

Corruption Policy Challenges in Combating Land Mafia: Experiences from Several Countries



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ABSTRACT

This study describes the criminal law technique used to eradicate land mafia in Indonesia, the UK, and the UAE, including corruption law. This is a normative comparative legal study. The results show that the first eradication of land mafia practices in Indonesia, the UK, and the UAE followed the same pattern. In the UK and UAE, law enforcement can use bribery offenses if land mafia practices involve public or state officials with bribery signs and money laundering offenses if the funds are manipulated. Second, no specific criminal law in Indonesia is used to eradicate land mafia practices. However, the law of corruption can be used if the practice causes state financial losses, bribery offenses can be used if the practice involves bribing state officials or public officials, and the Indonesian Criminal Code can be used if the practice involves stealing. Third, Technology can be used to prevent and reduce land mafia in Indonesia by ensuring transparency and accountability of maps and land ownership. The government's "One Map Policy" aims to unify and integrate all land-related data and information into one integrated map. This policy clarifies property ownership and legal status to reduce land mafia possibilities and actions.



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1. Introduction

The land holds significant significance for mankind. In addition to serving as a residential area, land possesses economic worth.¹ It serves as a means of sustenance for humans through agriculture, horticulture, and conducting business operations. For specific individuals, the land holds sacred and religious significance. Nevertheless, land disputes continue to occur regularly and frequently develop into acts of violence.² The implementation of the land management system in Indonesia has encountered significant challenges, particularly regarding the

¹ Siti Rahmah, Husni Jalil, and M. Yakub Aiyub Kadir, 'Legal Dilemma for Land Deed Officials in Transferring Land Title Within Agrarian Reform in Indonesia: A Study in Aceh, Indonesia', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8.1 (2024), 556–78 <https://doi.org/10.22373/sjhc.v8i1.16898>

² Tom Perreault, 'The Plantation and the Mine: Comment on "After the Land Grab: Infrastructural Violence and the 'Mafia System' in Indonesia's Oil Palm Plantation Zone" by Tania Li', *Geoforum*, 96 (2018), 345–47 <https://doi.org/10.1016/j.geoforum.2018.02.025>

duration of the implementation. This is a primary factor contributing to land disputes. Many land issues arise due to misappropriating land that does not rightfully belong to the individuals involved. Alternatively, this gang is commonly known as the land mafia. In the present day, the act of falsifying facts on property certificates is a widespread occurrence. This is due to the comprehensive nature of Indonesia's current development, which encompasses multiple sectors.³

The land mafia consistently evaluates the strategies to prevent land disputes and conflicts. However, these endeavors are consistently unlawful. An essential implementation component involves coordinating, strategizing, and implementing an event by a collective of individuals.⁴ Furthermore, land syndicates have acquired the knowledge and skills to deceive future victims. The increasing prevalence of land syndicate cases can be attributed to land being a finite resource. Indonesia has a significant demand for property, mainly due to the lack of adequate land development instruments. The land possesses significant economic worth. This phenomenon is occasionally manifested by increased land values, particularly in urban regions. These factors incentivize other parties or persons to exert negligent control through illegal methods.⁵

The increasing demand for land by capital owners is a dilemma as the land mafia heavily relies on vested interests. The existence of the land mafia has resulted in several land issues and conflicts.⁶ The land mafia refers to individuals, groups, or organizations who unlawfully engage in illegal activities to acquire land rights from others, causing delays and complications in land management disputes. The prevalence of land mafia instances is highly concerning, mainly due to the substantial financial losses. Hence, it is imperative to provide significant consideration to eliminate the land mafia.⁷

The individuals involved in the land mafia typically employ illicit methods executed in a deliberate, orderly, and systematic fashion. Illegitimate acquisition and domination of land can instigate confrontations or disagreements that frequently lead to the loss of human life. The land mafia is mainly caused by

³ Iqra Anugrah, 'Land Control, Coal Resource Exploitation and Democratic Decline in Indonesia', *TRaNS: Trans-Regional and -National Studies of Southeast Asia*, 20.5 (2023) <https://doi.org/10.1017/trn.2023.4>

⁴ Christian Lund, 'An Air of Legality—Legalization under Conditions of Rightlessness in Indonesia', *Journal of Peasant Studies*, 50.4 (2023), 1295 – 1316 <https://doi.org/10.1080/03066150.2022.2096448>

⁵ Eko Priyo Purnomo and others, 'Land Ownership Transformation before and after Forest Fires in Indonesian Palm Oil Plantation Areas', *Journal of Land Use Science*, 14.1 (2019), 37 – 51 <https://doi.org/10.1080/1747423X.2019.1614686>

⁶ John F McCarthy and others, 'Land Reform Rationalities and Their Governance Effects in Indonesia: Provoking Land Politics or Addressing Adverse Formalisation?', *Geoforum*, 132 (2022), 92–102 <https://doi.org/https://doi.org/10.1016/j.geoforum.2022.04.008>

⁷ Elza Syarief, 'Security Concerns in Digital Transformation of Electronic Land Registration: Legal Protection in Cybersecurity Laws in Indonesia', *International Journal of Cyber Criminology*, 16.2 (2022), 32–46 <https://doi.org/10.5281/zenodo.4766565>

inadequate supervision, ineffective law enforcement, and a lack of openness.⁸ Furthermore, the land mafia frequently takes advantage of people's lack of knowledge about their land to seize control over it illicitly. Paradoxically, victims are often unaware of the alteration of their land certificates as they fail to verify with the National Land Agency (BPN).⁹

The land mafia employs various *modus operandi* or methods to carry out criminal activities. These include forging documents, illegally occupying land without proper rights (known as *wilde occupation*),¹⁰ attempting to gain legal status through court proceedings, manipulating cases, colluding with officials to obtain legal status, engaging in corporate crimes such as embezzlement and fraud, falsifying power of attorney for land management, treating land transactions as formal when they are not, and causing the disappearance of land certificates. The act of land title disappearance is a method employed by personnel inside the Ministry of ATR/BPN in collusion with the land mafia.¹¹

In Indonesia, the concept of land mafia is not explicitly defined in various legislative documents. However, the Technical Guidelines Number: 01/Juknis/D.VII/2018 on the Prevention and Eradication of Land Mafia provides a definition. According to these guidelines, land mafia refers to individuals, groups, or legal entities who intentionally engage in criminal activities that hinder and disrupt the resolution of land-related issues. A land mafia refers to a group of individuals who collaborate to seize and control the property of others wrongfully.¹² The land mafia commonly employs the following methods: falsification of documents (to claim rights), obtaining legal recognition through court proceedings, occupying land through legal or unfair means (which may be illegal), orchestrating incidents to manipulate land ownership, colluding with officials to gain legal status, engaging in corporate crimes such as embezzlement and fraud, and causing the destruction of land rights and loss of land titles.¹³ The existence of the land mafia can be attributed to inadequate oversight, insufficient law enforcement, and a lack of openness. Furthermore, land is a lucrative

⁸ Abidin Kusno, *The Political Ecologies of Housing in Indonesia, Trends and Issues in Housing in Asia: Coming of an Age*, 2017 <https://doi.org/10.4324/9781315114538>

⁹ Laurens Bakker, 'Custom and Violence in Indonesia's Protracted Land Conflict', *Social Sciences & Humanities Open*, 8.1 (2023), 100624 <https://doi.org/https://doi.org/10.1016/j.ssaho.2023.100624>

¹⁰ Ben White, Colum Graham, and Laksmi Savitri, 'Agrarian Movements and Rural Populism in Indonesia', *Journal of Agrarian Change*, 23.1 (2023), 68 – 84 <https://doi.org/10.1111/joac.12506>

¹¹ Tania Murray Li, 'Commons, Co-Ops, and Corporations: Assembling Indonesia's Twenty-First Century Land Reform', *Journal of Peasant Studies*, 48.3 (2021), 613 – 639 <https://doi.org/10.1080/03066150.2021.1890718>

¹² Markus Kröger, 'Land-Grabbing Mafias and Dispossession in the Brazilian Amazon: Rural-Urban Land Speculation and Deforestation in the Santarém Region', *Globalizations*, 2024 <https://doi.org/10.1080/14747731.2024.2319440>

¹³ Sismawati and Kurnia Dewi Anggraeny, 'Law Enforcement of Forest and Land Fires in Rokan Hilir Regency of Riau Province', in *AIP Conference Proceedings*, 2023, MMDCCVI <https://doi.org/10.1063/5.0120357>

investment that yields substantial economic advantages. Furthermore, the presence of land is consistently essential for the community.

