

THE ISSUE OF LAND CRIMINAL OFFENSES

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ABSTRACT

Criminal provisions in land law/UUPA have not been regulated explicitly, on the other hand, the land authority does not have the authority to enforce the law for people or legal entities that do not use land according to their obligations. Based on this, this research aims to examine the criminal provisions in Article 52 of the UUPA which regulates the obligation to maintain land for individuals or legal entities. The research method used is normative legal research. The findings of this study are that the implementation of Article 52 of the UUPA is not applied and generally administrative sanctions are used such as revoking or canceling land rights, but the revocation or cancellation of land rights has the consequence of filing a lawsuit in court by the right holder, the provisions for sanctions for violating confinement or fines are not applied. The lack of firm regulation and enforcement of the law has resulted in the concentration of land tenure for both investment and personal interests increasing, resulting in the non-fulfillment of a sense of justice, welfare, and productive and efficient use of land, and unmaintained soil fertility resulting in land damage.

Keywords: *Criminal sanctions, land crime, maintaining land, abandoned land*

A. BACKGROUND

The land is a creation of the almighty God to be utilized and used by humans on earth to fulfill their needs in life, as land provides a place or a means for humans to interact, both with fellow humans, with inanimate objects, or with other living things. The occurrence of these interactions indicates that land is needed by humans, inanimate objects, and other living things, but the amount of land area is very limited so land is included in the category of limited natural resources, this limitation is due to the limitations given by nature itself because of the existence of seas, rivers, and space as well as control and/or ownership of land.

The limited availability of land makes it must be managed and used professionally as needed because if not, there will be a lot of damage to the soil surface which in the end eliminates soil fertility and soil carrying capacity in land use for the community in general. On the other hand, the nature of the land that does not increase in size causes pressure on the land to get heavier, the population continues to grow, the need for land for housing, infrastructure and industry, and so on.¹ Soil is one of the components of an ecosystem that is very strategic for the survival of mankind.² Land problems are complex problems causing many cases of disputes, conflicts, and land cases seem to never subside, increasing day by day both in terms of quantity and quality.³ On the other hand, development requires a large amount of land, which is directly proportional to the rate of population growth, so that there is a mutually attractive position of interest to meet the need for a limited amount of land.⁴

This limited availability of land by some parties is intentionally used as business land. This limited amount of land is not proportional to the number of people who need land, meaning that the number of human births continues to

¹ Dian Aries Mujiburohman, Menyoal Penafsiran Tanah Terlantar. *Jurnal Yudisial*, Vol. 11, No. 1, 2018, hlm, 1-22.

² Darwin Ginting, Paradigma Baru Kebijakan Pembangunan Hukum Agraria Nasional, *Syiar Hukum: Jurnal Ilmu Hukum*, Vol. 9, No., 2007, 218-23. DOI: <https://doi.org/10.29313/sh.v9i3.479>

³ Wulansari, Rochmat Junarto, Dian Aries Mujiburohman. Mewujudkan Sistem Pendaftaran Tanah Publikasi Positif. *Riau Law Journal*, Vol. 5, No.1, 2018, hlm. 61-74.

⁴ Frency Siska, Eka An Aqimuddin, Hasyim Adnan, Hak Masyarakat yang Menguasai Tanah Negara Berdasarkan Hukum Positif Indonesia, *Syiar Hukum: Jurnal Ilmu Hukum*, Vol. 19, No. 2, 2021, hlm, 149-174.

increase like a geometric series so that the need for land will continue to increase along with developments. time. This creates inequality in land ownership, control, use, and utilization of land which is characterized by the fact that most people only control a small area of land, on the other hand, the condition of ownership of very large assets is not proportional to the ability to manage it, because not all land rights are granted, managed well by the right owners which resulted in a lot of land being abandoned.⁵ This limited land area is used by certain people to make the land as goods that can be traded to obtain the maximum profit because the need for land continues to increase every year for building needs for offices, housing, and social and public facilities as well as for agriculture. all make the land has a high enough value.⁶

The right of the state to control is a legal relationship between the community and state land originating from state land control.⁷ The concentration of land tenure is the main cause of land inequality. The condition of extensive land ownership is not proportional to the ability to manage it. Many lands are not used and maintained properly so the land loses its economic and social functions. On the other hand, only administrative sanctions are applied, not criminal sanctions, even though the provisions of Article 52 of Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) have regulated criminal provisions. The provisions used are related to the government regulation (PP) on Abandoned Land.

