mafia to sue someone's land. Victory was on the side of the land mafia because they had funds and networks. The 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 land rights.

Land is a property object that has a fairly high selling value, and is used as an investment area for some groups to gain financial benefits. The need for land is increasing, which is based on the need for settlement or business activities. With the increasing need for land, the need for legal certainty in the land sector automatically increases. The guarantee of legal certainty in question is in the form of the availability of written legal instruments, one of which is a land title certificate. In the land sector, there is a land registration process which allows land rights holders to prove their rights to the land they control.



Registering community-owned land is one of the roles or empowerment of the community to suppress or minimize the existence of land mafia roaming around Indonesia. The purpose of land registration in Indonesia is to provide a guarantee of legal certainty (*rechts kadaster*) of land rights and legal protection of land ownership. Because, by registering land, the owner of the land plot will receive a document of proof of rights as proof of ownership of the data of which is guaranteed legal certainty. The document of proof of rights is referred to by PP 10 of 1961 and PP 24 of 1997 as a land certificate. Land certificates by UUPA are given strong evidentiary power (Article 19 paragraph (2) letter c). This means that this certificate's evidentiary power is not absolute but strong, that as long as the physical data and legal data are in accordance with the Land Book and Measurement Letter, it is considered correct data, unless it can be proven otherwise in Court. The implication in Indonesia is that land certificates can still be changed if there are legal and/or administrative defects in their issuance. This option was taken in order to provide legal protection for people who acquire/own land in good faith.

In relation to the land registration process, Pratomo Beritno in his journal describes two methods in the land registration process, as follows:

Land registration is also still carried out in two ways, namely first systematically covering the area of one village or sub-district or part thereof which is mainly carried out on the initiative of the government and sporadically, namely registration of land plots at the request of the holder or recipient of the rights concerned individually or in bulk. The improvements made include the confirmation of various things that are not yet 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 legal data regarding the land plots concerned. The procedure for collecting land ownership data is also emphasized and shortened and simplified. In order to guarantee legal certainty in the field of land control and ownership, the factor of certainty of the location and area of each land plot cannot be ignored.

From past experience, there are quite a lot of land disputes that arise as a result of incorrect land plots and boundaries. Therefore, the problem of measurement and mapping and the provision of large-scale maps for the purpose of organizing land registration is something that cannot be ignored and is an important part that needs serious and careful attention, not only in the context of collecting land ownership data but also in presenting land ownership or control data and storing such data, the development of measurement and mapping technology, such as how to determine points through the Global Positioning System (GPS) and computerization of data processing,



presentation and storage, implementation of measurement and mapping can be used in land registration.

To accelerate the measurement and mapping of land areas 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 made possible, the arrangement of which is left to the Minister. In addition to systematic land registration, sporadic land registration will also be improved, because in reality there are increasing requests for individual and mass registration required in the implementation of development, which will increase its activities. Systematic land registration is prioritized because this method will accelerate the acquisition of data on land areas to be registered rather than through sporadic land registration.

But because the initiative comes from the government, it takes time to meet the necessary funds, manpower and equipment. So its implementation must be based on a work plan that includes a fairly long period of time and an annual implementation plan that is ongoing through a feasibility test so that it runs smoothly. The purpose of land registration is to collect and provide complete information on land plots. Disputes in organizing land registration are still first attempted to be resolved through deliberation between the parties concerned. However, along with the demands of the need for control of land rights, there are some parties who deliberately take advantage of it in an unlawful manner. As in the case of land mafia which is rampant, especially in the regions. Sofyan Djalil as the Head of the National Land Agency, in the journal of the Minister of ATR/BPN explains about land mafia, as follows:

Land mafia are criminals who use land as an object of crime. Various modes of crime are used to carry out their actions. One mode that is often used by land mafia to carry out their actions is ownership of girik evidence.