Several measures that can be undertaken to eliminate the land mafia include: Initially, it is imperative to implement decisive measures against the individuals involved in the land mafia. Perpetrators who are shown to have committed crimes such as forgery, fraud, embezzlement, bribery, gratification, money laundering, and other offenses as specified in the statute should face criminal punishment.¹⁴ Criminal sanctions are imposed to dissuade perpetrators from repeating their activities and safeguard people's legal land ownership rights.¹⁵ Unscrupulous authorities shown to be complicit in the land mafia should face criminal punishment and administrative sanctions, such as removal. The Ministry of ATR/BPN has approved disciplinary action against 125 BPN employees who were found to be engaged in illegal land activities. Out of the total of 125 employees who were officially sanctioned, 32 of them faced severe consequences, 53 were subjected to moderate disciplinary measures, and 40 received mild disciplinary actions. Severe measures, including the revocation of licenses, should be implemented against land deed officials (PPAT) who are found to be implicated in the land mafia. This would prevent further harm to individuals caused by their illicit activities.¹⁶

Furthermore, enhances the integrity and professionalism of the system. Integrity pertains to the ethical standards of officials who possess cleanliness and honesty, whereas professionalism pertains to the competence or expertise of officials in fulfilling their responsibilities.¹⁷ This is essential because the land mafia frequently engages officials in criminal activities. Furthermore, enhances collaboration and synchronization among officials in managing and eliminating the land mafia.¹⁸ As previously elucidated, the crimes perpetrated by the land mafia are premeditated, coordinated, and methodical. Hence, it is necessary to possess specialized knowledge and ensure effective collaboration among various organizations to

¹⁴ Jiwon Suh, 'Human Rights and Corruption in Settling the Accounts of the Past: Transitional Justice Experiences from the Philippines, South Korea, and Indonesia', *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 179.1 (2023), 61–89 <https://doi.org/https://doi.org/10.1163/22134379-bja10049>

¹⁵ Hilaire Tegnau and others, 'Mining Corruption and Environmental Degradation in Indonesia: Critical Legal Issues', *Bestuur*, 9.2 (2021), 90–100 <https://doi.org/10.20961/bestuur.v9i2.55219>

¹⁶ Micah R Fisher and Willem van der Muur, 'Misleading Icons of Communal Lands in Indonesia: Implications of Adat Forest Recognition From a Model Site in Kajang, Sulawesi', *Asia Pacific Journal of Anthropology*, 21.1 (2020), 55 – 76 <https://doi.org/10.1080/14442213.2019.1670244>

¹⁷ Ward Berenschot and others, 'Anti-Corporate Activism and Collusion: The Contentious Politics of Palm Oil Expansion in Indonesia', *Geoforum*, 131 (2022), 39–49 <https://doi.org/https://doi.org/10.1016/j.geoforum.2022.03.002>

¹⁸ Darwin Ginting, 'Policies on Prevention and Eradication of Land Mafia: Agrarian Reform in Indonesia; [Políticas de Prevención y Erradicación de La Mafia Terrestre: La Reforma Agraria En Indonesia]', *Utopia y Praxis Latinoamericana*, 25.Extra2 (2020), 255 – 263 <https://doi.org/10.5281/zenodo.3809387>

expose the land mafia's activities. A specialized team called the Land Mafia Prevention and Eradication Team (PPMT Team) has been established to achieve this objective. The team comprises representatives from the Ministry of Agrarian and Spatial Planning/National Land Agency, the National Police, and the Attorney General's Office.¹⁹

Next, proceed with land certification. Land certificates are crucial as they prove an individual's ownership and entitlements to land.²⁰ Nevertheless, the financial aspect frequently leads landowners to postpone obtaining certification. Consequently, landowners lack assurance regarding the legal certainty of their land title, making their land vulnerable to illegal seizure and control by other parties. This circumstance provokes land disputes. Furthermore, there is a need to enhance community engagement and involvement in the preservation and defense of their territory. The effectiveness of the PTSL initiative and the achievement of its aims depend on the active involvement of the community.²¹

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has established guidelines known as the Technical Guidelines of the Directorate General of Agrarian Problems Handling and Utilisation of Space and Land Number: 01/JUKNIS/DJ-VII/2018, to prevent and eradicate the activities of the Land Mafia. According to these guidelines, there are two levels of the Task Force for the Prevention and Eradication of the Land Mafia: the ministerial level, appointed by the Minister of ATR/BPN, and the regional office level, appointed by the Head of the Provincial BPN Regional Office (Kanwil BPN Provinsi). Nevertheless, this approach has not yielded the desired results, as indicated by the statistics and reports from the Ministry of ATR / BPN. These records indicate that there have been 305 occurrences of land mafia activities in Indonesia between 2018 and 2022, with 145 cases already being classified as P21. So far, 242 cases have been filed to the public prosecutor and have reached a final legal decision.

Another intriguing aspect of eradicating the land mafia in Indonesia is that certain instances of land mafia activity are addressed using anti-corruption legislation. These cases involve the first issue of using protected forest areas in Sergai to establish oil palm plantations. The issue was brought to attention when the special investigation team of the North Sumatra High Prosecutor's Office discovered corruption charges committed by the land mafia in a protected forest

¹⁹ Darwin Ginting, 'Resolution of Land Disputes in a Perspective of Indonesia's Land Law Reformation', *International Journal of Applied Business and Economic Research*, 14.2 (2016), 871 – 883 <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84971441429&partnerID=40&md5=d0045b7ea68ca02751f024cedd4af3a2>

²⁰ Baris Cayli, 'Renewing Criminalized and Hegemonic Cultural Landscapes', *Critical Criminology*, 22.4 (2014), 579 – 593 <https://doi.org/10.1007/s10612-014-9258-z>

²¹ Rahayu Subekti, 'The Significance of Blockchain Implementation in the Issuance of Land E-Certificates: Examples from Ghana and Germany', *Lex Localis*, 21.3 (2023), 665 – 682 [https://doi.org/10.4335/21.3.665-682\(2023\)](https://doi.org/10.4335/21.3.665-682(2023))

area in Serdang Bedagai Regency (Sergai). A 210-hectare region designated for mangrove forests was transformed into an oil palm plantation. In light of this case, there are suspicions that the local government, specifically the licensing and environmental agency, may have engaged in corrupt activities about the permit for altering the area's classification.

Furthermore, a corruption case involves the sale of land assets owned by the Labuan Bajo Regional Government in the West Manggarai Regency of East Nusa Tenggara. The land covers an area of 30 hectares and is valued at Rp 3 trillion. This corruption case could potentially cost the state up to Rp 1.3 trillion. The corruption case implicated Agustinus Ch Dula, who held the position of Regent in West Manggarai. Nineteen individuals have been identified as suspects in a corruption case. These suspects belong to different groups, including the land mafia, local government, BPN (National Land Agency), law enforcement, and Notary clusters. The Kupang District Court, in its Decision Number: 25/Pid.Sus-TPK/2021/PN.Kpg has officially declared these actions as corruption offenses. This decision has been further supported by the Kupang High Court's Decision Number 26/Pid.Sus-TPK/2021/PT. Kpg.

The United Kingdom and the United Arab Emirates have successfully implemented anti-corruption measures to eliminate the land mafia in their respective countries. In the United Kingdom, the term "land mafia" describes illicit activities such as speculation, fraud, or unauthorized land acquisition.²² The land mafia typically engages in illicit activities such as fraudulent land sales, encroachment on land, or using force to sell land at prices lower than its actual market value.²³ They achieve this by unlawfully acquiring land that belongs to the government or private individuals and subsequently fabricating ownership documents to assert their false ownership of the land. In addition, they may employ tactics such as intimidation or violent threats against landowners or residents in the vicinity to assert their authority over the land.²⁴

In the United Arab Emirates (UAE), the term "land mafia" describes illicit or unscrupulous activities related to the acquisition, transaction, or construction of real estate. Despite the UAE's thriving economy and numerous prestigious property developments, illicit property practices can also be observed in the

²² David Bonner, *The United Kingdom's Response to Terrorism: The Impact of Decisions of European Judicial Institutions and of the Northern Ireland 'Peace Process'*, *European Democracies Against Terrorism: Governmental Policies and Intergovernmental Cooperation*, 2019 <https://doi.org/10.4324/9781315188386-2>

²³ Francesco Chiodelli, 'The Illicit Side of Urban Development: Corruption and Organised Crime in the Field of Urban Planning', *Urban Studies*, 56.8 (2019), 1611 – 1627 <https://doi.org/10.1177/0042098018768498>

²⁴ Arcangelo Dimico, Alessia Isopi, and Ola Olsson, 'Origins of the Sicilian Mafia: The Market for Lemons', *Journal of Economic History*, 77.4 (2017), 1083 – 1115 <https://doi.org/10.1017/S002205071700078X>

country.²⁵ Instances of land mafia activities in the United Arab Emirates: Firstly, the land mafia may falsify ownership documents or property contracts to obtain financial gains or unlawfully obtain land. Furthermore, fraudulent practices encompass the deliberate actions of sellers or property agents to mislead buyers by presenting them with inaccurate information or concealing any problems associated with the property being sold, such as legal or infrastructure issues.²⁶ Furthermore, the land mafia in the UAE frequently resorts to violence or intimidation to displace landowners or people in order to acquire control over the land for purposes of development or investment. Furthermore, land mafias may use embezzlement techniques to fund their real estate ventures or conceal illicit funds acquired through other unlawful endeavors. Furthermore, in the United Arab Emirates, there are instances where land mafias employ tactics such as intimidation, threats, or physical force against individuals who resist or decline their proposals, including landowners and construction workers.²⁷

