

CRIMINAL RESPONSIBILITY FOR THE CRIMINAL ACT OF UNAUTHORIZED USE OF STATE LAND (Study in Desa Tadukan Raga Kecamatan STM Hilir)

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Abstract

Unauthorized possession of state land is a form of crime that results in state losses and disrupts orderly administration and regional spatial planning. This phenomenon is widespread in various regions, including in Tadukan Raga Village, STM Hilir District, Deli Serdang Regency. This crime raises profound legal issues related to the criminal liability of the perpetrators and the effectiveness of law enforcement by authorized officials. This problem is examined in a study entitled Criminal Liability for the Criminal Act of Land Acquisition "State Without Permission (Study in Tadukan Raga Village, STM Hilir District)". The formulation of the problem in this study is: (1) What is the form of criminal liability for perpetrators of the crime of unauthorised possession of state land in Tadukan Raga Village, STM Hilir District? (2) What are the factors causing this crime? (3) What is the role of law enforcement officials in overcoming unauthorised possession of state land in the region? This study uses a qualitative method with a field research and library research approach. This type of research is descriptive and analytical, aiming to describe and analyze in-depth legal phenomena occurring in society. Data was collected through direct observation, in-depth interviews with village officials, law enforcement officers, and local residents, legal documentation, and an ethnographic approach to understand the social dynamics underlying these crimes..

Keywords: *Criminal Liability, State Land Control, Law Enforcement, Tadukan Raga Village, Agrarian Crimes*

INTRODUCTION

The Unitary State of the Republic of Indonesia is a state based on law, not power, as stated in the general explanation of Article 1 Paragraph (3) of the 1945 Constitution. As a state based on law, this principle demands that the law be enforced consistently regardless of social class. This means that all actions, whether by citizens or state officials, must be based on law. Every citizen has equal standing before the law and is obliged to respect and obey the law. The 1945 Constitution explicitly states that the Unitary State of the Republic of Indonesia is a state based on law, and all Indonesian citizens are obliged to abide by the rule of law. All citizens have equal standing before the law. This means that the law must be held supreme, and every citizen must act within the boundaries established by law. However, in everyday life, the reality is often different, as many members of society still engage in criminal activity. This is primarily due to human desires and the inability to control themselves and adhere to reasonable norms. Many people justify any means to enjoy life to excess.

One of the most common crimes in society is the crime of controlling plantation land. Plantations are a vital economic resource for the people and the state, thus playing a significant role in the national economy. As an agricultural country, Indonesia relies heavily on plantations, both state-owned and smallholder, as a source of income and a significant contributor to national economic growth. Land issues related to criminal law involve unlawful land acquisition. This issue is not new and is common in Indonesia. The term "possession" here refers to the act of taking rights or property arbitrarily or without complying with applicable laws and regulations, such as occupying another person's land or home to which they are not entitled. Unlawful land acquisition constitutes a violation of the law and can be categorized as a criminal offense. Land is a valuable asset because its value tends to be stable and increases over time. Illegal land acquisition can be detrimental to various parties, especially if the land is used for business purposes. Unlawful land acquisition often occurs in the form of physical occupation of land, cultivation, sale of land rights, and other forms of exploitation.

Land has a very high value and tends to increase over time. The often very stable increase in land value makes it a highly valuable and strategic asset for both individuals and businesses. Illegal land acquisition, especially when used for commercial purposes, can have significant negative impacts. In addition to harming those with legal rights to the land, this action can also cause broader economic and social harm. Various forms of violations, such as physical occupation of land without permission, unauthorized cultivation, and the sale of land rights illegally, are clear examples of this problem. Non-compliance with land regulations not only creates injustice for legitimate parties but also disrupts legal and social stability, hinders equitable economic development, and requires stricter and more effective law enforcement to prevent and address the crime of illegal land acquisition. Agrarian and natural resources, known as land, provide significant benefits but also give rise to various problems, encompassing economic, social, cultural, political, defense and security, and legal aspects. Land has a significant impact on national development, as stipulated in Article 33 of the 1945 Constitution, which states that "the land, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people." This provision reflects the principle that land and natural resources not only belong to the state but must be utilized for the maximum welfare of the people. This means that the state has a responsibility to regulate and manage natural resources in a fair and efficient manner, ensuring that their use provides broad and equitable benefits to all members of society. In practice, land management that does not comply with these principles can lead to various problems, such as social injustice, land conflicts, and environmental damage. Illegal land acquisition or abuse of land rights can disrupt social and economic stability and damage environmental integrity. Therefore, it is crucial for countries to implement strict regulations and effective legal systems to manage and protect land and natural resources, to ensure that the benefits are truly felt by all levels of society. Land regulations stipulated in Law No. 5 of 1960 concerning Basic Agrarian Principles constitute the national regulation in the land sector. Indonesian citizens continue to believe in the relevance of the Basic Agrarian Law in line with current developments and reforms, given that the law remains valid in the implementation of justice in the land sector. Furthermore, this law plays a crucial role in encouraging economic growth for the lower-middle class. This is evident in the vision and mission contained in the Agrarian Law, namely:

1. Enforcing national land laws and upholding national land laws;
2. Regulation and control of land ownership;
3. Regulation of land use for the economic growth of citizens;
4. Regulations for granting authority over land rights;
5. Land system settings in archiving.

These five visions and missions must be implemented in a structured manner so that land management can provide maximum benefits for the prosperity of citizens. However, currently, land services often do not reflect justice, particularly in prioritizing the community, and deviate from the prevailing system. The Agrarian Law holds a strategic position within Indonesian national law, and this strategy provides economic value in efforts to improve livelihood growth, meet economic needs, and create social justice. The need for land continues to increase in line with population growth and other land-related needs. The definition of land needs to be distinguished between everyday and legal (juridical) definitions. Land can be understood as a place where trees grow, buildings stand, and human activities are carried out. In addition to its function as a place for housing and agriculture, land is also used as collateral for bank loans, as well as in sales and rental transactions. Due to the importance of land for the public interest, both for individuals and legal entities, legal certainty regarding land rights is necessary.

Law serves as a benchmark for creating order and peace in society. Therefore, any actions prohibited by law must be avoided, and violators will be subject to criminal penalties. A person who commits a crime must be held accountable for their actions, if proven guilty. A person's guilt is determined based on society's assessment of the act from a normative perspective. According to Muladi and Barda Nawawi Arif, punishment is imposed solely because someone has committed a crime. Every crime must be followed by punishment, without bargaining, and the perpetrator of the crime must accept punishment as a consequence of their actions. Furthermore, Adami Chazawi explained that the basis of criminal theory is the principle of retribution. This justifies the imposition of punishment as a form of suffering for the perpetrator of the crime. The state has the right to impose punishment because the perpetrator has disrupted and attacked the rights and interests of individuals, society, or the state that have been protected by law. Sahetapy states that the purpose of punishment is crucial because the criminal aspect in the context of the purpose of punishment must consider not only the sense of justice in society but also analyze the reciprocal relationship between the perpetrator and the victim. Based on the opinions of various criminal law experts on the purpose of punishment and punishment, it is clear that these purposes are not singular, for example, only for retribution or only for prevention. Instead, the author argues that the purpose of punishment and punishment encompasses several integrative objectives. According to Sholehuddin, the purpose of criminal punishment is to

provide a deterrent and a deterrent effect. The deterrent effect aims to prevent the perpetrator from repeating the same crime, while the deterrent effect serves as an example that reminds and frightens potential criminals in society. Furthermore, criminal punishment also serves the purpose of rehabilitation. The theory of the purpose of punishment views punishment as a means to achieve reform or rehabilitation for convicts. A characteristic of this view is that punishment is seen as a social and moral healing process aimed at enabling individuals to reintegrate properly into society, as well as a means of moral education or reform. During the punishment process, convicts are helped to recognize and acknowledge their mistakes. A crime is the act of committing or failing to commit something that violates the law and is punishable by punishment, with the purpose of imposing punishment to maintain legal order and ensure security in society.

