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## Criminal Liability in the Crime of Corruption in Land Acquisition for Campus Development of Imam Bonjol Padang State Islamic University

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**Abstract:** Land acquisition plays an important role in development and requires the involvement of a notary to ensure the legality of the transaction. However, in practice, notaries can be involved in corruption crimes, such as falsifying documents and inflating prices. This study analyzes the criminal liability of notaries in the case of corruption in land acquisition of UIN Imam Bonjol Padang Campus with a normative juridical approach and case studies. The results of the study show that notaries who abuse their authority can be subject to criminal sanctions. Therefore, strict supervision and stricter regulations are needed to prevent corruption in land procurement and maintain the integrity of the notary profession.

**Keyword:** Criminal Liability, Corruption, Notary, Land Acquisition.

### INTRODUCTION

Corruption is a form of extraordinary crime that has a wide impact on various aspects of the life of society and the state. This crime not only harms the state's finances but also weakens the legal system, damages public trust in the government, and hinders national development (Rahardjo, 2018: 45). In the context of criminal law, corruption crimes have been regulated in Law Number 31 of 1999 jo. Law Number 20 of 2001, which emphasizes that corruption is a serious threat that requires strict action through a strong criminal justice system (Soemitro, 2021: 88).

One of the sectors that is vulnerable to corruption is land procurement. Land acquisition for the public interest often involves various parties, including the government, the community, and public officials, including notaries. Notaries have an important role in the land acquisition process, especially in the preparation of authentic deeds that are legal evidence for the release of land rights. The existence of a valid and procedural authentic deed is the main key in ensuring legal certainty in land acquisition transactions (Subekti, 2019: 120).

However, in practice, there is often an abuse of authority by notaries in land acquisition transactions. Some cases show that notaries may be involved in acts of document manipulation, forgery of deeds, or cooperation with certain parties to inflate the price of land purchased by

the government. These deviations often aim to gain personal gain or benefit certain parties illegally (Santoso, 2020: 75).

The corruption case of land acquisition at the Imam Bonjol Padang State Islamic University (UIN) Campus is one of the real examples where notaries are allegedly involved in acts of abuse of authority. In this case, there were indications that the price of land purchased by the government was inflated in price that was not in accordance with the market value, as well as falsification of documents in the process of releasing land rights (Putra, 2021: 98). This emphasizes that the role of notaries in land acquisition must receive stricter supervision to prevent legal irregularities.

According to the theory of criminal liability, an official who has authority in a legal transaction can be held accountable if it is proven that he abused his authority for personal interests or harmed other parties. In this context, notaries involved in corruption crimes can be sentenced to criminal sanctions as stipulated in Articles 55 and 56 of the Criminal Code concerning participation in criminal acts (Marzuki, 2022: 132).

The importance of legal certainty in land acquisition transactions is also emphasized in Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest. This regulation stipulates that any release of land rights must be carried out transparently and based on a price that is in accordance with the market value. In addition, the administrative process must be in accordance with legal provisions so as not to cause disputes in the future (Sutrisno, 2017: 45).

In practice, there are several modes carried out by notaries in land acquisition corruption cases. The first mode is document forgery, where the notary deliberately changes the content of the deed to suit the interests of certain parties. The second mode is abuse of authority by facilitating legally illegal transactions. Meanwhile, the third mode is to cooperate with the land mafia to regulate fictitious transactions that are detrimental to the state (Hakim, 2020: 67).

This phenomenon shows that although notaries have a strategic role in ensuring legal certainty, in some cases, they are actually part of a corrupt system. Therefore, strengthening supervision of notary performance is an important step to ensure that notary practices continue to run in accordance with applicable laws (Yunus, 2018: 92).

In addition, in several court decisions related to land acquisition corruption cases, it can be seen that the involvement of notaries in this criminal act can result in the revocation of their practice licenses. This aims to provide a deterrent effect and ensure that the notary profession still has high integrity in carrying out its duties (Ramli, 2019: 103).

Law enforcement against notaries involved in corruption cases is also a challenge in itself. Some cases show that the evidentiary process in trial often encounters obstacles, especially in terms of proving malicious intent (*mens rea*) from the notary concerned. Therefore, a more effective evidentiary mechanism and cooperation between various parties, including the Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Police are needed in handling cases like this (Nugroho, 2021: 110).