The UAE and the UK both experience significant consequences from the activities of the land mafia.²⁸ These consequences can have a highly damaging effect on society, including land disputes, forcible displacement of people, environmental degradation, and social unrest.²⁹ The governments and law enforcement agencies in both nations are collaborating to eliminate the activities of land mafia by intensifying monitoring, implementing stringent penalties, and enhancing public understanding of their rights regarding property ownership.³⁰ The policy of eliminating the land mafia using anti-corruption legislation in different countries. It may then determine which examples can be utilized to enhance the efficiency of law enforcement in eliminating the land mafia in every country. To demonstrate originality, the author juxtaposes earlier scholarly articles discovered during this paper's composition, encompassing: The initial document is titled "Land Mafias in Indonesia". The study discusses the prevalence of "land

²⁵ Ram Ranjan, 'Optimal Restoration of Common Property Resources under Uncertainty', *Resources Policy*, 77 (2022) <https://doi.org/10.1016/j.resourpol.2022.102688>

²⁶ Roberta Troisi and Gaetano Alfano, 'Firms' Crimes and Land Use in Italy. an Exploratory Data Analysis', *Smart Innovation, Systems and Technologies*, 178 SIST (2021), 749 – 758 https://doi.org/10.1007/978-3-030-48279-4_70

²⁷ Francesca M Calamunci, Marco Alberto De Benedetto, and Damiano Bruno Silipo, 'Anti-Mafia Law Enforcement and Lending in Mafia Lands. Evidence from Judicial Administration in Italy', *B.E. Journal of Economic Analysis and Policy*, 21.3 (2021), 1067 – 1106 <https://doi.org/10.1515/bejeap-2020-0353>

²⁸ Will Jennings, Stephen Farrall, and Shaun Bevan, 'The Economy, Crime and Time: An Analysis of Recorded Property Crime in England & Wales 1961–2006', *International Journal of Law, Crime and Justice*, 40.3 (2012), 192–210 <https://doi.org/https://doi.org/10.1016/j.ijlcj.2012.03.004>

²⁹ Steve Gibbons, 'The Costs of Urban Property Crime', *Economic Journal*, 114.499 (2004), F441–F463 <https://doi.org/10.1111/j.1468-0297.2004.00254.x>

³⁰ Nils Braakmann, 'The Link between Crime Risk and Property Prices in England and Wales: Evidence from Street-Level Data', *Urban Studies*, 54.8 (2017), 1990 – 2007 <https://doi.org/10.1177/0042098016634611>

mafias" in Indonesia, which are organized groups involved in illegal land-related activities and other mafias that focus on different commodities and state responsibilities.

The examine Indonesian land mafias' structure, nature, methods, and origins, highlighting their resemblances to similar groups found in other regions, particularly India. Without treating it as a concrete concept, we perceive land mafias as dynamic networks or collections of various individuals such as land agents, investors, solicitors, criminals, government officials, police officers, and politicians. Their objective is to acquire profits from exchanging ownership and authority over land. These aspects consist of two main components: firstly, the use of coercion, which may not always involve physical violence but always involves the transfer of property without a freely given agreement, typically through deception or manipulation; secondly, the presence of an ambiguous institutional structure that blurs the boundary between the state and society. We examine four methods of land mafia operations; however, their ambiguous nature makes it difficult to classify them easily. When discussing the durability of land mafias, we recognize that Indonesia's property boom has played a role. However, it is essential to recognize that the widespread presence of mafias suggests a deeper underlying cause: A range of state formation characterized by extensive involvement of governmental actors in illicit activities in collaboration with affluent private actors. Mafias play a crucial role in Indonesian state development, rather than being considered anomalies. The presence of feedback loops that provide incentives for engaging in unlawful activities makes it challenging to eliminate land mafias.³¹

Furthermore, a scholarly article titled "A Sociolegal Analysis of Land Mafia Practices in Construction Projects". This study aims to perform a sociolegal examination of land policies and land conflicts related to land mafias in Indonesia. This study identifies four vital legal aspects concerning land mafia activities in Indonesia by analyzing legislative statutes, relevant case law, and other documentary sources. These include land policy in Indonesia, the modus operandi of land mafia groups, state officials' participation, and initiatives to eliminate land mafia practices. These findings enhance our ability to grasp the practices of the land mafia comprehensively. This study contributes to the existing information by shedding light on land mafia practices, which are not exclusive to Indonesia. It is precious for researchers from countries with limited literature on this subject. Similarly, the government can gain advantages by acquiring a more extensive comprehension of the land mafia's operations and their repercussions on society and the state. Consequently, they might take measures to prevent and eliminate

³¹ Dianto Bachriadi and Edward Aspinall, 'Land Mafias in Indonesia', *Critical Asian Studies*, 55.3 (2023), 331–53 <https://doi.org/10.1080/14672715.2023.2215261>

land mafia offenses to reinstate public order and legal assurance concerning property ownership in Indonesia.³²

The third item is a study titled "Retributive Justice in Law Enforcement Against Land Mafia in Indonesia: Perspectives of State Administration Law and Indonesian Criminal Law". The primary aim of this research was to examine the application of Retributive Justice in law enforcement against the land mafia, as viewed through the lenses of State administrative law and Indonesian criminal law. In order to accomplish this goal, the study employed normative research methodology and gathered data from legal documents. The findings indicate that retributive justice aligns with State administrative punishments by serving as a law enforcement model that deters and prevents further illegal activities. Furthermore, the criminal attributes of the land mafia fall under the classification of malevolent settlements, where their criminal culpability manifests through the commission, instigation, or involvement in illegal activities. Furthermore, to effectively combat the land mafia in Indonesia from a retributive justice standpoint, it is necessary to amend the requirements of the UUPA and transition the land registration system from a negative publication system to a positive publication system. This research has significant consequences for the organization and modifications of the UUPA to optimize law enforcement and achieve retributive justice. It also offers a solution for transforming the land registration system in Indonesia into a more transparent and effective publication system.³³

2. Research Method

This study employs a normative legal research methodology incorporating statutory, conceptual, and comparative legal analysis.³⁴ The statutory approach involves conducting a comprehensive inventory and analysis of all legal regulations about eradicating land mafia practices in Indonesia, followed by formulating a conclusion. The comparative law approach involves analyzing the policies implemented in similar nations to combat land mafia practices in those respective countries.³⁵ The author of this research selects the United Kingdom and the United Arab Emirates as legal reference points for comparison. These countries

³² Seng Hansen, 'A Sociological Analysis of Land Mafia Practices in Construction Projects', *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, 15.3 (2023) <https://doi.org/10.1061/JLADAH.LADR-980>

³³ Surahman et All, 'Retributive Justice in Law Enforcement Against Land Mafia in Indonesia', *International Journal of Criminal Justice Sciences*, 18.2 (2023), 259-74 <https://doi.org/10.5281/zenodo.4756317>

³⁴ Pujiyono Suwadi and others, 'Legal Comparison of the Use of Telemedicine between Indonesia and the United States', *International Journal of Human Rights in Healthcare*, ahead-of-p. ahead-of-print (2022) <https://doi.org/10.1108/IJHRH-04-2022-0032>

³⁵ Rian Saputra, Josef Purwadi Setiodjati, and Jaco Barkhuizen, 'Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)', *JOURNAL of INDONESIAN LEGAL STUDIES*, 8.1 (2023), 243-88 <https://doi.org/10.15294/jils.v8i1.67632>

were chosen due to the recent prevalence of illegal property and land control issues.

3. Results and Discussion

Corruption Policy Challenges in Combating Land Mafia in Indonesia.

The growth and advancement of property business activities in Indonesia positively and negatively affect society. While it brings benefits, such as economic growth, it also poses challenges due to the community's lack of knowledge and understanding regarding the regulations and laws governing property ownership and transfer.³⁶ In contemporary society, property is widely regarded as representing an individual's affluence and well-being. Moreover, many individuals perceive property as an indicator of a person's level of achievement.³⁷ The current trend shows a growing desire among individuals to own property, accompanied by intensifying commercial competition. As a result, individuals are resorting to any means necessary to maximize their profits, even if it involves intentionally breaking the law in the real estate sector. This includes violating the Technical Guidelines Number 3 / Juknis-800.HK.01.01 / III / 2021, which contains criminal indications. The criminal activity involving land is commonly referred to as the land mafia. The land mafia specifically targets underdeveloped, vacant, and legally disputed land as part of their aggressive tactics. The culprits provide authentic certificates to the BPN while utilizing counterfeit girik letters for land that has not undergone the necessary modifications stipulated by the UUPA. The mafia forcibly displaces elderly citizens by exploiting authentic land certificates.³⁸

The term "land mafia" denotes the organized criminal enterprise engaged in illicit operations about real estate and land with the intention of monetary profit. The land mafia theory can be elucidated by examining various components specifically: The concept of land mafia theory is around the participation of organized crime organizations, such as mafias or crime syndicates, which include a hierarchical structure and distinct allocation of responsibilities.³⁹ These organizations frequently exert significant influence over a specific region or community. Furthermore, the second issue is the acts of blackmail and coercion. A vital component of the land mafia idea involves employing violence, threats, or intimidation to extort or compel specific individuals or groups to relinquish or sell

³⁶ T. Firman, 'Major Issues in Indonesia's Urban Land Development', *Land Use Policy*, 21.4 (2004), 347–55 <https://doi.org/10.1016/j.landusepol.2003.04.002>