One act that harms the public interest and disrupts public order is land grabbing. Land grabbing is the act of illegally occupying land already owned by another person. Land grabbing is regulated in the Criminal Code (KUHP) and Government Regulation in Lieu of Law (Perppu) Number 51 of 1960, which prohibits the use of land without permission from the owner or authorized party. The legitimate party to the land has the right to take criminal legal action against perpetrators of land grabbing. Unauthorized possession of state land is a criminal offense that severely harms the state, both economically and socially. State land is a valuable asset that should be used for public purposes, such as infrastructure development, housing, and agricultural programs that support public welfare. Economically, this practice causes significant financial losses to the state, as illegally occupied land could be used to generate income or for other productive purposes. Socially, this practice can create conflict and legal uncertainty in society, disrupt public order, and create social injustice.

State land itself is a valuable asset with strategic value, which should be used for public interests such as infrastructure development, housing for residents, and agricultural programs that support food production and create jobs. Proper management of state land is crucial to supporting public welfare and national development. Therefore, unauthorized occupation of state land not only undermines the legal and economic order but also hinders government efforts to improve the welfare and quality of life of the wider community. Using private land without permission constitutes a violation of rights through arbitrary means or without complying with applicable laws and regulations, such as occupying another person's house or land without a right. This illegal land grabbing is considered an unlawful act and can be considered a criminal offense. *Aggerin* Latin it is land or a plot of land, *Agros* in Greek means agricultural land, while *Aggarius* means rice fields, agriculture, plantations, and in English *Agrarian* is land for agriculture. In Law No. 5 of 1960, the regulation regarding the basic principles of Agrarianism, LNR of 1960, better known as the Basic Agrarian Law (UUPA), provides scope in the considerations of articles or explanations.

The division of the scope of agrarian groups is as follows:

1. Earth

In Article 1 paragraph (4) of the UUPA, it is explained that land is defined as the surface of the earth which also includes the body of the earth.

2. Water

In Article 1 paragraph (5) of the UUPA, it is explained that water is that which is on the surface or underground in the territory of Indonesia as regulated in Article 1 number 3 of Law No. 11 of 1974.

The Earth within the territory of Indonesia. Article 48 of the UUPA defines space as anything containing elements or energy that can be utilized to protect and enhance the fertility of the Earth within it.

In explaining the scope of agrarian law, land can be defined as a portion of the earth's surface that encompasses a legal aspect known as land rights. The legal principles in each country differ (*recht beginsel*), stating that land in a country that has no owner is considered state land. State land can be defined as land directly controlled by the state, as defined in the UUPA. In the context of legal objects, what is meant is land rights. Land regulations serve as criteria and benchmarks regulated in land law. Land law encompasses both public and private aspects. Land rights for Indonesian citizens involve both public and private elements. State land ownership rights are public, customary law community rights involve both public and private aspects, while individual land rights are private. If a person is suspected of committing a crime but is not prosecuted according to criminal procedure to determine whether they can be held criminally accountable, this can undermine the authority of criminal law in society. This situation has the potential to give rise to the view that there is no need to fear committing a crime because there will be no legal consequences. Criminal liability is an important aspect of criminal law, alongside criminal acts, penalties, and punishment. Criminal liability is crucial because the punishment imposed is meaningless if the perpetrator of the crime is not held legally accountable. For someone to be convicted, they must first be proven to have committed a crime in accordance with the principle of legality. The crime of possessing land without permission is a violation or deviation that demonstrates a disregard for or inability to respect others' land rights. Land is the place where we as

humans stand and live, from conception to death. Furthermore, land serves various important functions. On land, we can build houses, farmers can cultivate crops, and entrepreneurs can establish various types of businesses, such as property, shops, or other buildings. Traders also carry out their activities on land, while roads and entertainment venues are also built on it. Thus, it can be concluded that land plays a very important role in human life. Determining the extent of state-owned land is not easy. However, if the state requires land currently controlled by a particular party for public purposes due to insufficient state land, rights or permits from the relevant government are required to acquire or establish a business on that land, whether in urban or rural areas. In fact, sometimes authorities or relevant governments consider it acceptable to own land without a permit, often citing the limited availability of land for public purposes, such as farming or housing construction.

Using land means occupying, working on and/or affecting a piece of land or having plants or buildings on it, regardless of whether the building is used by oneself or not. Using land without the permission of the rightful owner or his/her legal representative is a prohibited act and is punishable by imprisonment and/or a fine. This crime also applies to people who provide assistance in any way to carry out the act of using land without the permission of the party entitled to the land. The act of land grabbing is not expressly formulated in the Criminal Code, but Article 385 of the Criminal Code (R. Soesilo) regulates crimes directly related to land ownership, which reads:

"Whoever with the intention of benefiting himself or another person by violating the right to sell, exchange or make a debt security for a People's right to use Government land or private land or a house, work, plant or seed on land where a person exercises the People's right to use the land, while he knows that another person has the right or shares the right to the goods, can be sentenced to 4 (four) years in prison."

R. Soesilo explains that the crimes contained in this article are called *Stellionaat* crimes, which means embezzlement of rights to immovable property, immovable property such as land, rice fields, buildings, etc. The widespread practice of unauthorized appropriation of state land by the community or certain parties in Tadukan Raga Village, STM Hilir District, has led to agrarian conflicts, state losses, and violations of land and criminal law. These actions constitute a violation of the law because they are carried out without legal basis or official permission from the government, and are therefore classified as criminal acts under Article 385 of the Criminal Code and other agrarian regulations. This problem is further complicated by the fact that in practice, law enforcement against perpetrators often fails to run optimally. Many cases are left without firm criminal sanctions, and authorities even appear to be allowing this to happen, raising questions about the form and effectiveness of criminal accountability for perpetrators. Furthermore, low socioeconomic conditions, weak oversight, and overlapping land administration are key contributing factors to the illegal acquisition of state land. In general, land grabbing can be defined as the act of occupying, controlling, or taking over another person's land illegally, in violation of rights, or in violation of applicable laws. Such actions are subject to criminal prosecution. Land grabbing is not a new phenomenon in Indonesia and frequently occurs in everyday life. A common example is the destruction and control of another person's land, whether intentional or unintentional.

The crime of land grabbing needs to be addressed and resolved immediately through law enforcement within the community. Without law, society will never be a good society. The law defines prohibited actions and conduct and provides sanctions for violations. By enforcing sanctions, the law encourages people to be more cautious in their actions and consider whether their actions will harm others. From a criminal law perspective, Article 2 of Law Number 51 of 1960 regarding the prohibition of using land without the permission of the rightful authority or authority determines: "It is prohibited to use land without the permission of the rightful person or their authorized person 'legal'. If this provision is violated, it can be punished with a fine, imprisonment for a maximum of 3 (three) months and/or a maximum fine of Rp. 5,000,- (five thousand rupiah), as referred to in the provisions of Article 6. The provisions of article 6 also apply to acts of: (1) interfering with the rightful person or their legal representative in exercising their rights over a plot of land; (2) ordering, inviting, persuading or recommending verbally or in writing to carry out the acts referred to in letters a and b; (3) provide assistance in any way to carry out the acts mentioned in article 2 or letter b.

