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Rampant Land Dispute Cases

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Abstrak: This research examines the problem of land disputes in Indonesia caused by the illegal practices of the land mafia and poor land management by housing developers. Based on the Seven Principles of Agrarian Law, land should be used to benefit the community. However, facts on the ground show that much land is controlled unilaterally by the land mafia. They used various methods, including making fake letters and cultivating empty land to sell at high prices. This has led to many ownership disputes and legal problems for legitimate landowners and defrauded buyers. To avoid this problem, the public is advised to process the legality of their land certificates through the National Land Agency (BPN). ¹² legal basis supporting the importance of land certificates is contained in Article 1³ and Article 23 of the Basic Agrarian Law (UUPA) no. 5 of 1960 and Law no. 4 of 1996 concerning Mortgage Rights. This research also highlights the challenge of limited land in Indonesia, which causes the high economic value of land to become an object of competition. Housing developers often face land management problems, resulting in land certificates being mortgaged at banks and losses for consumers. The importance of public awareness of checking the completeness and validity of documents before carrying out a house purchase transaction is emphasized to avoid problems in the future. Education and supervision from the government and related institutions, such as BPN, are critical in protecting consumer rights and ensuring legal certainty.

Keywords : Land disputes, Basic Agrarian Law, Housing Developers, National Land Agency, Mortgage Rights.

INTRODUCTION

Every human needs a house as a peaceful and safe place for their children to live. A comfortable and peaceful home is everyone's dream. A safe and calm environment is the dream of all humans.¹ Therefore, generally, everyone will choose and survey the environment they want to live in before settling down. Once they feel suitable, people will try to buy a house or land, which will be built into their dream home. In creating a comfortable residence, an important step that must be taken is to take care of the documents for the assets purchased, such as certificates and other documents.² Even though almost everyone understands the importance of taking care of asset documents when buying property, the land mafia and individuals involved in managing land legality often abuse their authority to confiscate other

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¹ David Pearson, *The New Natural House Book: Creating a Healthy, Harmonious, and Ecologically Sound Home* (Simon and Schuster, 1998).

² Choon-Piew Pow and Lily Kong, "Marketing the Chinese Dream Home: Gated Communities and Representations of the Good Life in (Post-) Socialist Shanghai," *Urban Geography* 28, no. 2 (2007): 129–59.



people's assets.³ This is often the starting point for many land and house disputes, especially empty land that has yet to be utilized by the owner. In creating a comfortable residence, an essential step is managing the legal documents for the purchased assets, such as certificates and other relevant paperwork. Despite widespread understanding of the importance of asset documentation, issues arise due to the actions of land mafias and corrupt individuals who exploit legal loopholes to seize others' properties. This exploitation is a common cause of land and house disputes, particularly involving vacant lands that the owner has not yet developed.

Such disputes highlight the urgent need for stringent legal measures and awareness to protect property owners from fraudulent practices. Ensuring proper documentation and understanding legal rights are crucial steps in safeguarding one's property from unlawful confiscation. Enhanced legal frameworks and vigilant enforcement can help prevent these abuses, providing a more secure environment for property ownership. Land dispute problems generally occur because the land mafia only thinks about personal gain without considering the long-term impact on the legal land owners. Many people buy land to pass on to their descendants. According to Article 19 Paragraph (2) letter c UUPA, a land certificate is a letter of proof of land rights, which includes management rights, waqf land, ownership rights, apartment units, and mortgage rights.⁴ Each of these rights must be recorded in the relevant land book. To ensure legal certainty, the government has established land registration throughout the territory of the Republic of Indonesia by government regulations. The importance of obtaining land certificates is due to the frequent conflicts that arise if there is no valid document regarding land status. Indonesians often experience land disputes because those who manage and control the land differ from the legal certificate owners.⁵

This condition is often exacerbated by the difficulty of obtaining strategic land, which encourages some people to manage or even build on empty land that does not belong to them. This empty land that has not been managed is often the target of other people's evil intentions.⁶ Therefore, a land certificate is the highest proof of ownership recognized by the Indonesian state. The government needs to simplify the process of processing community land certificates to reduce the number of cases of land disputes. Land certificates usually include land boundaries, a picture of the location, or a land map, and now their validity can be easily traced. To avoid conflicts, an important thing that must be considered apart from processing the certificate is ensuring that the process for submitting the certificate meets all the requirements, especially regarding its validity.

