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## Strict Action Against Land Mafia

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### Abstract

Law enforcement is a concrete manifestation of a state based on the rule of law. Law can only be beneficial when it is enforced, and law enforcement is carried out by law enforcers. Because law enforcers are part of society, they must be able to cooperate with the law. For the public to assess good law enforcement, legal regulations are needed to provide systematic guidance. This research uses a normative juridical research method to collect data related to this research. This research took place within the jurisdiction of the North Sumatra Regional Police, dealing with the handling of land mafia acts. Land mafia are individuals or groups who violate land laws by exploiting loopholes to violate land ownership, whether SHM, HGB, HGU, or Sub-district Head's Decree. In practice, they involve the government, including village heads, notaries, and the National Land Agency (BPN). Legal smuggling involves various legal acts, including falsifying data and mechanisms that violate the law, based on false rights. The techniques they employ obscure the origin and process of issuing SHMs on land owned by the actual owner, who already has official land rights. Efforts to eradicate land mafias, carried out by law enforcement officials, are still weak and detrimental to the vulnerable, especially those in need. They often exploit the weaknesses of government officials, notaries, and ultimately the National Land Agency (BPN), which is trapped by the mafia's submitted documents. The eradication of land mafias must be carried out systematically, with the threat of strict penalties and clear enforcement of penalties for officials who collaborate in weakening the law and even evading the law, carried out in a clear and transparent manner.

**Keywords:** Enforcement, Strict, Land Mafia

### Introduction

Firm action is a manifestation of the process of handling a legal violation. Firm action is the benchmark for the success of legal handling of violations that harm others. A violation is an act declared by legal regulations as wrong within the corridors of social life. The law holds the highest position by upholding the supremacy of law. The law is placed in this highest position so that it can protect the people from any action, including that of the government. In essence, the law is placed in the highest position, containing fundamental and humane rules and norms, and its professional application.

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## Method

This study employed a normative juridical research method to collect relevant data. This study was conducted within the jurisdiction of the North Sumatra Regional Police, specifically regarding the handling of land mafia activities. This study primarily utilized information and developments within the community, and secondarily examined the actions of law enforcement officers handling land cases resulting from the actions of land mafia.

## Results and Discussion

The high level of public concern regarding land mafia practices is not without reason. It involves relevant officials, including village heads/village officials, notaries/PPATs, and land officials themselves. (Land Mafia Crimes as a Threat to Legally Secure Land Ownership, Iwan Permadi 1)

Land mafia is a crime in the land sector involving a particular group or organization whose goal is to abuse or unlawfully seize ownership of another person's land. (Analysis of the Land Mafia Case in Caturtunggal and the Function of Law as Social Engineering in Efforts to Eradicate the Land Mafia, Vol. 7, No. 1, September 2024). The land mafia continually learns how to avoid land disputes and conflicts, which in reality always violate the law. (NOTARIUS, Volume 16 Number 2 (2023) E-ISSN: 2686-2425 ISSN: 2086-1702 Law Enforcement Against the Practice of Land Mafia as Makers of Fictitious Certificates)

In other words, a land mafia can consist of two or more individuals seeking to gain control over another person's land. Land mafias often employ various methods, including creating false documents, illegally occupying land, legalizing it in court, colluding with individuals to obtain legal status, fabricating incidents, eliminating others' land rights, and even committing embezzlement and fraud by cooperating with an organization or corporation (Lokollo et al., 2020).

Land mafias are prevalent in urban areas where land demand is high, and in rural areas where land ownership disputes arise between indigenous communities and commercial interests. (The Existence Of Land Mafia In Alam Sutera And Accountability Towards Positive Law, Annisa Sonya Fikri, Faculty of Law, Udayana University) According to the 2024 annual agrarian report of the Agrarian Reform Consortium (KPA), there were approximately 295 agrarian conflicts recorded this year. Twenty-five of these conflicts stemmed from the property sector, with a total of 92.58 hectares of disputed land. President Prabowo Subianto delivered three messages to Nusron Wahid, Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN).