In cases of land grabbing, other criminal acts can occur, such as:

- a. Embezzlement and fraud related to the process of transferring and acquiring rights to land and buildings are subject to Articles 363 and 365 of the Criminal Code;
- b. Occupying and entering the yard, building and land belonging to another person can be subject to Article 167, 389 of the Criminal Code;
- c. Destruction of fences, goods, buildings and others can be subject to Article 170, Article 404, and Article 412;

- d. Forgery of documents and/or deeds and letters relating to land can be subject to Articles 263, 264, 266 of the Criminal Code;
- e. Occupying someone else's land without the right can also be subject to Article 167 and Article 389 of the Criminal Code.

The practice of occupying state land without permits frequently occurs, hampering development efforts and harming the wider community. Tadukan Raga Village in STM Hilir District is one area facing this problem, where the unauthorized occupation of state land has led to conflict and legal uncertainty within the community. This problem is exacerbated by various obstacles in law enforcement, including weaknesses in the investigation process, prosecution, and the imposition of criminal sanctions on perpetrators. In this discussion, the object of research is the use of state land, specifically in Tadukan Raga Village, STM Hilir District, Deli Serdang Regency. This research focuses on violations related to the unauthorized use of state land. Several articles regulating the prohibition of entering a place without permission and the prohibition of unauthorized use of state land can be found in Article 389 and Article 551 of the Criminal Code.

Article 389 of the Criminal Code:

"Anyone who, with the intention of unlawfully benefiting themselves or another person, destroys, moves, throws away or makes unusable something used to determine the boundaries of a plot, is threatened with a maximum prison sentence of two years and eight months."

Article 551 of the Criminal Code:

"Anyone who without authority walks or drives on land which the owner has expressly prohibited entry to, shall be subject to a maximum fine of two hundred and twenty-five rupiah."

Furthermore, many of the perpetrators involved in this illegal land acquisition are vulnerable groups driven by economic constraints, resulting in significant social impacts. This study aims to provide a comprehensive overview of the phenomenon of unauthorized land acquisition in Tadukan Raga Village, identify the parties involved, and analyze the criminal liability of the perpetrators of this crime. By understanding the elements of the crime, the law enforcement process, and the obstacles faced by law enforcement officials, this study is expected to provide effective recommendations for improving law enforcement in this area and reducing the negative impacts of unauthorized land acquisition. As a case study, this research also seeks to uncover the social and economic impacts of the crime, as well as provide insights for the development of fairer and more effective agrarian law policies in Indonesia. Based on this, the author will discuss this in writing a thesis entitled, "CRIMINAL RESPONSIBILITY FOR THE CRIMINAL ACT OF CONTROL OF STATE LAND WITHOUT PERMIT (Study in Tadukan Raga Village, STM Hilir District)".

FORMULATION OF THE PROBLEM

Based on the background above, the author has formulated several main issues to be discussed, namely:

1. What form of criminal responsibility is taken against perpetrators of the crime of taking over state land without permission in Tadukan Raga Village, STM Hilir District?
2. What are the factors causing the crime of taking over state land without permission in Tadukan Raga Village, STM Hilir District?
3. What is the role of law enforcement officers in dealing with the crime of taking over state land without permission in Tadukan Raga Village, STM Hilir District?

RESEARCH METHODS

A research method is a scientific approach used to obtain accurate or close-to-the-truth data through the process of studying, analyzing, and understanding the actual conditions at the research location. In this research, a methodological approach was designed to address the problem of the crime of unauthorized possession of state land, necessitating data collection directly from the field and relevant library materials. This research was conducted in Tadukan Raga Village, STM Hilir District, Deli Serdang Regency, North Sumatra Province. This location was chosen because there are cases of unauthorized acquisition of state land that have given rise to conflict and legal issues within the community. Tadukan Raga Village has diverse geographic, social, and economic characteristics, with the majority of the population making a living as farmers, making land a vital asset in supporting their livelihoods. These conditions make this village a relevant location to examine the application of criminal law to the act of unauthorized acquisition of state land. Through case studies in this area, the research is expected to identify factors that influence law enforcement, forms of criminal liability of perpetrators, and the effectiveness of criminal law in resolving agrarian conflicts and preventing the recurrence of similar acts in the future. The type of research

used is field research, which is research conducted by going directly to the location to obtain empirical data related to the problem being studied. In its implementation, this study combines two data collection approaches, namely field research and library research. Field research was conducted by conducting direct interactions with the local government and the community of Tadukan Raga Village who are related to the case of unauthorized control of state land, in order to obtain actual and factual primary data. Meanwhile, library research was conducted by reviewing books, laws and regulations, scientific journals, websites, and other references relevant to the criminal aspects of unauthorized use of state land, as a secondary data source to strengthen the analysis.

The subjects or informants in this study included law enforcement officers, local government officials, village heads, sub-district heads, legitimate landowners, cultivators or perpetrators of unauthorized land acquisition, academics and legal practitioners, and the local community. Informants were selected purposively, based on their relevance to and knowledge of the issues being studied, so that the data obtained could provide a comprehensive and in-depth picture. Data collection was conducted through several techniques, namely observation, interviews, ethnography, and documentation. Observations were conducted by researchers directly visiting the research location to observe the actual conditions of unauthorized use of state land in Tadukan Raga Village. In this observation, the researcher acted as an observer who observed the social and legal phenomena that occurred, then interpreted the findings objectively. Interviews were used as a data collection technique by conducting direct questions and answers with selected informants, including government officials, law enforcement officers, and the community. These interviews served not only to obtain primary information but also as a means of re-checking previously obtained data. The type of interview used was a direct interview (autoanamnesis), namely an interview conducted face-to-face between the researcher and informant.

Furthermore, this research employed an ethnographic approach as a strategy to gain a deeper understanding of the social life of the Tadukan Raga Village community. This approach aimed to examine social realities, interaction patterns, and community perspectives on state land ownership and conflict resolution. Documentation techniques were used to collect written data in the form of official documents from law enforcement officials, the village government, and relevant agencies, as well as archives and administrative evidence supporting the research. Data analysis was conducted through several interrelated and comprehensive stages. Primary data were obtained through structured and semi-structured interviews with law enforcement officials, village heads, sub-district heads, legitimate landowners, cultivators or perpetrators of unauthorized land acquisition, academics, NGOs, and the village community. In addition, questionnaires were distributed to the Tadukan Raga Village community to obtain insights into their perceptions of the unauthorized acquisition of state land. Direct observations were conducted to understand the physical condition of the disputed land and the social dynamics developing within the community.

The collected data was then transcribed, classified, and coded to identify relevant themes and categories. Thematic analysis was used to identify key themes, such as law enforcement mechanisms, obstacles to the law enforcement process, and public perceptions and attitudes toward unauthorized land acquisition. Furthermore, content analysis was conducted on legal documents, court decisions, and government policies to understand the applicable legal framework and how these cases are handled within the legal system. Narrative analysis was also used to develop a comprehensive picture of the unauthorized land acquisition cases, from their background and legal processes to their social impacts. Quantitative data obtained from the questionnaire were analyzed using descriptive statistics and frequency analysis to illustrate general trends in public perception. Furthermore, a triangulation method was applied by comparing data from various sources and data collection techniques to increase the validity and reliability of the research results. The results of the analysis were then interpreted using theories and concepts of criminal law and agrarian law, thus drawing conclusions regarding the application of criminal liability in cases of unauthorized control of state land. Therefore, this research is expected to provide a deep and comprehensive understanding and produce practical recommendations for law enforcement officials and policymakers in order to strengthen the enforcement of agrarian law and policy in Indonesia.

