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The Role of the National Land Agency of Banten Provoince in Erradiating Land Mafiah (Case Study of Banten Provincial BPN Regional Office)

Muhammad Nasir¹.

¹Painan College of Law, Indonesia, email: muhammadnasir16041966@gmail.com.

Corresponding Author: muhammadnasir16041966@gmail.com¹

Abstract: Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) provides a clear legal framework regarding land ownership, including registration and certification procedures. This UUPA is expected to protect the rights of land owners from land mafia practices. However, in practice, the implementation of the UUPA has not been optimal and there are still legal loopholes that are exploited by land mafia actors. Land mafia is a land crime committed by a group of people to illegally control land belonging to other people. Land mafia perpetrators use methods that violate the law in a planned, neat and systematic manner. To take action against land mafia perpetrators, several criminal offenses can be used, including: Article 167 of the Criminal Code concerning unlawful entry into a house or yard Article 263 of the Criminal Code concerning making a fake document which can give rise to a right to land is an operandi of the Land Mafia and social inequality that can be seen from around us, especially in rural areas, where there are many land owners and land owners. capital is very inversely proportional. That is the aim of the UUPA to prevent the monopoly of capital owners on land owners.

Keyword: The Role of the Banten Province National Land Agency in Eradicating Land Mafia..

INTRODUCTION

The land mafia is a structured and systematic group, it is said to be structured because it involves various actors consisting of sponsors, a vanguard consisting of residents and thugs, and professional groups, then it is also said to be systematic because it uses methods with a hard-illegal or soft-scientific pattern. as if it were legal. Tackling the land mafia must be oriented towards the factors that give rise to land conflicts/disputes, namely high competition between notaries/PPATs, weakening of law enforcement professionals, not yet systematized administration of land rights, not yet a single proof of land rights, neglect of certificate owners, and inadequate supervision. against land neglect, and the lack of integrated land administration. As for the Land Mafia's modus operandi to control strategic land, especially national strategic project land, it is carried out through engineering disputes in court without involving the original owner as a party, recognition based on eigendom verponding which is

no longer valid, Build Operate Transfer (BOT) which is extended prematurely so that control is become very long, PBB payments on state assets, overlapping issuance of land documents given to more than one party, occupation of land belonging to the Regional Government/BUMN, replacement of lost certificates. Land Mafia can be prevented by simplifying the land registration system, hastening the issuance of land certificates controlled by government agencies, activating the Land Mafia Task Force, immediately completing land registration for the community through the National Agrarian Project (Prona), taking action against the land mafia.

There are several things that must be done to eradicate the land mafia, starting from land administration that has not been integrated; evidence of land rights is not yet single; the owner's indifferent attitude towards the certificate; the policy of granting land rights is liberal and supervision is weak; the end or elimination of land rights has not been systematic; high level of competition between notaries/PPAT; and weak professionalism of law enforcement, because regulations are not yet clear and firm regarding the eradication of the land mafia and the Government must continue to pay special attention to various land cases related to the land mafia. In fact, President Jokowi has emphasized that the government is committed to eradicating the land mafia and has ordered law enforcement officials to act decisively, because the victims of this land mafia are small people who do not have legal certainty regarding the land on which their lives depend. "It's the same with entrepreneurs who don't have legal certainty over their business land," said the President during the handover of land redistribution certificates for agrarian reform objects at the Presidential Palace some time ago.

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Customary land, requires proof other than certificates, such as physical land control for decades. Third, there is no good systematization when land rights expire, for example HGU for business entities. "Nurhasan sees that there should be a time lag when land rights expire and it becomes state land. There must be technical guidelines that emphasize that when land rights end or land rights are abolished, then the status is declared as state land, "Fourth, the land mafia can take advantage of the high level of competition between notaries/PPATs. Nurhasan noted that there were notaries who were no longer active, but their names were still used. Fifth, the policy of granting land rights is liberal or unlimited and supervision is weak. This policy opens up space to provide extensive land rights. "The granting of rights should be carried out in stages to reduce the potential for abandoned land," he suggested. Sixth, it is necessary to educate land rights owners to protect evidence of their land so that it is not misused by other parties. Seventh, weak professionalism of law enforcement officials and supervision by related institutions There are so many cases of land mafia and there are still many that have not been resolved properly, so that they can give rise to land disputes and/or social conflicts in the land sector, it is necessary to thoroughly research the arrangements for eradicating land mafia in

positive law in Indonesia and legal efforts. in completing the eradication of the land mafia in Indonesia. In general, especially in Banten Province.