Agus Harimurti Yudhoyono, accompanied by Raja Juli Antoni, handed over the position of Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) to

Nusron Wahid and Ossy Dermawan at the Ministry of ATR/BPN on Monday, October 21, 2024. The handover ceremony was marked by the signing of minutes by both parties. TEMPO/Muhammad Rizki Yusrial MEDAN, KOMPAS.com - Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN), Hadi Tjahjanto, stated that North Sumatra has the second highest number of land disputes after East Java. "North Sumatra has the second highest number of land disputes after East Java," Hadi said during a working visit to Medan, North Sumatra, on Thursday (July 20, 2023).

Furthermore, development in the property sector in North Sumatra resulted in seven eruptions covering 8,321 hectares (5,348 families), infrastructure development caused two eruptions covering 56 hectares (332 families), the forestry industry caused two eruptions covering 17,320 hectares, and livestock and military facilities caused one eruption each, covering 682 hectares (473 families) and 30 hectares (120 families). (betahita.id 10 Provinces with the Highest Agrarian Conflicts According to the KPA)

TEMPO.CO, Jakarta - The Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) of the Red and White Cabinet, Nusron Wahid, revealed that President Prabowo Subianto had conveyed three important directives to him. Nusron plans to implement these directives in his work program as Minister of ATR/BPN.

"So, President Prabowo's message to us before he was appointed minister was that there are three things we must secure in securing this land," he said when met after the handover ceremony at the Ministry of ATR/BPN on Monday, October 21, 2024.

Read news with minimal advertising. The first is to restructure the model for granting government land concessions under the Right to Cultivate (Hak Guna Usaha) (Cultivation Rights). He believes this is a step towards providing justice for the community in the land sector. In practice, it will address the current disparity in land ownership between large corporations and the community. "So, on the one hand, it must be fair. We must not let it be like it has been in the past, where one entrepreneur or private sector owner owns millions of hectares of state land, while others struggle to access land," said Nusron.

The next program is to utilize unused government land to make it more productive. He believes the land can be used for housing, agricultural, or plantation development. "Because if it's not productive, it's wasteful," he said. Third, Nusron promised to eradicate land disputes. He stated that he would provide legal certainty so that no land mafia could encroach on people's rights. According to him, there are three causes of the land mafia: the government, land contractors, and enforcement agencies, such as notaries, attorneys, and brokers. "Those three, but where is the weight of their capture? But in my opinion, the key to eradicating the land mafia is from within (the government)," he said.

Nusron also committed to continuing the programs left behind by AHY. According to Nusron, managing land is the same mandate as managing people. The Golkar Party politician has accepted the position of Minister of ATR/BPN, previously held by Agus Harimurti Yudhoyono, also known as AHY. The handover ceremony was marked by the signing of minutes by both parties. Following the signing, AHY submitted a memorandum to Nusron Wahid as guidance for

the continued performance of the Ministry of ATR/BPN in the coming period. (TEMPO.CO, Jakarta, October 22, 2024 | 10:44 a.m. WIB).

JAKARTA, KOMPAS.com - Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN) Nusron Wahid affirmed his commitment to collaborating with the Indonesian National Police in overseeing the eradication of land mafia. The meeting between Nusron and National Police Chief General Listyo Sigit Prabowo took place on Friday, November 8, 2024, to discuss a joint strategy in dealing with crimes in the land sector. "We from the Ministry of ATR/BPN came to coordinate on strategic issues of land crimes, including the so-called land mafia," said Nusron. Read also: Nusron Wahid Affirms Will Take Action Against Land Mafia Without Tolerance Nusron added that in eradicating land mafia, the main focus is to provide legal certainty, both for communities in disputes and for investors. "This legal certainty is needed so that investors who come here want to do business and economic activities comfortably, without being disturbed by the actions of land mafia who every day try to challenge the status of their land," explained Nusron. Surabaya City Government Becomes Pilot for National Data Integration through Trilateral MoU Kompas.id Article He also emphasized the importance of police support, which has both legal and security dimensions. "We need both: the law and the security," he said.