By simplifying the process of processing land certificates, the government can help people avoid conflicts and resolve land disputes more efficiently. The validity and completeness of documents are fundamental to guaranteeing land ownership rights and preventing the malicious intentions of irresponsible parties. In conclusion, a land certificate is not just a document but a proof of ownership that must be maintained and managed correctly. By having a valid certificate, people can feel safe and calm living in their homes without worrying about land disputes in the future.

METHOD

³ Emile van der Does de Willebois et al., *The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do about It* (World Bank Publications, 2011).

⁴ Nonik Latifah, "CONVERSION OF VILLAGE DRUWE RIGHTS BECAME PROPRIETARY RIGHTS ACCORDING TO ARTICLE II PROVISIONS ON THE CONVERSION OF AGRARIAN LAWS (UUPA)," *Jurnal Pembaharuan Hukum*, CONVERSION OF VILLAGE DRUWE RIGHTS BECAME 6, no. 3 (2019).

⁵ Sugina Indayanti, Indra Koswara, and Yopie Gunawan, "The Land Legal System in Indonesia and Land Rights According to the Basic Agrarian Law (UUPA)," *Legal Brief* 11, no. 1 (2021): 366–78.

⁶ Hualou Long et al., "Accelerated Restructuring in Rural China Fueled by 'Increasing vs. Decreasing Balance' Land-Use Policy for Dealing with Hollowed Villages," *Land Use Policy* 29, no. 1 (2012): 11–22.

This research aims to examine various literature related to the issue of land disputes and the importance of obtaining land certificates in Indonesia. The main focus of the research is to understand the various factors that cause land conflicts, the role of the land mafia, and the government's efforts to overcome this problem through land registration policies.⁷ A qualitative approach with a literature review method was chosen to provide an in-depth understanding of this topic. This research was designed to answer several main questions: What factors cause land disputes in Indonesia?⁸ What is the role of the land mafia in land conflicts? How important is a land certificate in ensuring legal certainty of land ownership? How government policies in land registration can reduce land conflicts.

The literature search was carried out using academic databases such as Google Scholar, JSTOR, and ProQuest to search for journal articles, books, and research reports related to land disputes and certificates. Keywords used in the search included: "land dispute," "land mafia," "land certificate," "land registration," and "Indonesian government land policy." Relevant and high-quality literature was selected with a focus on research published within the last ten years to ensure up-to-date data.⁹ Inclusion criteria include journal articles, books, research reports, and government documents that discuss land disputes, the importance of land certificates, land registration policies, and the role of the land mafia in Indonesia. Articles irrelevant to the research focus, not peer-reviewed, or needing reliable data were excluded from the analysis.

Data were analyzed using content analysis techniques to identify the main themes from the literature collected. Patterns, relationships, and differences in the literature related to factors causing land disputes, the role of land mafias, and government policies are analyzed. Manual coding was used to group information according to research questions. The validity of the research is guaranteed by reviewing literature from various sources and perspectives. Reliability is improved through data triangulation, that is, by comparing and confirming findings from various literature.¹⁰

Findings from various literature are combined to provide a comprehensive picture of the problem of land disputes and the importance of land certificates in Indonesia. The results are presented as a cohesive narrative, covering the causes of conflict, the role of the land mafia and the effectiveness of government policies in land registration. Conclusions are made by answering the established research questions, and recommendations are provided for further research and practical implications for policymakers, academics, and the general public.

RESULTS AND DISCUSSION

Based on the Seven Principles of Agrarian Law, available land should be used and exploited for the benefit of the community, not individuals. However, the facts show otherwise; The widespread practice of controlling land for one-sided interests by the land mafia often gives rise to ownership disputes. The land mafia seeks to control, buy, sell, and unilaterally manage the available vacant land. They made every effort by making fake documents or cultivating existing land and then selling it to the public at high prices. The land mafia uses various methods to secure empty land that has yet to be utilized by the owner.¹¹ They often

⁷ Rosiyati M H Thamrin et al., "Blockchain-Based Land Certificate Management in Indonesia," *ADI Journal on Recent Innovation* 2, no. 2 (2021): 232–52.

⁸ Danit Fitzpatrick, "Disputes and Pluralism in Modern Indonesian Land Law," *Yale J. Int'l L.* 22 (1997): 171.

⁹ Amy Earhart and Andrew Jewell, *The American Literature Scholar in the Digital Age* (University of Michigan Press, 2010).