We know that the proof of ownership of customary land is a girik. This girik was proof of payment of land tax in the past, but in the 1990s, the girik was no longer used so it was not managed. This unmanaged girik was then used by the land mafia. They looked for files of unmanaged girik that were in the tax office. Several police findings showed that the files were genuine, but the information was fake. After that, this fake girik was used by the land mafia to sue someone's land. Victory was on the side of the land mafia because they had funds and networks.

Problems related to *Overlapping* usually occur due to the issuance of a decree by several agencies regarding overlapping land objects. Each dispute occurs due to a lack of coordination between the implementing agencies that handle land acquisition with the local land office. In



addition, this is also caused by the absence of field research on the location and the lack of supervision or land management carried out periodically by the land owners.

So in this case it creates legal uncertainty and injustice for the actual owners of the land. However, it is also possible that in this dispute both parties will feel equally disadvantaged by the rights to the same land and both parties feel that they have not received certainty and justice in the law even though both feel that they have their rights. Therefore, in obtaining legal certainty, proof is needed in the form of an original land title certificate.

Hartadi believes that there are several factors that cause overlapping disputes to occur frequently in the National Land Agency, including:

a. Factors of Public Ignorance

This factor can occur due to the community not fully understanding the existence of a very contrasting difference in whether or not a land plot is registered in the land office. This is usually caused by the stigma in society that often arises because people fail to find legal protection related to land that has been registered or not registered, so that people are of the opinion that the certificate of land they own cannot be said to protect their rights. Therefore, people are considered not to care and tend to be apathetic about the importance of land registration and it is not uncommon to find that people only register their land if they want to use the land title certificate as collateral in order to be able to take out a credit loan at a banking institution.

b. Factors of Weak Regulations Regarding Land Registration

Until now, it is not uncommon to find that the public does not understand the regulations governing land or land registration. Therefore, regulations regarding land registration in a material way are expected to help accelerate the data collection and land registration technically and comprehensively in Indonesia. However, it should be noted that in resolving land disputes, land law and civil law are usually not carried out properly.

c. Negligence or carelessness factor

The meaning of negligence and carelessness here is aimed at errors that usually occur in measuring and recording land when it is to be certified. This happens because the boundaries indicated by the certificate applicant are wrong, therefore the measurement letter or the picture of the situation regarding the land do not describe the actual situation or condition, either in whole or in part. Because previously the land already had a land certificate belonging to someone else, this then resulted in the



discovery of more than one certificate of rights owned by two different people on the same land plot.

d. *Overlapping* or overlapping land mafia factors

This can happen if in an action there are individuals who have bad intentions by intentionally issuing land title certificates that have previously been registered and have certificates. Then the certificates are sold to people who do not know anything about the land title certificates which are then found to be a fact that the land has been previously registered.

**Settlement of Land Disputes Related to Double Certificates Arising from Land Mafia in Pamekasan Regency**

In the context of resolving land disputes related to dual certificates, there are several efforts that can be made to resolve the dispute, including the following:

**Mediation Efforts**

All problems that occur in the scope of society, based on the legal customs of Indonesian society are more familiar with mediation resolution. Constitutionally, based on the 4th (fourth) principle of Pancasila, it also mentions deliberation, which means that everything to find a way out should be resolved through deliberation. Theoretically, Subekti and Tjitrosudibio in their book explain mediation, namely as follows: The definition of peace according to positive law as stated in Article 1851 of the Criminal Code (Civil Code) is an agreement where both parties by handing over, promising or holding an item, end a case that is currently pending or prevent a case from arising later. In mediation efforts, it is a series of peace activities involving the disputing parties, and assisted by a mediator to achieve a win-win solution. The mediator as a mediator helps find the common thread of the problems faced, and provides solutions to the disputing parties to be able to accept solutions that are not detrimental to both parties.

