

LAND, LAW, AND JUSTICE: INDONESIA'S CRUSADE AGAINST LAND GRABBING IN THE ERA OF THE NEW CRIMINAL CODE

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Abstract

This research examines the intricate issues of land grabbing and agrarian conflicts in Indonesia, spotlighting the socio-economic and legal challenges faced by local communities, smallholders, and indigenous peoples. Utilizing a normative legal methodology, the study delves into statutory, conceptual, and futuristic approaches to analyze the phenomenon of land grabbing, which has been exacerbated by global food demand, economic interests, and the expansion of capitalism. The enactment of Law No. 1 of 2023 on the new Criminal Code (KUHP) in Indonesia marks a pivotal development in addressing crimes against land, offering robust legal protection against land dispossession, and ensuring equitable land transactions. The research underscores the dire need for agrarian reform, rooted in the principles of the Basic Agrarian Law (UUPA) and aimed at rectifying the unequal distribution of land. It argues for a balanced approach that harmonizes the interests of society, including marginalized groups, with those of investors to foster sustainable development and social justice. The study highlights the legislative efforts to tackle land-related crimes through the new KUHP, emphasizing the significance of transparency, fairness, and the protection of legal rights in land management. Through a comprehensive analysis, this research contributes to the discourse on sustainable national development, advocating for policy reforms and legal measures to combat land grabbing. It calls for a more democratic policy-making process, involving civil society's active participation, to ensure equitable land distribution and uphold the welfare of smallholders and indigenous peoples.

Keywords: Land Grabbing, Agrarian Conflicts, Indonesia, Law No. 1 of 2023, Criminal Code, Agrarian Reform, Sustainable Development, Legal Protection.

INTRODUCTION

The term "land grabbing" was introduced by GRAIN, an agriculture-focused organization based in Spain, in 2008.(Akram-Lodhi, 2015) It refers to the practice of large-scale acquisition of agricultural land by corporate entities through investments in agribusiness. This phenomenon includes the takeover of land traditionally used for

agriculture by local communities or smallholders by large corporations for the purpose of commercial agricultural development, biofuel production, or real estate projects.(Davis et al., 2014) Since its introduction, the concept of land grabbing has gained global attention, especially from various UN agencies, including the Food and Agriculture Organization (FAO) and the International Fund for Agricultural Development (IFAD). The main concerns raised in relation to land grabbing are its socio-economic impacts on local communities, including forced evictions, loss of access to natural resources, and negative impacts on environmental sustainability.(Ashukem & Ngang, 2022) Discussions on land grabbing also highlight issues of inequity in the sharing of land resources, where economic and political forces often facilitate unfair and non-transparent land takeovers. This practice often benefits large corporations and foreign investors at the expense of the rights of local communities and smallholders, who lose their land and livelihoods. Increased international awareness and concern about land grabbing have prompted calls for more equitable and transparent policies in land transactions, as well as the need for stronger protections for the land rights of local communities and smallholders.(Locher et al., 2012) Global and regional initiatives have been proposed to address these issues, including the development of guidelines and standards aimed at promoting responsible investment in agriculture, which respects human rights and ensures sustainable and inclusive development.

From 2015 to 2022, which covers almost nine years of President Joko Widodo's administration, the Consortium for Agrarian Reform (KPA) has documented 2,710 incidents related to agrarian conflicts in various regions of Indonesia. These conflicts have affected approximately 5.8 million hectares of land, which is the source of livelihood for approximately 1.7 million families. Furthermore, there are 1,687,000 hectares of areas identified as structural agrarian conflict zones. These areas are currently occupied, guarded, and fought for by KPA members, who strive to defend the land from various forms of dispossession and eviction.(Vitorio Mantalean et al, 2023) These threats come not only from private entities but also from state agencies, as well as from various development projects that are deemed to potentially counter the principles of agrarian reform. These incidents reflect the complexity and depth of land issues in Indonesia, which not only impact the social and economic aspects of affected communities but also raise critical questions regarding development sustainability and social justice. The vigilance efforts and struggles undertaken by KPA members demonstrate resilience in the face of such challenges while emphasizing the importance of sustainability and justice in the management of agrarian resources. This situation necessitates a more inclusive and equitable approach to land policy, capable of accommodating the interests of various parties and ensuring that the development process does not compromise the basic rights of citizens.(Vitorio Mantalean et al, 2023)