DISCUSSION

A. Forms of Criminal Responsibility for Perpetrators of the Criminal Act of Controlling State Land Without Permission in Tadukan Raga Village, STM Hilir District

Criminal liability in Indonesian criminal law is based on the principle that a person can only be punished if the elements of a criminal act (*actus reus*) and fault (*mens rea*) are met. In the context of unauthorized occupation of state land, a perpetrator is considered to have violated the law if they occupy state land without a valid legal basis, such as ownership rights, a right to cultivate, or permission from an authorized agency.

The form of criminal responsibility for the perpetrator can be:

1. Prison sentences, which are imposed on individual perpetrators as a form of retribution and prevention against similar acts.
2. Criminal fines, as a form of imposing economic sanctions on perpetrators, both individuals and corporations.
3. Additional penalties, such as confiscation of the proceeds of control, orders to vacate the land, and orders to restore the function of land that has been damaged.

One of the main issues that remains prominent today is the use of land without proper permission, or more popularly known as illegal land acquisition. This issue consistently attracts the attention of a society that is highly critical of social issues. The increasing function and economic value of land, coupled with suboptimal land administration, appear to be driving factors behind the occurrence of illegal land acquisition. The crime of illegal land acquisition appears to occur not only in urban areas but also in developing rural areas. Criminal liability for perpetrators of the crime of occupying state land without a permit can include imprisonment, a fine, or a combination of both. These criminal penalties refer to various provisions in Indonesian positive law, particularly those related to forestry, agrarian, and natural resource management crimes.

The crime of occupying state land without permission is regulated in Law Number 51/PRP/1960 concerning Procedures for Land Use concerning Government Regulation in Lieu of Law Number 1 of 1960, which emphasizes that the use of land without permission from the rightful owner or his/her legal representative is prohibited. This is regulated in Article 6 paragraph (1) of Law No. 51/Prp/1960: "Anyone who uses land without permission from the rightful owner or his/her legal representative, shall be subject to imprisonment for a maximum of three months and/or a maximum fine of Rp. 5,000." Land grabbing is regulated in Article 385 of the Criminal Code (KUHP) which states: "Anyone who, with the intention of unlawfully benefiting himself or another person, sells, exchanges, or makes a debt security for a right to Indonesian land, a building, structure, planting or seeding, even though it is known that another person has the right or shares the right to the property, is threatened with a maximum prison sentence of four years."

Unauthorized use of land is an act that disturbs public order, as regulated in Article 167 paragraph (1) of the Criminal Code, and can be used as a basis for prosecuting perpetrators who disturb public order related to land ownership. Article 167 paragraph (1) of the Criminal Code reads: "Anyone who forces their way into a house, room or enclosed yard used by another person unlawfully or is there unlawfully, and at the request of the authorized person or his order does not leave immediately, is threatened with a maximum prison sentence of nine months." Unauthorized possession of state land is a common legal issue in various regions in Indonesia, including Tadukan Raga Village, STM Hilir District, Deli Serdang Regency, North Sumatra Province. This phenomenon arises from a combination of economic factors, minimal oversight, and public ignorance of the law. In the context of criminal law, unauthorized possession of state land is categorized as a crime, for which perpetrators can be held criminally responsible.

To find out more about the form of accountability for the criminal act of taking over state land without permission that occurred in Tadukan Raga Village, researchers have conducted interviews with police officers in the jurisdiction of the STM Hilir Police. Researchers conducted an interview with Mr. S. Simanjuntak. He stated that: "The case of unauthorized occupation of state land in Tadukan Raga Village was carried out by several individuals who cleared the land without official documents or permission from authorized agencies. They usually claim the land as customary land or the result of oral inheritance, even though administratively the land is registered as state property or managed by a specific agency, such as the Ministry of Forestry or State Plantations. The perpetrator's criminal liability is usually determined based on their intention to occupy the land without rights. If the perpetrator is proven to have knowingly and intentionally occupied state land and carried out activities such as planting, building, or trading land, then they are criminally responsible. We usually impose imprisonment and fines in accordance with applicable laws. In some cases, there is also a resolution through restorative justice if there is no major conflict or state losses. For minor cases or those that do not cause significant losses, administrative approaches such as warnings or forced demolition can be taken. However, if the perpetrator continues to be stubborn and damage the environment, we still process the criminal case. Civil law is rarely used, because the state, as the legal owner, usually wants criminal law enforcement to provide a deterrent effect. In practice, using Article 385 of the Criminal Code applies to land grabbing. This article is more frequently used because the process is quicker, even though the penalties are relatively light.

Based on the interviews, it was discovered that the crimes in question were committed by individuals or groups who knowingly cleared, utilized, or controlled state land without proper ownership documents or official permits from authorized agencies. Police consider these acts to be a violation of the law, punishable by criminal law, specifically Article 385 of the Criminal Code concerning land grabbing, as well as sectoral laws governing forest and agrarian areas. Lack of Public Legal Awareness. Regarding public legal awareness, various disputes over land can be seen. The lack of public legal awareness related to problems regarding unauthorized land ownership includes, among other things:

Wanting to control someone else's land or controlling land without a legal basis is a deviation from the law. Committing a breach of contract or breaking a promise. Committing fraud in the sale and purchase of land, both in terms of administrative completeness and in terms of land boundaries. Based on field observations and interviews with law enforcement officers and village officials, it was discovered that a number of residents were occupying state land without legal basis. They were clearing land, planting agricultural commodities such as oil palm and corn, and even building huts illegally on land registered as state assets. This violates statutory provisions, particularly Article 36 of Law Number 39 of 2014 concerning Plantations and Article 385 of the Criminal Code concerning land grabbing. To gain a more comprehensive picture of the situation surrounding unauthorized state land acquisition in Tadukan Raga Village, researchers conducted interviews with local village officials. The interview with Mr. Mhd. Dermawan stated:

"In Tadukan Raga Village, several residents control land that is administratively state land. They cultivate it for agriculture, such as planting corn, oil palms, and sweet potatoes. Some have lived there for years and feel they own the land, even though they don't have legal title or official certificates. We generally understand that state land cannot be occupied arbitrarily. However, many residents have lived and cultivated the land for a long time, even before I took office. Some of them consider it customary land or vacant land that can be managed. Community legal awareness is still low, and outreach from the central and provincial governments has not been optimal. The village government has frequently reminded residents, both through hamlet meetings and village deliberation forums. But due to economic needs and the lack of other land for farming, residents continue to cultivate the land. We in the village also face a dilemma: we must maintain good relations with residents, but at the same time, we are aware that this violates the rules. Enforcing criminal law against those who occupy land without permission must first examine the situation. If the perpetrators are indeed part of a land mafia, then they must be punished. But for ordinary residents who simply want to farm for food, I think a wiser approach is appropriate." "We need to prioritize issues like mediation or coaching. Law enforcement must be fair and consider social justice as well."