Meeting with the National Police Chief, Nusron Wahid Discusses Eradication of Land Mafia As a supportive measure, the Police and the Ministry of ATR/BPN will form a task force. National Police Chief General Listyo Sigit Prabowo said that the National Police will soon form a joint task force to support the policies initiated by the Minister of ATR. "We will fully support and immediately form a joint task force to support the policy programs of the Minister of ATR," said Listyo. See Photo of National Police Chief General Listyo Sigit Prabowo at National Police Headquarters, Friday (11/8/2024). (Kompas.Com / Kiki Safitri) Listyo explained the National Police's commitment to supporting various programs and policies of the Minister of ATR who have received special instructions from the President. "We will support legal certainty for people who have been in disputes regarding civil rights, both between corporations and between the public and certain parties," said Listyo. Listen to breaking news and our selected news directly on your mobile. Choose your favorite channel to access Kompas.com news.

Land disputes are defined in Article 1 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 1 of 1999 concerning Procedures for Handling Land Disputes (hereinafter referred to as PMNA/KBPN 1/1999), namely: "differences of opinion between interested parties regarding the validity of a right, the granting of land rights, registration of land rights, including the transfer and issuance of proof of rights, as well as interested parties who feel they have a legal relationship and other interested parties affected by the legal status of the land." (Savana: Indonesian Journal of Natural Resources and Environmental Law Vol. 1 Number 01.2024. 24-38 24 Land Ownership Conflict Dispute Resolution Using a Litigation Approach in the State Administrative Court Anggita Faculty of Law, Kuningan University, Kuningan, Indonesia E-mail: [giitanggita7@gmail.com](mailto:giitanggita7@gmail.com))

There are three types of land disputes, including Minor Cases. A mild case is defined as a case in which the provision consists of technical management guidance, which is sufficient to

provide a comparison with the comparative guidance provided to the applicant or complainant. Second, a moderate case. This is a case involving law in clear resolution and control, but does not cause social, political, security, or economic symptoms. Third, a serious case. A conflict affects many people and can be considered serious if the legal aspects are complex enough to cause social, political, and security problems. (Journal Ilmu Hukum Sui Generis P-ISSN: 2809-3925 Volume 2 Number 2, April 2022 p. 91)

The Head of Public Relations for the North Sumatra Regional Police, Senior Commissioner Hadi Wahyudi, urged the public to remain vigilant. Hadi also reminded the public not to be easily tempted by the promises often made by land mafia.

"For those who have legal ownership rights to land, please stop engaging in promises from the mafia or anything like that," said Senior Commissioner Hadi on Wednesday (July 24, 2024).

The definition of a legal principle is a set of rules that impose sanctions. In this sense, it provides rules between individuals, directly and indirectly, resulting in a sense of security and order in society.

A legal principle contains:

1. Order  
This is an order for every individual or group to comply with instructions given, for example, an order regarding the handling and action taken against a criminal act.
2. Prohibition  
This is a rule that must not be carried out or violated and carries certain sanctions, for example, prohibitions on physical violence and murder.
3. Permission
4. Is something that is permitted to be done without any sanctions. For example, reporting an actual crime is permitted.

Nature of Legal Rules

1. Imperative  
Is a binding rule that forces individuals or groups to comply with it, whether it is a prohibition or a command.
2. Optional  
Is something that is permitted but has a complementary nature in an event, such as a subsidiary, rather than an obligation.

Forms of Legal Rules

1. Written  
Is a written rule that serves as a guideline as a supreme rule, such as a law, regulation, etc.
2. Unwritten



Is a rule that applies as a custom in society without a written rule. In this case, it is a binding and dynamic rule.

#### Examples of Legal Principles

1. Order  
This is a rule that mandates, such as Article 351 of the Criminal Code, which imposes a sanction on those who fail to provide assistance to someone in danger.
2. Prohibition  
This is a rule that prohibits a legal event, such as Articles 372 and 378 concerning fraud and embezzlement.
3. Principle  
This is either a recommendation or a prohibition that serves as the basis for a legal event in its application, such as without fault, a person cannot be punished and without applicable rules.