³⁷ Lego Karjoko and others, 'Indonesia's Sustainable Development Goals Resolving Waste Problem: Informal to Formal Policy', *International Journal of Sustainable Development and Planning*, 17.2 (2022), 649–58 <https://doi.org/10.18280/ijstdp.170230>

³⁸ Yusrizal and Muhammad Yamin Lubis, 'Land Conversion to the Poor People in the Perspective of Utilitarianism Theory by Bentham', in *E3S Web of Conferences*, 2018, LII <https://doi.org/10.1051/e3sconf/20185200053>

³⁹ Tania Murray Li, 'After the Land Grab: Infrastructural Violence and the "Mafia System" in Indonesia's Oil Palm Plantation Zones', *Geoforum*, 96 (2018), 328 – 337 <https://doi.org/10.1016/j.geoforum.2017.10.012>

their land or property. Extortion encompasses actions such as physical aggression, legal coercion, or bribery of authorities.⁴⁰

Furthermore, land mafias frequently partake in corrupt and bribery activities, exerting influence over government officials, law enforcement personnel, and individuals engaged in property transactions.⁴¹ Bribery can be employed to acquire privileged information, elude law enforcement, or secure illicit profits. Fourthly, the primary objective of the land mafia is to achieve financial benefit through their illicit activities. After gaining control of land or property, they can sell it at a premium price or utilize it for lucrative development endeavors.⁴²

The correlation between land mafia practices and corruption crimes is well-established in Indonesia. The country's corruption crime regime governs various aspects related to corruption crimes. The Anti-Corruption Law explicitly addresses three types of offenses: those that result in financial and economic losses to the state, bribery offenses, and gratuity offenses. All of these offenses are classified as corruption crimes under the Anti-Corruption Law.⁴³ When it comes to crimes that cause financial damages to the government or the state's economy, if these crimes are connected to cases involving land mafia, only lands that are considered state assets can be treated as instances of corruption in the efforts to eliminate the land mafia.⁴⁴

Examples of the application of corruption laws to address the offense of state financial loss in the fight against the land mafia, which has been categorized as corruption offenses, include: The corruption case involves the sale of 30 hectares of land assets owned by the Labuan Bajo Regional Government in West Manggarai Regency, East Nusa Tenggara. The value of these assets is estimated to be 3 trillion rupiah, and it is believed that the corruption has caused a loss of up to 1.3 trillion rupiah to the state. The corruption case involves the Regent of West Manggarai, Agustinus Ch Dula, who has identified 19 individuals from different groups, such as the land mafia, local administration, BPN, law enforcement, and notaries, as suspects. The decision of the Kupang District Court is recorded as 25/Pid.Sus-

⁴⁰ Ginting, 'Policies on Prevention and Eradication of Land Mafia: Agrarian Reform in Indonesia; [Políticas de Prevención y Erradicación de La Mafia Terrestre: La Reforma Agraria En Indonesia]'.
⁴¹ Barbara Huber, *Sanctions against Bribery Offences in Criminal Law, Corruption, Integrity and Law Enforcement*, 2021 https://doi.org/10.1163/9789004481213_010

⁴² Dadang Suhendi and Erwin Asmadi, 'Cyber Laws Related to Prevention of Theft of Information Related to Acquisition of Land and Infrastructure Resources in Indonesia', *International Journal of Cyber Criminology*, 15.2 (2021), 135–43 <https://doi.org/10.5281/zenodo.4766552>

⁴³ Caroline Gratia Sinuraya and Tutik Rachmawati, 'Does Icts Matters for Corruption?', *Asia Pacific Fraud Journal*, 1.1 (2017), 49 <https://doi.org/10.21532/apfj.001.16.01.01.04>

⁴⁴ Stephen Ojeka and others, 'Corruption Perception, Institutional Quality and Performance of Listed Companies in Nigeria', *Heliyon*, 5.10 (2019), e02569 <https://doi.org/https://doi.org/10.1016/j.heliyon.2019.e02569>

TPK/2021/PN.Kpg and is further supported by the decision of the Kupang High Court as 26/Pid.Sus-TPK/2021/PT.Kpg.

The second decision is identified as Number 11/PID.SUS-TPK/2023/PT YYK. The defendant, Robinson Saalino Bin Martin Saalino, acquired a permit to use village treasury land from SG and PAG. However, the Governor of Yogyakarta did not authorize this permit and was only allowed to use 5000 M2 of land. The Village Treasury Land, totaling 16,215 m², was divided into two parts: an initial area of 5,000 m², as stated in the Governor's Permit, and an additional 11,215 m². Subsequently, the entire 16,215 m² of land was leased to third parties for 20 years. The perpetrator of this act received a payment of Rp 29,215,920,000, - (twenty-nine billion two hundred fifteen million nine hundred twenty thousand rupiah). Robinson Saalino Bin Martin Saalino has been legally and convincingly convicted of committing the crime of corruption, as stated in Article 2 Paragraph (1) of the Anti-Corruption Law. The Yogyakarta District Court issued this verdict under Decision Number 8/Pid.Sus-TPK/2023/PN Yyk, which Decision Number 11/PID further reinforced.SUS-TPK/2023/PT YYK. The defendant was convicted and received a sentence of 8 years of imprisonment and a fine of Rp400,000,000.00. However, if the payment is not paid, it will be substituted with a 4-month imprisonment.

The components of state financial losses resulting from reductions in state financial receipts are as follows: Kelurahan Caturtunggal's finances were affected by the non-payment of rental fees by PT Deztama Putri Sentosa for the unauthorised use of kalurahan land. The land, measuring 11,215 m², was leased without the permission of the Governor of Yogyakarta. The outstanding amount for the lease is Rp 2,467,300,000.00 (two billion four hundred sixty-seven million three hundred thousand rupiah). The Land and Building Tax for the land used by PT Deztama Putri Sentosa, which covers an area of 11,215 m², was incurred without the permission of the Governor of Yogyakarta and a lease agreement. The tax amount for the period of 2018 to 2023, which spans 6 years, was paid by the Caturtunggal Kalurahan Government and amounted to Rp 32,702,940.00 (thirty-two million seven hundred two thousand nine hundred forty rupiah). Furthermore, PT Deztama Putri Sentosa has accumulated outstanding rental principal and late payment fines for the period of 2018 to 2023, amounting to Rp 452,000,000.00 (four hundred and fifty-two million rupiah), for the leased land of 5,000 m².

The land mafia's activities are not directly linked to financial losses incurred by the state, such as when they target communal land, the charges of gratification and bribery can also be utilized to eliminate the land mafia in Indonesia.⁴⁵ In such

⁴⁵ Satria Unggul Wicaksana Prakasa, 'Garuda Indonesia-Rolls Royce Corruption, Transnational Crime, and Eradication Measures', *Lentera Hukum*, 6.3 (2019), 413-30 <https://doi.org/10.19184/ejllh.v6i3.14112>

instances, bribery or gratification is utilized to describe the behavior of the land mafia when they offer gifts or money to government officials to facilitate their illegal activities.⁴⁶ An instance of utilizing the corruption offense of bribery to combat the land mafia can be observed in Decision Number 12/Pid.Sus-TPK/2023/PN Yyk. This decision pertains to the misuse of village treasury land sourced from SG and PAG, which is not in compliance with the authorization of the Governor of Yogyakarta. The granted land use permit is limited to only 5000 M2. The Village Treasury Land, totaling 16,215 m2, was initially comprised of 5,000 m2 as stated in the Governor's Permit, with an additional area of 11,215 m2. Subsequently, this land was leased to third parties for 20 years, resulting in a payment of Rp 29,215,920,000 (twenty-nine billion two hundred fifteen million nine hundred twenty thousand rupiah) to the individual responsible. The case involved the ASN's arrest of Krido Suprayitno, the Head of the Yogyakarta Special Region Land and Spatial Planning Office (Civil et al.). The public prosecutor accused the defendant in the principal indictment of breaching Article 2 Paragraph (1) and Article 3 of the Anti-Corruption Law.

Additionally, an alternative accusation of breaking Article 12B of the Anti-Corruption Law on gratuities was brought against the defendant. Ultimately, the judge concluded that the defendant was not found guilty of engaging in corruption as defined in Article 2 Paragraph (1) or Article 3 of the Anti-Corruption Law. The judge determined that the defendant, Krido Suprayitno, had contravened Article 12B of the Anti-Corruption Law regarding accepting bribes. The offender was subsequently convicted and sentenced to a 4-year prison term and a fine of Rp.300,000,000, - (three hundred million rupiah). It was stipulated that failure to pay the fine would result in a 1-month imprisonment as a substitute.

