



Legal protection of buyers against land mafia crimes in the making of sale and purchase deeds

Aslan Noor¹, Aditya Pratama S², Anjas Arlianza³, Lukman Lutfianto⁴, Senator Giovani Putra Arlund⁵

^{1,2,3,4,5} Universitas Pasundan
e-mail: author1@email.com

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ABSTRACT

The aim of this research is to analyze legal protection for buyers in dealing with land mafia crimes. This research uses normative legal research methods by analyzing laws and regulations relating to property transactions and legal protection for buyers. The research results show that legal protection for buyers is contained in several legal instruments, such as the Basic Agrarian Law, the Land Rights Guarantee Law, and the Law on Provincial Regulations on Spatial Planning. However, there are a number of obstacles that buyers must overcome in order to protect their rights when purchasing real estate. Land mafia crimes often involve complex practices and fraud that are difficult to detect. Apart from that, vulnerabilities in the buying and selling process and weak law enforcement are obstacles to providing effective protection for buyers. Efforts to increase awareness and educate the public are also important to prevent property fraud and land mafia crimes. In addition, there needs to be close cooperation between authorities, financial institutions, and society to overcome this problem. In conclusion, legal protection for buyers in the context of land mafia criminal acts in making sale and purchase deeds still requires serious attention.



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INTRODUCTION

Purchasing property is a complex transaction that involves various parties. Unfortunately, in some cases, this transactions is also the targets of land criminals, or better known as the land mafia. Land mafia crime is a form of crime that involves the practice of fraud, document forgery, and manipulation of property transactions with the aim of benefiting the parties involved in the land mafia network.

Legal protection is an important aspect in overcoming land mafia crimes and protecting property buyers. Legal protection aims to ensure justice, legal certainty and security in property transactions. In the case of buyer, legal protection is key to protect their rights, prevent property fraud, and ensure fair and legitimate property transactions (Alwi, 2021).

In the context of land mafia crimes, property buyers often become innocent victims. They may not be aware of or do not have access to sufficient information about the criminal activities that occur behind the process of making a sale and purchase agreement. As a result, they could lose their money and the rights to the property they purchased in earnest.

In an effort to protect buyer from land mafia crimes, legal protection plays a very important role. Legal protection is a means provided by the legal system to ensure that individual rights are protected in order to achieve justice. In the case of property buyer, legal protection aims to provide legal certainty, protect the interests of buyers, and prevent criminal practices (Hadi, 2020).

In Indonesia, there are several regulations that regulate this, such as:

1. Basic Agrarian Law (UUPA): The Basic Agrarian Law is an important legal basis for protecting property buyers. UUPA provides the legal basis for ownership, control and utilization of land. Through the provisions of the UUPA, buyers are given protection

in terms of ownership, resolving land disputes, and preventing illegal practices related to property transactions.

2. The Law on Guaranteed Land Rights (UU JHT): The Law on Guaranteed Land Rights provides legal protection for property buyers in terms of securing land ownership. The JHT Law provides a mechanism for guaranteeing land rights, including registration of rights, resolution of disputes, and protection of legitimate transactions.
3. Law on Provincial Regulations regarding Spatial Planning: This law provides the legal framework that regulates property spatial planning and land use. With the existence of provincial regulations on spatial planning, buyers are protected from illegal practices related to unauthorized land use change.

Apart from these three legal bases, there are also other regulations that can provide legal protection for property buyer, such as regulations regarding ownership certificates, regulations regarding property licensing, and consumer protection regulations (Aryanto, 2021). This research aims to investigate the legal protection measures available to property buyer in facing land mafia crimes in making sale and purchase deeds. By analyzing the laws and regulations related to property transactions and existing legal protections, this research hopes to identify the constraints and challenges faced by buyer, as well as provide recommendations for improving the legal system to be more effective in protecting.

RESEARCH METHODS

The normative legal research method is an approach used in legal research to analyze and interpret laws and regulations related to a legal issue or problem (Negara, 2023). This method aims to understand the law systematically, identify related legal principles, and develop rational legal arguments.