#### Benefits of Legal Principles

1. Providing certainty in a realistic manner.
2. Preventing unrest and acting as a peacemaker in society.
3. Protection against violations of individual rights.
4. Providing certainty in law enforcement and technical matters in the judiciary.
5. Providing an effort to avoid social actions in interactions.
6. Legal certainty supports investment and business.

According to Rinehart and Winston (1961), the concept of the rule of law has existed since ancient Greece and has been developed by philosophers. Plato, in his work "The Republic," initially argued that the ideal state could be achieved by having philosophers (philosopher kings) holding power because they possess knowledge of the good. However, in his books "The Statesman" and "The Laws," Plato later argued that a second-best form, emphasizing the rule of law, could be achieved.

A government that prevents the abuse of individual power is a government based on law. Aristotle shared Plato's view, believing the purpose of the state is to achieve the best possible life through the rule of law. Law is seen as an expression of the collective wisdom of citizens, so citizen participation is crucial in its formation. According to Asshiddiqie (2005), the concept of the modern rule of law in Continental Europe was introduced using the German term "rechtsstaat." Figures such as Immanuel Kant, Paul Laband, Julius Stahl, Fichte, and others contributed to the development of this concept. On the other hand, in the Anglo-American tradition, the concept of the rule of law is known as "The Rule of Law," which was first introduced by A.V. Dicey. Furthermore, the idea of the rule of law is also related to the concept of "nomocracy," which means that law is the primary determinant in the exercise of state power. Mahmudin (2008) stated that the concept of the rule of law introduced by A.V. Dicey and Stahl can be considered the first view of the rule of law that became the focus of legal thought among

legal scholars in the 19th century. This view of the rule of law, influenced by the designs created by these two scholars, resulted in the concept of the formal rule of law, in which the government's role is very limited in managing governance. This limited role of the government applies not only to politics but also to the economy, emphasized by the principle of laissez-faire (i.e., the country's economy will thrive if individuals are given the freedom to pursue their own economic interests). From a political-economic perspective, the state's task is to protect the economic position of groups that control the means of production and government.

Concrete law enforcement is the application of positive law in practice as it should be obeyed. Therefore, providing justice in a case means deciding the case by applying the law and finding the law in concrete to uphold and guarantee compliance with material law using procedural methods established by formal law.

Law enforcement is essentially a consequence of Indonesia's choice of a state based on the rule of law. Law enforcement, in a broad sense, encompasses activities to implement and apply the law and take legal action against any violation or deviation from the law committed by legal subjects, whether through judicial procedures or non-judicial procedures, arbitration, and other dispute resolution mechanisms (alternative disputes or conflicts resolution). In fact, in a broader sense, law enforcement activities also encompass all activities intended to ensure that the law, as a set of normative rules that regulate and bind legal subjects in all aspects of social and state life, is truly obeyed and truly implemented as it should be.

In a narrow sense, law enforcement involves taking action against any violation or deviation from statutory regulations, particularly - more narrowly - through the criminal justice process involving the role of the apparatus 1 Jimly Asshiddiqie, Material for Legal Orator at the "Inauguration of the DPP IPHI for the 2007-2012 Term of Service". Bandung, January 19, 2008. There are several other concepts regarding law enforcement, including (1) Law enforcement is the process of making efforts to uphold or function legal norms in real terms as guidelines for behavior in traffic or legal relations in social and state life. For further information, see <http://www.solusihukum.com/article/artikel49.php>.