What is noteworthy in terms of combating land mafia practices through the strategy of prosecuting money laundering crimes may be observed in the case that affected Nirina Zubir's family, resulting in estimated losses of Rp17 billion. During the incident, there was an illicit transfer of ownership of 1,499m2 of land from Nirina Zubir's family to her household assistant. The transfer was executed based on a legally binding deed of sale and purchase and a notarized deed of power of attorney to sell. The transfer of ownership paperwork utilized the signature of Cut Indria Martini, which was purportedly counterfeited, and a deed of sale and purchase that was unlawfully typed, however, authenticated by a notary. A portion of the land certificates has been auctioned, while two others have been utilized as collateral for bank loans. The culprit asserted that they utilized the funds acquired from selling the land certificates to establish a frozen food enterprise, which expanded to encompass five outlets. In this instance, the culprit

⁴⁶ Ridwan Arifin, Sigit Riyanto, and Akbar Kurnia Putra, 'Collaborative Efforts in ASEAN for Global Asset Recovery Frameworks to Combat Corruption in the Digital Era', *Legality: Jurnal Ilmiah Hukum*, 31.2 (2023), 329–43 <https://doi.org/10.22219/ljih.v31i2.29381>

was accused of committing fraud and money laundering, resulting in a 13-year prison sentence.

The present efforts to eliminate the land mafia in Indonesia involve employing many strategies within the criminal law framework.⁴⁷ These techniques specifically target the behaviors of the land mafia, which lead to financial losses for the state. One effective method for combating this issue is by utilizing corruption charges. Suppose the activities of the land mafia involve state officials through bribes or gratuities.⁴⁸ In that case, the corruption criminal code offense of bribery can also be utilized to combat and eliminate these practices. Bribery charges can be used against those who give bribes in land mafia activities, even if they are not government officials. The elimination of land mafia activities in Indonesia is also pursued through the enforcement of laws outlined in the Criminal Code, including charges related to fraud, embezzlement, and other similar offenses.

Corruption Policy Challenges in Combating Land Mafia from the United Kingdom.

In the UK, although there is no prominent instance of a "land mafia" case, as seen in several other nations, several cases demonstrate unlawful or immoral activities associated with land and property ownership.⁴⁹ Instances of incidents that have emerged in recent years in the United Kingdom: The Edlington Properties Case occurred in 2017 and was around a property developer named Edlington Properties. The individuals were accused of committing fraud against those who purchased apartments by making false promises of amenities, such as swimming pools, gyms, and parking, which were never provided after the purchase.⁵⁰ The West Midlands Land Scam Case refers to a controversy that occurred in 2019 involving the fraudulent sale of a significant piece of land to investors. The land was falsely advertised as having possibilities for development. The investors incurred financial losses due to the unfeasibility of land development.⁵¹

Furthermore, the Grenfell Tower incident 2017 shed light on concerns about building codes, supervision of safety measures, and property ownership. However,

⁴⁷ Andries Johannes Zoutendijk, 'Organised Crime Threat Assessments: A Critical Review', *Crime, Law and Social Change*, 54.1 (2010), 63–86 <https://doi.org/10.1007/s10611-010-9244-7>

⁴⁸ Yoshiyasu Takefuji, 'Case Report on Enormous Economic Losses Caused by Fraud from Japan to the World', *Journal of Economic Criminology*, 1. February (2023), 100003 <https://doi.org/10.1016/j.jeconc.2023.100003>

⁴⁹ Shruti Kohli, 'Developing Cyber Security Asset Management Framework for UK Rail', in *2016 International Conference on Cyber Situational Awareness, Data Analytics and Assessment, CyberSA 2016, 2016* <https://doi.org/10.1109/CyberSA.2016.7503296>

⁵⁰ Richard Disney and others, 'DOES HOMEOWNERSHIP REDUCE CRIME? A RADICAL HOUSING REFORM FROM THE UK', *Economic Journal*, 133.655 (2023), 2640 – 2675 <https://doi.org/10.1093/ej/uead040>

⁵¹ Nurulanis Ahmad Mohamed and others, 'Investment Constraints in Urban Regeneration: Property Developers and Local Authorities Perspective', in *MATEC Web of Conferences*, 2016, LXVI <https://doi.org/10.1051/mateconf/20166600063>

it does not fall within the conventional definition of a land mafia case.⁵² It prompts inquiries regarding the adequacy of property management and safety protocols. Furthermore, there have been other instances in the UK when property developers have faced charges of misappropriating cash acquired from property buyers for development projects that were either abandoned or failed to match the promised standards.⁵³ Furthermore, document forgery cases arise, involving the falsification or alteration of land ownership documents or property contracts to favor a specific individual or group. This may entail unscrupulous real estate brokers or criminal organizations collaborating with corrupt government officials.⁵⁴ Despite the diverse challenges encountered in the UK property business, the government and law enforcement authorities persistently endeavor to tackle these problems by enhancing regulation, promoting transparency, and enforcing harsh measures.

Land mafia activities that are identified as acts of corruption, particularly involving bribes and gifts towards government officials, include The Land Purchase Case in the Borough of Newham, which involved a former municipal politician in London who was convicted in 2018 for receiving bribes from property developers in order to promote a development project.⁵⁵ He was remunerated with a sum of £50,000 in return for his exertion of influence in the licensing procedure. In 2017, a local council head in Hertfordshire was convicted of receiving payments from a waste management business to promote a contentious garbage disposal project in the county. This incident is commonly referred to as the Rubbish Dumping Case in Hertfordshire. Equally intriguing is the Licencing Scandal in London, where municipal planning officials purportedly received bribes or illicit incentives from property developers to promote development projects that contravened city planning regulations.⁵⁶

The battle against the land mafia in the UK encounters various intricate obstacles. Two major obstacles are the pervasive corruption in the property

⁵² Kate Bowers, 'Risky Facilities: Crime Radiators or Crime Absorbers? A Comparison of Internal and External Levels of Theft', *Journal of Quantitative Criminology*, 30.3 (2014), 389 – 414 <https://doi.org/10.1007/s10940-013-9208-z>

⁵³ Alexandra Macmillan and others, 'Integrated Decision-Making about Housing, Energy and Wellbeing: A Qualitative System Dynamics Model', *Environmental Health: A Global Access Science Source*, 15 (2016) <https://doi.org/10.1186/s12940-016-0098-z>

⁵⁴ David McIlhatton and others, 'Impact of Crime on Spatial Analysis of House Prices: Evidence from a UK City', *International Journal of Housing Markets and Analysis*, 9.4 (2016), 627 – 647 <https://doi.org/10.1108/IJHMA-10-2015-0065>

⁵⁵ Paul B Stretesky and others, 'Does Oil and Gas Development Increase Crime within UK Local Authorities?', *Extractive Industries and Society*, 5.3 (2018), 356 – 365 <https://doi.org/10.1016/j.exis.2018.03.006>

⁵⁶ Samuel Burgum, Helen Jones, and Ryan Powell, 'Manufacturing Mandates: Property, Race, and the Criminalisation of Trespass in England and Wales', *Environment and Planning C: Politics and Space*, 40.6 (2022), 1219 – 1236 <https://doi.org/10.1177/23996544211067381>

licensing system and the inefficiencies in land management.⁵⁷ Dishonest government officials may willingly receive bribes or gifts to expedite the licensing procedure or to refrain from pursuing legal measures against the criminal activities the land mafia carries. The challenge lies in the scarcity of resources and technological limitations, which hinder their ability to investigate and punish land mafia charges thoroughly. Insufficient financial resources and limited staff can hinder efforts to combat these illicit activities.⁵⁸

Moreover, the intricate nature of property ownership, particularly in commercial or investment properties, can challenge law enforcement agencies to track down the actual owners and expose illicit activities carried out by land mafias under the guise of companies or other entities. In the United Kingdom, there is a growing trend among land mafias to employ technology to further their illicit operations. This includes using automation software and artificial intelligence to manipulate data or bypass licensing systems. Law enforcement agencies must enhance their ability to address these technological issues.⁵⁹

Furthermore, inadequate or obscure urban planning policies might present difficulties by allowing land mafia groups to exploit loopholes. Dishonest developers can take advantage of the ambiguity in planning rules to influence the licensing or land acquisition process.⁶⁰ However, the main issue is the participation of numerous dishonest players in the property supply chain, such as property agents, appraisers, lawyers, and notaries. Collaboration among them can enable the operation of land mafia practices. Hence, effectively addressing the issue of land mafia in the UK necessitates a strong collaboration among the government, law enforcement agencies, the corporate sector, and civil society. Measures such as enhancing openness, strengthening monitoring, enforcing laws rigorously, and educating the public about their rights can effectively tackle this situation.⁶¹

In the United Kingdom, the battle against land mafia entails the implementation of diverse legislations designed to safeguard the rights of landowners, deter illicit

⁵⁷ Emily Gould, *Offences Relating to "Dealing" in Cultural Property: The UK Approach*, *Global Perspectives on Cultural Property Crime*, 2022 <https://doi.org/10.4324/9780367823801-17>

⁵⁸ Mohammad AlKrisheh, Nour Hamed Alhajaya, and Firas Massadeh, 'Time Limitations for Intellectual Property in Criminal and Civil Litigation: A Comparative Study of England and Jordan', *International Journal of Private Law*, 10.1 (2021), 18 – 30 <https://doi.org/10.1504/IJPL.2021.120429>

⁵⁹ Aisha Hassan Al-Emadi, 'The Financial Action Taskforce and Money Laundering: Critical Analysis of the Panama Papers and the Role of the United Kingdom', *Journal of Money Laundering Control*, 24.4 (2021), 752 – 761 <https://doi.org/10.1108/JMLC-11-2020-0129>

⁶⁰ Anton Moiseienko, *The Value of Transparency: The Role of Beneficial Ownership Registers in Policing Illicit Finance*, *Policing Transnational Crime: Law Enforcement of Criminal Flows*, 2020 <https://doi.org/10.4324/9781351132275-11>

⁶¹ Naeem Ahmed Subhani, Muhammad Zafar Iqbal, and Muhammad Mehmood Khan, 'Business Continuity and Crisis Management', in *Society of Petroleum Engineers - PAPG/SPE Pakistan Section Annual Technical Conference and Exhibition 2016*, 2016, pp. 50 – 62 <https://doi.org/10.2118/185315-ms>

activities associated with land possession, and clamp down on individuals involved in land-related criminal activities. Several pertinent statutes encompass the following: The Land Registration Act 2002 governs the procedures and rules for land registration and ownership in England and Wales. This promotes enhanced visibility in land ownership and mitigates the potential for land fraud. The Criminal Justice Act of 1988 establishes the legal structure for addressing property crimes, including land theft, document forgery, and fraudulent property transactions, sometimes associated with organized criminal groups known as land mafias. The Town and Country Planning Act 1990 is a legislation in the UK that governs the utilization and advancement of land.