Given the high potential for abuse of authority in land acquisition transactions, revisions to regulations governing the role of notaries in this process are needed. One of the steps that can be taken is to tighten the supervision mechanism for notaries and increase administrative sanctions for those proven to violate the professional code of ethics (Sari, 2023: 88).

In the long term, increasing legal literacy for notaries and officials related to land acquisition is also an effort that needs to be made. With a better understanding of the applicable regulations, it is hoped that notaries can carry out their duties more professionally and responsibly (Wibowo, 2018: 56).

Based on this background, this study aims to analyze the criminal liability of notaries in land acquisition corruption crimes and identify applicable legal implications. It is hoped that the results of this study can contribute to efforts to prevent and enforce the law against corruption in the land acquisition sector.

## METHOD

This study uses a normative juridical method with a case study approach. The normative juridical method, according to Soerjono Soekanto (2010), is legal research conducted by examining literature or secondary data as a basis for researching regulations and literature related to the problem being studied. (Julaiddin, & Prayitno, R. (2020)) The case study approach in normative research aims to study the application of legal norms or rules carried out in legal practice. (Fajar, M., & Achmad, Y. (2010)).

The data sources in this study consist of secondary data and primary data. Secondary data includes relevant laws and regulations, legal journals, and court decisions related to corruption cases in land acquisition involving notaries. Primary data was obtained through interviews with legal experts and notaries who have experience or knowledge related to the research topic.

The data collection technique was carried out through literature studies for secondary data and in-depth interviews for primary data. Literature studies involve searching relevant legal literature, laws and regulations, and court decisions. In-depth interviews were conducted with legal experts and notaries to gain practical and theoretical perspectives on the role of notaries in land acquisition and their potential involvement in corruption crimes.

## RESULTS AND DISCUSSION

### **The Process of Relinquishing Land Rights in the Procurement of UIN Padang Campus Land**

Land acquisition is an important process in infrastructure development, including the construction of educational facilities such as campuses. In the context of land acquisition for the public interest, there are legal procedures that must be followed to ensure that the rights of land owners are protected and to avoid potential abuse of authority. The land procurement for the construction of the Imam Bonjol Padang State Islamic University (UIN) Campus follows the regulations that have been stipulated in the applicable laws and regulations in Indonesia.

In general, the stages of land acquisition include four main phases, namely planning, preparation, implementation, and submission of results. The planning stage involves the preparation of a land requirement document that includes the area, location, land status, and allocation plan. At this stage, agencies that need land must ensure that the procurement plan is in accordance with the regional spatial plan and regional development policy.

The preparation stage is carried out by notifying the community of the development plan and identifying the land plot to be used. This process includes data collection of land owners, land legal status, and land measurement. Notaries have a role in checking the validity of land ownership to ensure that the land to be released is not in dispute or has other rights that can hinder the procurement process.

In the implementation stage, an assessment of the land to be released is carried out, which includes aspects of land prices based on market value and compensation that must be given to the landowner. This process is carried out through deliberation between the government and land owners. If an agreement is reached, compensation payments and land rights will be released. The notary in this stage plays a role in making the deed of release of land rights as a legal document that is valid and legally binding for all parties.

The last stage is the submission of results, where the land that has been freed is handed over to the authorized agencies, in this case the government or the university, for development purposes. The notary ensures that the entire process has been carried out in accordance with legal procedures to avoid potential disputes in the future.

However, in practice, land acquisition often faces various challenges, including indications of corruption. One of the cases that is of concern in the land procurement of UIN Imam Bonjol Padang Campus is a corruption case recorded in Case Number

27/Pid.Sus/TPK/2016/PN-Pdg. This case emerged because of alleged irregularities in the land acquisition process that resulted in state losses.

In this case, it was found that there was manipulation of land prices that caused the value of compensation paid by the government to be much higher than the actual market value. One of the *modus operandi* in this case is cooperation between relevant officials and certain parties in the land acquisition process to inflate land prices. The notary involved in this case is suspected of knowing about the irregularities but still processing the land rights release documents without ensuring the suitability of the price with the prevailing market value.