⁵ Dian Aries Mujiburohman, *Penegakan Hukum Penertiban dan Pendayagunaan Tanah Terlantar*, STPN Press. Yogyakarta, 2019, hlm. 1-2.

⁶ I Gede AB Wiranata, Wiranata, *Revitalisasi Pengaturan dalam Alih Fungsi Tanah Dalam Kegiatan Investasi*. *Pranata Hukum*, Vol. 1, No.1, 2006, hlm. 65.

⁷ Frency Siska, Eka An Aqimuddin, Hasyim Adnan. "Hak Masyarakat Yang Menguasai Tanah Negara Berdasarkan Hukum Positif Indonesia, *Syiar Hukum: Jurnal Ilmu Hukum* Vol. 19, No. 2, 2021, hlm. 149-174. Doi: <https://doi.org/10.29313/shjih.v19i2.5406>

Several studies related to land crimes include, *first*, Setiawan's research. Setiawan stated that land crimes were carried out under the *ultimum remedium* framework as a deterrent effect as well as prevention, carried out integrally with a social approach, considering that land issues were closely related to the socio-cultural community.⁸ *Second*, Marasabessy's research questions that the crime of forgery in the registration of land rights is an unlawful act, so criminal law enforcement must still be carried out if there are indications of criminal elements involving the applicant and officers at the land office so that public trust in land institutions can be maintained.⁹ *Third*, Afriani and Merita's research on the crime of land grabbing is considered an act against the law, against rights, or in violation of applicable legal regulations, so the act can be sued according to civil law or prosecuted under criminal law.¹⁰ *Fourth*, Ramadhani's research shows that land crimes are caused by one of the reasons why land rights have not been registered to realize legal certainty of land rights and minimize the possibility of crimes against the land.¹¹

This research is different from previous research because this study focuses on the provisions of Article 52 of the UUPA. The provisions of this article are criminal provisions, but in their implementation, they are not used for persons or legal entities that do not maintain and use land properly. What is more often used is administrative sanctions using PP on Abandoned Land. So this research is formulated to find out how the regulation and implementation of land criminal offenses are.

⁸ Iwan Setiawan, Analisis Tentang Ketentuan Tindak Pidana Pertanahan Dalam Kitab Undang-Undang Hukum Pidana, *Jurnal Ilmiah Galuh Justisi*, Vol. 6, No. 1, 2018, hlm. 76-90.

⁹ Fachrul Marasabessy, Tindak Pidana Pemalsuan Dalam Pendaftaran Hak Atas Tanah dan Implikasi Hukum Penerbitan Sertifikat Yang Tidak Prosedural, *Jurnal Asy-Syukriyyah*, Vol. 19, No. 1, 2018, hlm. 80-94.

¹⁰ Kinaria Afriani & Enni Merita, Sanksi Hukum Terhadap Pelaku Tindak Pidana Penyerobotan Tanah, *Jurnal Hukum Tri Pantang*, Vol. 5, No. 2, 2019, hlm. 9-18.

¹¹ Rahmat Ramadhani, Penanggulangan Kejahatan Terhadap Tanah, *EduTech: Jurnal Ilmu Pendidikan dan Ilmu Sosial*, Vol. 2, No. 2, 2016, hlm. 84-99.

B. RESEARCH METHOD

This study uses normative legal research methods using secondary data, namely laws and regulations, books, journals, and other secondary data related to the object of research. Then a descriptive analysis is presented related to the regulation and implementation of land criminal offenses in the provisions of Article 52 of the UUPA related to the obligation to maintain land for each person or legal entity.