In the period from March 2 to May 2, 2020, the Indonesian Legal Aid Foundation (YLBHI) has documented 16 cases of land grabbing affecting communities. These incidents are not limited to one or two locations, but are widespread in various parts of Indonesia, covering eight geographically and culturally diverse provinces. These provinces are North Sumatra, Jambi, South Sumatra, Central Java, East Java, North Sulawesi, Central Kalimantan and Papua.(Dian Erika Nugraheny, 2020) These cases of land grabbing illustrate an alarming pattern, where lands historically owned or used by local communities, whether for agriculture, settlement, or other purposes, are seized by more powerful entities, often with the support or policies of governments that facilitate land acquisition for investment, infrastructure development, or natural resource exploitation. This phenomenon not only harms people's basic rights to land and livelihoods, but also generates social conflict and environmental damage, deepening injustice and threatening the sustainability of the lives of affected communities.(Busscher et al., 2020)

Data from the Indigenous Peoples Alliance of the Archipelago (AMAN), an entity that represents the interests of indigenous peoples in international forums, recently reported a significant increase in incidents of customary land grabbing in Indonesia. According to the report, a total of 301 cases of customary land grabbing have been identified, with the majority of incidents located in the Sulawesi and Kalimantan regions. The period that the analysis focuses on is the last five years, ranging from 2019 to 2023, signaling a worrying trend in relation to the security of land rights for indigenous communities. Furthermore, AMAN's report highlights that the majority of these indigenous land-grabbing activities are linked to natural resource exploration operations carried out by mining companies. These extractive activities, which aim to extract natural resources such as minerals, coal, and other resources, often take place without obtaining adequate consent from the indigenous communities that legally own the land. This situation indicates a conflict of interest between the needs and rights of indigenous peoples to their ancestral lands and the economic development agenda of the private sector, particularly the mining industry. These incidents of customary land grabbing not only result in the physical loss of territories traditionally inhabited and managed by indigenous peoples but also potentially threaten the survival, culture, and identity of these communities. Loss of access to customary lands can result in significant economic, social, and cultural losses for indigenous peoples, often without adequate compensation or restorative solutions. The report from AMAN urges the need for further action to address and prevent similar incidents in the future, emphasizing the importance of protecting indigenous peoples' rights to lands and natural resources. This includes the need for greater recognition of customary land rights in national legislation as well as the implementation of policies that ensure the active participation and free, prior, and informed consent of indigenous peoples in any projects or activities that impact their lands and livelihoods.

Indonesian society also faces severe challenges due to the influence of oligarchs, small groups with great power who control state policies for their own interests, often at the expense of people's rights.(Winters, 2013) This phenomenon is manifested in the production of laws and regulations that prioritize the interests of oligarchic groups over the public interest. For example, Law No. 11/2020 on Job Creation, which has triggered a wave of rejection from various layers of society, including workers, farmers, women, and indigenous peoples, is still prioritized by the government.(Hamid, 2021) This shows how government policies can be controlled by certain interests that are not aligned with public aspirations. In addition to the Job Creation Law, Government Regulation No. 42/2021 on the Ease of National Strategic Projects is also an example of how regulations can potentially harm the basic rights of citizens. Projects that should aim to create jobs and improve people's welfare instead risk worsening social and environmental conditions. This kind of regulation not only threatens the survival of the community but also indicates a deviation from development goals that should be inclusive and sustainable. In the context of land grabbing, these oligarch-controlled policies often lead to agrarian conflicts that harm indigenous peoples and small farmers. Non-transparent and non-participatory policy-making allows large companies and investors to gain access to land in an unfair manner, often by ignoring the rights of communities that have long inhabited and managed the land. This not only creates social injustice but also severe environmental damage, given that land grabbing is often done for extractive activities or development projects that do not take sustainability principles into account. Policies that accommodate the interests of oligarchs and ignore social and environmental justice create major challenges to realizing inclusive and sustainable agrarian reform in Indonesia. A more democratic approach to policy-making, involving the active participation of civil society, is needed to ensure that agrarian reform can realize equitable land distribution and improve the welfare of smallholders and indigenous peoples. Without fundamental changes in the way policies are made and implemented, efforts to address land grabbing and restore people's rights to their land will continue to face severe obstacles.

