

A Legal Analysis of Civil Law Protection for Land Rights Holders in Land Mafia Cases in Indonesia

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Abstract

Land mafia practices in Indonesia are a serious problem that causes harm to land rights holders, both materially and legally. The methods used in land mafia practices include document forgery, unlawful land occupation, abuse of authority, and manipulation of land data, which result in disputes and legal uncertainty regarding land ownership rights. This study aims to analyze the forms of civil legal protection for land rights holders in land mafia cases in Indonesia, as well as the legal remedies available to aggrieved parties. The research method employed is a normative legal analysis using a statutory approach, a conceptual approach, and a case-based approach. Research findings indicate that civil legal protection for land rights holders is regulated by various statutory provisions, particularly in the Basic Agrarian Law and the Civil Code, through mechanisms such as civil lawsuits, certificate revocation, restoration of rights, and claims for damages. However, in practice, this legal protection has not been fully effective due to weaknesses in the land administration system, data overlaps, and the involvement of certain individuals who support land mafia practices. Therefore, it is necessary to strengthen the land administration system, enhance oversight, and enforce the law firmly to provide legal certainty and protection for land rights holders in Indonesia.

Keywords: *Land Mafia, Civil Legal Protection, Land Rights, Land Disputes, Legal Certainty.*

INTRODUCTION

Land plays a very important role in the lives of Indonesians because it serves as a place to live, a source of livelihood, and has high economic value. (Indri Hadisiswati, 2014). In addition, land is also a legal object that frequently gives rise to legal relationships among individuals, legal entities, and the state. The importance of land has led to a growing need among the public for legal certainty regarding land ownership and control (Boedi Harsono, 2000). Therefore, through agrarian laws, the state seeks to provide legal protection to all holders of land rights, as stipulated in the Basic Agrarian Law and its various implementing regulations. (Maria S.W. Sumardjono, 2012). This legal protection is intended to provide legal certainty to land rights holders so that they can avoid disputes or unlawful actions that could harm the community (Iwan Permadi, 2023).

However, in practice, legal protection of land rights still faces various obstacles, one of which is the rampant practice of land mafia activities in Indonesia. The land mafia refers to organized actions carried out by certain individuals or groups with the aim of unlawfully seizing or acquiring land rights (Iwan Permadi, 2023). However, in practice, legal protection of land rights still faces various obstacles, one of which is the rampant practice of land mafia activities in Indonesia. The land mafia refers to organized actions carried out by certain individuals or groups with the aim of unlawfully seizing or acquiring land rights (Rahmat Ramadhani, 2019).

Land mafia cases in Indonesia continue to rise and have become a serious concern for both the government and the public. Many landowners have lost their rights due to duplicate certificates, document forgery, or transfers of rights carried out without the consent of the rightful owners. In fact, it is not uncommon for land disputes to drag on for a long time and lead to social conflict within communities. This situation indicates that the civil legal protection system for

landowners is not yet functioning optimally (Mhd. Yusrizal Adi Syaputra, 2021). Therefore, stricter law enforcement and reforms to the land administration system are needed to minimize land mafia practices in Indonesia (Dwi Putri Prihatin, 2022).

However, in practice, legal protection of land rights still faces various obstacles, one of which is the rampant practice of land mafia activities in Indonesia. The land mafia is a form of organized crime involving document forgery, the issuance of duplicate certificates, manipulation of land data, unlawful land seizure, and the abuse of authority by certain individuals. (Rahmat Ramadhani, 2019).

Based on various case findings, land mafia practices often involve collusion between private parties and corrupt officials or land administration officials, thereby complicating the process of proving claims and resolving disputes (Dwi Putri Prihatin, 2022). In fact, many people have lost their land rights even though they held valid title deeds, due to administrative errors and a weak land oversight system. (Mhd. Yusrizal Adi Syaputra, 2021).

Other findings indicate that land disputes caused by land mafias often lead to protracted conflicts and result in economic and social losses for the community (Siti Nurhayati, 2020).