(2) Law enforcement is a series of efforts undertaken by those tasked with enforcing the law. In this case, the judiciary, as an institution with great power in determining the direction of law enforcement, is in a central position and is always the focus of public attention. The police, prosecutors, advocates or lawyers, and judicial bodies. The definition of law enforcement can also be viewed from the perspective of its object, namely from a legal perspective. In this case, the definition also includes broad and narrow meanings. In a broad sense, law enforcement includes the values of justice contained in the formal rules and the values of justice that exist in society. Therefore, the translation of the concept of law enforcement into Indonesian is "Law Enforcement". This is in line with Satjipto Rahardjo's thinking, who sees that law enforcement is essentially the enforcement of abstract ideas or concepts. So, according to him, law enforcement is an effort to make these ideas a reality.

Law with a National Character. Law enforcement apparatus encompasses the understanding of law enforcement institutions and law enforcement officers (the individuals). In a narrow sense, law enforcement officers involved in enforcing the law include police, legal

counsel, prosecutors, judges, and finally correctional officers. Each officer and related apparatus also includes parties involved in their duties or roles, including reporting or complaint handling, investigations, inquiries, prosecutions, evidence gathering, sentencing and sanctions, and re-socialization efforts for convicts.

Law enforcement is a concrete manifestation of a state based on the rule of law. The law can only be beneficial when it is enforced, and this enforcement is carried out by law enforcement. Because law enforcement is part of society, it must be able to interact with the community. To assess effective law enforcement, legal regulations are needed to provide systematic guidance.

Article 263 of the old Criminal Code, which was still in effect at the time of this article's publication, is in effect. Meanwhile, in Law 1/2023 concerning the new Criminal Code which will come into effect 3 years from the date of its enactment, the crime of forgery of documents is regulated in Article 391. Article 263 of the Criminal Code states:

1. Anyone who creates a false document or falsifies a document that could give rise to a right, obligation, or debt relief, or is intended as evidence of something, with the intent to use or instruct another person to use the document as if its contents were true and unfalsified, shall be punished if such use could cause harm, due to the falsification of the document, with a maximum imprisonment of six years.
2. Anyone who intentionally uses a false document or falsified document as if it were genuine, if such use could cause harm.

#### Elements of Article 263 of the Criminal Code

The crime of falsifying a document, as defined in Article 263 of the Criminal Code, is referred to by S.R. Sianturi as "simple falsification of a document." The elements of the crime of simple falsification of a document in Article 263 paragraph (1) of the Criminal Code include:

1. anyone who;
2. creates a false document or falsifies a document;
3. which can give rise to a right, obligation, or release from debt, or which is intended as evidence of something;
4. with the intention;
5. to use or instruct another person to use the letter as if its contents were true and not forged.

Meanwhile, the elements of Article 263 paragraph (2) of the Criminal Code are:

1. any person;
2. intentionally;
3. uses a fake or falsified document as if it were genuine; and
4. if the use of the document could cause harm.



Article 264 of the Criminal Code:

"Any person who, with the intent to benefit themselves or another person, intentionally falsifies a document or letter that can be used as evidence or a legal means of transaction, shall be subject to a maximum prison sentence of six years."

Article 266 of the Criminal Code regulates the crime of falsifying an authentic document or ordering the insertion of false information into an authentic deed. The perpetrator can be subject to a maximum prison sentence of seven years if the use of the forged deed could cause harm.

Furthermore, R. Soesilo in his book, *The Criminal Code (KUHP) and its Complete Commentaries Article by Article*, explains that what is meant by "letter" in this article is all letters, whether written by hand, printed, or written using a typewriter, etc. (p. 195).

The forged document must be a document that:

1. can create a right, such as a diploma, admission ticket, share certificate, etc.;
2. can issue an agreement, such as a debt agreement, a sales agreement, a lease agreement, etc.;
3. can issue a debt waiver, such as a receipt or similar document; or
4. a document used as evidence for an act or event, such as a birth certificate, a postal savings book, a cash book, a ship's logbook, a transport bill, a bond, etc.

According to R. Soesilo, the following forms of forgery are carried out:

1. Creating a forged document: making its contents appear incorrect (false).
2. Forging a document: altering a document so that its contents differ from the original. This method varies; it doesn't always involve replacing the document with another document; it can also involve subtracting, adding, or changing something from the document.
3. Forging a signature is also considered forgery.
4. Attaching a photo of someone other than the rightful holder. For example, a photo on a school diploma.

