

STATE RESPONSIBILITY TOWARDS LAND MAFIA VICTIMS FROM THE PERSPECTIVE OF LEGAL CERTAINTY AND JUSTICE

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Abstract

This study aims to analyze the state's responsibility towards victims of land mafia from the perspective of legal certainty and justice. Land mafia causes serious harm by seizing land rights, weakening legal protection, and reducing public trust in the state. This study uses a normative juridical method with a statutory and conceptual approach. Data were obtained through a literature review of primary, secondary, and tertiary legal materials, then analyzed qualitatively. The results show that the state has a responsibility to prevent, prosecute, and restore the rights of land mafia victims through a transparent land administration system, firm law enforcement, and a fair redress mechanism. Legal certainty has not been fully achieved due to weaknesses in land data validation, official oversight, and slow dispute resolution. From a justice perspective, victims must not only obtain legal recognition but also receive rights restoration, protection from criminalization, and adequate compensation if the state is proven negligent. Therefore, the state's responsibility must be actively realized through improving land governance, strengthening inter-institutional coordination, and providing easy access to justice for victims. This research confirms that protecting land mafia victims is an important part of a state based on law that guarantees legal certainty and justice.

Keywords: State Responsibility, Victims, Land Mafia, Legal Certainty

INTRODUCTION

Land holds a crucial position in people's lives, serving not only as a place to live and a means of conducting economic activities, but also as a source of prosperity, social identity, and an investment object with high economic value. In the context of a country that adheres to the principle of a state based on the rule of law, land ownership and control must be adequately protected so that every citizen can enjoy their rights safely and fairly (Wirawan, 2023; Permadi, 2024). The Constitution affirms that land, water, and the natural resources contained therein are controlled by the state and used to the greatest extent for the prosperity of the people. This mandate places the state as the party responsible for regulating, managing, and guaranteeing the protection of land rights through a legal system that provides certainty, justice, and benefit. However, reality shows that various land issues remain a major source of conflict, particularly due to the ever-growing practice of land mafias, which have become increasingly complex and organized (Zamil et al, 2024; Basyarudin & Hasanudin, 2025).

The phenomenon of land mafias has become a serious threat to the protection of community rights, involving various forms of abuse of authority, document falsification, manipulation of land administration, unlawful transfer of rights, and collusion between perpetrators and certain individuals with access to administrative processes and law enforcement (Suartini et al, 2023; Ihsan et al, 2025). These crimes not only harm individuals as land owners, but also hinder investment, undermine public trust in state institutions, and create legal uncertainty in land administration. Victims of land mafia often lose their ownership rights despite possessing valid documents, and often face lengthy legal proceedings, high dispute resolution costs, and prolonged social and economic pressure. This situation demonstrates that legal protection for the public still faces numerous challenges that require serious state attention. The phenomenon of land mafia demonstrates that land rights are not fully and fairly protected. This practice typically occurs through document forgery, duplicate certificates, land grabbing, land data manipulation, fictitious sales, and collaboration with certain individuals. As a result, victims who actually possess legitimate rights lose their land, homes, economic resources, and even their sense of security. This problem is serious because land is not only

an economic asset, but also a living space, family identity, and the basis for the sustainability of community life. From a legal certainty perspective, land mafia demonstrates the weakness of the land administration system when data, documents, and the land rights issuance process are not transparent. Victims often face lengthy, expensive, and tedious legal processes, requiring them to re-prove rights that should already be protected by the state. This situation creates uncertainty because certificates or proof of ownership do not always guarantee real protection if they can be falsified, duplicated, or manipulated by certain parties.

From a justice perspective, victims of land mafia cannot simply be given access to report. The state must be present through rights restoration, land return, compensation, victim protection, and firm action against perpetrators and individuals involved. The government also emphasized that land mafias create legal uncertainty through fraud, document forgery, and physical violence. Therefore, their eradication requires cooperation between the ATR/BPN, the police, the prosecutor's office, the courts, and other relevant institutions. Therefore, the main issue in this article lies in the extent to which the state is responsible for ensuring legal certainty and justice for victims of land mafias. The state must not only act after a conflict arises but is also obliged to establish a strong prevention system, improve land governance, expedite dispute resolution, and ensure that victims are not further disadvantaged by slow legal processes. Without real state accountability, land mafias will continue to undermine public trust in the law and weaken the state's role as protector of citizens' rights.