In relation to the case of double certificates, it can actually be achieved through mediation efforts, considering that land disputes with double certificate cases fall into the realm of civil law. Considering that mediation efforts can be carried out on double certificate cases, because double certificate cases are different from cases of forgery of State documents. If double certificates can be resolved through mediation, then cases of double certificates arising from land mafia crimes can no longer be carried out through mediation. Because in practice, land mafia is certainly an act that violates the rule of law, and harms the party who legally controls the ownership of land rights. Land mafia is a conspiracy between parties with evil intentions in controlling land with the involvement of officials who have the authority to issue the legality of land rights.



President of the Republic of Indonesia, Mr. Joko Widodo, has specifically instructed law enforcement officers, namely the Indonesian National 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 mafia, 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). Therefore, in handling cases of double certificates arising from criminal acts of land mafia, it is entirely the responsibility of the National Land Agency to handle the problem, which will be explained below

### **Settlement Through the National Land Agency (BPN)**

Legally, dispute resolution related to double certificates can be resolved at the land office, this is as formulated in Article 1 number 5 of the Regulation of the Minister of ATR/Head of BPN, which reads "Complaints of Disputes and Conflicts hereinafter referred to as Complaints are objections submitted by parties who feel aggrieved by a legal product of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, Regional Office of the National Land Agency, Land Office according to their authority or feel aggrieved by another party regarding control and/or ownership of a certain land area. The concrete steps for dispute resolution are based on Article 6 paragraph (1) of the Regulation of the Minister of ATR/Head of BPN, which goes through several stages as follows:

- a. Case review;
- b. Initial title;
- c. Study;
- d. Expose research results;
- e. Coordination meeting;
- f. Final degree;
- g. Completion

Furthermore, Article 34 paragraph (2) and (3) of the ATR/Head of BPN Regulation, explains as follows:

- a. In the event that there are one or more overlapping certificates in one plot of land, either in whole or in part, the certificates in question will be handled as referred to in Article 6 paragraph (1).
- b. Cancellation is carried out on certificates which, based on the results of handling as referred to in paragraph (2), reveal facts that there are administrative and/or legal defects.

### **Settlement Through PTUN Lawsuit**

The State Administrative Court can also be used as an alternative means for resolving cases of double certificates, this can be based on Article 1 number 9 of Law No. 51 of 2009, which in essence states that SHM fulfills the elements as a State Administrative Decision. Through the PTUN, the party who feels aggrieved can file a lawsuit to cancel the SHM (double certificate). What is meant by the TUN element is that SHM is a written decision issued by a state administrative official, in this case the BPN office.

Another legal basis related to the cancellation of a State Administrative Decision is regulated in Article 53 paragraph (1) of Law No. 9 of 2004, which states: "A person or civil legal entity who feels that their interests have been harmed by a State Administrative Decision may submit a written lawsuit to the competent court containing a demand that the disputed State Administrative Decision be declared null and void or invalid, with or without a claim for compensation and/or rehabilitation.

### **Efforts to Eradicate Parties Involved in the Land Mafia**

In handling land mafia cases, the National Land Agency firmly established Technical Instructions for the Prevention and Eradication of Land Mafia Number: 01/JUKNIS/D.VII/2018 concerning the Prevention and Eradication of Land Mafia. In the implementation points based on the technical instructions, prevention of land mafia is carried out by establishing a Task Force for the Prevention and Eradication of Land Mafia, both at the Ministry level, Regional Office level and Land Office level and socialization.

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:

1. Issuing and/or using more than one girik / pipil / kekitir / pepek / yasan / Letter C / land certificate / register / land information letter / physical control statement letter or other similar names, certificate of non-dispute, or other letters related to land by the Village Head/Lurah to several parties for the same plot of land;
2. Issuing and/or using documents that are suspected of being fake related to land such as land title certificates / deed of ownership / erfpacht / opstal, girik / pipil / kekitir / pepek / certificate / Letter C / land certificate / register / land information letter / statement of physical control or other similar names, certificate of non-dispute, received by the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency;