Article 385 is included in Book 2 of the Criminal Code, specifically Chapter XXV on Fraudulent Acts. The text of Article 385 is as follows:

The maximum penalty is four years' imprisonment:

1. Anyone who, with the intent to benefit themselves or another person by unlawfully selling, exchanging, or making a public right to use government or private land, or a house, work, plant, or seedling on land where a person exercises a public right to use the land, knowing that another person has the right or co-right to the property.
2. Anyone who, with a similar intent, sells, exchanges, or makes a public right to use government or private land, or a house, work, plant, or seedling on land where a person exercises a public right to use the land, knowing that the property has been mortgaged, but fails to disclose this to the other party.
3. Anyone who, with a similar intent, makes a public right to use government or private land, while concealing from the other party that the land where the person exercises the right has been mortgaged.

4. The person who has the right or co-right to the land.
5. Anyone who, with similar intent, sells or exchanges a plot of land on which another person exercises a public right to use the land that has been mortgaged, but fails to inform the other party that the land has been mortgaged.
6. Anyone who, with similar intent, rents out a plot of land on which another person exercises a public right to use the land for a period, knowing that the land has also been leased to another person for that period.

#### Article 406 Paragraph (1)

Anyone who intentionally and unlawfully destroys, damages, renders useless, or removes any property that is wholly or partially owned by another person shall be subject to a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiah.

#### Article 406 Paragraph (2)



The same penalty shall be imposed on anyone who intentionally and unlawfully kills, damages, renders useless, or removes an animal that is wholly or partially owned by another person. R. Soesilo, in his "Criminal Code and Its Complete Article-by-Article Commentaries" (2013), states that a perpetrator of vandalism can only be held accountable if the following are proven:

1. The defendant or perpetrator of vandalism is proven to have destroyed, damaged, rendered unusable, or removed something.
2. The destruction and so on were carried out by the perpetrator intentionally and unlawfully.
3. The item (object of vandalism) must belong wholly or partially to another person.

Article 167 paragraph 1 of the Criminal Code: "Anyone who unlawfully forces their way into a house, room, or enclosed yard used by another person, or who remains there unlawfully, and who, at the request or order of the authorized party, fails to leave immediately, shall be punished by a maximum imprisonment of five to nine months or a maximum fine of four thousand five hundred rupiah."

#### Article 378 of the Criminal Code:

"Anyone who, with the intent to unlawfully benefit themselves or another person, by using a false name or false status, or by deception or a series of lies, induces another person to hand over any property or to grant a loan, which may result in loss, shall be punished by a maximum imprisonment of four years."

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Article 379 of the Criminal Code:

"Anyone who, using a false or falsified document with the intent to unlawfully benefit themselves or another person, or by deception, induces another person to hand over any property or grant a loan, shall be punished by a maximum imprisonment of five years."

Article 372 of the Criminal Code:

"Anyone who intentionally embezzles property, wholly or partially belonging to another person, which has been entrusted to him, shall be punished by a maximum imprisonment of four years."

Article 264 of the Criminal Code:

"Anyone who, with the intent to benefit themselves or another person, intentionally falsifies a document or letter that can be used as evidence or a legal means of transaction, shall be punished by a maximum of six years' imprisonment." Article 266 of the Criminal Code regulates the crime of falsifying an authentic document or ordering the insertion of false information into an authentic deed. Perpetrators can face a maximum of seven years' imprisonment if the use of the forged deed causes harm.

Article 386 of the Criminal Code:

"Anyone who, in a commercial transaction, intentionally deceives another party into purchasing or receiving goods that do not correspond to what was promised, shall be subject to a maximum imprisonment of five years."

Article 64 of the Criminal Code:

"If the act of fraud is committed by a perpetrator who has done so repeatedly or in a more organized manner, the penalty imposed may be heavier than the existing provisions."