The emergence of land mafia practices cannot be understood solely as individual criminal acts, but rather as a systemic problem that reveals weaknesses in land governance and law enforcement. Numerous cases demonstrate that perpetrators are able to exploit administrative loopholes, weak oversight, suboptimal land data integration, and low accountability in public service processes (Sidabutar, 2024; Al Farabi & Lyanthi, 2025). This situation is further exacerbated when there is abuse of authority by officials who are supposed to protect the public. As a result, victims often find themselves in a vulnerable position, having to prove their legitimate rights. In such conditions, the state is not sufficient to only act as a regulator that forms regulations, but must also be present as a protector of citizens' rights through an effective system of prevention, law enforcement, restoration of rights, and provision of legal certainty.

The perspective of legal certainty is a crucial foundation for resolving the land mafia issue. Legal certainty requires clear, consistent, and fairly enforceable rules so that everyone is protected for their rights. In the land sector, legal certainty is realized through a land registration system, the issuance of land title certificates, orderly administration, and dispute resolution mechanisms that protect rights holders in good faith (Hasana & Priatama, 2025; Hartanto & Handayani, 2025). However, various land mafia cases demonstrate that even the existence of certificates does not always guarantee protection in the event of document forgery, data manipulation, or conflicting legal decisions. This situation indicates that legal certainty depends not only on the existence of norms but is also greatly influenced by the quality of legal implementation, the integrity of the apparatus, and the effectiveness of the state's oversight system (Ramdi & Arifin, 2024; Nurhidaya *et al*, 2025).

In addition to legal certainty, justice is a primary goal that must be achieved in resolving land disputes. Victims of land mafia not only suffer material losses in the form of lost assets, but also immaterial losses such as psychological stress, a loss of security, decreased trust in state institutions, and disruption to family social and economic life. Therefore, an approach that solely focuses on punishing perpetrators will not fully satisfy the sense of justice if it is not accompanied by concrete restoration of the victims' rights. The state has a responsibility to ensure that every victim has access to a simple, expeditious, and affordable legal process, along with a redress mechanism that can restore land rights or provide a proportionate form of settlement in accordance with the principles of justice.

The state's responsibility towards victims of land mafia is fundamentally a consequence of the principles of the rule of law and the protection of human rights. The state has an obligation to respect, protect, and fulfill the rights of citizens, including the right to legally acquired ownership. In this context, the state's responsibility is manifested not only through the establishment of laws and regulations, but also through the implementation of transparent land administration, improving the quality of public services, strengthening internal oversight, non-discriminatory law enforcement, and providing effective redress mechanisms for victims. If the state fails to fulfill these functions, resulting in the loss of rights due to system weaknesses or abuse of authority, questions arise about the extent to which the state should be responsible for providing protection and redress to victims.

Advances in information technology actually open up significant opportunities to strengthen land rights protection through the digitization of land data, the integration of cross-agency databases, and increased transparency in public services (Akmal *et al*, 2023; Nashuha & Mahfud, 2023). Digitization can reduce the risk of document forgery and expedite the land ownership verification process. However, digital transformation will not automatically eliminate land mafia practices if it is not accompanied by improvements in the quality of human resources, effective

oversight, robust data security systems, and the commitment of all institutions to implementing good governance. Therefore, land administration reform must be viewed as part of efforts to achieve legal certainty while strengthening the state's responsibility to protect the public. From an academic perspective, studies on land mafia have focused primarily on aspects of criminal law enforcement, land dispute resolution, or analysis of weaknesses in the land administration system. Meanwhile, discussions that specifically place victims at the center of attention by examining state responsibility from the perspective of legal certainty and justice are still relatively limited. A victim-centered approach is crucial for evaluating the extent to which the legal system is able to provide real protection to the public. This study is also needed to identify the form of state responsibility that is not only repressive through punishing perpetrators, but also preventive through strengthening the protection system, and restorative through restoring victims' rights and losses.