¹⁰ S Elo, "The Qualitative Content Analysis Process," *Journal of Advanced Nursing* 62, no. 1 (2008): 107–15, <https://doi.org/10.1111/291365-2648.2007.04569.x>.

¹¹ Sungguh Ponten, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Jual Beli Online Melalui Sosial Media," *Realism: Law Review* 1, no. 3 (2023): 79–90.

create fake documents to claim ownership of the land and then sell it at high prices to parties who do not know the actual status of the land. This action harms legitimate landowners and creates legal problems for defrauded buyers.

To prevent these illegal practices, the public is advised to take care of the legality of their land documents immediately. Your land or house should immediately obtain a certificate at the National Land Agency (BPN) office. A land certificate is a legal proof of ownership recognized by law, which can protect the owner from unilateral claims and actions of the land mafia. Arranging land certificates also helps ensure that ownership rights are officially recognized and registered correctly in the land administration system.

The need for more land available for farming and housing further exacerbates this problem. Land's high value makes it an object of struggle, both by the public and the land mafia. Therefore, the government needs to strengthen the land registration system and increase supervision of illegal practices carried out by the land mafia. In this way, land ownership can be managed more fairly and transparently by the objectives of the Agrarian Law.

The Importance of Managing the Legality of Land Certificates

To avoid problems caused by the land mafia, the public is advised to properly manage the legality of land documents and other assets they own. Your land or house should immediately have its certificate processed at the National Land Agency (BPN) office. This step is crucial because a land certificate is valid legal proof of land ownership recognized by the state. With a valid certificate, landowners can be protected from various claims from other parties and illegal actions by the land mafia. The legal basis for processing land certificates is regulated in Article 19 of the Basic Agrarian Law (UUPA) no. 5 of 1960, which states that the government must register land throughout the Republic of Indonesia to ensure legal certainty.¹² The land registration includes measuring, mapping, and issuing a land certificate and proof of rights. Thus, land certificates issued by BPN have a solid legal force and are recognized in the Indonesian legal system.

Apart from that, Article 23 of the UUPA regulates that a certificate must prove every right to land as a vital means of proof regarding the rights owned. This aims to avoid land disputes and provide legal protection for landowners. This land certificate is necessary for individuals and the public interest, including infrastructure development and the welfare of society as a whole. This confirms that processing land certificates is crucial in ensuring legal certainty and reducing the risk of land disputes.

Law No. 4 of 1996 concerning Mortgage Rights also supports the importance of land certificates, where certificates are used as collateral to obtain credit from banks or other financial institutions. This shows that land certificates have high economic value and can be used for various financial purposes.¹⁴ Therefore, people need to be aware of the importance of obtaining land certificates to ensure that their ownership is officially recognized and can be used for various purposes safely.¹⁵ By properly managing the legality of land titles and other assets, the community can avoid various problems that may arise due to the

¹² Fonaha Hulu et al., "IMPLEMENTATION OF FULL SYSTEMIC LAND REGISTRATION FOR CERTIFICATE OF LAND IN THE CITY OF TEBING TINGGI (Study at the Office of the National Land Agency of Tebing Tinggi City)," *IJCS: International Journal of Community Service* 1, no. 2 (2022): 78–92.

¹³ Ulfia Hasanah, "Status Kepemilikan Tanah Hasil Konversi Hak Barat Berdasarkan UU No. 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria Dihubungkan Dengan PP No. 24 Tahun 1997 Tentang Pendaftaran Tanah," *Jurnal Ilmu Hukum* 3, no. 1 (2012).

¹⁴ Annisa Nur Utami and Mella Ismelina Fasma Rahayu, "The Implementation Of Government Regulation No. 86 Of 2018 On Agrarian Reform In Connection With Law No. 5 Of 1960 On The Basic Agrarian Law," *JHSS (JOURNAL OF HUMANITIES AND SOCIAL STUDIES)* 8, no. 1 (2024): 52–56.

¹⁵ Hidayanti, Koswara, and Gunawan, "The Land Legal System in Indonesia and Land Rights According to the Basic Agrarian Law (UUPA)," *Sp. ETS*

illegal actions of the land mafia, as well as assist the government in creating a transparent and accountable land administration system by the principles regulated in the Agrarian Law.