The lengthy and costly dispute resolution process leaves landowners in a weak position when it comes to obtaining justice (Faisal Santiago, 2018). In addition, the fact that land administration systems have not yet been fully digitized and integrated also contributes to the continued ease with which land data can be manipulated and land documents forged (Rina Shahriyani Shahrullah, 2021).

This situation highlights a discrepancy between the objective of agrarian law to provide legal certainty and the reality on the ground, where legal protection for land rights holders remains inadequate (Maria S.W. Sumardjono, 2013).

Various cases of land mafia activity in Indonesia follow a relatively consistent pattern, namely the misuse of land documents, the manipulation of administrative procedures for the transfer of rights, and the involvement of intermediaries or unscrupulous individuals that result in the lawful owner unlawfully losing their rights to the land. In the context of civil law protection, the courts play a crucial role in assessing the validity of the transfer of rights and providing remedies through the revocation of certificates, the return of disputed property, and the affirmation of lawful ownership status based on the principle of Unlawful Acts (Article 1365 of the Civil Code).

The Mbah Tupon case began with a plot of land with a freehold title certificate covering an area of approximately 2,100 m², part of which (approximately 298 m²) was sold in 2020 through a broker via a process involving the signing of documents to split the title certificate; but it is alleged that the documents were subsequently misused, resulting in changes to the ownership data and the use of a portion of the land as collateral for a bank loan without the victim's family's consent a fact that only came to light in 2024 upon learning of plans for an auction; these actions are suspected of violating Article 1365 of the Civil Code (tort), Articles 263 and 266 of the Criminal Code regarding forgery and false statements in deeds, and are contrary to Law No. 5 of 1960 (Land Law) for disregarding the protection of land ownership rights.

The case involving a dispute over the transfer of land rights in West Jakarta (West Jakarta District Court Decision No. 193/Pdt.G/2019/PN Jkt. Brt) originated from the transfer of a plot of land belonging to the decedent to the Defendant, which was carried out through a deed of sale; the validity of this deed was subsequently challenged by the heirs, as it was alleged to have been conducted without valid consent and failed to comply with applicable legal procedures. During the trial, the panel of judges evaluated evidence including the land certificate, the deed of sale, and witness testimony, and found defects in the process of the transfer of rights; consequently, in its judgment, the court granted part of the Plaintiff's claim, declaring the transfer of rights to the land invalid and lacking legal binding force, declaring the certificate in the Defendant's name

to be without legal force, and ordering the return of the land to the heirs as the lawful owners; and this judgment has become final and binding (*inkracht*).

The land dispute case in Bekasi Regency (Supreme Court Decision No. 126 PK/Pdt/2017) originated from the transfer of a plot of land with a freehold title certificate that was contested by the original owner on the grounds that it was allegedly carried out through a legally flawed sale and purchase procedure and that there were indications of irregularities in land administration; this case proceeded to a Request for Review at the Supreme Court, where the panel of justices found that there had been judicial error or a manifest error in the previous decision, as well as defects in the evidence regarding ownership and the transfer of land rights. In its ruling, the Supreme Court granted the Petitioner's Request for Review, overturned the High Court's and District Court's previous rulings that had favored the Respondent in the Review, and re-adjudicated the case by declaring that the Plaintiff is the lawful owner of the disputed property, declaring the transfer of rights to the land invalid and lacking legal binding force, and ordering the Defendant to return the disputed land to the Plaintiff in a vacant state and free of any encumbrances. The decision is final and has become legally binding (*inkracht*).

The land dispute case in Kemang, South Jakarta (known as the "K land dispute case") has become one of the most widely publicized land mafia cases in Indonesia because it involves high-value land that has been owned by the family's heirs for generations. However, the land was subsequently claimed and transferred to another party through a series of land documents whose validity is in question; this dispute began when the heirs discovered that a certificate had been issued in another party's name and the land was physically occupied by a third party, leading them to file a civil lawsuit based on Unlawful Acts due to alleged manipulation of land administration and defects in the transfer of rights. During the trial proceedings, the court found procedural irregularities in the issuance and transfer of the certificate, as well as the failure to meet the legal requirements for the transfer of land rights. In the Judgment of the South Jakarta District Court No. 697/Pdt.G/2016/PN Jkt.Sel, which was subsequently upheld on appeal and cassation until it became final and binding, the panel of judges granted the Plaintiff's claim in part, declaring that the transfer of rights to the disputed land was invalid and had no binding legal force, declaring the certificate issued in the Defendant's name to be without legal force, and ordering that the disputed land be returned to the Plaintiff as the rightful owner in a vacant state free of any encumbrances.