In unraveling the problems of land disputes and conflicts that occur, the importance of the role of criminal law in the discussion of the Basic Agrarian Law (UUPA) becomes increasingly apparent. This is because the involvement of criminal law is often seen in cases where there are illegal acts such as falsification of documents, fraud related to land transactions, use of land without a valid license, or corrupt acts related to the allocation and use of land. These incidents show that land issues are not just limited to civil or administrative aspects but also involve aspects of criminal law violations that require special handling. In an effort to find solutions to land problems, a multidisciplinary approach is needed that combines a deep understanding of civil law, state administration law, and criminal law. This approach is

especially relevant with the enactment of Law No. 1 of 2023 on the new Criminal Code (KUHP), which provides a strong legal framework for dealing with illegal acts related to land. Adopting this multidisciplinary approach allows for a broader understanding of the nature and roots of the problem and facilitates the search for solutions that are not only effective but also fair to all parties involved. As such, this amalgamation of expertise from different areas of law promises to be a significant step forward in addressing and resolving land disputes and conflicts, in line with the goal of creating an equitable and sustainable land system in Indonesia.

RESEARCH METHOD

This research adopts a normative legal methodology that includes statutory, conceptual, and futuristic approaches.(Effendi et al., 2023) The nature of this research is descriptive-prescriptive, aiming to not only describe the phenomenon of land grabbing that occurs in Indonesia but also provide recommendations and solutions to the problem.(Zico Junius Fernando et al, 2022) The data that has been collected in this research is analyzed using the content analysis method, which allows researchers to systematically evaluate and interpret the content of legal documents, literature, and other relevant sources. With this approach, the research seeks to identify and understand the existing legal framework, examine the implications of the implementation of the new Criminal Code Law on the issue of land grabbing, and explore the possibility of policy development and legal reforms that can strengthen agrarian justice in Indonesia. Through comprehensive analysis, the research aims to provide in-depth insights into the dynamics of land grabbing and propose legal measures that can support Indonesia's efforts to address the crime of land grabbing while ensuring better protection of the rights of indigenous peoples and smallholders in the context of sustainable national development.

RESULT AND DISCUSSION

Analysis/Discussion

Towards Agrarian Justice: Redefining the Future of Development and Land Management in Indonesia

The rise of agrarian conflicts in various parts of the world, especially in developing countries, can be directly linked to the phenomenon of land grabbing. This phenomenon is part of the societal and global dynamics triggered by large-scale land acquisitions, especially to meet increasing global food demand. The main triggering factor for land grabbing is the surge in world food prices, which has been exacerbated by the global financial crisis. This situation has prompted rich countries facing food scarcity to change their strategy for meeting domestic food needs.(Daniel, 2011) Instead of importing food, they are turning to purchasing or leasing land in developing countries that have large tracts of agricultural land that have not been fully utilized.