Basically, normative legal research involves analyzing legal texts, namely studying existing legal regulations in the form of laws, government regulations, court decisions, and other legal sources (Linos & Carlson, 2017). This method focuses on the normative aspect, namely what should be done according to the law, and not on how the law is implemented or implemented in practice.

The normative legal research method has the advantage of providing an in-depth understanding of applicable law and providing a conceptual framework for analyzing legal issues. However, this method has limitations in terms of not considering social, political, economic, and cultural factors that can affect the implementation of law in practice. Therefore, a combination with other research methods is often required to obtain a more comprehensive understanding of a legal issue or problem.

RESULTS AND DISCUSSION.

Property purchase is an important transaction in most people's life. However, there are risks associated with property purchases, including crimes committed by the land mafias, which can harm buyer. Therefore, strong legal protection is required to protect buyers from such illegal practices. In the cases of land mafia crimes, fraud is usually committed through the creation fake sale and purchase deeds or using fake documents . Buyers can become victimized in these transactions because they are unaware of or involved in these illegal practices (Febrianti, 2021).

Because purchasing property is a large investment for most people, and land mafia crimes can harm buyers. Therefore, legal protection for buyers in good intentions in making sales and purchase agreements is very important (Hermawan & Putra, 2022). The following are several things that need to be considered regarding legal protection for buyer against land mafia crimes when making sale and purchase deeds:

1. Verification of Documents and Land Certificates: Buyer should verify documents and land certificates before carrying out a sale and purchase transaction. This can be done by checking the validity of the land certificate at the local Land Office and ensuring that there are no signs of forgery or discrepancies with existing documents. Carrying out careful verification can help to avoid dealings with land mafias.
2. Notary involvement: A buyer should involve a notary in the process of making a deed of sale and purchase. The notary has an important role in ensuring the legitimacy and legality of property transactions. The notary will check the documents, ensure the correct identities

of the parties involved, and carry out the process of making a valid sale and purchase deed. Notary involvement can provide additional legal protection for buyer.

3. Reporting to Authorized Authorities: If a buyers encounters signs or indications of a land mafia crime, they should report the case to the competent authorities, such as the police or the National Land Agency (BPN). Reporting land mafia crimes helps law enforcement and prevents further losses.

Legal Protection in Legislation:

The government has laws and regulations to protect buyer from mafia crimes land. Some of the relevant laws (Karlina & Putra, 2022); (Hidayatulloh, 2020):

- a. Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA): UUPA regulates the basics of agrarian law in Indonesia. This law provides protection for the rights of land owners and regulates land certification.
- b. Law Number 30 of 2014 concerning Government Administration: This law emphasizes the principles of transparency, accountability and public participation in government administration. These principles can be used to strengthen the protection of buyer and prevent land mafia practices.
- c. Law Number 8 of 1981 concerning Criminal Procedure Law: This law regulates criminal procedures that apply in Indonesia. If there is a criminal offence in the making of a sale and purchase deed by the land mafia, this law provides a legal framework for law enforcement and the courts.

In dealing with land mafia crimes, it is important for buyer to understand their rights, take appropriate preventive measures, and involve the relevant authorities. In addition, the involvement of competent legal experts or notaries in property transactions can also provide better legal protection (Nitiyudo, 2023).

Legal protection for buyer in making land sale and purchase deeds is important because there are still many land sales and purchases that are carried out underhand, so that these sales and purchases cannot be transferred and registered (Sari, 2022); (Sakti & Budhisulistiyawati, 2020). In practice, decisions issued after the issuance of SEMA Number 4 of 2016, in using SEMA as a basis for consideration for determining the criteria for a buyer, judges in First Instance Decisions, Appeal Level Decisions, and Cassation Level Decisions have not referred to the instructions contained in the SEMA. However, Supreme Court Decision Number 909 PK/Pdt/2020 provides consideration for buyers according to SEMA (Zuqni, 2019). Although the sale and purchase of land is carried out privately, a buyer still has the right to obtain legal protection while still obtaining legal certainty over the ownership of their land rights (Permadi, 2016). In the case of cancellation of a sale and purchase deed, a buyer still has the right to obtain legal protection and obtain compensation for the material and immaterial losses suffered. Nevertheless, a buyer still has the right to obtain legal protection in the sale and purchase agreement, even though the buyer previously defaulted in terms of payment of the sale and purchase object (Oktaviah & Tjempaka, 2019).