Overall, these four cases demonstrate that civil legal protection for victims of land mafia activities remains primarily reactive (*ex post*) through the courts and is not yet fully preventive (*ex ante*); therefore, it is necessary to strengthen the land administration system, enhance oversight of notaries and PPATs, and integrate land data to prevent future abuses of land rights.

Under civil law, the holder of land rights actually has the right to file a lawsuit for tort, seek the revocation of a land title, or file a claim for damages against the party causing harm. (Subekti, 2017).

However, the implementation of these legal protections is often ineffective due to administrative barriers, overlapping regulations, and the involvement of organized and systematic land mafias (Iwan Permadi, 2022).

Therefore, it is necessary to strengthen the land administration system, improve the transparency of public services, and enforce the law more rigorously in order to provide optimal legal protection for land rights holders in Indonesia. (Dwi Putri Prihatin, 2022).

RESEARCH METHODS

This study is a normative legal study that examines law as norms or rules applicable in society, as articulated by Soerjono Soekanto and Sri Mamudji (Soerjono Soekanto dan Sri

Mamudji, 2015). This study employs the statutory approach, the conceptual approach, and the case approach to analyze legal protection for land rights holders in cases involving land mafia (Peter Mahmud Marzuki, 2021). The legal materials used consist of primary, secondary, and tertiary sources obtained through literature review. Primary legal materials include legislation in the field of land, specifically the Basic Agrarian Law, the Civil Code, as well as regulations related to the registration and protection of land rights. Secondary legal materials consist of books, scientific journals, and research findings relevant to the issues under study. The analysis of legal materials was conducted qualitatively by examining and interpreting applicable legal provisions and relating them to relevant legal doctrines and court decisions (Johnny Ibrahim, 2013). Through this method, legal arguments were developed regarding the form of civil legal protection for land rights holders and efforts to resolve disputes arising from land mafia practices in Indonesia.

RESULTS AND DISCUSSION

A. Forms of civil legal protection provided to land rights holders who are victims of land mafia practices in Indonesia

1. RESULTS (FINDINGS)

a. Tortious Liability (Perbuatan Melawan Hukum / Article 1365 Civil Code)

Civil legal protection for holders of land rights who become victims of land mafia practices can be pursued through a tort claim based on Article 1365 of the Indonesian Civil Code. This provision establishes that any unlawful act that causes harm to another party obliges the perpetrator to provide compensation for such loss. Article 1365 further affirms that any act violating the law which results in harm to another person, and is committed due to fault, gives rise to an obligation to compensate the loss.

Within the context of land law, Article 1365 of the Civil Code serves as the primary legal foundation for claims seeking damages arising from unlawful acts. In practice, it is commonly applied to protect landowners who suffer losses due to illegal land transfers, forgery of documents, or manipulation of land administration systems.

Acts such as falsification of land documents, unauthorized transfer of land rights, or manipulation of cadastral data may be categorized as unlawful acts that infringe upon the rights of legitimate landowners. Through tort claims, victims may seek *restitutio in integrum* as well as compensation for both material and immaterial losses (Urip Santoso, 2012).

Furthermore, tort liability may also extend to parties who assist, participate, or act negligently, thereby enabling unlawful land transfers. Judges play a central role in assessing fault, loss, and causation between the defendant's conduct and the harm suffered by the plaintiff, making tort law a crucial mechanism in civil protection of land rights (Yahya Harahap, 2016).

Scholarly studies indicate that tort claims are frequently used in land disputes, especially in cases involving certificates issued in bad faith or through violations of legal certainty principles (A. P. Parlindungan, 2017).

Research further shows that courts tend to grant tort-based compensation when there is clear evidence of administrative fraud, identity forgery, or abuse of authority in land transfer processes. This demonstrates that tort claims function not only as compensation mechanisms but also as tools to correct defective legal acts in land administration (Maria S.W. Sumardjono, 2016).