Based on interviews, it was discovered that the practice of illegally occupying state land in the village was carried out by a number of community members who cleared and utilized the land without official documents or permission from the authorities. The village government revealed that some perpetrators attempted to legitimize these actions by verbally claiming the land as customary or inherited, even though administratively the land was a state asset or within a protected area. This situation created problems in regional governance and presented a challenge for the village government in maintaining order and enforcing applicable regulations. Lack of Public Knowledge: Lack of public knowledge as a cause of the occurrence of unlawful land ownership is the community's lack of understanding of the existence of agrarian law in relation to the transfer of land rights and also other actions related to land. The lack of public legal knowledge includes, among other things:

1. Not careful (careless) in purchasing land
2. Ignoring the existence of general land documentation and also documentation free from cross-disputes at the time of land purchase.
3. Abandoning/leaving the land he owns, resulting in encroachment on the land.

The form of criminal responsibility imposed on perpetrators is not solely imprisonment, but also includes administrative sanctions such as land eviction and orders to recover state assets. In some cases, law enforcement officers collaborate with the Public Order Agency (Satpol PP) to demolish illegal structures on state land. This demonstrates that in addition to the criminal aspect, handling cases of state land acquisition also involves administrative and social approaches. As part of the effort to gather information directly from the community, researchers conducted an interview with a resident of Tadukan Raga Village, Mrs. Ramla, who said:

"In Tadukan Raga Village, there are indeed some people clearing land on vacant land. They say it's state land, but there's never been a ban on it, so many residents clear land to plant corn, sweet potatoes, or oil palms. I see it because they need it. Many also don't own their own land. As long as it doesn't harm others, residents consider it normal. If not planted, the land becomes overgrown. So it's better to utilize it. They don't understand

the legal aspects. But they say they can't just take state land. As a common citizen, it feels unfair to immediately be accused of violating the law. The government should provide a solution, not just a ban." Based on information provided by residents, it was discovered that several individuals in the village were clearing and cultivating land without official documents or permits. Residents also revealed that claims to the land were often based solely on verbal recognition or inherited traditions, even though the land was legally considered state assets or located in areas prohibited from private ownership. This information reinforces the finding that the practice of occupying state land without permits is a real problem on the ground.

Enforcing criminal liability in the field is not without several obstacles. First, low public legal awareness leads to a lack of understanding of the importance of legality in land ownership. Second, weak oversight from relevant agencies such as the Land Office and District Governments, resulting in illegal land ownership practices going undetected early. Third, limited personnel and budgets for law enforcement officers result in slow and uneven case handling. To improve the effectiveness of criminal enforcement, strategic efforts involving all stakeholders are needed. Local governments need to map and regulate state land prone to encroachment, and provide legal education to village communities about the importance of permits in land management. Law enforcement officials must also be firm and impartial in prosecuting perpetrators to create a strong deterrent effect. On the other hand, preventive measures such as installing information boards explaining the land's status as state property can also prevent residents from unilaterally acquiring land. Furthermore, dialogue and mediation between residents and the government can be a more humane alternative solution, especially when acquisition is solely driven by economic necessity.

Criminal law policy regarding criminal liability for illegal land ownership as a minor crime, includes:

1. Penal Policy

Criminal law policy is also defined as the policy of selecting or criminalizing or decriminalizing an act. This involves the choice of whether an act is defined as a crime or not, as well as selecting among various alternatives regarding the future goals of the criminal law system. Therefore, with criminal law policy, the state is given the authority to define or determine an act that can be categorized as a crime, and can then use this authority as a repressive measure against anyone who violates it. This is one of the important functions of criminal law: providing a legitimate basis for state repressive action against individuals or groups who commit acts defined as crimes. Criminal law policy is essentially an activity involving the process of determining goals and how to achieve those goals. It involves the process of making decisions or selecting among various alternatives regarding the goals of the future criminal law system. To make these decisions and choices, various policies are formulated that address various core issues in criminal law (unlawful acts, criminal liability, and various alternative sanctions, both criminal and disciplinary).

There are several considerations regarding the application of criminal law in addressing irregularities or criminal acts in the field of land ownership without rights, namely that the problem of violations hinders a person's rights to a plot of land they control when another party controls a plot of land without rights. So this condition hinders the achievement of improving the welfare of the people, especially for victims whose land is controlled by another party. One of the causes of violations is the condition of society that is very interested in land so that the occurrence of land ownership without rights and the phenomenon of legal violations in all aspects of life today continues to increase, including in the land sector, so it is time to get serious handling through more assertive means. So far, the means used are inadequate and have not been able to minimize violations in the land sector because the methods used are limited to familial/institutional methods, or limited to the application of codes of ethics whose content is still general, by prioritizing ethical sanctions against violators. Criminal acts involving illegal land ownership are a negative aspect of societal development. Referring to Sudarto's opinion above, if criminal law is to be used to address the crime of illegal land ownership, then criminal law in this case is viewed as part of criminal policy and must be an integral part of national development, particularly development in the land sector.

2. Non-Penal Policy

In the criminal justice system, punishment is neither the ultimate goal nor the sole means of achieving criminal or other objectives of the criminal justice system. Many approaches can be taken, including through criminal law and through means outside the criminal law or outside the courts. From an economic perspective, the criminal justice system is not only inefficient, but also unnecessary imprisonment should not be imposed. Non-penal efforts in combating crime/violations are closely related

to penal efforts. These non-penal efforts will significantly support the implementation of criminal justice in achieving its objectives. Prevention or combating crime/violations must be carried out using an integrated approach, namely between penal and non-penal means. Several social issues and conditions that can be conducive factors to the emergence of criminal acts in the field of illegal land ownership are clearly problems that cannot be resolved solely through penalties, such as protracted disputes, the frequent occurrence of land rights that have been won by the landowner but the execution of the land that is illegally occupied has not been carried out due to costs and so forth, not to mention the social problem of disharmonious relations between communities. This is where the penal route is limited and therefore, it must be supported by non-penal routes. One non-penal route to address the problem of criminal acts in the field of illegal land ownership, as stated above, is through social policy. This in the GP Hoefnagels scheme above is also included in the "prevention without punishment" path. Social policy is essentially a policy or rational effort to achieve community welfare. Thus, it is identical to national development policy or planning, which covers various aspects of development that are quite broad. Criminal liability for perpetrators of the crime of illegally occupying state land in Tadukan Raga Village includes criminal sanctions in accordance with positive law, administrative sanctions in the form of land clearing, and efforts to recover state assets. This law enforcement must be supported by cooperation between the community, village officials, law enforcement, and land agencies to ensure its effectiveness and fairness. Without concrete and synergistic measures, illegal occupation of state land will continue to be a persistent problem that hinders good land governance in Indonesia.

B. Factors Causing the Criminal Act of Unauthorized Occupation of State Land in Tadukan Raga Village, STM Hilir District

Land conflicts generally arise from conflicting interests between one or more parties. These interests can be economic, political, or socio-cultural, which then drive certain individuals or groups to commit unlawful acts, including criminal acts such as illegally controlling, encroaching, and/or occupying land. In many cases, land conflicts not only result in material losses but also often lead to widespread social impacts, such as evictions, intimidation, and even physical violence. Although the elements of a criminal act in land conflicts can be met under criminal law, law enforcement often faces normative obstacles. The fundamental problem lies in the suboptimal Indonesian legal system, both in the Criminal Code (KUHP) and in sectoral land regulations, to comprehensively accommodate and prosecute perpetrators of land crimes. To obtain more accurate empirical data regarding the factors causing the crime of illegally occupying state land in Tadukan Raga Village, STM Hilir District, researchers conducted a direct interview with a community member who has long occupied and managed state land without permission. Mr. Amir said:

"For approximately 11 years, since 2014, the land in Tadukan Raga Village has remained empty and unmanaged. It's overgrown with undergrowth, and there are no boundary markers or signs. They didn't know it at first and thought it was unclaimed land. Gradually, neighbors joined in planting on the land, and they finally thought it was okay. Moreover, at that time, many people were unemployed and needed land for farming. The land was used for economic reasons and because they didn't have inherited land. They didn't have any papers or proof of ownership of the land. They only have a domicile certificate and an ID card. They know this isn't their land, but they hope to continue managing it because they're tired of maintaining it. If the government takes back the land, they hope for a solution, such as relocation or something similar."