The role of a notary in this case has become a legal debate, considering that notaries have an obligation to act objectively and professionally in carrying out their duties. The notary who is allegedly involved in this case is considered negligent in carrying out his function as a guardian of legal certainty, thus allowing corruption to occur in the land acquisition process.

From the analysis of the case, it was found that the abuse of authority in land acquisition did not only involve one party, but there was collusion between several parties, including government officials, land owners, and private parties who have interests in campus development projects. This shows that corruption cases in land acquisition are often systematic and involve a wide network.

Based on the court decision, the parties who are proven guilty are sentenced to criminal penalties in accordance with the applicable legal provisions. The notaries involved in this case also face the threat of administrative and ethical sanctions, including revocation of practice licenses if proven to have violated the notary profession's code of ethics.

This case provides important lessons about the need for stricter supervision in every stage of land acquisition, especially in the aspects of determining land prices and transparency in transactions. One of the recommendations that can be implemented is to increase the role of supervisory agencies to ensure that the entire land acquisition process is carried out in accordance with the principles of justice and legal compliance.

In the context of prevention, it is important for notaries to be more proactive in researching the validity of documents and ensuring that the land transaction process is carried out transparently and without pressure from other parties. Notaries must also ensure that any transactions they authorize do not conflict with applicable law and do not have the potential to harm the public interest.

With stricter regulations and better supervision, it is hoped that irregularities in land acquisition practices can be minimized. The case of land acquisition for the UIN Padang Campus is one example of how weak supervision can open a gap for corrupt practices that are detrimental to the state and the wider community.

Therefore, there needs to be a reform in the land acquisition mechanism so that it can run more transparently and accountably. One of the solutions that can be applied is the digitization of the land administration process to increase information disclosure and facilitate monitoring by authorities.

In the long term, strengthening integrity in the notary profession is also an aspect that must be considered. Notaries as public officials have a great responsibility in maintaining legal certainty and must be at the forefront of ensuring that every land transaction is carried out fairly and transparently.

Overall, the process of relinquishing land rights in the land acquisition of UIN Padang Campus provides an overview of the importance of compliance with laws and ethics in notary practice. Without strict supervision, potential irregularities in the land acquisition process remain a real threat to national development.

### **Legal Implications for Notary Positions Involved in Land Acquisition Corruption**

Notaries have an important role in land transactions, especially in ensuring the legality and validity of every agreement made by the parties. As a public official who has the authority

to make authentic deeds, notaries are responsible for ensuring legal certainty in every transaction. However, in practice, there are various forms of abuse of authority carried out by notaries, especially in the land acquisition process which often involves large funds and the interests of many parties.

One form of abuse of authority that often occurs is falsification of documents in land acquisition transactions. In some cases, notaries have been proven to work with other parties to change the content of land deed documents to suit the interests of certain parties. This forgery can be in the form of changes in land area, transfer of rights without the consent of the legal owner, to manipulation of land ownership documents aimed at benefiting certain parties.

In addition to falsifying documents, inflating land values is also a form of irregularities that often occur. In the process of land acquisition for the public interest, the price of land should be determined based on the results of an objective assessment. However, there are cases where notaries work with officials or private parties to set land prices far above market prices for personal gain. This practice is not only detrimental to the state but also damages public trust in the notary profession.

Another form of abuse committed by notaries is the creation of deeds under pressure or with misleading information. Some cases show that notaries receive orders or pressure from certain parties to certify documents that are not actually legally eligible. This causes the deed made to be invalid and has the potential to cause legal disputes in the future.

In the Indonesian legal system, notaries who are proven to be involved in corruption crimes can be subject to various sanctions, both criminal, civil, and administrative. Criminal sanctions are imposed based on the Criminal Code (KUHP) and the Law on the Eradication of Corruption. Article 55 of the Criminal Code states that every person who participates in a criminal act can be sentenced to the same sentence as the main perpetrator. In the context of land acquisition corruption, notaries who are proven to play a role in facilitating unlawful actions can be sentenced to criminal penalties in accordance with applicable regulations.