Empirical legal findings also reveal that the success of tort claims in land mafia cases heavily depends on documentary and testimonial evidence, particularly in proving fault (schuld) and causality. Courts often align tort liability with the protection of good-faith landholders, ensuring that lawful owners remain protected even when administrative transfers have occurred (I Nyoman Nurjaya, 2016).

Tort claims are not only aimed at obtaining compensation but also serve as a legal basis to invalidate defective transactions, particularly those conducted in bad faith or based on forged documents (Maria S.W. Sumardjono, 2016).

One of the fundamental objectives of tort law is *restitutio in integrum*, namely restoring the injured party to their original legal position. In land mafia cases, this may include court orders for the cancellation of unlawfully obtained certificates and the restoration of land ownership to the rightful owner (I Nyoman Nurjaya, 2016).

In addition, civil litigation provides a mechanism for victims to claim both material and immaterial damages. This mechanism is considered essential in delivering justice while simultaneously deterring unlawful conduct (Erna Sri Wibawanti, 2018).

Further studies confirm that tort actions in land mafia disputes contribute not only to restoring individual rights but also to strengthening legal certainty in land administration by prompting institutional improvements (Erna Sri Wibawanti, 2018). Therefore, tort law remains one of the most relevant instruments of civil legal protection for victims of land mafia practices in Indonesia (Subekti, 2014).

b. Legal Protection through Cancellation of Land Title Certificates

The cancellation of land certificates constitutes an important form of civil legal protection for landowners harmed by land mafia practices. This mechanism is applied to correct certificates that are legally defective, whether due to procedural errors, overlapping claims, or unlawful acquisition such as forgery or data manipulation (Maria S.W. Sumardjono, 2016).

Normatively, certificate cancellation may be carried out through two mechanisms: judicial decisions and administrative authority of the National Land Agency (BPN/ATR). In the judicial pathway, cancellation is based on a final and binding court decision (*inkracht*), particularly in civil cases establishing unlawful acts or legal defects in certificate issuance. The court decision then serves as the legal basis for BPN to revoke and remove the relevant land records (Urip Santoso, 2018).

On the administrative side, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is authorized to cancel certificates containing administrative defects, such as inaccuracies in physical or juridical data, overlapping certificates, or procedural violations. This function reflects the state's internal control over land registration to ensure legal certainty (Boedi Harsono, 2017).

However, academic studies indicate that certificate cancellation in practice often faces obstacles, particularly related to evidentiary burdens and coordination between judicial decisions and administrative execution by BPN. Consequently, enforcement of cancellation decisions is not always immediate, making legal protection dependent on the effectiveness of the land administration system (Erna Sri Wibawanti, 2019).

Thus, certificate cancellation—whether through judicial or administrative channels—remains a crucial instrument in providing legal protection to victims of land mafia practices and ensuring legal certainty within the land system.

c. Legal Protection through Damages and Civil Restitution

Civil legal protection for land rights holders affected by land mafia practices is not limited to certificate cancellation but also includes compensation and restitution

mechanisms. These mechanisms aim to restore victims to their original legal and economic position, thereby ensuring substantive justice (Yulia Hapsari, 2022).

Under Indonesian civil law, the primary legal basis for compensation claims is Article 1365 of the Civil Code, which entitles victims to claim damages arising from unlawful acts. In land mafia cases, such losses may include loss of ownership rights, litigation costs, and economic losses due to inability to use or transfer land. Courts may also award immaterial damages such as psychological distress caused by prolonged disputes (Andi Hamzah and Rina Shahriyani, 2022).

Academic literature shows that compensation in land disputes serves not only a restorative function but also a preventive one, as it discourages future unlawful conduct while restoring victims' losses (Fajar Sugianto, 2021).

The principle of *restitutio in integrum* further emphasizes restoring victims to their original condition, including recovery of land rights and benefits that should have been obtained. In practice, this is often combined with certificate cancellation orders (Dian Cahyaningrum, 2021).