Research conducted by GRAIN, an organization that focuses on food and agriculture issues, shows that between 2006 and 2009 alone, there has been a wave of land acquisitions covering nearly 37–49 million hectares. This practice has not only changed the map of land ownership and use in developing countries but has also led to various agrarian conflicts related to land rights, displacement of local communities, and changes in traditional food production systems. These land grabs are often carried out without consultation or adequate compensation for local communities, which in turn creates complex social, economic, and environmental problems.(Grant & Das, 2015) The agrarian conflicts generated by these land grabs symbolize injustices in natural resource management and demonstrate the need for global and local action to address issues of equitable and sustainable land ownership and use.(Christodoulou, 1991)

Land grabbing is not only a reflection of the growing need for land for global food production but also a key element in the expansionary dynamics of capitalism. With the enactment of new agrarian law regulations governing plantations, forestry, and mining businesses, large capitalized companies are given exclusive access to land and natural resources. (Akram-Lodhi, 2015) This process effectively excludes local communities, who are the original owners of the land and natural resources, from their own territories. The exclusion of these communities from their ancestral lands is often accomplished through a variety of means, including the enactment of laws that favor corporations, the use of violence, physical access restrictions through fencing, as well as the imposition of symbols that negate the community's property rights to the land. This phenomenon has not only led to an increase in agrarian conflicts as a result of resistance by victims of land grabbing, but also, in the long run, has the potential to lead to the systematic destruction of the lives of farmers and rural communities.

The impact of land grabbing on rural communities is significant, given that land is not only a source of livelihood but also the basis of a community's identity, culture, and socio-economic sustainability.(Davis et al., 2014) Loss of access to land means loss of ability to farm, which in turn affects local food availability, food security, and the economic independence of rural communities. Moreover, land grabbing by capital entities represents a shift in ownership of natural resources from the hands of communities to the hands of large corporations, often with little regard for environmental sustainability and social welfare. This phenomenon reflects structural injustice in the global economic system and requires attention and concrete actions from both the government and the international community to ensure fair access and equitable and sustainable management of natural resources for all parties, especially for the most affected rural communities. Land disputes are one of the most complex and persistent issues facing many countries, including Indonesia. Rooted in various factors, land disputes often reflect imperfections in the system of land management and titling. Dominant factors that trigger land disputes include incomplete regulations,

discrepancies between existing regulations, a lack of responsiveness of land officials to community needs and land availability, and inaccurate, incomplete, or even erroneous land data.(Asiana Mohamed, 2020) Limited human resources in charge of resolving disputes, inappropriate land transactions, and interventions from other agencies that lead to overlapping authority also contribute to the increasing potential for land conflicts. In general, land disputes in Indonesia can be categorized into four main problem classifications: recognition of land ownership, transfer of land rights, encumbrance of rights, and occupation of former private land.(Jaya et al., 2021) Each of these categories covers a broad spectrum of conflicts, from debates over ownership to problems in the title transfer process. From the perspective of the subjects involved, land disputes can be divided into three main types: those between residents, those between local government and local residents, and those relating to natural resource management. These conflicts are often not limited to legal issues but also include broader economic, social, and political dimensions. There are three main causes of land disputes: unclear administration of land titling, unequal distribution of land ownership, and legality of land ownership based solely on formal evidence such as certificates. Administrative opacity often results in a situation where a single plot of land is owned by more than one person, each with their own certificate. Meanwhile, imbalances in the distribution of land ownership reflect deeper economic, political, and sociological injustices, where farmers and landless tenants, as well as indigenous peoples, tend to feel the negative impacts of a capitalistic and liberalized economic system. Finally, granting legality to land ownership that focuses on certificate ownership without considering land productivity can lead to land abandonment by large owners who legally own land but do not use it for productive activities. Land disputes not only have the potential to cause conflicts between individuals or groups, but in some cases, they can trigger tensions between races, tribes, and religions. Such conflicts can threaten social cohesion and national stability, demanding swift and just solutions. The importance of resolving land disputes sensibly and effectively cannot be underestimated, given their far-reaching impact on community well-being, social justice, and sustainable development. The solution to this problem requires a holistic approach that involves improving legal systems and land administration, increasing transparency and accuracy of land data, and recognizing and protecting the rights of local and indigenous communities.