METHOD

Approach Method The approach method applied in this research is empirical juridical, namely research where what is studied is secondary data which is then followed by research on primary data in the field which adheres strictly to juridical aspects. This research approach method includes juridical, namely by reviewing and analyzing secondary data as the main source in this research which is supported by field research using a juridical empirical approach to problems that are yiridis. Specifications of this research are descriptive, namely research that provides a systematic overview of the object under study. According to descriptive research, this is intended to provide data that is as accurate as possible about people, conditions, or other symptoms. The aim is primarily to reinforce hypotheses, so that they can help strengthen old theories or within the framework of new theories.

This research was located at the Banten Province Regional Office for Land and Financial Management, the District Land Office. Tangerang and the Village Head's office. This location was determined purposively based on considerations, namely, because the location was chosen by a Government Institution which has the function of implementing policies in the Land sector, especially regarding the determination of land rights, registration of land rights, which raises many Land Law issues. in the field. The data sources are presented from data sources which include primary data and secondary data. The explanation is as follows: Primary data is the source of data or information which is data obtained directly from the first source based on field research. Primary data in this research was obtained through information and information from the BPn Regional Office of Banten Province and District. District Land. Tangerang and Village/Kelurahan Heads and . Secondary data is data originating from library materials, including written documents, those originating from statutory regulations (Indonesian positive law), literature books, official documents, archives and publications from related bodies. Documents sourced from data, both issued by the government and by institutions related to the problem focus.

The Data Collection Methods The data obtained in this research will be collected through:. Literature Study How to obtain data by studying reference books or scientific books, supporting documents and regulations related to the main problem. Field Research

- 1. Observation (Observation) is a way to obtain data by directly observing the research object, namely the agency related to the problem being studied.
- 2. Interview (Interview) Is an activity where someone with a specific aim carries out a conversation or face to face to obtain various information or answers that will be used in a research.

When analyzing data in research, the goal is to narrow and limit the data in the hope that it becomes well-structured data and systematic.

RESULTS AND DISCUSSION

The Role of the Banten Province BPN in Eradicating the Land Mafia

The role of the Head of the Regional Office of the Banten Province National Land and Spatial Planning Agency in eradicating the Land Mafia and social inequality can be seen around us, especially in rural areas, where the number of land owners and capital owners is very inversely proportional. That is the aim of the UUPA to prevent the monopoly of capital owners on land owners. For example, farmers, their land ownership is still very low, leaving them on the edge of unemployment and poverty. Unemployment and poverty can only be overcome if the government is serious about implementing agrarian reform, meaning that agrarian reform is the will and seriousness of the state to guarantee land ownership for the peasants and the poor.

Agrarian reform is an effective tool or way to achieve successful development because access to land is very important for socio-economic development, poverty alleviation and sustainable environmental sustainability. Land is not only a factor of production, but also a factor of wealth, prestige and power or authority. One of the obstacles in implementing the Agrarian Reform that has been planned since the Reformation was carried out in May 1998 is the result of the many conflicts and land disputes that have not yet been resolved. Therefore, the government must be present in drafting regulations and related groups among permanent bodies that can prevent or at least minimize land conflicts and disputes, so that the scope of land speculators and mafia can be minimized.

Several programs were created by the Banten Province BPN Regional Office in the context of Agrarian Reform by issuing agrarian reform regulations. In taking action against land crimes in the context of preventing and resolving conflicts, especially in law enforcement, the government should be proactive and not reactive, and the government seems to ignore issues related to land. The idea of forming a task force to eradicate the land mafia is an endeavor worth pursuing. However, it must be sustainable, not just temporary. Apart from the state office, the prosecutor's office and the police, state law lecturers must also be part of the team. At the same time, enthusiasm for creating special land jurisdictions is very necessary because land issues currently and in the future are increasingly complex, broad in scope and have cross-sectoral implications. Apart from that, even though there are several laws and regulations in force, government intervention is still not effective in protecting land owners from land mafia crimes.

To effectively eradicate crimes related to land. However, it is not only law enforcers who are instructed to eradicate the land mafia, but the role of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has also taken part in forming the Anti-Land Mafia Task Force (Satgas) since 2017. Apart from Meanwhile, the government has also issued Technical Guidelines for Eradicating the Land Mafia, which are expected to guide initiatives and efforts to prevent and eradicate the land mafia in Indonesia. The government's breakthrough in implementing the Complete Systematic Land Registration (PTSL) program is an effort by the government, especially the Ministry of Agrarian Affairs and Spatial Planning, to accelerate agrarian reform, with the main aim of implementing massive legal certainty and land legalization which is useful for.