This information indicates that economic motives are the primary factor driving the unauthorized acquisition of state land. Furthermore, low public legal awareness of land ownership status significantly contributes to this practice, compounded by the widespread misconception that unused or abandoned state land can be freely used by the public. In addition to gaining perspectives from communities directly controlling state land, the authors also conducted interviews with village officials to explore the local government's perspective on this land issue. Village governments hold a strategic position in overseeing, fostering, and disseminating legal information to the community. The researchers interviewed the village head, Mr. Mhd. Dermawan, who stated: "The land issue in this village has been going on for a long time. Many residents don't have land certificates. They believe the vacant land is open for cultivation. We in the village actually know it's state land, but there hasn't been any firm action from higher authorities. Sometimes, people don't want to be told, because they feel it's theirs because it's been managed for a long time. The village government has reminded them several times. But in reality, people often don't listen. They feel it's their own land because they've been managing it for years. Moreover, they've built huts, planted oil palms, and some have even sold

their harvests. So they feel they have de facto rights. The village government doesn't have the authority to take legal action. If they're too strict, they're afraid the community will lose trust in the village officials. They say there haven't been any concrete steps from the relevant agencies. So they feel they're in a difficult position. They know they're wrong, but they can't do much. According to the village head, there must be a legalization program or land re-registration. Which is truly state land and which can be used by the community. The government has issued limited management permits. But there must be clear regulations and direct socialization, not just letters or banners. Because the community here needs direct communication and a more effective approach." humane".

The role of village officials in addressing the crime of unauthorized acquisition of state land is very limited and faces numerous challenges, both structurally, socially, and legally. This problem cannot be resolved through a repressive approach alone; it must be accompanied by clear regulations, cross-agency coordination, and a participatory approach to the community. In an effort to gain a comprehensive picture of the factors causing unauthorized acquisition of state land, interviews were conducted not only with the community and village government, but also with law enforcement officials who play a crucial role in the process of enforcing and prosecuting land crimes. Mr. S. Simanjutak stated: "Cases of unauthorized acquisition of state land in Tadukan Raga Village do exist and occur quite frequently. Several reports from the public or information from outside parties allege the acquisition of land suspected to belong to the state. However, in practice, handling these cases is not as straightforward as ordinary criminal cases. They must first ensure that the land is indeed state land. To do this, they must wait for confirmation or data from the National Land Agency (BPN) or other relevant agencies. So far, none have reached the stage of criminal prosecution. The main obstacle is the lack of an official report from the land-owning agency. For example, if the land belongs to the Ministry of Environment, Perhutani, or is a village asset, an official report from that agency is required. If there are only verbal reports or limited information from the community, we cannot immediately take action. Moreover, perpetrators often claim to have lived or managed the land for decades. The biggest challenge is proving ownership and the perpetrator's intent (*mens rea*).

In many cases, the land is empty, unfenced, unmarked, and unused. Then, residents come, plant crops, and even build huts. They feel that... "It's not stealing or looting, but simply exploiting vacant land. When it comes to land and housing, people are naturally sensitive, especially when they feel they're not harming anyone. Clear re-registration and mapping by the National Land Agency (BPN) or relevant agencies are needed to eliminate any land with unclear status. Intensive legal outreach to the public regarding the differences between state and private land is needed." Law enforcement officers at the police sector level face various structural and legal challenges in handling the crime of unauthorized possession of state land. This issue is complex, involving legal, social, and political aspects. Without synergy and legal clarity, law enforcement regarding the possession of state land will continue to face obstacles.

Next, researchers interviewed residents who were not involved in the illegal appropriation of state land. This aimed to understand why some residents chose not to participate in the practice, even though they may be in similar economic circumstances to the perpetrators. These interviews also explored residents' perspectives on the land appropriation phenomenon and their perceptions of the government and law enforcement. Mr. D. Simatupang stated: "Knowing there was vacant land in the village, it belonged to the state. He didn't want to take the risk of using it. There had been a brief socialization from the village that the land belonged to the state or an agency, and many residents continued to work it because there was no concrete action. Many residents remained determined to take control of land that wasn't theirs for the sake of living. Seeing the vacant land in the village, they thought it could be utilized. Because the government hadn't taken firm action from the start, they felt safe. Some people knew about it, while others may have pretended not to know. But most people think that if they had been occupied for a long time and no one had prohibited it, it was their right. Hopefully, the government would be clearer in providing information about land status. If state land is indeed marked with a prohibition sign, or if it can be used properly, it would be regulated.

Not all villagers illegally seize state land, despite their difficult economic circumstances. The main factors that differentiate them are the level of legal awareness and individual principles. Therefore, addressing this issue requires not only a legal and administrative approach, but also comprehensive legal education and improved communication between the government and the community. The criminal act of unauthorized appropriation of state land in Tadukan Raga Village, STM Hilir District, violates Indonesian agrarian and criminal law. Interviews with village officials and police officers, along with analysis of field data, revealed

several key factors driving the illegal appropriation of state land by individuals or community groups. These factors can be grouped into:

1. Economic Factors

Economic factors are the primary driver for communities to take over state land without permission. Limited employment opportunities, low incomes, and the need for land for farming are the reasons local communities take over unused state land. As Soerjono Soekanto points out, poverty and limited access to economic resources are often at the root of agrarian law violations. The people of Tadukan Raga Village, the majority of whom are farmers, lack sufficient land to develop their crops, so they resort to unilaterally clearing state land to survive. This situation is exacerbated by the lack of land redistribution or agrarian reform programs that address lower-income communities, as stipulated in Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The gap between the community's need for land and the unequal distribution of land creates opportunities for illegal occupation of state land.

2. Weak Supervision and Law Enforcement

The second contributing factor is weak oversight and suboptimal law enforcement by authorized officials, including local governments, village officials, and the police. The status of some state-owned land is not actively monitored, leading to the perception that the land is "ownerless" and freely available for use. In Tadukan Raga Village, many residents claimed to be unaware that the land they controlled was state land because there were no signs or markings indicating state ownership. The lack of legal awareness regarding the boundaries and status of state land led to public ignorance, which ultimately led to violations of the law. Weak law enforcement is also characterized by slow investigations and prosecutions of illegal land acquisition. According to Satjipto Rahardjo, law enforcement will be ineffective without the support of a strong bureaucratic system and leadership. In the field, compromises are often found between officials and perpetrators, creating the impression that such violations are tolerated.

3. Social and Cultural Factors

Other factors contributing to the practice of unauthorized appropriation of state land are social and cultural. Most people in Tadukan Raga Village adhere to a strong kinship and customary system. In some cases, they consider land they have cultivated for generations to be their right, even though legally, the land belongs to the state. This action is often justified by the principle of physical possession (*possessio longa*), meaning that long-standing, uninterrupted control is considered a legitimate form of ownership. Communities hold that as long as the land is not used by the state and no one challenges it, they have the right to control it. A long-standing agrarian culture without formal legal intervention has led communities to perceive physical possession of land as legitimate enough to constitute ownership. This clearly contradicts the principles of national agrarian law, which mandates permits for the use of state land.