Inequalities in land ownership and tenure in Indonesia reflect broader economic disparities among its population, a stark and ironic contrast. On the one hand, there are wealthy individuals who own land absenteeism, viewing land as a mere asset or investment, while on the other, the majority of farmers struggle with very limited land holdings—often no more than a small plot of land that is insufficient to sustain family needs, or some even have no land at all to cultivate. These conditions point to the need to revitalize the agrarian reform program that aims for equity and justice in land

acquisition and utilization, an initiative that has long been neglected and considered a mere technical policy. Law No. 5/1960 on the Basic Regulation of Agrarian Principles, or UUPA, is one of Indonesia's most monumental and revolutionary legislative works, serving as a cornerstone in reorganizing the country's land ownership structure. UUPA introduced the concept of the state's right of control over land, which is constitutionally based on Article 33 of the 1945 Constitution. This article states that "the land, water, and natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people." (Suparto, 2020) This confirms that the government has a constitutional responsibility to regulate natural resources, including land, as a means of production with the main objective of realizing prosperity for all people. The relationship between the regulation of natural resources by the state and the achievement of people's prosperity is intrinsic and inseparable, confirming that the implementation of policies in one area should not override the other. (Zainuddin, 2021) The implementation of the UUPA and the principles contained therein should be the cornerstone of efforts to address the inequality of land ownership in Indonesia. The proposed agrarian reform is not just about redistributing land from the rich to the poor but also about ensuring land is used productively for broader interests, reviving the concept of land having a strong social function. (Yubaidi, 2020) This demands innovative and inclusive policies that not only address the historical inequities of land ownership but also ensure the sustainable use of land that contributes to the overall prosperity of the people. As such, the revitalization and effective implementation of agrarian reform programs, grounded in the principles of the UUPA and Article 33 of the 1945 Constitution, is crucial to addressing the challenges of land ownership and tenure in Indonesia, ensuring that land, as a valuable natural resource, is managed in a way that promotes prosperity and social justice for all Indonesians.

The Basic Agrarian Law (UUPA) is an important milestone in the history of the development of Indonesia's agrarian structure, born from the urgent need to realize justice and prosperity for the small people. Land reform, which was the main agenda for the formation of UUPA, was initiated with a series of regulations starting with Law Number 2 of 1960 concerning Production Sharing Agreements, aimed at regulating profit sharing practices and ensuring justice between land owners who do not cultivate their own land and cultivators. This law provides special protection to cultivators, who are generally in a weaker economic position, and at the same time encourages increased agricultural production. Furthermore, Law Number 56 Prp of 1960 concerning the redistribution of agricultural land was issued to further strengthen the aim of land reform by eliminating the system of unlimited land ownership and reorganizing land distribution. President Soekarno, in his speech on August 17, 1960, emphasized that the implementation of land reform was an integral part of the Indonesian revolution, illustrating that without land reform, the revolution

lost its fundamental basis.(Neilson, 2016) Land reform is directed at eliminating the system of land feudalism and limiting land ownership to a specified maximum limit, with land that exceeds this limit being acquired by the government to be redistributed to people in need. However, the implementation of the land reform program faced significant challenges, especially after the 30 September Movement and the stigma attached to the PKI. Negative perceptions and associations with the communist concept cause land reform to be considered an ideology that should be avoided, even though the essence of land reform is fair compensation, in contrast to the communist concept of taking over land without compensation. In the New Order era, the populist orientation that was originally the foundation of the UUPA shifted, providing wider space for large investors and financiers to acquire land, abandoning the original purpose of the UUPA, which prioritized people's welfare.(Nurrokhman, 2019) Now, UUPA faces challenges in responding to development dynamics and changing community needs. Weaknesses in the content and formulation of the UUPA have been exploited for interpretations that deviate from its original principles and objectives. Therefore, there is an urgent need to revise and update the legal instruments contained in the UUPA so that they can provide legal certainty and balanced protection to all parties. This improvement effort is important to avoid wrong interpretations and ensure the implementation of UUPA is in line with the principles of justice and people's welfare in the dynamic context of development and daily life.(Rejekiningsih et al., 2019) The large number of land conflicts, which often cause harm to society, has encouraged the need for agrarian reform in this country. This agrarian reform is in accordance with the Republic of Indonesia MPR Decree Number IX/MPR/2001 concerning agrarian reform and natural resource management. Agrarian reform will only be successful if the agrarian law reform prioritizes society as the main pillar of national economic development without ignoring the interests of large investors and investors as a source of development financing.