Challenges of Limited Land

With Indonesia's decreasing amount of land, land that can be used for agriculture or housing is increasingly difficult to obtain.¹⁶ This results in land having relatively high economic value and becoming an object of struggle among the community. Limited land means many parties compete to own it for personal and commercial use. Apart from that, the land also has promising economic investment value, becoming a source of livelihood for investors who use it for plantations, livestock, and housing. Many housing developers are eyeing empty land to develop into housing. Beautiful and large land is the main target for developers because the public's need for housing is increasing.¹⁷ Developers see a huge opportunity to build housing to meet this growing demand, giving them huge profits. Developers are looking for land not only in urban areas but also in the suburbs that still have potential for development.

However, the high demand for this land also brings its challenges. Often, developers need help managing the land they buy. Several cases show that developers cannot manage land properly, which causes problems for people who buy houses from them. One common problem is land certificates that are still mortgaged at the bank because developers use funds from the bank to build housing and public facilities. If the developer fails to pay installments to the bank, consumers who have bought a house could experience losses because the land ownership status is unclear.¹⁸

Apart from that, people are often tempted by attractive offers from developers without first studying the home-buying system, especially those made on credit or in installments. Awareness of the importance of checking documents' legality and completeness before a transaction is essential. That way, people can avoid problems caused by unprofessional land management and ensure their investments are safe and secure. The government also needs to increase oversight of developer practices to ensure they comply with regulations and protect consumer interests.

Problems Arising from Housing Developer Practices

Unfortunately, not all developers are able to manage the land being bought and sold in a good and correct way. Many people are deceived by housing developers. A case that often occurs is that after people have paid in full for the house they bought, it turns out the land certificate is still pawned at the bank.¹⁹ Developers often use funds from banks as capital to build houses and put housing facilities. Usually, land certificates are used as collateral for funds issue by the bank. This is regulated in Law no. 4 of 1996 concerning Mortgage Rights, which states that land certificates can be used as collateral to obtain credit from banks or other financial institutions.²⁰ Problems arise when the developer is unable to pay the debt installments to the bank. According to provisions of Article 6 of the Mortgage Law, if the debtor defaults or fails to fulfill payment obligations, the creditor has the right to execute the collateral object, which in this case is the land certificate. This execution can be carried out through public auction or direct sale at a reasonable price to pay off the remaining debt. As a result, consumers who have paid in full for their house

¹⁶ Arild Angelsen, "Shifting Cultivation and 'Deforestation': A Study from Indonesia," *World Development* 23, no. 10 (1995): 1713-29.

¹⁷ M U H Dimiyati et al., "An Analysis of Land Use/Cover Change in Indonesia," *International Journal of Remote Sensing* 17, no. 5 (1996): 31-44.

¹⁸ Peter H Verburg and Johan Bouma, "Land Use Change under Conditions of High Population Pressure: The Case of Java," *Globe Environmental Change* 9, no. 4 (1999): 303-12.

¹⁹ Bernard H Siegan, *Land Use without Zoning* (Rowman & Littlefield Publishers, 2020).

²⁰ William J Poorvu and Jeffrey L Cruikshank, *The Real Estate Game: The Intelligent Guide to Decisionmaking and Investment* (Simon and Schuster, 1999).

but are not aware of the status of the certificate being mortgaged at the bank may lose ownership rights to the land because it is executed by the bank.

Consumers also suffer losses because they have spent a lot of money to buy a house, but the legal status of the land is still unclear and safe. Cases like this show the importance of public awareness to check the completeness and validity of land legal documents before carrying out a house purchase transaction. The government, through the National Land Agency (BPN) and related agencies, must be more active in providing education to the public about the importance of valid land certificates and safe purchasing procedures.

Apart from that, the government also needs to increase supervision and regulation of housing developer practices. According to Article 37 of Government Regulation no. 24 of 1997 concerning Land Registration, every transfer of land rights must be registered to ensure legal certainty. This supervision is important to ensure that developers comply with existing regulations and do not harm consumers. Thus, these preventive measures are expected to reduce cases of fraud and land disputes, as well as protect consumer rights in property purchase transactions.

Public Awareness of the Home Purchasing System

Many people are interested in the housing developer offers. They are often tempted by promos offered without first studying the system of buying a house on credit or in installments. Attractive promotions and various conveniences often make consumers rush into making decisions without considering the legality and security aspects of transactions. This step is crucial to avoid problems in the future. Public awareness of the importance of studying the purchasing system and the legality of land documents needs to be increased. According to Article 1320 of the Civil Code (Civil Code), the conditions for the validity of an agreement include the agreement of both parties,²¹ the ability to agree, a sure thing, and a lawful cause. People must ensure that all these conditions are met before purchasing a house. They must be more critical and careful when choosing a developer and ensure that all legal documents for the land and house purchased are complete and valid.