C. RESULTS AND DISCUSSION

Regulation and Implementation of Land Crimes

The land is a limited natural resource to meet the needs of all living and non-living things so that they can enjoy it because the land has a social function and a means to achieve prosperity.¹² The need for land is increasing, while the supply of land is increasingly limited resulting in many crimes and violations of land occur, both forgery of land titles that are used for their interests and detrimental to others, also by deceiving by benefiting themselves or others by fighting rights by the way of selling, exchanging, leasing or making debts a people's right to use government or private land.¹³

In addition, violations of land use are in the form of actions that leave the land unmanaged which results in the loss of soil fertility. This can be categorized as a criminal act. The criminal crime mentioned above is in the form of a violation that does not fulfill the obligations that must be fulfilled by the subject of the right to protect the land from damage considering that land is part of the source of life that can be owned by all people who are registered as Indonesian citizens.

¹² Firman Muntaqo, Aspek-Aspek Hukum Penelantaran Tanah di Provinsi Sumatera Selatan (Studi di Kota Palembang dan Kabupaten Ogan Komering Ulu), *Jurnal Hukum*, Vol. 16, No. 3, 2006, hlm. 393-406.

¹³ Iwan Setiawan, Analisis Tentang Ketentuan Tindak Pidana Pertanahan Dalam Kitab Undang-Undang Hukum Pidana, *Jurnal Ilmiah Galuh Justisi*, Vol. 6, No. 1, 2018, hlm. 76-90. DOI: <http://dx.doi.org/10.25157/jigj.v6i1.1242>

As for what is meant as a crime and a violation can be categorized as an offense or a criminal act, it is an act that is prohibited by the rules, and sanctions are given for those who violate it. Land crimes are crimes committed in relation to land rights and obligations. Judging from the form of crime, namely, first, carried out on pre-acquisition of a land right, criminal offenses that are often committed by criminals are in the form of; falsification of documents based on land rights, such as a notarial deed, land sale and purchase certificate (seal/stamp), land certificate from the sub-district head). Second, control without rights; namely controlling land that is not their right, in other words describing the existence of an illegal legal relationship between the perpetrator and the land they control. Third, admit without rights; it is possible that physically the plot of land in question has not been controlled by the perpetrator, but by recognition, the perpetrator has acknowledged that he alone has the right to the land to allow the party who controls the plot of land to suffer losses based on the confession of the perpetrator.¹⁴

The UUPA has emphasized that actions that can be subject to criminal sanctions on land include: first, "ownership and control of land that exceeds the limit are not allowed" (Article 7). This prohibition is justified because it is feared that it will not be exploited or utilized by the right holder, on the other hand, small communities/farmers have limited land and do not even own land and hindering the state from implementing agrarian reform, namely "Agricultural land must be cultivated or actively cultivated by the owner himself". Second, "Every person and legal entity that has a right to agricultural land is in principle required to work or actively cultivate it themselves" (Article 10). However, the provisions of this article are dispensation for Civil Servants, because of tasks or something else, a lease agreement, profit sharing, and so on, and if they have retired must actively work on their own.

Third, "Maintaining the land, including increasing its fertility and preventing its damage is the obligation of every person, legal entity or agency that has a legal relationship with the land, taking into account the economically weak party"

¹⁴ Rahmat Ramadhani, Op Cit.

(Article 15). The provisions of this article are related to Article 6 which explains "whatever land rights that exist in a person cannot be justified, that the land will be used (not used) solely for personal interests, especially if it causes harm to the community. The use of land must be adapted to its conditions and the nature of its rights so that it is beneficial both for the welfare and happiness of those who own it and also for the community and the state. The legal consequences of not using the land in accordance with the circumstances and nature of the rights, so that it does not provide benefits and happiness for the community and the state. If viewed from the perspective of the National Land Law, it is categorized as abandoned land.¹⁵

The provisions in Article 7, Article 10, and Article 15 of the UUPA are basically an obligation for individuals and legal entities to maintain the land. If you ignore the three articles, then the person concerned can be given a criminal sanction as regulated in Article 52 of the UUPA which reads:

- (1) Anyone who intentionally violates the provisions in Article 15 shall be punished with imprisonment for a maximum of 3 months and/or a fine of a maximum of Rp. 10,000,-
- (2) Government regulations and laws regulations as referred to in articles 19, 22, 24, 26, paragraphs (1), 46, 47, 48, 49, paragraphs (3), and 50 paragraphs (2) may provide criminal threats for violations of their regulations. with a maximum imprisonment of 3 months and/or a maximum fine of Rp. 10,000,-.
- (3) The crime in paragraphs (1) and (2) of this article is a violation.

In its implementation, only administrative sanctions are applied. For example, the cancellation of the granting of land rights. Cancellation can be done because there is an administrative law defect in the issuance of the decision and because it implements a court decision that has obtained permanent legal force.¹⁶

¹⁵ Dian Aries Mujiburohman, Potensi dan Permasalahan Pulau Sangiang Sebagai Objek Tanah Terlantar, *Bhumi*, Vol. 1, No. 2, 2015, hlm. 135-145.

¹⁶ Alfons, Dian Aries Mujiburohman, Sutaryono, Penerbitan dan Pembatalan Sertipikat Hak Atas Tanah Karena Cacat Administrasi, *Jurnal Ilmu Hukum*, Vol. 10, No. 2, 2021, hlm. 277-288.

Because the granting of land rights is accompanied by obligations that must be fulfilled by the recipient of the rights and if these obligations are not fulfilled, it can result in the revocation of the land rights without any compensation.¹⁷

Criminal provisions in the KUHP related to land such as crimes against land grabbing (Article 167 of the KUHP), crimes against forgery of documents (Articles 263, 264, 266, and Article 274 of the KUHP), and crimes of embezzlement of rights to immovable property such as land, houses, rice fields (Article 385 of the KUHP).¹⁸ The land law also regulates land criminal provisions, namely Article 52 of the UUPA and Article 15 paragraph (1) of Law no. 2 of 1960 concerning Production Sharing Agreements, as well as Article 6 of Law no. 51 PRP of 1960 concerning the Prohibition of Land Use without the Rightful Permit or the Authorized.¹⁹

The provisions of the Land Criminal Code use the articles of the Criminal Code only for violations and crimes that occur against the norms of criminal law. While the criminal provisions in the UUPA and equivalent regulations and their implementation cannot be implemented, it should be for the sake of law enforcement Article 52 of the UUPA is included in the articles of the Criminal Code. Because the perpetrators of land violations/crimes related to Article 52 of the UUPA are mostly found in groups of people or legal entities that have sufficient economic capacity. This land crime is a bigger victim, the problem of agrarian justice, many people who do not own land, and the state is also economically disadvantaged.

In the view of positivism, land crimes are regulated in land regulations, but in practice, the crimes that occur are not the same as those regulated. Other land crimes are: first, land ownership exceeds the allowed limit. This land tenure interferes with the optimization of land and it is also feared that it will create a land monopoly and disrupt the process of equitable distribution of land ownership;

¹⁷ Rendy Octavianus Dumais, Pengaturan Hukum terhadap Keberadaan Tanah Terlantar di Indonesia, *Lex et Societatis*, Vol. 2, No. 5, 2014, hlm. 39-50.

¹⁸ Boedi Harsono, Hukum agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya. Djambatan, Jakarta.