Land conflicts that harm communities have become a persistent and deep-seated issue in Indonesia, highlighting the urgent need for comprehensive agrarian reform. This initiative is directed by RI MPR Decree Number IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management, which provides a framework for reforming the land and natural resource management systems in Indonesia. The proposed agrarian reform aims to revitalize the agricultural sector and ensure that the distribution of land and natural resources is carried out more fairly and sustainably by recognizing and strengthening the role of society as the main pillar in national economic development. Agrarian reform must be implemented with a balanced approach, ensuring that the interests of society, especially small farmers, indigenous peoples, and other marginalized groups, are placed at the forefront. This means giving them greater and fairer access to land and natural resources and supporting and increasing their capacity to manage those resources effectively and sustainably.

Through strengthening land rights and increasing the security of land tenure, agrarian reform is expected to reduce land conflicts and provide a stronger basis for inclusive and sustainable rural development. However, to achieve these goals, it is also important not to ignore the interests of large investors and financiers, who act as a source of development financing. Their involvement in the national economy can bring investment, innovation, and economic growth, as long as it is done in a responsible manner and in line with the principles of sustainable development. Therefore, agrarian law reform must create a framework that facilitates collaboration between society and the private sector, ensuring that investments in the agricultural sector and natural resource management are carried out in a way that respects community rights and promotes social justice. In this context, agrarian reform in Indonesia is a complex and multifaceted process that requires commitment and participation from various parties, including the government, civil society, the private sector, and the international community. By adopting an inclusive and sustainable approach, agrarian reform can help realize the vision of equitable economic development, strengthen the social and economic resilience of communities, and ensure responsible management of natural resources for current and future generations.

Knitting Land Justice: Indonesia's Innovative Strategy to Address Land Crimes through Law No. 1 of 2023 on the New Criminal Code

The land issue in Indonesia is an ongoing, complex issue triggered by various factors. One of the main factors is the increase in economic demand for land, which is not proportional to the availability of land, which tends to be static.(Harahap et al., 2017) This condition encourages various academic activities aimed at reviewing, discussing, and studying land disputes, conflicts, and cases with the hope of finding solutions. Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) covers a wide area of law, including civil law and state administrative law. However, the reality of land disputes, conflicts, and cases often involves aspects that are much broader than those handled by these two branches of law. In the study of criminal law, the term "Criminal Act" or "Crime" is often interpreted as "Crime." According to Leden Marpaung, these crimes include offenses, which are actions carried out intentionally or unintentionally by individuals, where these actions can be legally accounted for and have been recognized by law as actions that can be punished. When discussing land-related crimes, these crimes relate to land rights as regulated in Article 16 jo Article 53 UUPA.(Rahmat Ramadhani, 2016) Land rights, according to Boedi Harsono, are interpreted as land tenure rights, which include a series of authorities, obligations, and/or prohibitions for the right holder to do something related to the land they own.(Rahmat Ramadhani, 2016) Based on existing literature, at least three groups of crimes against land have been identified based on

the time the crime occurred. First, "pre-acquisition," which relates to illegal actions that occur before land rights are obtained, such as falsifying documents or fraud in the land acquisition process. Second, "obtaining without rights" refers to situations where a person or entity controls land without having the legal right to do so, often through illegal occupation or use of the land without the permission of the legal owner. Third, "claiming without rights," which occurs when someone claims ownership of land illegally, usually through false claims or manipulation of proof of ownership. These groups of crimes against land reflect the various ways in which land rights can be violated, giving rise to conflict and legal disputes. Each type of crime requires a special approach to handling, both in terms of prevention and dispute resolution, to ensure justice for all parties involved and maintain legal order in the management and use of land.