Based on the results of interviews with researchers with Civil Servants at the BPN Regional Office of Banten Province on July 11 2023, An.Wahyu Nurullah Asma found that the Land Mafia is a land crime involving a group of people who work together to illegally own or control land belonging to other people. /violates the law so that land mafia is currently not a land crime, in an interview with An. Wahyu Nurullah Asma stated that the role of the Banten Province BPN Regional Office in eradicating land mafia has quite a significant role, where the Banten Province BPN Regional Office is a facilitator between the Regional Police and the Banten Prosecutor's Office in forming a Tem to eradicate land looting in Banten Province. Seeing how rampant land mafia is in Banten Province, according to Wahyu, it is very important to eradicate it because the Baten Province BPN is a vertical institution that deals with land, so in eradicating it it uses the data presentation required by law enforcement officials, namely the Prosecutor's Office and the Regional Police. Apart from that, the Banten Province BPN also really hopes for support from the community and to provide accurate information about the existence of land mafia around the people of Banten Province.

Based on data from the Banten Province BPN Regional Office, the number of land mafia cases in the last 3 years:

No	Year	Number of Cases	Note
1	2020	2	Up to the Trial Court stage
2	2021	2	Trial Stage
3	2022	2	Stages in Investigation
4	2023	5	Investigation stage
	Number of Cases	11	-

The data at the Regional Office of BPN Prov Banten in June 2023

Factors leading to high land mafia in Banten Province and its Eradication Efforts. Based on the results of research interviews at the Regional Office of BPN Prov. Banten Head of Supervision and Issues Division Mr. Sudaryanto on July 12, 2023 disclosed that to address this issue therefore several things are required:

1. Vulnerable Land Administration Systems:

One of the main causes of the rampant land mafia in Indonesia is the vulnerability of the land administration system. Complicated and often non-transparent processes can create loopholes for illegal practices, such as forging documents and forging land certificates.

2. Inequality of Access to Information:

Many areas in Indonesia that have not been well monitored make access to land information uneven. This can be exploited by the land mafia to engage in illegal practices without the knowledge of the rightful owner or the authorities.

3. Rapid Urban Growth:

Rapid urban growth often leads to uncontrolled land use changes. Land originally earmarked for agriculture or green space is often diverted without permission, opening up opportunities for land mafias to interfere with the land acquisition process.

4. Lack of Effective Law Enforcement:

Law enforcement that is less effective and often vulnerable to corruption opens up opportunities for land mafias to operate unimpeded. The weak presence of the authorities can be an attraction for the perpetrators of land crimes.

5. Local Interest and Power Struggles:

Interest and power tussles at the local level often complicate the settlement process of land mafia cases. The ambiguity of authority boundaries and conflicts of interest between parties can slow down enforcement efforts.

6. Social and Economic Disparities:

Social and economic disparity can also be a driving force for engaging in illegal land-related practices. Some individuals may feel urged to seek profit or land ownership rights by illegitimate means.

7. Poor Awareness and Education.

Lack of awareness and education regarding land tenure rights can make communities easy targets for the practices of land mafias. Raising public awareness of their land-related rights and obligations could be an initial step to addressing this issue.

For this reason, the Banten Province BPN Regional Office has made efforts to eradicate land mafia and narrow the room for movement, so the BPN has taken several steps that are rarely taken, namely as follows: First, take firm action against land mafia perpetrators. Criminal sanctions need to be imposed on perpetrators who are proven to have committed criminal acts of forgery, fraud, embezzlement, bribery, gratification, money laundering, and other criminal acts as regulated in the provisions of laws and regulations. The imposition of criminal sanctions is intended to provide a prison effect on violators so that they do not repeat their actions, in addition to protecting the rights of the community to legal ownership of their land. In addition to criminal sanctions, administrative sanctions such as dismissal must also be imposed on personnel who are proven to be involved in land mafia. In relation to this, the Ministry of