¹⁹ Hairan Hairan & Rahmat Datau, Kebijakan Formulasi Hukum Pidana Terhadap Tindak Pidana Pertanahan di Indonesia, *Gorontalo Law Review*, Vol. 3, No. 1, 2020, hlm. 17-39.

second, absentee land ownership outside the sub-district where the subject owner lives. This also greatly affects the level of land optimization; third, illegal control of land, will be able to harm the interests of the state, both in matters of state income and problems of orderly land administration; fourth, unregistered lands, because it will be difficult to determine the tax burden and will interfere with land inventories (Utama, 1995).²⁰

Land law institutions that use administrative law make land violations or crimes not subject to administrative sanctions, including criminal provisions. So far, the provisions of criminal sanctions in Article 52 of the UUPA regarding the obligation to maintain land use Government Regulation no. 11 of 2010 concerning Control and Utilization of Abandoned Land as amended by Government Regulation no. 20 of 2021 concerning Control of Abandoned Areas and Lands. As for what is meant by abandoned land, is land with rights under control and its use is not in accordance with its designation or land that is not used properly according to the application or control. If there is a violation of land abandonment, the sanctions used in the PP are administrative sanctions that cancel land rights and the land is directly controlled by the state.

Despite imposing administrative sanctions, law enforcement still faces many obstacles as a result of resistance by those who own and control the land, and besides that in its implementation, it only touches on large-scale land control, namely large companies that have land use rights status. Buildings, Cultivation Rights or Management Rights, while the control and individual ownership of small areas and government lands are not touched in its implementation. The resistance is generally won by the rights holders/companies, due to procedural defects in the determination of abandoned land, which then results in the control of abandoned land being less or even unable to resolve the real core problem, namely inequality in land tenure.

²⁰ Yos Johan Utama, *Kajian Kritis Terhadap Faktor-Faktor Krimino Pada Tindak Pidana Pertanahan*. Disajikan Sebagai Bahan Diskusi Dalam Forum Diskusi Tanggal 2 November 1995. Semarang: Fakultas Hukum Universitas Diponegoro.

The emergence of resistance to the decision made by the Head of the National Land Agency (now the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency) is because decisions made by state administration officials can be challenged. This is regulated in Law no. 5 of 1986 concerning the State Administrative Court as referred to in Article 53 paragraph (2). The provision regulates the conditions for the issuance of a decision by a state official must meet the conditions, namely not contradicting the applicable provisions, in issuing the decision there is no interest that is not the authority of the official concerned and does not issue a decision which is his authority so that the three things which is the basis for the issuance of a decision that is not following the procedure, the judge of the state administrative court may annul the decision so that its efficiency and effectiveness do not work well.

As a result of the absence of criminal sanctions in the application of regulated obligations on the use and utilization by the subject, these rights are not specifically regulated in the implementing regulations, resulting in a large number of land conversions in their utilization and use. It is not uncommon to see that to meet these changes, many paddy fields are neglected due to the pursuit of changes in land use and the worst thing is that it occurs in technically irrigated rice fields.

The act of abandoning land can be identified as an act referred to in Article 15 of the UUPA. The cause and effect of neglecting the land can result in a loss of soil fertility, because the land is not used and maintained as mandated by the article in question, besides that the social function of the land does not work because the land does not provide the benefits as expected as in Article 1 paragraph (2) and paragraph (3). because the land is one of the elements which is a national wealth given by God Almighty to the Indonesian nation.

According to Article 52 of the UUPA, any act that does not maintain land causes soil infertility and land damage is considered a criminal offense. This article can be a means to prevent efforts to make land an economic investment material to reduce land neglect as well as land tenure disputes in the field. Because the definition of maintaining is synonymous with maintaining its use to prevent land damage, the inclusion of a criminal element is expected to have a deterrent element

that can make land an investment commodity for consumption to be sold to obtain great value for land speculators, thus land needs for all interests can be fulfilled. and land neglect can be prevented.

According to Suandra and Hamzah, the provisions of Article 52 of the UUPA are an act that is included as a land offense according to land laws and regulations because the act of not maintaining land and maintaining soil fertility is a violation because it is contrary to Article 15 of the UUPA. Because there are criteria that can be considered a criminal act with the following elements:²¹

Article Mention	Elements	Description
Whoever's	Indicates the person, Legal Entity, or Subject of the right to control.	These provisions intend to: ○ provide a sense of justice, prosperity, and happiness for all Indonesian people, so that this is related to the function of land as a means to achieve just and prosperous welfare. ○ That land has a social function
Deliberately	There is an intentionality in the form of the purpose of controlling the land but not in accordance with its obligations as intended for the purpose of using the land.	
The article violated	Referring to actions (Article 15), whose elements are: Every Subject of Rights (private or public person or legal entity) who has a legal relationship with the land is obligated to: maintain, Increase fertility, Prevent damage	

For this reason, a set of rules is needed that not only regulates the control and use of land alone but also has binding conditions for land owners which is an obligation that must be carried out by all rights subjects. soil. This is done to avoid and limit the collection of land in the hands of people who use the land as a means to obtain value for the land they control.