Empirical findings reveal that victims of land mafia practices often suffer multiple layers of loss, including the inability to utilize land economically due to legal uncertainty. This results in significant financial and social harm, particularly for productive land users (Rahmat Ramadhani, 2020).

Research also highlights practical challenges in obtaining compensation, including lengthy litigation processes, high costs, and difficulties in enforcement even after favorable court rulings. This indicates that civil protection has not yet fully ensured effective legal certainty for victims (Nurhayati Ali Hasan, 2021).

Courts also tend to prioritize material damages over immaterial losses, despite the fact that land mafia practices often cause significant psychological and social harm. Therefore, greater recognition of non-material damages is necessary to achieve fairer legal protection (M. Syahrul Rizal, 2022).

Another issue identified is the lack of synchronization between court decisions and land administration systems, which often delays the restoration of land rights even after final judgments. This highlights the need for stronger institutional integration between judicial bodies and land agencies (Rina Shahriyani Shahrullah, 2022).

Thus, compensation and restitution together form a comprehensive civil protection mechanism that addresses both economic losses and restoration of legal ownership rights.

d. Preventive Legal Protection in the Land Registration System

Preventive legal protection within Indonesia's land registration system represents state efforts to prevent disputes before they arise (Arie Lestario and Erlina, 2020).

This protection is implemented through land registration as mandated by Article 19 of the Basic Agrarian Law (UUPA) and Government Regulation No. 24 of 1997. The system aims to ensure legal certainty through structured recording of physical and juridical land data (Rahmat Ramadhani, 2017).

Land title certificates serve as the most important instrument of preventive protection, as they provide strong evidentiary value regarding ownership rights (Dadi Arja Kusuma, Rodliyah, and Sahnan, 2017).

Article 32(1) of Government Regulation No. 24 of 1997 reinforces that certificates are strong evidence as long as the recorded data matches official land registers and survey documents (Siti Nurjannah, 2019).

Indonesia applies a negative publication system with positive elements, meaning that although the state does not guarantee absolute correctness of certificate data, protection is still granted to good-faith holders (Bronto Susanto, 2014).

Certificates therefore remain valid legal evidence unless invalidated by a court decision, reflecting the state's attempt to balance legal certainty and corrective justice (Urip Santoso, 2013).

Preventive protection is also strengthened through the Comprehensive Systematic Land Registration (PTSL) program, which accelerates land certification to reduce disputes, fraud, and boundary conflicts (Kholissatus Sa'adah, Rahmat Saputra, and Diana Fitriana, 2025).

Overall, preventive legal protection ensures administrative order, legal certainty, and public security in land ownership (Rian Saputra and M. Yasir Said, 2020).

In Indonesia's land law system, preventive legal protection plays a crucial role in preventing disputes and providing legal certainty regarding land rights. This protection is realized through the implementation of land registration, the issuance of land title certificates, and the state's oversight of land administration. Through these mechanisms, the state seeks to establish administrative order and ensure legal certainty for land rights holders. Based on this, there are several key findings that demonstrate the form of preventive legal protection within the land registration system, as follows:

1) Land Registration as the Primary Instrument of Legal Certainty

Land registration is the primary mechanism used by the government to provide legal certainty regarding the public's land rights. Through the land registration process, each parcel of land is officially recorded in the government's land administration system, thereby clarifying its legal status, area, boundaries, and the holders of land rights (Arie Lestario and Erlina, 2020)

Such clarity is essential to prevent land disputes, overlapping ownership claims, and unlawful land occupation. Thus, land registration serves a preventive function by providing legal protection before disputes arise in the community (Rahmat Ramadhani, 2017).

2) Land Title Certificates as Strong Evidence

A land title certificate is the final outcome of the land registration process and serves as strong legal evidence. The certificate serves as proof of legal ownership of a parcel of land and forms the basis for legal protection for the rights holder (Dadi Arja Kusuma, Rodliyah, and Sahnan, 2017).

In practice, certificates provide legal certainty to the public because the physical and legal data contained therein are recognized by the state. Therefore, the existence of certificates can minimize the potential for disputes and provide a sense of security to landowners who have acquired their rights in good faith (Siti Nurjannah, 2019).