ATR/BPN has indeed increased cooperation/coordination between apparatus in overcoming and eradicating land mafia. As revealed, crimes committed by land mafia are carried out in a planned, neat, and systematic manner. Therefore, good expertise and coordination between authorities is needed to uncover land mafia crimes. For this purpose, a Land Mafia Prevention and Eradication Team (Team PPMT) has been formed which consists of the Ministry of ATR/BPN, the National Police and the Indonesian Prosecutor's Office. The rationale for forming the PPMT Team was to facilitate coordination and increase the success of handling cases that indicated there was a land mafia. In this coordination, efforts are made to harmonize several activities through equalizing perceptions, completing and matching data and case resolution methods in order to achieve common goals. Considering the increasing number of land mafia cases, the cooperation and duties of the PPMT Team in preventing and eradicating land mafia need to continue so that various land cases which are indicated by land mafia can be resolved significantly and provide sanctions to all BPN employees who are involved in and collaborate. with the Civil Service and the Prosecutor's Office to form a TEAM to eradicate the land mafia in Indonesia, especially Banten Province Apart from that, the BPN of Banten Province, in order to reduce/reduce the land mafia, carried out mass land certification through the PTSL program so that the targets that had been set were achieved. The public is also expected to actively check their land certificates through the "Touch My Land" application so that illegal transfers of land rights can be anticipated. Public caution is also needed to avoid the land mafia. People should take care of their land certificates themselves and not authorize them to other people to avoid fraud. Land certificates should also not be lent or entrusted to other people so that they are not misused or changed to someone else's name. Through various efforts to eradicate the land mafia, it is hoped that land mafia cases which are currently still rampant will not happen again.

Apart from that, the Banten Provincial BPN Regional Office also carried out and increased the integrity and professionalism of the apparatus. Integrity is related to the officers' clean and honest morals, while professionalism is related to the officers' ability or expertise in carrying out their duties. This effort needs to be made because the land mafia often involves the authorities in committing crimes.

Based on the results of the researcher's interview with Civil Servants at the BPN Regional Office, Banten Province, Rani Nurhayati SE, ME Date. July 15 2023 revealed that crimes involving the organization group regarding land madfiah in Banten Province were quite reorganized and had a strong and extensive network involving officials ranging from PPAT, law enforcement, the courts, to the Ministry of BPn Employees itself. Therefore, especially in Kwanwil BPN Banten Province In order to realize the integrity and professionalism of the apparatus, it is important to carry out bureaucratic reform in order to realize good corporate governance (GCG) by adhering to the principles of GCG, especially openness (transparency) and responsibility (accountability). The welfare of officers also needs to be considered so that their lives are guaranteed and they are not tempted to commit crimes. To support this effort, monitoring and supervision of officers needs to be carried out so that they remain in the correct corridor.

Apart from the above, one of the purposes of land registration is actually to carry out the objectives as outlined in Article 3 of Government Regulation Number 24 of 1997, namely:

- a. Efforts to create legal certainty and legal protection for holders of rights to plots of land, apartment units and other rights that have been stored so that they can more easily prove themselves as owners of the rights in question;
- b. Efforts to provide information to interested parties, including the Government, to make it easier to obtain the data needed to carry out legal actions against registered land plots and apartment units;

c. Efforts to implement orderly land administration. It is hoped that these objectives can narrow down and make it more difficult for land mafia crimes and other crimes that could threaten the existence of legal land ownership and land holders. Therefore, if a conflict occurs regarding land, the court must be able to determine, assess and decide who has legal rights to the land in the land, accompanied by evidence and testimony by witnesses. As a result of this process, the court will decide who has the legal right to ownership of the disputed land, then the court's decision regarding all land conflict decisions has permanent legal force, so that the party whose decision is won must submit an application to the head of the BPN/land office and The defeated party will have their certificate cancelled.

CONCLUSION

The role of the National Land Agency (BPN) as a non-ministerial government institution in Indonesia has a role in eradicating the land mafia, including: Carrying out government duties in the land sector in accordance with the provisions of laws and regulations Coordinating with other agencies in handling land cases that indicate mafia involvement land Conduct research, collection, study and analysis of data on land cases that indicate the involvement of the land mafia. Hand over the results of handling land cases that indicate the involvement of the land mafia to the police

Several efforts to eradicate the land mafia include taking firm action against the perpetrators, increasing the integrity and professionalism of the authorities, increasing coordination between the authorities in preventing and eradicating the land mafia, holding land certification, and increasing the community's participation/activity in taking action against mafia perpetrators. land must be dealt with firmly. Increasing the integrity and professionalism of law enforcement officers must have high integrity and professionalism. Improving coordination between officials Law enforcement officials must coordinate well to prevent and eradicate the land mafia. Land certification Land certification can help people prove their rights to the land they own. Increasing community participation

Communities must be active in protecting their land. Policy socialization The government must socialize land-related policies and regulations to the public. Establish an Anti-Land Mafia Task Force. The Anti-Land Mafia Task Force can carry out research, collection, study and analysis of land cases suspected of involving the land mafia. Discussing the Land Bill DPR RI needs to support the government in discussing the Land Bill to strengthen the Law on Basic Agrarian Regulations.

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