Based on Law Number 1 of 2023 concerning the Criminal Code (KUHP), there are a number of provisions that specifically regulate criminal acts that commonly occur in the context of crimes against land and provide protection to legal subjects from acts of land confiscation.

Article 391 paragraph (1) of the new Criminal Code stipulates criminal penalties for individuals who create or falsify documents that can give rise to rights, obligations, or debt relief, or which are intended as evidence of something, with the intention of using or asking other people to use the document as if the content is true and not fake. This becomes relevant in the context of the pre-acquisition of land rights, where forged documents or letters can include land title deeds or other related documents. This action, if it causes harm, can be subject to a maximum prison sentence of six years or a maximum fine in certain categories.

Article 392 paragraph (1) of the new Criminal Code increases the maximum prison sentence to eight years for those who falsify documents that are considered more critical, including authentic deeds and certificates regarding land rights. The category of documents mentioned in this article includes various types of important documents, such as shares, debt securities, and especially land title certificates, which demonstrate the special significance of land-related documents in the context of forgery crimes.

Article 393 of the new Criminal Code adds sanctions for individuals who store materials or tools that are known to be used to commit the crime of counterfeiting, with a maximum prison sentence of one year or a maximum fine in category II. This shows that not only the direct perpetrators of counterfeiting can be punished, but also those who support or facilitate the act through the provision of tools or materials. In the context of crimes against land, this regulation emphasizes that Indonesian criminal law seriously addresses the problem of document falsification, which can affect the process of obtaining land rights. Forgery of letters or documents related to land not only harms parties who have legal rights to the land but also disrupts legal

certainty and order in land management and administration. With the existence of these articles in the Criminal Code, it is hoped that they can provide prevention and effective law enforcement solutions in dealing with the problem of crimes against land.

Furthermore, Article 502 of the new Criminal Code, which takes the issue of crimes against land seriously, stipulates legal sanctions for individuals who unlawfully aim to benefit themselves or others through unauthorized transactions over land rights. This provision covers several specific scenarios that often occur in the practice of abusing land rights, highlighting various forms of fraud and manipulation that harm the rights of other parties or ignore existing legal obligations. First, the article deals with situations where a person sells, exchanges, or encumbers with a credit bond the right to use state land, a house, or an agricultural business, even though the land or property is actually entitled to or owned jointly with another party. This prevents individuals from carrying out transactions on property for which they do not have the full right to transact, which could harm the legal rights of others. Second, this article also regulates situations where land or property that has been encumbered with a credit bond is sold, exchanged, or encumbered again without disclosing the status of the credit bond to the other party. This ensures that all parties to the transaction have complete information regarding the legal status of the property to prevent fraud. Third, this article includes the act of encumbering the right to use state land with credit bonds by hiding the information that the land has been pledged as collateral. This protects parties who may not be aware that the land they are interested in already has a credit encumbrance. Furthermore, the article deals with borrowing or renting land whose use rights are owned by someone, even though the land also has ownership rights or is jointly owned with another person, including land that has been mortgaged or leased to another party without adequate notification. Through Article 502 of the Criminal Code, Indonesian legislators demonstrate a commitment to protecting land rights and related transactions from unethical practices that could harm legal owners or other interested parties. This provision emphasizes the importance of transparency, honesty, and respect for legal rights in all property transactions and provides a strong legal basis for prosecuting perpetrators who violate these provisions. This is an important step in ensuring fairness and security in land transactions, avoiding conflict, and strengthening trust in the land system.

Furthermore, Article 257 of the new Criminal Code stipulates provisions regarding unlawful acts related to entering property without permission. The substance of this article aims to protect a person's right to privacy and ownership of their property, including houses, closed rooms, or closed yards that are used or occupied by other people. This provision confirms that any person who forces entry into the property without permission and fails to leave the premises after being requested by the legal owner or his representative can be punished with a maximum imprisonment of one