The restrictions encompass development licenses, property purchase, and community planning, serving as a deterrent against land mafia activities. The Anti-Social Behaviour, Crime, and Policing Act 2014 grants authority to the government and law enforcement authorities to address anti-social behavior, such as acts conducted by the land mafia that cause disturbance to public order.⁶² The Bribery Act 2010 is a piece of legislation that deals with the illegal acts of bribery and corruption. These acts are frequently associated with the practices of the land mafia, who bribe the government or law enforcement authorities. The Criminal Finances Act of 2017 establishes a legal structure to combat financial misconduct, explicitly addressing the issue of money laundering, which is frequently associated with illicit monies acquired through land mafia activities.⁶³ In the UK, the Anti-Trafficking Act encompasses legislation explicitly addressing instances of coercion or intimidation related to land possession. These regulations serve as a means to combat land mafia groups' activities that employ violent tactics or make threats.⁶⁴

Corruption Policy Challenges in Combating Land Mafia from the Uni Emirat Arab

An infamous instance of land mafia activity in the United Arab Emirates is the "Abu Dhabi Land Scam" that occurred several years ago.⁶⁵ This case pertained to illicit activities concerning a multitude of investors who engaged in the acquisition of land in the Abu Dhabi region. In this instance, many investors, predominantly from foreign countries, acquired land in the Abu Dhabi area to enhance and utilize

⁶² Matthew Tonkin and others, 'Linking Property Crime Using Offender Crime Scene Behaviour: A Comparison of Methods', *Journal of Investigative Psychology and Offender Profiling*, 16.2 (2019), 75 – 90 <https://doi.org/10.1002/jip.1525>

⁶³ Roger Tarling and Katie Morris, 'Reporting Crime to the Police', *British Journal of Criminology*, 50.3 (2010), 474 – 490 <https://doi.org/10.1093/bjc/azq011>

⁶⁴ Paul Cozens, David Hillier, and Gwyn Prescott, 'Crime and the Design of Residential Property – Exploring the Theoretical Background - Part 1', *Property Management*, 19.2 (2001), 136 – 164 <https://doi.org/10.1108/02637470110388235>

⁶⁵ Noora Lori, 'National Security and the Management of Migrant Labor: A Case Study of the United Arab Emirates', *Asian and Pacific Migration Journal*, 20.3-4 (2011), 315 – 337 <https://doi.org/10.1177/011719681102000304>

their assets in that location.⁶⁶ Nevertheless, after the acquisition, they discovered that their land did not align with the assurances. Many individuals discovered that the land they had purchased was either unregistered or illegal in ownership.⁶⁷

Subsequently, these investors realized they had fallen prey to a fraudulent scheme orchestrated by deceitful individuals, including untrustworthy real estate salespeople, unlicensed developers, and corrupt government officials who falsified documents and manipulated land ownership.⁶⁸ This event has generated significant apprehension regarding the security and openness of the real estate market in the United Arab Emirates. Following that, the local government increased its oversight and implementation to deter future recurrence of such activities. This case also underscores the need for investors to conduct comprehensive inquiries and adhere to relevant legislation before engaging in international real estate acquisitions.⁶⁹

The following case pertains to a notorious incident in the real estate sector of the United Arab Emirates (UAE), known as the "Nad Al Sheba Land Scam." This case revolves around a fraudulent scheme in Dubai in 2009, resulting in numerous investors being deceived through the illegal sale of unauthorized or fictitious land within the Nad Al Sheba development project. While the term "land mafia" may not directly apply to this particular case, the actions involved, such as property fraud, document forgery, and manipulation of information, are commonly associated with this term.⁷⁰ In these instances, the victims were misled by unscrupulous property agents or deceitful property developers into believing that the land they bought was part of a future development project in Nad Al Sheba. Subsequently, following the acquisition, they ascertained that the land either did not physically exist or the legal ownership was incorrect.⁷¹ This case exemplifies

⁶⁶ Paul Ekblom and others, 'Crime Prevention through Environmental Design in the United Arab Emirates: A Suitable Case for Reorientation?', *Built Environment*, 39.1 (2013), 92 – 113 <https://doi.org/10.2148/benv.39.1.92>

⁶⁷ Jim Grant, Fatema Shabbir Golawala, and Donelda S McKechnie, 'The United Arab Emirates: The Twenty-First Century Beckons', *Thunderbird International Business Review*, 49.4 (2007), 507 – 533 <https://doi.org/10.1002/tie.20155>

⁶⁸ Gary Cordner, Annmarie Cordner, and Dilip K Das, *Introduction: Policing and Urbanization, Urbanization, Policing, and Security: Global Perspectives*, 2009 <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85122365615&partnerID=40&md5=b1e645b2785505676bb89f496f5dcbd2>

⁶⁹ Chuloh Jung and others, 'Analyzing the Housing Consumer Preferences via Analytic Hierarchy Process (AHP) in Dubai, United Arab Emirates', *Behavioral Sciences*, 12.9 (2022) <https://doi.org/10.3390/bs12090327>

⁷⁰ Mariam Aljassmi and others, 'Estimating the Magnitude of Money Laundering in the United Arab Emirates (UAE): Evidence from the Currency Demand Approach (CDA)', *Journal of Money Laundering Control*, 27.2 (2024), 332 – 347 <https://doi.org/10.1108/JMLC-02-2023-0043>

⁷¹ Temidayo James Aransiola and Vania Ceccato, *The Role of Modern Technology in Rural Situational Crime Prevention: A Review of the Literature*, *Rural Crime Prevention: Theory, Tactics and Techniques*,

the malevolent aspects of the property sector, characterized by illicit acts that harm several investors. Although the term "land mafia" was not explicitly mentioned in this case, the fraudulent property transactions and other unlawful conduct involved typically resemble the actions commonly associated with the land mafia in other situations. The local government has implemented measures to enhance oversight and regulation in the real estate sector in order to prevent the reoccurrence of fraudulent activities in the future.⁷²

The UAE has implemented many legal regulations to combat and eliminate land mafia activities and ensure proper land ownership. Notable legal regulations in the UAE encompass: The text refers to Federal Law No. 7 of 2006, which pertains to the ownership of real estate by individuals not citizens of the United Arab Emirates. This legislation governs the ownership of land by individuals who are not citizens of the United Arab Emirates (UAE). The legislation establishes criteria and limitations for non-UAE citizens regarding property ownership to curb speculation and prevent illicit land practices. The UAE Civil Code, also known as Federal Law No. 5 of 1985 on Civil Transactions, This legislation encompasses a wide range of elements about the ownership of land and the execution of property transactions in the United Arab Emirates.⁷³ It establishes a legal structure for the buying, selling, and renting of property and protocols for registering land. The text refers to Federal Law No. 10 of 2008, which pertains to real estate registration in the Emirate of Dubai. This legislation explicitly governs the procedures for land registration and property ownership in Dubai. It enhances openness and security in property transactions in the region. The user's text is already straightforward and precise. No changes are needed. This legislation governs urban planning and growth in the United Arab Emirates.⁷⁴

The restrictions encompass development licenses, land usage, and spatial planning, serving as a deterrent against land mafia operations. Federal Law No. 4 of 2016, known as the Combating Financial Crimes Law, addresses various financial offenses, including money laundering, particularly in cases involving illicit cash acquired from land mafia activities. 6. Regulations of the Local Municipality: Each emirate in the UAE has specific legislation that oversees town planning, development, and land ownership within its jurisdiction. This

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<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85104902731&partnerID=40&md5=4bfa6671b6f3f39d0942186d02d293bd>

⁷² Volker Krey and others, 'Financial Crisis and German Criminal Law: Managers' Responsibility for Highly-Speculative Trading in Obscure Asset-Backed Securities Based on American Subprime Mortgages', *German Law Journal*, 11.3 (2010), 319 – 329 <https://doi.org/10.1017/S207183220001854X>

⁷³ Mohammad A Alqassim and Niamh Nic Daeid, 'Fires and Related Incidents in Dubai, United Arab Emirates (2006–2013)', *Case Studies in Fire Safety*, 2 (2014), 28–36 <https://doi.org/https://doi.org/10.1016/j.csfs.2014.10.001>