3) A Negative Publication System with a Positive Bias as a Form of Preventive Protection

The land registration system in Indonesia uses a negative publication system with a positive presumption. This system means that the state does not absolutely guarantee the accuracy of the data in the certificate, but it still provides legal protection to certificate holders who acquired their rights in good faith (Bronto Susanto, 2014).

Under this system, certificates remain recognized as strong evidence until they are invalidated by a court ruling. This system strikes a balance between legal protection for rights holders and the possibility of correcting administrative errors in land administration (Urip Santoso, 2013).

4) The Comprehensive Systematic Land Registration Program (PTSL) as a Preventive Measure

The Comprehensive Systematic Land Registration Program (PTSL) is a government policy aimed at accelerating the process of legalizing the public's land

assets on a comprehensive basis (Kholissatus Sa'adah, Rahmat Saputra, and Diana Fitriana, 2025).

This program serves as a form of preventive legal protection because it helps the public obtain land title certificates more easily, quickly, and affordably. As the number of registered land parcels increases, the risk of land disputes, document forgery, and boundary conflicts can be reduced. In addition, the PTSL program also promotes orderly land administration and enhances legal certainty regarding land ownership among the public (Rian Saputra and M. Yasir Said, 2020).

5) Verification of Physical and Legal Data as a Measure to Prevent Disputes

During the land registration process, both physical and legal data are verified before a certificate is issued. This examination includes land surveying, research into ownership history, document verification, and public notice of the data. This mechanism aims to ensure that the registered land is not subject to any disputes and has no administrative defects. This verification serves as a form of preventive legal protection, as it prevents the issuance of duplicate certificates and the forgery of land documents (Elza Syarief, 2018).

6) Preventive Legal Protection Promotes Orderly Land Administration

Preventive legal protection through land registration also plays a role in establishing orderly national land administration. Well-organized land administration facilitates oversight, control, and legal services in the field of land affairs. In addition to providing legal certainty to the public, an orderly administrative system also enhances public trust in the government regarding land management. Thus, preventive legal protection not only serves to protect individual rights but also maintains social stability and legal certainty in general (I Made Suwitra, 2018).

2. DISCUSSION (ANALYSIS)

The findings of this study indicate that civil legal protection for land rights holders in land mafia cases in Indonesia operates within a complex intersection between substantive civil law, procedural constraints, and administrative land governance systems. Although the normative framework appears comprehensive, its implementation reveals structural and practical limitations that affect the effectiveness of legal protection in practice.

First, the dominance of tort-based protection under Article 1365 of the Civil Code demonstrates that Indonesian civil law still relies heavily on *ex post facto* legal remedies, meaning that legal protection is primarily activated after harm has occurred. While this mechanism is essential for providing compensation and restoring rights, it does not function as an effective preventive tool against land mafia practices. The requirement to prove fault (*schuld*), damage, and causal link creates a significant evidentiary burden for victims, especially in cases involving sophisticated document forgery and administrative manipulation. In such cases, victims often face informational asymmetry, where perpetrators have better access to land administration data and procedural control.

Second, although the doctrine of *restitutio in integrum* theoretically ensures full restoration of the victim's legal position, in practice its realization is often partial. Courts may order cancellation of unlawful transactions or certificates, yet the actual recovery of land rights depends on administrative execution by the National Land Agency (BPN/ATR). This creates a dual dependency system between judicial authority and administrative implementation, which is not always synchronized. As a result, even after a final and binding court decision, victims may still face delays in regaining legal certainty over their land.

Third, the mechanism of certificate cancellation reflects an important tension between legal certainty and administrative flexibility. The existence of both judicial and administrative cancellation pathways is intended to provide comprehensive protection;

however, it also creates fragmentation in enforcement. Judicial cancellation is binding but requires administrative follow-up, while administrative cancellation is faster but limited by procedural and substantive constraints. This dualism often results in inconsistent outcomes and weak enforcement of final judgments, thereby reducing public trust in land administration institutions.