year or a maximum fine in category II. Furthermore, this article makes it clear that the act of forcing entry can include various methods, such as breaking, climbing, using fake keys, fake orders, or fake official clothes, as well as entering without the owner's knowledge and not due to a mistake, especially if this happens at night. Such actions demonstrate a deliberate intent to avoid detection and access property without authorization. If the act of forcing entry is followed by issuing threats or using means that can cause fear, the punishment becomes more severe, with a maximum prison sentence of two years or a maximum fine in category III. This suggests that the use of intimidation or violence in the process of entering property without permission is seen as a more serious crime, given the potential for greater harm to the victim. The article also adds special provisions for cases where criminal acts are committed by two or more people together, indicating collaboration or conspiracy. In a scenario like this, the sentence can be increased by one-third of the original sentence. This reflects the understanding that crimes committed in groups tend to be more planned and have the potential to pose a greater threat to victims. Overall, Article 257 of the Criminal Code reflects the legal commitment to protect individuals' rights to their property from illegal and unauthorized access while providing a clear legal framework for dealing with various forced entry scenarios and establishing appropriate penalties based on the severity and circumstances of the offense.

Apart from that, there are also several articles in the new Criminal Code that relate to crimes against land, including Article 505 in the context of land grabbing, which offers an important legal framework to protect property rights and prevent illegal actions that disturb the boundaries of land ownership. This provision explicitly addresses the issue of damage, destruction, removal, disposal, or other acts that render items used to mark land boundaries inoperative. By threatening perpetrators of such acts with a prison sentence of up to three years or a fine in category IV, this article shows a serious commitment to fighting practices that can facilitate illegal land grabbing. In many cases, land grabbing begins with actions that damage or remove physical signs that indicate the boundaries of land rights. Actions of this kind are often carried out to create ambiguity or disputes regarding land boundaries, making it easier for certain parties to claim ownership or control the land illegally. With Article 505, the state provides protection to legal land owners from manipulative or coercive efforts aimed at changing or erasing legally recognized land boundaries. Legal protection of land boundaries is essential to preventing and overcoming land grabbing. This provides a strong legal basis for land owners to demand justice and protection in the event of illegal attempts to disturb or seize their land rights. Thus, Article 505 not only functions as a preventive tool against these specific detrimental actions but also more broadly helps maintain the integrity and stability of land ownership. This, in turn, supports efforts at agrarian reform and fair and sustainable management of natural

resources by ensuring that land rights are protected from actions that could threaten justice and order in society.

Law Number 1 of 2023 concerning the new Criminal Code (KUHP) in Indonesia presents a series of provisions specifically designed to tackle crimes against land, providing strong protection for legal subjects from illegal land grabbing. Articles such as 391, 392, 393, and 502, as well as Articles 257 and 505, specifically target acts of falsification of documents, fraud in land transactions, and interference with land ownership boundaries. Establish tough penalties for perpetrators of land-related crimes, from falsifying documents to trespassing on property, and demonstrate the legislature's commitment to protecting land rights as well as transparency and fairness in land transactions. This entire article reflects legislative efforts to strengthen the legal framework in dealing with land issues, support justice and security in land management and administration, and support efforts for agrarian reform and fair and sustainable management of natural resources.

CONCLUSION

The phenomenon of land grabbing has not only changed the structure of land ownership in many developing countries, but has also given rise to a complex set of social, economic and environmental problems. Particularly in Indonesia, land disputes are emblematic of injustice, illustrating shortcomings in the system of land rights management and allocation. The impacts of land grabbing are severe for communities, eliminating their access to land and jeopardizing their social economic survival. Addressing these problems requires a comprehensive approach, which includes improvements to land-related legal and administrative systems, as well as recognition and protection of community rights. Agrarian reform and equitable and sustainable management of natural resources should be a key focus, given the importance of land as the foundation for life and identity. Indonesia's new Criminal Code Law No. 1 of 2023 is a step forward in addressing crimes against land, providing a more solid legal framework to protect land rights and avoid illegal acts that interfere with land ownership. It signals the country's commitment to resolving land issues and supporting broader agrarian reform initiatives, with the aim of creating a just and sustainable land system that supports inclusive and equitable economic development for all Indonesians.

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