⁷⁴ Bambang Sugeng Rukmono, Pujiyono Suwadi, and Muhammad Saiful Islam, 'The Effectiveness of Recovering Losses on State Assets Policy in Dismissing Handling of Corruption', *Journal of Human Rights, Culture and Legal System*, 4.2 (2024), 299 – 330 <https://doi.org/10.53955/jhcls.v4i2.259>

encompasses regulations about development permits, spatial planning, and land acquisition.⁷⁵

In addition to the legislation above, the UAE Government has implemented some uncommon steps to counteract land mafia activities and enhance transparency and equity in the real estate sector. Several measures have been implemented, including the following: The UAE government is consistently enhancing regulations and norms in the property business to combat illicit activities carried out by land mafia groups.⁷⁶ This encompasses creating regulatory entities like the Department of Land and Property (DLD) in Dubai, which aims to govern and supervise the nation's real destination market. In addition, implemented an online platform to enhance openness in property transactions, allowing the public to access information on property transactions and the status of land ownership. This measure effectively mitigates the occurrence of illicit or fraudulent activities.⁷⁷

The UAE government is implementing strong measures to combat land mafia operations, including property fraud, document forgery, and other illicit actions. This encompasses the legal pursuit of negligent property developers and deceitful property agents. The government prioritizes increasing public understanding of property ownership rights and the potential dangers linked to unlawful activities. This is achieved through public education and information initiatives that raise awareness about the dangers of property fraud and provide guidance on how individuals can safeguard their interests.⁷⁸ The UAE Government collaborates internationally to tackle transnational crimes, specifically money laundering linked to land mafia activities. This collaboration facilitates information sharing and synchronizing efforts among nations to tackle these problems efficiently. These policies aim to provide a robust and equitable business environment in the real estate sector in the UAE, with a focus on safeguarding consumer interests and reducing property-related offenses.⁷⁹

⁷⁵ Fabian Teichmann, 'Recent Trends in Money Laundering', *Crime, Law and Social Change*, 73.2 (2020), 237 – 247 <https://doi.org/10.1007/s10611-019-09859-0>

⁷⁶ Rian Saputra and others, 'Reconstruction of Chemical Castration Sanctions Implementation Based on the Medical Ethics Code (Comparison with Russia and South Korea)', *Lex Scientia Law Review*, 7.1 (2023), 61–118 <https://doi.org/10.15294/lesrev.v7i1.64143>

⁷⁷ Robert W McGee, *The Ethics of Bribery: Summaries of 28 Studies*, *The Ethics of Bribery: Theoretical and Empirical Studies*, 2023 https://doi.org/10.1007/978-3-031-17707-1_26

⁷⁸ Evgeny Pankratov, Vladimir Grigoryev, and Oleg Pankratov, 'The Blockchain Technology in Real Estate Sector: Experience and Prospects', in *IOP Conference Series: Materials Science and Engineering*, 2020, DCCCLXIX <https://doi.org/10.1088/1757-899X/869/6/062010>

⁷⁹ Neil Brodie, 'Syria and Its Regional Neighbors: A Case of Cultural Property Protection Policy Failure?', *International Journal of Cultural Property*, 22.2–3 (2015), 317 – 335 <https://doi.org/10.1017/S0940739115000144>

The Strategies Policies of Indonesia Governance for Enhancing Transparency and Accountability in the Land Sector

The land mafia poses a significant threat and can weaken the nation's ability to recover from adversity.⁸⁰ They can exert control over vital regions, including border regions, coastlines, and outlying islands. Their adeptness in exerting authority over and manipulating land in these regions can present a significant peril to the state's autonomy and the nation's security. Upon gaining control of border areas, land mafias might exploit them as conduits for the illicit transportation of products, unauthorized migration, and even the smuggling of weapons. In addition, they can establish unregulated domains, disregarding legal frameworks and norms.⁸¹ These actions can result in strained relations with neighboring nations, harm diplomatic ties, and escalate into disputes that have the potential to escalate into warfare.⁸²

Due to the significant consequences, it is crucial to prioritize the elimination of the land mafia in order to uphold national resilience. It is imperative to establish collaborative efforts among law enforcement agencies, the government, and communities to ensure that the state maintains complete authority over vital territories, prevents illicit land use by criminal land syndicates, and safeguards national sovereignty and security.⁸³ Nevertheless, formulating the approach to achieve openness and accountability in the land sector is complex.⁸⁴

Nevertheless, the Indonesian government has implemented many measures to mitigate and deter future instances of land mafia activities. The Indonesian government founded the Geospatial Information Agency (BIG) under Law No. 4 of 2011 on Geospatial Information. BIG, or Basic Geospatial Information, organizes the Geodetic Control Net and Base Map. These resources are used as a reference to ensure the seamless integration of national information. BIG consolidates them into a one-base map, known as One Map.⁸⁵

⁸⁰ White, Graham, and Savitri.

⁸¹ Jamal Wiwoho and others, 'Islamic Crypto Assets and Regulatory Framework: Evidence from Indonesia and Global Approaches', *International Journal of Law and Management*, 66.2 (2024), 155 – 171 <https://doi.org/10.1108/IJLMA-03-2023-0051>

⁸² Ari K M Tarigan and others, 'Medan City: Development and Governance under the Decentralisation Era', *Cities*, 71 (2017), 135–46 <https://doi.org/https://doi.org/10.1016/j.cities.2017.07.002>

⁸³ Januar Rahadian and Silas Oghenemaro, 'Monodualistic and Pluralistic Punishment Politics in Criminal Code Reform: Lessons from Indonesia', *Journal of Law, Environmental and Justice*, 1.3 (2023), 225–43 <https://doi.org/10.62264/jlej.v1i3.17>

⁸⁴ Serge Andréfouët, Mégane Paul, and A Riza Farhan, 'Indonesia's 13558 Islands: A New Census from Space and a First Step towards a One Map for Small Islands Policy', *Marine Policy*, 135 (2022), 104848 <https://doi.org/https://doi.org/10.1016/j.marpol.2021.104848>

⁸⁵ Hafidz Wibisono, Jon C Lovett, and Siti Suryani, 'Expectations and Perceptions of Rural Electrification: A Comparison of the Providers' and Beneficiaries' Cognitive Maps in Rural Sumba,

BIG, or the National Geospatial Information Agency, is a Non-Ministerial Government Institution responsible for managing and coordinating geospatial information in Indonesia. Presidential Regulation No. 94/2011 serves as the official framework for establishing the Geospatial Information Agency (BIG), which executes governmental responsibilities related to geospatial information. Regarding technical responsibility, the coordination of BIG is overseen by the Ministry of National Development Planning/National Development Planning Agency (Bappenas) as stipulated in Presidential Regulation 127 Year 2015. According to Presidential Regulation No. 128 of 2022, the Geospatial Information Agency (BIG) coordinates government activities related to geospatial information. This regulation supersedes Presidential Regulation No. 94 of 2011 and Presidential Regulation 127 of 2015, which were previously in effect.⁸⁶

The President's directive on the One Map Policy (OMP) is based on the legal need outlined in Law Number 4 of 2011, which pertains to Geospatial Information (GI). Geospatial information is structured according to legal certainty, integration, currency, accuracy, utility, and democracy. This law intends to achieve the efficient and successful deployment of Geographic Information (GI) by promoting collaboration, coordination, integration, and synchronization. It also seeks to stimulate the utilization of GI in governance across different elements of community life.⁸⁷

The "One Map Policy" aims to consolidate and harmonize all land-related data and information into a single integrated map as part of the government's strategy to combat the land mafia. This policy aims to provide lucidity and openness concerning property ownership and its legal standing, therefore diminishing the possibilities and operations of the land mafia. The OMP also functions as a reference for enhancing thematic geospatial information (IGT) data and spatial utilization planning on a comprehensive scale, which is incorporated into the spatial plan document. Furthermore, the OMP is a benchmark for enhancing Integrated Geospatial Technologies (IGT) in many sectors and a blueprint for comprehensive spatial utilization planning incorporated within the Spatial Plan document.⁸⁸

Indonesia', *World Development Sustainability*, 3 (2023), 100102
<https://doi.org/https://doi.org/10.1016/j.wds.2023.100102>

⁸⁶ Hilary Oliva Faxon and others, 'Territorializing Spatial Data: Controlling Land through One Map Projects in Indonesia and Myanmar', *Political Geography*, 98 (2022), 102651
<https://doi.org/https://doi.org/10.1016/j.polgeo.2022.102651>

⁸⁷ Wiwandari Handayani and others, 'Effects of COVID-19 Restriction Measures in Indonesia: A Comparative Spatial and Policy Analysis of Selected Urban Agglomerations', *International Journal of Disaster Risk Reduction*, 76 (2022), 103015 <https://doi.org/https://doi.org/10.1016/j.ijdrr.2022.103015>

⁸⁸ Ida Aju Pradnja Resosudarmo, Luca Tacconi, and Efendi Agus Waluyo, 'Enforcement and Compliance with the No-Burning Policy on Villagers in Indonesia', *Forest Policy and Economics*, 151 (2023), 102968 <https://doi.org/https://doi.org/10.1016/j.forpol.2023.102968>

The Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) is crucial in establishing spatial clarity and transparency regarding land ownership and its legal status within a region. Spatial planning includes strategic organization and control of land utilization, zoning, and regional advancement. Spatial planning entails delineating and categorizing regions according to authorized land utilization. The area is partitioned into zones designated for specific land uses, including commercial, residential, industrial, agricultural, and others. This zoning strategy prevents the occurrence of overlapping land uses that are incompatible with each other and offers a clear understanding of the planned development of specific regions.⁸⁹

BIG can gather geographic data from diverse sources, including remote sensing, field surveys, and administrative databases. The dataset contains pertinent geographic information for the thematic Map's intended purpose, including boundaries, soil classifications, land utilization, and other related data. After the data has been gathered, BIG and the Ministry of ATR/BPN teams can analyze it to generate more comprehensive and valuable information. For instance, they can examine land use, detect disputes over land ownership, and chart prospective regions for growth. OPM will utilize publically accessible and integrated information to inform decision-making about development planning, land usage, and the legal protection of individuals' land rights. The collaboration between BIG and the Ministry of ATR/BPN aims to utilize spatial planning to provide a more transparent and organized system for land ownership and its legal status.⁹⁰

The partnership between BIG and the Ministry of ATR/BPN aims to consolidate and unify diverse land, territory, and spatial planning data into a single, reliable data repository. Within this framework, such cooperation might yield numerous advantages, such as merging geographical data from BIG with land ownership and spatial information from the Ministry of ATR/BPN, generating a more cohesive and integrated dataset. This will aid in preventing discrepancies or redundancies in the data. a. Precise cartography, by integrating data from numerous sources, will facilitate the creation of more precise and comprehensive maps. Land and territorial borders can be delineated with greater accuracy. Implementing the Open Mapping Project (OMP) would enhance the transparency and accessibility of spatial and land ownership information to the community. The material is readily accessible and comprehensible to the general population. d. Resolve disputes by utilizing precise and thorough data. By utilizing precise and

⁸⁹ Rini Astuti and others, 'Making Illegality Visible: The Governance Dilemmas Created by Visualising Illegal Palm Oil Plantations in Central Kalimantan, Indonesia', *Land Use Policy*, 114 (2022), 105942 <https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105942>

⁹⁰ Imam Sefriyadi and others, 'Private Car Ownership in Indonesia: Affecting Factors and Policy Strategies', *Transportation Research Interdisciplinary Perspectives*, 19 (2023), 100796 <https://doi.org/https://doi.org/10.1016/j.trip.2023.100796>

validated data, the resolution of spatial and land ownership disputes can be enhanced in terms of efficiency and fairness.⁹¹

Nevertheless, the deployment of OMP also encounters obstacles, including intricate data synchronization, safeguarding personal data, and efficient coordination among diverse stakeholders. Effective partnership between the Ministry of ATR/BPN and BIG necessitates bolstering with robust legislation, dependable technology, and transparent communication.⁹² Thus far, the implementation has not been fully optimized, leaving room for the land mafia to exploit. This suggests that more issues may contribute to the government's approach to addressing the problem of the land mafia.

The lack of maximized implementation of the OMP and the persistence of the land mafia can be attributed to the absence of any villages that have successfully implemented the OMP. This is due to the current top-down approach in implementing the OMP, where activities are initiated by ministries/institutions and then passed down to the villages. However, the ministries/institutions, facing various constraints, have not yet been able to reach the villages.⁹³ Hence, it is imperative to make concerted efforts to optimize the implementation of the OMP Complete Village database. In the One Map Policy (OMP) framework, an entire village refers to integrating spatial data and land ownership information from multiple sectors or agencies into a single comprehensive dataset for each village. The data originates from the village and is subsequently transmitted to the ministry/agency, where it is then forwarded to BIG, also known as the bottom-up idea. The objective is to generate an intricate and all-encompassing map that encompasses data regarding the community's spatial arrangement, land possession, and land utilization.⁹⁴

A comprehensive Village Open Mapping Project (VOMP) enables the government and stakeholders to understand land use and land tenure in a specific area. This, in turn, facilitates more informed development planning, more effective

⁹¹ Agung Wibowo and Lukas Giessen, 'Absolute and Relative Power Gains among State Agencies in Forest-Related Land Use Politics: The Ministry of Forestry and Its Competitors in the REDD+ Programme and the One Map Policy in Indonesia', *Land Use Policy*, 49 (2015), 131–41 <https://doi.org/https://doi.org/10.1016/j.landusepol.2015.07.018>

⁹² I Wayan Budi Sentana, Putu Indah Ciptayani, and Kadek Cahya Dewi, 'Measuring the Security of Indonesian Local Government Mobile Apps', *Procedia Computer Science*, 234 (2024), 1380–87 <https://doi.org/https://doi.org/10.1016/j.procs.2024.03.136>

⁹³ Rebecca Meckelburg and Agung Wardana, 'The Political Economy of Land Acquisition for Development in the Public Interest: The Case of Indonesia', *Land Use Policy*, 137 (2024), 107017 <https://doi.org/https://doi.org/10.1016/j.landusepol.2023.107017>

⁹⁴ Inggit Lolita Sari and others, 'Land Cover Modelling for Tropical Forest Vulnerability Prediction in Kalimantan, Indonesia', *Remote Sensing Applications: Society and Environment*, 32 (2023), 101003 <https://doi.org/https://doi.org/10.1016/j.rsase.2023.101003>

enforcement of laws to resolve spatial and land tenure conflicts, and more informed decision-making in addressing a range of land and spatial issues.⁹⁵

The Comprehensive Village Map (OMP) is crucial in preventing and addressing land mafia activities. An OMP, or Object Management Programme, is a comprehensive system or database that contains intricate data regarding land boundaries, land ownership, land usage, and other geographic information at the village or regional scale.⁹⁶ The OMP offers a comprehensive overview of land ownership at the village level, enabling communities and government entities to get information regarding landowners, property areas, and other pertinent ownership particulars.⁹⁷ This level of transparency minimizes opportunities for illicit activities and deceitful practices carried out by the land mafia.

Ensuring the OMP has precise and reliable data diminishes the likelihood of conflicting land ownership, thereby limiting the occurrence of numerous ownership claims or disputes over ownership that might be manipulated by criminal organizations involved in illegal land activities. In addition, the OMP enables more efficient surveillance of land transaction operations. Early detection of suspect or illegal land transactions can be achieved by comparing them with legitimate OMP data. The timely recognition of OMP data can serve as valid proof in legal procedures against the land mafia. The OMP has well-documented material that can support judicial proceedings against unlawful practices. The OMP is effective in combating the land mafia by promoting transparency, enforcing the law, and encouraging community involvement in monitoring and safeguarding land tenure rights. Nevertheless, the effective functioning, frequent updates, and seamless integration of the OMP with other systems are essential to attain the best outcomes in thwarting land mafia activities.

4. Conclusion

The study's findings demonstrate that eradicating land mafia operations through criminal legislation exhibits a comparable trend in Indonesia, the United Kingdom, and the United Arab Emirates. The lack of a clear legal framework in numerous nations impedes eliminating land mafia activities. In the United Kingdom (UK) and the United Arab Emirates (UAE), if land mafia actions involve public officials or state administrators and there is evidence of bribery, law enforcement agencies can bring charges against them for bribery offenses.

⁹⁵ Jannis Langer and others, 'Geospatial Analysis of Indonesia's Bankable Utility-Scale Solar PV Potential Using Elements of Project Finance', *Energy*, 283 (2023), 128555 <https://doi.org/https://doi.org/10.1016/j.energy.2023.128555>

⁹⁶ Tatag Muttaqin and others, 'Asymmetric Power Relations in Multistakeholder Initiatives: Insights from the Government-Instituted Indonesian National Forestry Council', *Trees, Forests and People*, 12 (2023), 100406 <https://doi.org/https://doi.org/10.1016/j.tfp.2023.100406>

⁹⁷ Bagus Setiabudi Wiwoho, Neil McIntyre, and Stuart Phinn, 'Assessing Future Land-Uses under Planning Scenarios: A Case Study of The Brantas River Basin, Indonesia', *Environmental Challenges*, 15 (2024), 100873 <https://doi.org/https://doi.org/10.1016/j.envc.2024.100873>

Moreover, if the profits obtained from illicit land dealings are channeled through money laundering, it might facilitate the commission of financial crimes. Indonesia lacks specific legislation targeting the eradication of land mafia activities. Nevertheless, in specific instances, anti-corruption legislation can be employed to counteract such behaviors, particularly if they lead to a monetary detriment for the government. In addition, bribery charges might be imposed if land mafia activities entail bribing the government or public authorities. Land mafia practices might potentially be penalized under the Indonesian Criminal Code, and there have been cases where they were prosecuted for money laundering violations. In order to address and diminish the illicit activities of the land mafia in Indonesia, the utilization of technology can augment transparency and responsibility in mapping and determining property ownership. To combat land mafia difficulties effectively, the "One Map Policy" can be enhanced by collecting and integrating all land-related data and information into a unified map. This policy aims to enhance transparency and clarity regarding property ownership and its legal status, reducing the influence and activities of organized criminal groups involved in illegal land transactions.

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