Article 490 of the Criminal Code:

"Anyone who, with the intent to deceive, enters into an invalid marriage or marriage contract shall be subject to a maximum imprisonment of two years."

The Criminal Procedure Process is as follows:

1. Investigation

The first stage of the criminal procedure process is the investigation. Investigations are conducted by law enforcement officials, such as the police, to gather evidence indicating a suspected crime. During the investigation, the investigating officer will examine the crime scene, gather witness statements, and collect relevant evidence. Meaning of Code P19

2. Arrest

The second stage of the criminal procedure process is arrest. If the investigation reveals sufficient evidence to suggest a crime has occurred and warrants detention, the suspect

may be arrested. Arrests are made to maintain order, prevent escape, or protect the suspect from harm.

3. Detention

The third stage of criminal procedural law is detention. If a suspect is arrested, they may be temporarily detained pending further proceedings. This detention is carried out based on a judge's decision or applicable legal policy.

4. Investigation

The fourth stage of criminal procedural law is the investigation. After arrest, the investigation process begins. The investigation is conducted by investigators or law enforcement officers assigned to gather more in-depth evidence regarding the alleged crime. During the investigation, the suspect, witnesses, and evidence will be further questioned to gather the necessary information.

5. Prosecution

The fifth stage of criminal procedural law is prosecution. After the investigation is complete, the public prosecutor will determine whether there is sufficient evidence to file charges against the suspect. The public prosecutor will consider the strength of the evidence and legal compliance in deciding whether to prosecute or drop the case.

6. Trial

The sixth stage of criminal procedural law is the trial. If the public prosecutor decides to prosecute, the trial will take place in court. The trial involves the parties involved, such as the public prosecutor, defense attorney, defendant, witnesses, and judge. During the trial, evidence and arguments will be presented, and the judge will decide whether the defendant is guilty or not guilty.

7. Verdict and Sentence

The seventh stage of criminal procedural law is the verdict and sentencing. After hearing all arguments and evidence presented during the trial, the judge will issue a verdict. If the defendant is found guilty, the judge will issue a verdict, which is the punishment imposed on the defendant. The sentence can be imprisonment, a fine, rehabilitation, or other punishment in accordance with applicable law.

8. Appeal and Cassation

The eighth stage of criminal procedural law is the appeal and cassation. If the defendant or prosecutor is dissatisfied with the court's decision, they can file an appeal or cassation with the competent authority. The appeal and cassation procedures are intended to reexamine the court's decision and ensure justice is served.

9. Execution of Sentence

The final stage of criminal procedural law is the execution of the sentence. If the defendant is found guilty and the sentence is imprisonment or other corporal punishment, the sentence will be carried out in accordance with applicable law.

Article 1, number 24 of Law Number 8 of 1981 concerning Criminal Procedure, states that a Police Report is a notification submitted by a person, due to a right or obligation under the

law, to an authorized official regarding a criminal incident that has occurred, is occurring, or is suspected of occurring. Therefore, a criminal incident reported to the police does not necessarily constitute a crime, requiring an investigation by an authorized official.

1. So, what is the procedure for reporting a suspected crime to the police?

The reporter/victim must go to the police station closest to the location of the alleged crime, according to the police jurisdiction, which includes:

- a. The jurisdiction of the Indonesian National Police Headquarters (MABES) for the Unitary State of the Republic of Indonesia;
- b. The jurisdiction of the Regional Police (POLDA) for the provincial level;
- c. The jurisdiction of the Resort Police (POLRES) for the district/city level;
- d. The jurisdiction of the Sector Police (POLSEK) for the sub-district level.

For example, if someone witnesses a suspected crime in a city, they can report it to the nearest POLRES or to the higher-level police jurisdictions, namely POLDA and MABES. Based on Article 106 Paragraph (2) of the National Police Chief Regulation Number 23 of 2010 concerning the Organizational Structure and Work Procedures at the Resort Police and Sector Police Levels, the Integrated Police Service Center (SPKT) is tasked with providing integrated police services to public reports or complaints, providing assistance and assistance, and providing information services.