In addition to criminal sanctions, notaries can also be subject to civil sanctions if their actions cause losses to other parties. The aggrieved party can file a civil lawsuit to seek compensation for the notary's actions that are not in accordance with the law. This civil lawsuit can be filed either by an individual or by the state if it is proven that the notary action has caused financial losses to the state.

From an administrative point of view, notaries who violate their professional code of ethics can be subject to sanctions in the form of revocation of practice licenses. Based on the Notary Position Law (UUJN), notary professional organizations have the authority to give warnings, administrative sanctions, and revocation of permits to notaries who are proven to violate the law or professional ethics. This step aims to maintain the credibility of the notary profession and prevent practices that are detrimental to the community.

The legal implications for notaries involved in corruption can also be seen from several related court decisions. One of the cases that is of concern is Case Number 27/Pid.Sus/TPK/2016/PN-Pdg related to the corruption case of land acquisition for the UIN Imam Bonjol Padang Campus. In this case, it was found that the notary participated in the process of releasing land rights that was not in accordance with legal procedures, including alleged price manipulation and falsification of documents.

The court decision in the case states that the notary involved can be subject to criminal penalties in accordance with the provisions of the Law on the Eradication of Corruption. In addition to criminal penalties in the form of imprisonment and fines, notaries are also subject to administrative sanctions in the form of revocation of practice licenses for several years. This shows that the involvement of notaries in corruption crimes not only has an impact on criminal penalties but can also end their careers as notaries.

The impact of the court's decision on notaries in this case also reflects the importance of enforcing the code of ethics and professionalism in the notary profession. Notaries should act



independently and impartially, and ensure that every deed made truly reflects the actual state of the law. However, if notaries are involved in unlawful practices, severe legal consequences must be applied to provide a deterrent effect and maintain the integrity of the profession.

This case also highlights the need to strengthen the supervision system for the notary profession. Currently, supervision of notaries is carried out by the Notary Supervisory Council at the regional and central levels. However, in many cases, this supervision has not been carried out optimally, so there are still many loopholes that allow for irregularities. Therefore, improvements are needed in the supervision system, including the implementation of a periodic audit system for deeds made by notaries.

In addition, in order to prevent the involvement of notaries in land acquisition corruption cases, community participation in the supervision of land transactions is also very necessary. People who know of indications of irregularities in land transactions can report to the authorities so that they can be followed up immediately. Transparency in the land acquisition process must continue to be improved so that corrupt practices can be minimized.

From the various legal implications that have been described, it is clear that notaries have a very important role in land transactions and must maintain their independence so as not to engage in unlawful practices. Firmness in law enforcement against notaries who are proven to have committed irregularities is a step that must continue to be put forward in order to maintain the credibility of the legal system in Indonesia.

Thus, it is important for the government and notary professional organizations to continue to raise awareness of the importance of ethics and professionalism in carrying out their duties as notaries. Strict law enforcement and a stricter system of supervision will help prevent the involvement of notaries in future land acquisition corruption cases.

## CONCLUSION

Based on the research that has been conducted, it can be concluded that notaries have a very important role in land acquisition transactions, especially in ensuring legality and legal certainty for the parties involved. The notary is authorized to make an authentic deed that becomes an official document in a land transaction. However, in practice, notaries also have the potential to abuse their authority, especially if there is pressure or interest from certain parties in the land acquisition process.

The corruption case of land acquisition at the UIN Imam Bonjol Padang Campus is one of the real examples where there are indications of abuse of authority in the process of releasing land rights. The alleged involvement of the notary in this case shows that there is a gap in the system of supervision and implementation of land acquisition transactions. Abuse of this authority can be in the form of price manipulation, falsification of documents, and involvement in practices that are contrary to the principles of transparency and accountability.

From a legal perspective, the involvement of notaries in corruption crimes not only has an impact on criminal aspects, but can also have implications for civil and administrative sanctions. Therefore, it is important for the legal system to pay more attention to overseeing the role of notaries in each stage of land acquisition. Strengthening regulations and supervision is the main key in preventing the involvement of notaries in corrupt practices that can harm the state and society.

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