4. Unclear Legal Status of Land

The unclear legal status of land is also a major cause of unauthorized acquisition of state land. Not all state land parcels in Tadukan Raga Village have clear legal designations regarding their use or are registered in the national land system. The lack of accurate land data and maps makes it difficult for communities to distinguish between state land, customary land, and private property. This creates conflict and ambiguity in land ownership. The lack of nationally integrated land data is a major obstacle to enforcing agrarian law and resolving land disputes. Legal uncertainty creates a gray area that can be exploited by irresponsible parties.

5. Cultural Factors and Hereditary Habits

Land ownership is based on customary or hereditary traditions without formal legal documentation. Communities assume that land long owned and cultivated by their ancestors automatically becomes private or communal property, even though it is legally registered as state land. Cultural views such as these often clash with positive legal provisions, thus creating tension between society and the state, and becoming a loophole for legal violations that are difficult to regulate repressively. Based on these factors, it can be concluded that the crime of unauthorized possession of state land in Tadukan Raga Village is not solely a criminal matter, but also relates to structural and systemic dimensions. In this context, agrarian criminal law must be applied carefully, taking into account economic and social factors, as well as unequal access

to resources. Although unauthorized control of state land is a violation of the law that can be prosecuted under Article 6 paragraph (1) of the UUPA and provisions in the Criminal Code (KUHP), a repressive approach alone is not enough. Preventive measures are needed, such as comprehensive mapping of state land, legal outreach to the community, and a fair land distribution program so that agrarian crimes can be prevented comprehensively.

C. The Role of Law Enforcement Officials in Addressing the Criminal Act of Unauthorized Occupation of State Land in Tadukan Raga Village, STM Hilir District

The police, as part of the law enforcement apparatus, play a role in protecting and safeguarding the community. As law enforcement officers, the police have a strategically structured function. According to Soerjono Soekanto's theory, the police, as law enforcers, have a specific position within the social structure, whether high, medium, or low. This position provides a forum within which certain rights and obligations are accorded. Therefore, the police, as law enforcers, must truly fulfill this role optimally within the community. To gather information on the preventive, repressive, and restorative measures taken by police officers in handling cases of unauthorized possession of state land, as well as the challenges they face in law enforcement, researchers conducted direct interviews with local police officers. Mr. S. Simanjuntak stated:

"As law enforcement officers, they have a responsibility to maintain public order and security, including in land matters. We encounter quite a lot of cases of unauthorized acquisition of state land, especially in rural areas like Tadukan Raga Village. Their role includes prevention, repressive action, and non-litigative (restorative) resolution, depending on the situation on the ground. The police and village officials have conducted several outreach activities with residents regarding the status of state land, including the prohibition on acquiring or managing it without official permission. However, these activities are not routine due to limited personnel and budget. Furthermore, not everyone understands land regulations, so the approach must be slow and continuous. For cases with clear criminal elements, such as illegal encroachment or occupation of state-owned land, the police conduct investigations and inquiries. We usually apply Article 167 or Article 385 of the Criminal Code. However, there are obstacles in the field, for example, the land is not certified or there are no clear state boundary markers, making the process of establishing evidence difficult. Sometimes we also have to coordinate with the National Land Agency (BPN) or the Regency Government. A restorative approach is implemented." If a minor case occurs and the perpetrator is willing to resolve it through deliberation, the police direct them to resolve it through family channels.

We usually mediate with the village head. Some then apply for land legalization through government programs like social forestry. The police support restorative justice policies to prevent every minor case from ending up in court, especially if it's simply due to a lack of legal understanding. They hope for a more organized and public record of state land to avoid misunderstandings. Furthermore, improving legal education is crucial, especially in areas where legal literacy is still lacking. Better coordination between agencies will make it easier for police in the field to take action, without any doubts about legality. It is clear that law enforcement officials, particularly the police, play a vital role in addressing the issue of unauthorized acquisition of state land. From prevention, enforcement, and social recovery perspectives, the police have endeavored to carry out their functions within their authority. However, the effectiveness of this role still faces various challenges, such as a lack of valid land data, weak inter-agency coordination, and low legal understanding among the public. Therefore, strengthening synergy between law enforcement officials, local governments, and the public is needed to achieve fair, sustainable, and public-interest agrarian law enforcement.

To gain perspective from police officers directly on duty in the field, researchers interviewed a police officer serving as a Bhabinkamtibmas (community police officer) in Tadukan Raga Village. This information is crucial for accurately depicting the dynamics of law enforcement regarding unauthorized acquisition of state land. Mr. Muliadi stated: "Indeed, some people still use state land without official permission. They usually claim the land is inherited from their ancestors or because they have occupied it for a long time. This often occurs due to limited information about land status and weak administrative boundaries. The steps taken are more focused on prevention. They routinely approach the community, providing reminders about the importance of obeying regulations and not indiscriminately occupying land. Furthermore, the police are collaborating with village heads and village officials to conduct legal outreach, although this cannot be done regularly due to limited personnel and resources. One of the biggest obstacles is proving land status. Much land is uncertified or not officially registered as state assets, making it difficult to take action without clear documentation. Furthermore, there is sometimes social pressure because the perpetrators are local residents

who have lived there for a long time. The most important thing is mapping and re-registering state land in this area. The community must also be provided with ongoing legal education."

A humanistic and persuasive approach remains the primary strategy employed by village police. However, weak land data, low public legal awareness, and limited resources pose major challenges to optimally fulfilling this role. Therefore, closer synergy between the police, village governments, and land agencies is needed to strengthen efforts to combat criminal acts of state land ownership more effectively and equitably. The role of law enforcement officials is crucial in addressing the crime of unauthorized possession of state land. First, law enforcement officials play a crucial role in ensuring that the law enforcement process is carried out fairly, transparently, and impartially. Law enforcement based on the principle of justice will strengthen public trust in legal institutions and foster a sense of justice within the community. Second, law enforcement officers have a strategic role in protecting the rights of legitimate land owners from unauthorized appropriation. When individuals or groups illegally acquire state land, this not only violates applicable law but also disregards the rights of other parties who have legal claim to the land.

Third, the presence of law enforcement officers acts as the vanguard in preventing similar crimes in the future. Through preventive measures such as legal outreach, routine patrols, and public education on the importance of respecting land regulations, the potential for violations can be significantly reduced. Fourth, the role of law enforcement officers also includes maintaining public order and security. The crime of occupying state land without permission often leads to horizontal conflict between residents and can even trigger violence and social instability. Therefore, the active involvement of law enforcement officers is essential to maintain public order and prevent potential broader conflicts. Unauthorized possession of state land is a violation of the law that not only harms state interests but also has the potential to trigger prolonged agrarian conflict. Therefore, the role of law enforcement officials is crucial in efforts to combat this crime. These law enforcement officials include the police, prosecutors, and local government officials, particularly those involved in land affairs. In Tadukan Raga Village, efforts to combat this crime include preventive, repressive, and restorative measures, implemented through a legal and social approach.

1. Preventive Role (Prevention)

Preventive measures are efforts to prevent the crime of illegally occupying state land before it occurs. In this regard, law enforcement officials have a responsibility to provide legal education to the public regarding the status and prohibitions on occupying state land without permission. The police in STM Hilir District, along with village officials, have conducted several legal outreach activities, but these have not been optimal and have not been conducted regularly. This aligns with Soerjono Soekanto's theory that legal effectiveness depends on communication and legal understanding within the community. In addition, preventive measures include installing state ownership boundary markers and clear mapping of state land, which are the responsibility of the local government and the National Land Agency (BPN). However, observations indicate that not all state land in Tadukan Raga Village has been officially marked or registered, so residents are often unaware that the land belongs to the state.