Each land right has regulated how to obtain it, the authority and obligations of the holder, and the status of the land and objects on it after the term of the right

²¹ I Wayan Suandra & Andi Hamzah, Hukum Pertanahan Indonesia, Rineka Cipta, Jakarta, 1991.

has expired. Although it is not a land right as stated in Article 16 of the UUPA, the definition of priority rights and civil rights are as follows:²²

“Priority rights to land are defined as the right to get priority or to be prioritized based on the sequence of recipients of land rights to obtain recognition, grant/stipulate land rights. In contrast to civil rights, civil rights are stronger/higher with priority rights, civil rights concern the legal relationship between the subject of the right and the land. Even though the rights have expired, the civil law relationship is considered to still exist. This means that civil rights are settled first, then priority rights can be given based on the priority sequences of the recipients of the rights.

However, in practice there are different interpretations among the land authorities themselves, who have authority in the land sector, and have different interpretations of land rights (right to cultivate/HGU, right to use/HGP, management rights/HPL) that are abandoned or whose rights have been exhausted, they are considered to still have "priority rights" and "civil rights" attached to the original right holder.²³ To abolish priority rights and civil rights, it is usually the land authority with compensation. However, according to Sumardjono, in accordance with employing the provisions of the UUPA, when the term of land rights has expired or is not renewed or renewed, the legal relationship between the (former) right holder and the land is immediately nullified by law.²⁴ As a result, the person concerned cannot be compensated, because the land has become state land unless there is a clause that the person concerned is in the process of waiting for the issuance of the Decree on Extension/Renewal of Rights.

Weak law enforcement related to land criminal provisions in land regulations has led to increasingly widespread land disputes, and the concentration of land ownership in a handful of people, so that the principles in the UUPA are not implemented that land is for the welfare of the community, the land also has a social

²² Dian Aries Mujiburohman, *Problematika Pengaturan Tanah Negara Bekas Hak Yang Telah Berakhir*, *BHUMI: Jurnal Agraria dan Pertanahan*, Vol. 2, No. 2, 2016, hlm. 151-164.

²³ Ahmad Nashih Luthfi, Dwi Wulan Titik Andari, & Dian Aries Mujiburohman, *Problematika Pemberian Hak atas Tanah Bekas HGU di Sumatera Utara*, STPN Press, Yogyakarta, 2016, 1-136.

²⁴ Maria S.W. Sumardjono. *Agenda Yang Belum Selesai: Refleksi Atas Berbagai Kebijakan Pertanahan*. Fakultas Hukum Universitas Gadjah Mada, Yogyakarta, 2020, hlm. 111.

function. Completion of regulations on land offenses as mandated by TAP MPR Number IX/MPR/2001 as regulated in Article 5 of the Decree of the MPR, namely completing a review of various laws and regulations relating to Agrarian Affairs, in the context of synchronizing policies between sectors. Harmonization of law in the agrarian sector by starting with the UUPA as a basic provision for the implementation of Indonesian agrarian affairs

Law enforcement in the land sector should be regulated separately in the form of a law. So far, the land authority has used the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Handling and Settlement of Land Cases and technical instructions Number: 01/Juknis/D.VII/2019 concerning the Prevention and Eradication of Land Mafia at the Directorate General of Handling Agrarian Problems. These two regulations are not sufficient to resolve all land crimes.