Based on this description, the issue of land mafia is not merely a matter of land crime, but rather reflects a broader challenge in realizing legal certainty, justice, and the protection of citizens' rights. The state holds a central position as the authority in regulating and managing land and therefore has the responsibility to ensure that every citizen receives effective legal protection for their land rights. Therefore, research on state responsibility towards victims of land mafia from the perspective of legal certainty and justice is crucial for assessing the extent to which the state's role has been implemented, identifying the various obstacles still faced, and formulating a concept of legal protection that can provide certainty, justice, and optimal rights restoration for victims. The results of this study are expected to provide theoretical contributions to the development of land law and provide practical input for the formation of policies that are more responsive to protecting community rights from land mafia practices.

METHOD

This research method uses a qualitative approach with a normative juridical research type. This approach was chosen because the study of state responsibility towards land mafia victims is closely related to legal norms, the principle of legal certainty, the principle of justice, and the protection of citizens' rights to land. This research does not aim to calculate statistical data, but to understand in depth how the state should be responsible when land mafia practices occur that are detrimental to society. The main focus of the research is directed at analyzing statutory regulations, legal doctrine, court decisions, and the concept of legal protection for victims.

The data source in this research uses secondary data consisting of primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Basic Agrarian Law, land regulations, regulations regarding government administration, as well as court decisions relating to land disputes and crimes. Secondary legal materials include agrarian law books, scientific journals, academic articles, expert opinions, and previous research results discussing the land mafia, legal certainty, justice, and state responsibility. Meanwhile, tertiary legal materials are used to help explain legal terms and concepts, such as legal dictionaries and legal encyclopedias.

Data collection techniques were carried out through literature study. Researchers search, read, select and study various legal sources relevant to the research problem. The data obtained was then analyzed descriptively analytically, namely by describing the applicable legal regulations, connecting them with land mafia practices, then assessing whether these regulations had provided adequate protection for victims. The analysis was carried out using a statutory approach, conceptual approach and case approach. A statutory approach is used to examine the legal basis of state responsibility. A conceptual approach is used to understand the meaning of legal certainty and justice in protecting victims. A case approach is used to see how the land mafia problem arises in practice and how the state responds to victims' losses.

The results of the analysis in this research are structured systematically by placing the state as the party that has a constitutional obligation to protect the land rights of citizens. Through this method, it is hoped that research can explain the forms of state responsibility, both in prevention, law enforcement, restoration of rights, and providing protection to victims of the land mafia. Thus, this research can provide a complete understanding of the relationship between legal certainty, justice and state responsibility in resolving land mafia cases.

RESULTS AND DISCUSSION

Land mafia demonstrates that land issues are not only related to ownership disputes, but also to the weak state protection of citizens' rights. Land holds crucial economic, social, cultural, and legal value. When someone loses land due to document forgery, duplicate certificates, land data manipulation, abuse of power, or collaboration between criminals and officials, the victim not only suffers material losses but also loses a sense of security, legal certainty, and trust in the state. Therefore, the state's responsibility to victims of land mafia must be viewed as a legal

obligation, not merely administrative assistance. Normatively, the state has an obligation to guarantee legal certainty over land through the land registration system. Government Regulation No. 24 of 1997 emphasizes that land registration aims to provide legal certainty and protection to land rights holders. This regulation remains in effect and serves as an important foundation for national land administration. However, in practice, land certificates do not always provide absolute protection for legitimate owners. Cases of duplicate certificates, falsified title deeds, and unauthorized data changes demonstrate that the land administration system still has gaps. This loophole is exploited by land mafias to unlawfully seize land belonging to victims.