Fourth, in relation to compensation and civil restitution, the findings show that Indonesian courts tend to prioritize material losses over immaterial or psychological harm. This reflects a traditional approach to civil liability that emphasizes economic quantification of damage. However, land mafia practices often generate broader harm, including psychological stress, social insecurity, and long-term uncertainty regarding property ownership. The limited recognition of immaterial damages indicates that civil law protection is still oriented toward economic restitution rather than holistic victim recovery. Consequently, the restorative function of civil law has not been fully optimized.

Fifth, the land registration system, although designed as a preventive legal instrument, still contains inherent vulnerabilities due to its negative publication system with positive elements. This system does not guarantee absolute accuracy of registered data, which means that certificates remain contestable in court. While this approach aims to balance legal certainty with fairness, in practice it creates legal uncertainty that can be exploited by land mafia actors through manipulation of administrative gaps. Therefore, preventive protection remains conditional rather than absolute.

Sixth, the implementation of the Comprehensive Systematic Land Registration (PTSL) program represents a significant policy advancement in strengthening preventive legal protection. However, empirical analysis suggests that procedural acceleration alone is insufficient without strong institutional integrity and supervision. Cases of overlapping certificates, identity misuse, and administrative irregularities indicate that digitalization and mass certification programs must be accompanied by robust verification mechanisms and inter-agency coordination to effectively reduce land mafia practices.

Seventh, a broader systemic issue identified in this study is the lack of institutional synchronization between the judiciary and land administration bodies. Court decisions declaring invalidity of land rights are not always immediately followed by updates in land registration databases. This gap creates a situation where legal status and administrative status of land may diverge, resulting in uncertainty for both legal owners and third parties. Such inconsistency weakens the principle of legal certainty (*rechtszekerheid*), which is a fundamental principle in land law.

Eighth, from a doctrinal perspective, civil legal protection in land mafia cases reflects an ongoing tension between three competing principles: legal certainty, justice, and utility. Legal certainty is pursued through land registration and certificates; justice is pursued through tort claims and restitution; while utility is reflected in administrative efficiency through programs like PTSL. However, the imbalance among these principles leads to fragmented protection outcomes. In practice, legal certainty is often compromised by administrative weaknesses, while justice is delayed due to procedural complexity.

Finally, the overall analysis demonstrates that although Indonesia has established a relatively comprehensive normative framework for civil legal protection of land rights holders, the effectiveness of this system is significantly constrained by enforcement gaps, institutional fragmentation, and evidentiary burdens placed on victims. Therefore, strengthening civil legal protection in land mafia cases requires not only doctrinal

adequacy but also institutional reform, particularly in integrating judicial decisions with land administration systems and improving preventive oversight mechanisms.

CONCLUSION

The provision for the “legitime portie” in Indonesian civil inheritance law constitutes a form of legal protection for the absolute rights of statutory heirs, as stipulated in Articles 913 through 929 of the Civil Code. These provisions limit the testator’s freedom to transfer their assets through gifts or wills so as not to prejudice the rights of lineal heirs. Thus, the legitimate portion serves to create justice, balance, and legal certainty in the distribution of an estate. Violations of the legitimate portion result in legal consequences such as the reduction of a gift (inkorting), the partial revocation of a gift or will, and the right of legitimate heirs to sue for the fulfillment of their rights through the courts. In practice, the application of the legitimate portion provisions still faces various obstacles, such as differences in interpretation within the judicial system, difficulties in determining the value of the estate, and the public’s limited understanding of the limits on the testator’s freedom. Therefore, legal protection for legitimate heirs must be consistently enforced to ensure legal certainty and justice in Indonesian civil inheritance law. It is necessary to strengthen the public’s legal understanding of the provisions regarding the legitimate share and the limitations on gifts and wills in order to minimize inheritance disputes. In addition, notaries and relevant officials are expected to be more meticulous in drafting deeds of gift and wills while still paying attention to the rights of legitimate heirs in accordance with the provisions of the Civil Code. Furthermore, consistent application of the law by the courts is required in resolving disputes over the legitimate share to ensure legal certainty and effective protection of the rights of legitimate heirs. Updates and harmonization of inheritance laws are also necessary to adapt to evolving societal needs and to strengthen legal protection in the distribution of inheritances in Indonesia.

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