Before buying a house, people need to check the land certificate and other related documents. Based on Government Regulation No. 24 of 1997 concerning Land Registration, every change in land rights must be registered to ensure legal certainty and protection for rights holders. The community must ensure the land certificate is registered in the developer's name and free from mortgage rights or other legal problems. This is important to ensure that the rights to the land to be purchased are truly legal and that there will be no problems in the future.²²

The government and related institutions, such as the National Land Agency (BPN), also have an essential role in increasing public awareness. Education regarding the legal process of purchasing land and houses must be carried out more intensively. According to Article 37 of Law No. 1 of 2011 concerning Housing and Settlement Areas, the government must provide guidance and supervision over managing housing and residential areas. It is hoped that this education and supervision can help people make wiser decisions and protect them from fraud or legal problems related to home purchases.

²¹ Irma Shintia Kumaralo and Risdalina Risdalina, "The Legal Force of the Cooperation Agreement Letter in a Cooperation Agreement Is Reviewed According to Article 1320 of the Civil Code," *Journal of Social Research* 2, no. 3 (2023): 917–23.

²² Richard Richard et al., "Regional Regulation of Land Registration in Indonesia Related to Government Regulation No. 24 of 1997 Concerning Land Registration," *International Journal of Civil Engineering and Technology (IJCIET)* 9, no. 10 (2018): 270–80.

CONCLUSIONS

The problem of land disputes and illegal actions carried out by the land mafia and irresponsible developers has had a significant impact on society. Based on the Seven Principles of Agrarian Law, land should be used for the benefit of the community. However, land mafia practices of controlling land for personal gain often result in losses for legal owners and buyers who do not know the original status of the land. Processing the legality of land documents through valid certificates at the National Land Agency (BPN) office is an important step to protect land ownership rights.

The high economic value of land due to limited available land exacerbates this situation. Many housing developers target empty land for development, but often fail to manage the land properly, causing consumers to face legal problems such as land certificates being mortgaged to banks. Law no. 4 of 1996 concerning Mortgage Rights and Article 6 of the Mortgage Law regulates that land certificates can be used as credit collateral, and if the developer defaults, the bank has the right to execute the collateral, causing losses to consumers.

Public awareness about the importance of studying the house purchasing system and the legality of land documents is very necessary. Based on Article 1320 of the Civil Code (Civil Code) and Government Regulation no. 24 of 1997 concerning Land Registration, ensuring the validity of documents before a transaction is a crucial step to avoid problems in the future. Education and supervision from the government and related institutions, such as BPN, are very important to help the public make wise decisions and protect consumer rights.

By increasing awareness and monitoring illegal practices, as well as properly managing the legality of land titles, communities can protect their investments and ensure legal certainty over the land they own. These steps also support the creation of a transparent and accountable land administration system, in accordance with the principles set out in the Agrarian Law, so as to reduce land disputes and protect community ownership rights.

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P/V You have used the passive voice in this sentence. You may want to revise it using the active voice.



Sp. This word is misspelled. Use a dictionary or spellchecker when you proofread your work.



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Article Error You may need to remove this article.



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S/V This subject and verb may not agree. Proofread the sentence to make sure the subject agrees with the verb.



Article Error You may need to remove this article.



Article Error You may need to remove this article.



Article Error You may need to use an article before this word.



P/V You have used the passive voice in this sentence. You may want to revise it using the active voice.



Run-on This sentence may be a run-on sentence.



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Prep. You may be using the wrong preposition.



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Confused You have used either an imprecise word or an incorrect word.



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Wrong Article You may have used the wrong article or pronoun. Proofread the sentence to make sure that the article or pronoun agrees with the word it describes.



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Missing ", " Review the rules for using punctuation marks.



S/V This subject and verb may not agree. Proofread the sentence to make sure the subject agrees with the verb.



Article Error You may need to use an article before this word. Consider using the article **the**.



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P/V You have used the passive voice in this sentence. You may want to revise it using the active voice.



Prep. You may be using the wrong preposition.



Article Error You may need to remove this article.



Wrong Form You may have used the wrong form of this word.



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PAGE 6



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Wrong Article You may have used the wrong article or pronoun. Proofread the sentence to make sure that the article or pronoun agrees with the word it describes.



Missing ", " Review the rules for using punctuation marks.



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PAGE 7



Wrong Form You may have used the wrong form of this word.

PAGE 8