From a legal certainty perspective, the state is responsible for ensuring that all published land data is true, accurate, traceable, and not easily manipulated. Legal certainty is not sufficient simply by issuing certificates. The state must also ensure that the certificate issuance process is conducted through careful review, is transparent, and is free from abuse of authority. If victims possess valid proof of ownership, but their rights are violated due to forged documents or flawed administrative procedures, the state is obligated to intervene to restore the victims' rights. This restoration can be achieved through the cancellation of flawed land administration products, the restoration of the land's legal status, and the enforcement of the law against the parties involved.

The state's responsibility is also related to the principle of justice. Victims of land mafias are often in a vulnerable position, facing perpetrators with networks, capital, legal access, and sometimes the support of certain individuals. In such circumstances, justice cannot be understood simply as an equal opportunity to litigate in court. The state needs to provide real protection to victims, especially when they are small communities, heirs, the elderly, or those unfamiliar with land legal procedures. Justice demands that the state not be passively neutral, but rather actively dismantle criminal practices that violate citizens' rights.

The state's efforts to address land mafia are beginning to be evident through the formation of a task force and strengthened coordination between the Ministry of Agrarian Affairs and Spatial Planning (ATR) or the National Land Agency (BPN) and law enforcement officials. The Ministry of Agrarian Affairs and Spatial Planning (ATR) or the Head of the BPN has also regulated the prevention of land cases through Regulation of the Minister of ATR or the Head of the BPN Number 15 of 2024, which includes case identification, assessment of identification results, and preparation of recommendations. This policy is crucial because handling land mafia cannot only occur after victims have lost their rights. Prevention must be a primary part of the state's responsibility. This means improving the system from the initial stage, starting with document verification, land measurement, legal data validation, and supervision by authorized officials.

However, studies show that state responsibility is not fully optimal if it focuses solely on criminal prosecution. While arresting perpetrators is important, it does not always resolve victims' losses. Victims need restoration of rights, certainty of land status, protection from intimidation, and access to a streamlined legal process. In many cases, victims must navigate criminal, civil, and state administrative channels simultaneously. This situation makes resolutions lengthy, expensive, and tedious. Therefore, the state needs to develop a more integrated victim redress mechanism. This mechanism must link criminal reports, land administration audits, and expeditious rights restoration.

From an administrative law perspective, the state can be held responsible if victims' losses occur due to negligence, procedural errors, or abuse of authority by land officials. Illegally issued land laws must be revoked through clear procedures. If officials are proven to be involved, administrative, ethical, and criminal sanctions must be strictly enforced. The state must not leave victims to face individual perpetrators alone, as land mafia crimes often occur through the use of documents that appear official. This is where state responsibility becomes crucial, as false legality that harms victims often gains strength due to weaknesses in the state administration system.

From a substantive justice perspective, victims of land mafia have the right to redress commensurate with the losses they have suffered. Redress includes not only the return of land but can also include compensation, restoration of reputation, physical protection, and guarantees that the land will not be disputed again. If land has been transferred to a third party, the state must ensure that the resolution does not harm the rightful owner. The principle of justice demands that parties acting in bad faith should not profit from the crime. Instead, victims must be placed as the main subject in the resolution process.

Thus, the state's responsibility towards victims of land mafia encompasses three main forms. First, preventive responsibility through improving the land registration system, data digitization, document validation, and official oversight. Second, repressive responsibility through enforcing criminal law against perpetrators, networks, and individuals involved. Third, restorative responsibility through restoring victims' rights quickly, fairly, and effectively. These three forms of responsibility must go hand in hand. Without prevention, new cases will continue to emerge. Without action, perpetrators have no deterrent effect. Without restitution, victims remain deprived of

justice. Ultimately, the state must position the eradication of land mafia as part of protecting citizens' rights. Legal certainty should not stop at documents, but must be demonstrated through concrete protection for legitimate landowners. Justice should not be present only in verdicts, but must be felt through the restoration of victims' rights. Therefore, the state needs to strengthen the integrity of land institutions, expedite case resolution, provide easy access to complaints, and ensure that every victim of land mafia receives effective legal protection. Without these steps, land law will lose its primary function as a guardian of rights, order, and social justice.