2. Repressive Role (Enforcement)

Law enforcement officials also play a repressive role, taking action against any violations of the law that are proven to constitute criminal acts of state land ownership. These actions are carried out by the police as investigators, who then refer the cases to the prosecutor's office for prosecution in court. At the police station or police precinct level, reports of unauthorized land occupation are classified as either a minor crime (tipiring) or a general crime, depending on the elements of the article. Perpetrators can be charged under Article 167 of the Criminal Code for entering a yard without permission, or under Article 385 of the Criminal Code for land grabbing.

In practice, repressive efforts in Tadukan Raga Village faced various obstacles, such as:

- a. The difficulty of proving the legal status of land without a certificate;
- b. Weak administrative documentation of state land;
- c. There is social tolerance for long-standing land ownership;
- d. Lack of law enforcement personnel and budget in remote areas.

3. Restorative Role (Recovery and Mediation)

In addition to a repressive approach, law enforcement officers also play a restorative role, resolving cases through mediation or deliberation to reach agreements between the community and the government. In several cases in Tadukan Raga Village, police and village government officials employed a persuasive approach to persuade residents illegally occupying state land to relinquish their rights or apply for legalization of land use through legal mechanisms, such as applying for a land use right (HGU) or land use under a social forestry program.⁵ This approach is in line with the restorative justice policy promoted by the Attorney General's Office and the Indonesian National Police as an alternative for resolving minor cases, with the aim of creating more substantive justice for the common people. Based on interviews and field data, it can be concluded that law enforcement officials have been actively working to address the criminal act of appropriation of state land in Tadukan Raga Village through the three approaches mentioned above, but they have not been fully effective. This is due to several factors:

- a. There is no complete and verified land data integration at the village level.
- b. Weak coordination between law enforcement agencies and land agencies.
- c. Lack of intensity of legal education to the public regarding the limitations of state land ownership.

In enforcing agrarian law, the role of law enforcement officers is crucial, not only in formal legal aspects but also as agents of legal awareness in society. Philipus M. Hadjon emphasized that a modern state based on the rule of law must guarantee legal protection and legal certainty for agrarian resources for the welfare of the people.

The village government is the party directly involved in community dynamics, so researchers conducted an interview with the village head. The village head stated:

"The village government is fully aware that the police are at the forefront of maintaining security and order, including in matters of disputes or control over state land. In the field, they frequently coordinate with the police, particularly the STM Hilir Sector Police, to follow up on reports or findings from the community regarding land acquisition without a clear legal basis. Legal outreach has been conducted several times, particularly regarding land ownership boundaries and the status of state land. However, this is not yet routine. The village government recognizes that many residents still do not understand the status of the land they occupy, especially those without certificates. Therefore, they hope that outreach can be increased and carried out in collaboration with the police on a regular basis. Legal action is usually left entirely to the police. If a resident is reported or proven to be occupying state land illegally, we can only mediate the matter initially. If it cannot be resolved amicably, then we proceed through the legal process. However, a common obstacle is the lack of clear land data in the village. Many plots of land lack boundaries or official status from the National Land Agency (BPN). In some cases, the village government, along with the police, has approached residents to explain that the land belongs to the state. We encourage residents to refrain from continuing to unilaterally acquire land."

The village government has a fairly good understanding of the importance of the police's role in enforcing agrarian law. The preventive, repressive, and restorative approaches outlined demonstrate a collaborative effort between village officials and the police in combating unauthorized acquisition of state land. Implementation limitations, such as a lack of cross-agency coordination, minimal legal education, and administrative issues, remain obstacles that require joint solutions. From the perspective of the Tadukan Raga Village Government, a very dominant factor is the community's ignorance regarding land ownership status. Many villagers occupy state land without permission because they are unaware that the land is a state asset, due to the lack of boundary signs, information boards, or documents that openly state the land's status. This ignorance is exacerbated by the community's lack of legal understanding about the importance of land use permits, as explained by Soerjono Soekanto that the effectiveness of the law is highly dependent on the extent to which the law is understood and accepted by the community.

The relatively weak economic conditions of the community, where the majority of residents depend on agriculture for their livelihoods and have limited access to productive land. In such circumstances, seemingly unmanaged state land is seen as an opportunity to improve welfare, even without proper legal procedures. This phenomenon reflects that criminal acts in this context are often driven not by malicious intent (*mens rea*) but by basic economic needs. The role of law enforcement officers in combating unauthorized land acquisition in Tadukan Raga Village encompasses preventive, repressive, and restorative approaches. All three need to be synergistically strengthened through capacity building, enhanced cross-agency coordination, and restructuring the national land system to minimize agrarian crimes and achieve

social justice for the community. Success in combating unauthorized land acquisition depends heavily on the professionalism, courage, and integrity of law enforcement officers in carrying out their duties consistently and responsibly.

CLOSING

Conclusion

1. Criminal liability for perpetrators of the crime of illegally occupying state land in Tadukan Raga Village includes imprisonment, fines, and additional penalties such as land eviction orders. Law enforcement is based on articles of the Criminal Code and sectoral laws such as Law No. 51/Prp/1960 and the Plantation Law. However, implementation faces obstacles such as low public legal awareness, customary land claims, and social and economic dilemmas at the village level.
2. The unauthorized occupation of state land in Tadukan Raga Village is caused by various interrelated factors, namely: (1) high economic pressure on the community due to limited access to productive land; (2) weak supervision and law enforcement by government officials and the police; (3) low legal awareness and the influence of an agrarian culture that considers physical control as the basis of ownership; and (4) unclear legal status and boundaries of state land. These four factors contribute to the high level of systemic and repeated illegal occupation of state land.
3. The role of law enforcement officials, particularly the police, in addressing the crime of unauthorized acquisition of state land in Tadukan Raga Village has been implemented through preventive, repressive, and restorative approaches. Effective implementation still faces several obstacles, such as limited valid land data, weak inter-agency coordination, limited personnel and budget resources, and low public legal awareness. The police have demonstrated active efforts in maintaining law and order through a persuasive and humane approach, as well as utilizing restorative justice principles in resolving minor cases through deliberation.

Suggestion

1. There is a need to continuously increase public awareness of agrarian law and the protection of state assets, as well as a socially just legal approach. Criminal enforcement must be selective, firm against perpetrators who cause significant losses to the state, while prioritizing mediation and guidance for residents who rely solely on subsistence farming.
2. The government needs to conduct a comprehensive re-registration and mapping of the legal status of land in Tadukan Raga Village, along with the installation of physical signs of state land ownership. Furthermore, direct legal outreach and community economic empowerment programs must be strengthened to reduce the practice of unauthorized land acquisition and increase community awareness and legal compliance on a sustainable basis.
3. To optimize the role of law enforcement officials in combating the crime of unauthorized acquisition of state land, it is recommended that relevant agencies (the National Land Agency and the District Government) conduct an integrated data collection and remapping of all state land assets, along with increased frequency of collaborative legal outreach between the police and village governments. Furthermore, training and capacity building for village-level officials are needed, as well as improvements to the cross-agency coordination system to create effective, fair, and community-oriented agrarian law enforcement.

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**CRIMINAL RESPONSIBILITY FOR THE CRIMINAL ACT OF UNAUTHORIZED USE OF STATE LAND
(Study in Desa Tadukan Raga Kecamatan STM Hilir)**

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