Thus, upon arrival at the Police Station, the Reporter/victim goes to the Integrated Police Service Center ("SPKT") and submits a report in accordance with the alleged crime experienced/seen/witnessed. It should be noted that when making a report about an alleged crime, there is no charge whatsoever, in the event that there are individuals who ask for payment, the reporter/victim can report it to the Professional and Security Section (Propam) of the Indonesian National Police.

After that, the investigation will begin based on the Police Report and Investigation Warrant. The reporter will be questioned as outlined in the "Examination Report (BAP) of the Reporting Witness." Investigation Procedures Based on National Police Chief Regulation Number 6 of 2019 concerning Criminal Investigations, the investigation mechanism is carried out as follows: After the Investigation Warrant is issued, a Notice of Commencement of Investigation ("SPDP") is prepared. The SPDP is sent to the public prosecutor, the reporter/victim, and the accused within a maximum of 7 days after the issuance of the Investigation Warrant. If a suspect is named more than 7 days after the issuance of the Investigation Warrant, a notification letter of suspect determination is sent, attaching the previous SPDP. If the investigator has not submitted the case file to the public prosecutor within 30 days, the investigator is required to notify the progress of the case by attaching a Letter of Inquiry (SPDP). Before conducting an investigation, the investigator is required to prepare an investigation plan and submit it to the investigator's superior in a hierarchical manner.

The criminal justice system begins with the investigation. Once a crime has been discovered, the investigation proceeds. The investigation process, documented in the Investigation Report (BAP), must be immediately submitted to the public prosecutor. If, after reviewing the BAP, the public prosecutor deems a re-investigation or additional evidence



necessary, in accordance with Article 138 Paragraphs (1) and (2) of the Criminal Procedure Code (KUHP), the public prosecutor may return the case file to the investigator. This return is known as P-19. The investigator must return the BAP no later than 14 (fourteen) days after the prosecutor declares it incomplete. If the Public Prosecutor has declared the case file complete, the Public Prosecutor will proceed with the pre-prosecution process. This declaration of complete case files is also known as P-21.

P-19 occurs when the case file has been received by the Public Prosecutor, but the Public Prosecutor deems the case file incomplete or incomplete, or the evidence is insufficient. The Public Prosecutor immediately returns the case file to the Investigator, accompanied by notes or instructions on what the Investigator must do to ensure the case file is complete. The return of the case file may relate to, among other things, the formal and material requirements of the indictment, as stated by Djoko Prakoso:

The formal and material requirements of the case file must be assessed by the public prosecutor from the outset, namely during the pre-prosecution phase. Therefore, public prosecutors are required to return the case file along with clear and complete instructions regarding the actions of the investigator or assistant investigator. Article 138 paragraph (2) of the Criminal Procedure Code is known as P-19, which states that if the results of the investigation are deemed incomplete by the public prosecutor, the public prosecutor shall return the case file to the investigator with instructions on what needs to be completed. Apart from that, this is also regulated in the provisions of Article 110 of the Criminal Procedure Code which states that:

1. If the investigator has completed the investigation, the investigator is required to immediately submit the case file to the public prosecutor.
2. If the public prosecutor believes the investigation results are incomplete, the public prosecutor shall immediately return the case file to the investigator with instructions for completion.
3. If the public prosecutor returns the investigation results for completion, the investigator shall immediately conduct additional investigations in accordance with the public prosecutor's instructions.
4. An investigation is considered complete if the public prosecutor does not return the investigation results within fourteen days or if the public prosecutor has notified the investigator of this before the deadline.

## Conclusion

All actions taken against land mafia must be accompanied by a criminal report to be more effective and efficient and to create a deterrent effect for the perpetrators or land mafia. High levels of knowledge and dedication are required from law enforcement officials, from the police, the property and property division, the Prosecutor's Office, and the panel of judges in court, so that law enforcement against land mafia will have a deterrent effect and ensure the rule of law is upheld for all members of society.



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