Furthermore, the state's responsibility must also be seen in its ability to build a land system that is easily accessible to the public. Many victims of land mafia suffer losses because they do not understand the legal status of their land, do not know how to check the validity of certificates, or do not have access to clear information regarding land administration processes. In situations like this, the state cannot simply provide written regulations. The state must ensure that the public can understand, use, and obtain protection from these regulations. Land law education, responsive complaint services, and data transparency are essential for victim protection.

Land digitization is also an important step, but it should not be understood as the sole solution. Electronic systems can help reduce document forgery and expedite data verification. However, if the initial data input is problematic, digitization can actually reinforce old errors. Therefore, the state must thoroughly validate physical and legal data before relying on digital systems. Careful re-measurement, document matching, ownership history checks, and local community involvement are all necessary. In this way, digitization truly becomes a tool of protection, not simply a change in administrative form.

The state also needs to ensure that victims of land mafia are not burdened with protracted legal processes. Victims often face financial constraints, time constraints, psychological pressure, and inequality in their position relative to the perpetrators. If case resolution takes too long, victims may lose the opportunity to use their land, lose their economic resources, or even be forced to accept unfair settlements. Therefore, a special mechanism for victims of land mafia needs to be strengthened through coordination between land agencies, the police, the prosecutor's office, the courts, and local governments. This coordination is crucial to prevent victims from having to file repeated reports and provide evidence with multiple institutions separately.

From a justice perspective, the state is also obligated to ensure the accountability of public officials. If land mafia operates with the assistance of individuals who abuse their positions, the resolution must not stop with the perpetrators on the ground. Officials who are negligent or intentionally involved must be firmly prosecuted. This firm stance is crucial to restoring public trust in land law. Therefore, protecting victims of land mafia means not only returning seized land but also improving the system that allows such seizures to occur.

CONCLUSION

The state has an important responsibility in providing protection to victims of land mafia because land is not only of economic value, but is also directly related to the rights to life, residence, sense of security and dignity of citizens. From the perspective of legal certainty, it is not enough for the state to carry out its responsibility only through taking action after a case occurs, but must start from prevention, improving land administration, supervision of officials, as well as providing a resolution mechanism that is clear, fast and accessible to the public. The practices of the land mafia show that there are still gaps in the legal system and land administration, such as falsification of documents, abuse of authority, overlapping certificates, weak supervision, and the involvement of certain parties who take advantage of people's ignorance. Therefore, the state is obliged to ensure that every process of registration, transfer, measurement and issuance of land rights is carried out transparently, accurately and responsibly. Legal certainty for victims of the land mafia means firm recognition of the rights of legal owners, restoration of the legal status of land, cancellation of documents obtained unlawfully, and the provision of protection during the legal process.

Meanwhile, from a justice perspective, the state must see victims not only as parties who have lost assets, but as citizens who have experienced social, psychological and economic losses due to the system's failure to protect their rights. Justice for victims must be realized through restoration of rights, appropriate compensation, legal aid, assistance, and law enforcement against perpetrators without selective discrimination. The state also needs to ensure that victims are not burdened with a complicated evidentiary process when there are strong indications of forgery, manipulation or abuse of authority. Thus, the state's responsibility towards victims of the land mafia must be comprehensive, starting from preventive protection, enforcing repressive laws, to actual restoration of rights. Handling the land mafia also requires strong coordination between land institutions, police, prosecutors, courts, regional governments and supervisory institutions. Without good coordination, victims will continue to face a long, tiring and uncertain process. In conclusion, the state must be actively present to ensure that the law is not only written

in regulations, but actually works to protect society. Legal certainty and justice must go together. Legal certainty without justice can cause victims to remain disadvantaged, while justice without legal certainty will be difficult to implement consistently. Therefore, protection for victims of land mafia must be part of land reform that is oriented towards citizens' rights, apparatus integrity, administrative transparency and fair restoration of rights.

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