In terms of handling land cases, it is still at the ministry level. the involvement of the police and the prosecutor's office is only limited in the form of an MoU, so it has not been maximized in resolving land cases. The existence of a land mafia, for example, will hinder the settlement of land cases, but will also have an impact on social and economic losses in the community. It has been confirmed in the Technical Guidelines, the modus operandi carried out by the Land Mafia by means of evil conspiracy, among others, can be identified as follows:

1. Issuing and/or using more than one letter of rights in the form of *girik/Pipil/kititir/pepel/yasan/letter c/land letter of trusteeship/register/land certificate letter/affidavit of physical possession or other similar names, certificate of non-dispute, or other land-related letters approved by the village head (kepala desa)/headman (lurah) given to several parties against the same plot of the land;*
2. Issue and/or use documents that are falsely indicated related to land such as *land rights/akta an eigendom/erfpacht/opstal, girik/pipil/kititir/pepel/yasan/letter c/ land letter of trusteeship/register/land certificate letter/affidavit of physical possession or other similar names, certificate of non-dispute, received by the Ministry of Agrarian and Spatial Planning / National Land Agency;*

3. Occupation or exploitation of land without a permit on land belonging to another person, whether the rights have expired or are still valid;
4. Change/move/remove land boundary marking stakes;
5. Applying for a replacement certificate because it is lost, while the certificate is still there and is still held by the owner or another person in good faith, resulting in two certificates on the same piece of land
6. Utilizing the judiciary to certify evidence of ownership of land, by (a) Filing a lawsuit using an incorrect letter, so that when the lawsuit is decided and has permanent legal force (*inkracht van gewisjde*), the letter is used as a basis for rights to the Ministry of Agrarian and Spatial Planning / National Land Agency; (b) Filed a suit in court to be declared the owner of the land, whereas the rightful owner of the land was wholly unaware of or was not made a party to the suit; (c) Make a purchase of the land that is still the object of the case in good faith and seek to have the judgment of the court in favor of him/his group; (d) Filing a continuous suit giving rise to a large number of court decisions of permanent legal force with judgments contrary to each other, so that the award cannot be enforced resulting in disputes and conflicts over land and space not being resolved;
7. Malicious agreements carried out in authentic deeds/certificates by the land mafia involving General Officers (Notary/PPAT/Sub-districts/Headman/Village Head) which result in disputes, conflicts, and land cases that are broad in dimensions and classified as severe cases.

In land law, the legal norms are not only in administrative law, but also in criminal, civil, and religious areas. In solving land cases, the judicial body plays an important role in solving land problems, but so far the function of the judicial body is still part of the complexity of land/agrarian problems. The resolution of land problems through the Judiciary is considered not to guarantee legal certainty. The authority of different judicial bodies in the settlement of land cases must certainly be understood based on their respective legal issues. On the other hand, conflicting judicial rulings add to the complexity of the land issue.

This diverse land case settlement mechanism, both through the judiciary and non-judicial, even the idea of establishing a special land court to unravel the issue

of land disputes, has not been realized until now. A special judiciary may be established by reference to Article 24 paragraph 3 of the 1945 Constitution stating, "Other bodies whose functions relate to judicial power are regulated in law". This means that it is possible for the presence of judicial bodies of a special nature.

D. CONCLUSION

The provisions of the land criminal offense including the provisions in Article 52 of the UUPA should be regulated separately in the form of a law (act). The act of not maintaining land or abandoning land is only subject to administrative sanctions, and will not cause a deterrent effect for people and legal entities, this action results in inequality in the structure of land tenure and ownership. It has an impact on hampering the achievement of various development program objectives, vulnerable food security, and national economic security, closing socio-economic access of the community. Especially farmers on the land, as well as the disturbing sense of justice and social harmony. The criminal provisions and fines in Article 52 of the UUPA must be applied with the following considerations: *first*, a sense of justice, because the law does not maintain the land or abandon the land is not part of the country's economic and political system, but already has a basis of control, so that the people and the state cannot use it; *secondly*, the consideration is the constitutional mandate, the UUPA asserts that the land must be taken by the state; *Thirdly*, the land is often a source of conflict.

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