Based on the results of this research, it can be concluded that buyers still have the right to obtain legal protection in making of land sale and purchase deeds, even if land mafia crimes occur. However, in practice there are still several obstacles that need to be overcome, such as the lack of uniformity in the application of SEMA by judges in court decisions.

CONCLUSION

Land mafia crime is a serious threat to property buyers in the process of making a sale and purchase deed. In dealing with this crime, legal protection plays a very important role. Through relevant laws and regulations, buyers are afforded protection to ensure fairness, legal certainty and security in property transactions.

However, despite the legal protections available, there are still challenges faced by buyers. Land mafia crimes often involve deceptive practices that are complex and difficult to detect. The process of making a sale and purchase agreement is fragile and weak law enforcement are obstacles to providing effective protection for buyers.

To strengthen legal protection for property buyers, improvements in the legal system are needed. Measures that can be taken include improving laws and regulations relating to property transactions, raising public awareness about the risks of land mafia crimes, and enhancing cooperation

between the authorities, financial institutions and the public. In addition, better education for property buyers needs to be improved to understand their rights, the risks of land mafia crimes, and the preventative measures that can be taken. Increased monitoring of illegal practices in property transactions must also be carried out to reduce loopholes that can be exploited by criminals.

In conclusion, the legal protection for property buyers against the crime of land mafia in the making of sale and purchase deeds still requires serious attention. The improvement of laws and regulations, increasing public awareness, and cooperation between the authorities and related institutions are important steps in strengthening the legal protection. With effective legal protection, property buyer can avoid losses due to land mafia crimes and ensure the continuity of fair and legitimate property transactions.

To prevent the occurrence of land mafia in making sale and purchase deeds, there are several steps that can be taken. The following are several ways to prevent land mafia in the making sale and purchase deeds, along with the relevant legal basis:

1. Document Verification and Inspection: Buyers must verify and check property documents to be purchased before making a transaction. This includes checking the validity of documents, land titles, and licences related to the property. Legal Basis: Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) Article 19 paragraph (2) gives everyone the right to examine, correct, or challenge any deed which he thinks is detrimental to his rights.
2. Notary Involvement: Involving a notary in the process of making a sale and purchase deed is very important. Notaries have the duty and authority to ensure the validity and authenticity of documents and the legal transaction processes. Legal Basis: Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries (UU Jabatan Notaris) provides the legal basis for the roles and responsibilities of notaries in property transactions.
3. Land Certificate Registration: Registration of valid land certificates at the local Land Office is very important to ensure the validity of property ownership. Legal Basis: Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) Article 29 paragraph (1) requires every land right to be registered.
4. Law Enforcement: File a report to authorities such as the police or National Land Agency (BPN) if there are indications of land mafia crimes. Legal Basis: Law Number 30 of 2014 concerning Government Administration Article 38 regulates the implementation of the BPN's duties in enforcing the law against land mafia.
5. Landowners insurance: Having landownership insurance can provide additional protection against the risks of purchasing land that is involved in land mafia crimes. This insurance can protect the buyer from third party claims regarding ownership of the land purchased.
6. Keeping proof of transactions: It is important for the buyer to keep all proof of transaction properly, including copies of relevant documents and proof of payment. This can be important evidence in the event of a dispute or disagreement in the future.
7. Awareness and Education: Raising public awareness about the risks and practices of land mafia and the importance of taking preventive measures.

It is important to underline that the above steps may vary depend on each country's jurisdiction. Always consult a competent legal expert or notary in property transactions to obtain appropriate guidance in accordance with applicable laws in each region.

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