3. Occupying or controlling land without permission on land owned by another person (Ownership Rights / Cultivation Rights / Building Rights / Usage Rights / HPL) whether the rights have expired or are still valid;
4. Changing / moving / removing land boundary markers;
5. Submitting an application for a replacement certificate due to loss, while the certificate still exists and is still held by the owner or another person in good faith, resulting in there being two certificates for the same plot of land;
6. Utilizing judicial institutions to validate proof of land ownership, by:
  - a. 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;
  - b. 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;
  - c. 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;
  - d. 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.
7. Evil conspiracy carried out in authentic deeds/letters of information by land mafia involving Public Officials (Notary/PPAT/Sub-district Head/Village Head) which results in disputes, conflicts and land cases of broad dimensions.

The establishment of the Land Mafia Task Force carried out by the Ministry of ATR/BPN aims to eradicate parties involved in land mafia practices. The establishment of the Land Mafia Task Force is based on several regulations, as follows:

1. Memorandum of Understanding between the Ministry of ATR/BPN and the Indonesian National Police dated March 17, 2017 No. 3/SKB/III/2017 and B/26/III/2017 concerning Cooperation in the Field of Agrarian/Land Affairs and Spatial Planning;
2. Working Guidelines between the Ministry of ATR and the 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;



3. Joint Decree of Bareskrim and Director General of Agrarian Problem Handling of Space and Land Utilization No.: B/01/V/2018/Bareskrim - 34/SKB - 800/V/2018 dated May 8, 2018 concerning the Task Force for the Prevention and Eradication of Land Mafia.

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

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

Furthermore, efforts to eradicate land mafia have been carried out by the Minister of ATR/Head of BPN who is serious about eradicating land mafia to the roots, this is as described on the official website [atrbpn.go.id](http://atrbpn.go.id) as follows:

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) as the party responsible for land services, is committed to eradicating land mafia to its roots. One of the concrete steps taken is to form an Anti-Land Mafia Task Force, a joint team between the Ministry of ATR/BPN and the Indonesian National Police that has succeeded in uncovering land mafia cases recently. According to the Minister of ATR/Head of BPN, the land mafia case handled by Polda Metro Jaya is the second case to be uncovered. Where, Polda South Sulawesi some time ago also succeeded in uncovering a case involving land mafia. "Thus, I will continue to intensively coordinate, both directly and indirectly, with the ranks of the Polri (Indonesian National Police) with the Polda (Regional Police) throughout Indonesia to jointly carry out one noble task, namely eradicating land mafia. In addition to collaboration with various ministries/institutions in eradicating land mafia, the supervisory function is also absolute. Therefore, the Minister of ATR/Head of BPN instructed the Inspector General of the Ministry of ATR/BPN to supervise the system and performance of employees within the Ministry of ATR/BPN.

#### **4. CONCLUSION**

The issue of dual certificates in national land law is one of the urgent issues to be addressed, considering its significant impact on legal certainty and justice in land ownership.



Disputes related to dual certificates often arise due to weaknesses in the land administration system, such as public ignorance of land registration procedures, weak legal regulations governing registration, administrative negligence, and the existence of land mafia practices. Land mafias exploit legal loopholes and weak supervision to issue fake documents, falsify certificates, and control land illegally, often involving authorized officials.

To overcome this problem, the National Land Agency (BPN) has a central role, both in preventing and handling disputes. Dispute resolution can be done through non-litigation channels, such as mediation facilitated by the BPN, or through litigation in the State Administrative Court to cancel certificates that are administratively or legally flawed. Efforts to eradicate land mafia are also a government priority, with the implementation of Technical Instructions for the Prevention and Eradication of Land Mafia and the formation of an Anti-Land Mafia Task Force (Satgas) tasked with handling cases systematically and in a coordinated manner.

Although these steps have been taken, the success of handling the problem of dual certificates requires cross-sector coordination, increased supervision, public education, and strict law enforcement against perpetrators of land crimes. With these steps, it is hoped that legal certainty and justice in land ownership can be realized, and public trust in the land law system can be restored.

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