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**Problems of Land Plot Development by Individuals Who Are Not the Right Holders within the Context of Orderly Land Administration in the City of Mataram**

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**ABSTRACT**

This article examines the problems of land plot development conducted by individuals who are not holders of land rights in the City of Mataram and its implications for orderly land administration. The objectives of the study include analyzing issues of legality, procedures, and the socio-economic impacts of illegal land plotting practices, as well as assessing the legal consequences and law enforcement mechanisms that can be applied. This research employs a normative juridical method combined with an empirical approach, utilizing primary and secondary legal materials as well as interviews with officials from the National Land Agency (BPN), Land Deed Officials (PPAT), and other relevant stakeholders. The analytical method used is qualitative-descriptive. The findings indicate that land plot development carried out by non-right holders creates serious problems in procedural aspects, legality, spatial planning compliance, land data administration, and consumer protection. Normatively, such practices contradict the provisions of Article 19 of the Basic Agrarian Law (UUPA), Government Regulation No. 24 of 1997, and Law No. 1 of 2011 on Housing and Settlement Areas. Empirically, these practices are driven by regulatory gaps at the local level, weak supervision, and low levels of public legal literacy. The resulting legal consequences include uncertainty of ownership, obstacles to certificate issuance, risks of disputes, and potential social conflict. This study underscores the need for responsive law enforcement that integrates regulatory reform, institutional coordination, and community empowerment to restore orderly land administration in the City of Mataram.

**Keywords:** Land Plots, Legal Certainty, Orderly Land Administration

**1. INTRODUCTION**

The Republic of Indonesia is a state based on the rule of law (Fauzia et al., 2021). The principle of the rule of law guarantees legal certainty, order, and legal protection. Modern rule of law theory asserts that the role of the state is not merely to maintain

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public order, but also to bear the responsibility of realizing public welfare (Fauzia & Hamdani, 2021). In line with this theory, the Preamble of the 1945 Constitution of the Republic of Indonesia, paragraph IV, states that “the State shall promote the general welfare and educate the life of the nation.” To realize these constitutional ideals, Article 33, paragraph (3) of the 1945 Constitution stipulates that land, water, and natural resources contained therein are controlled by the state and shall be utilized for the greatest possible prosperity of the people (Arba, 2019).

According to Law Number 5 of 1960 concerning Basic Agrarian Principles (the Basic Agrarian Law/UUPA), land regulated under agrarian law is not viewed in its various physical aspects, but rather from its juridical aspect, namely land as it relates to land rights as part of the earth’s surface. This is as stipulated in Article 4 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Principles (State Gazette of the Republic of Indonesia of 1960 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 2043) (hereinafter referred to as the UUPA), which provides that: “Based on the state’s right of control as referred to in Article 2, various types of rights over the surface of the earth, called land, are determined, which may be granted to and owned by individuals either individually or jointly with others, as well as by legal entities” (Arba, 2023).

The relationship between humans and land is inherently close, as reflected in the diversity of cultures around the world in responding to the existence and meaning of land. The communalistic–religious conception attached to land allows for individual land tenure, characterized by private land rights that simultaneously embody collective values (Harsono, 2003). As social beings, humans possess a wide range of needs in their lives, including both primary needs and secondary needs, such as the need for land as a place of residence. Housing and settlement areas, including ready-to-build land plots,

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constitute one of the most fundamental human needs and significantly influence the fulfillment of other basic needs, such as clothing, food, and health.

Along with continuous population growth, the demand for land has increased disproportionately to the availability of land, which remains highly limited. Consequently, the need for residential areas continues to rise. This condition encourages individuals who do not yet own a house to actively seek land plot providers, even when the houses have not yet been constructed or are still in the planning stage. Similarly, land plot organizers compete intensely with one another to meet growing consumer demand.

In order to accommodate the public's strong aspiration to own a place to live, an alternative approach has emerged in the form of providing ready-to-build land at attractive prices, with the expectation that buyers will later construct houses according to their financial capacity and personal preferences. Such ready-to-build land, commonly referred to as land plots (*kaveling tanah*), has increasingly become a common phenomenon in the City of Mataram.

The City of Mataram, as one of the major growth centers in West Nusa Tenggara, continues to experience a rising demand for residential land in line with rapid urbanization. Unfortunately, this phenomenon has also triggered the widespread practice of land plot development carried out by individuals who are not legitimate land rights holders or authorized developers. In practice, these individuals undertake land preparation, subdivision, fragmentation, and sale of land plots without adhering to the proper procedures and mechanisms of orderly land administration. Such plots are often sold at relatively low prices, attracting members of the public who aspire to own affordable housing.

Land sale and purchase transactions commonly found in land plotting practices in Mataram are generally conducted through simplified processes that bypass the

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procedures that should legally apply at the time of the transaction. Individual land plot organizers typically acquire land intended for development through private sale and purchase agreements, either underhand (informal agreements) or before a notary, whether paid in full or not. Subsequently, the marketing of land plots by individual organizers in the City of Mataram is largely carried out concurrently with the land preparation process. These individually managed land plots are highly marketable and are often sold out rapidly, even though the organizers themselves are not the holders of land rights, as stated in the land title certificates.

The practice of selling land plots by individuals who are not land rights holders occurs very frequently. One illustrative case is located in Karang Pule Subdistrict, with coordinates 8°36'29.9"S 116°05'19.2"E. In this case, the land plot organizer was not the legal rights holder but proceeded to sell the plots to multiple buyers until all units were sold. However, the provision of public infrastructure, facilities, and utilities (PSU) was not implemented, the settlement of land rights status was never completed, and it was later discovered that the legal rights holder had passed away, with the heirs being unaware of the sale. Similar problems have a high potential to generate new land disputes and even criminal reports in Mataram. Such issues often arise when land plot organizers relinquish responsibility for the land once all plots have been sold to the public.

These problems are highly likely to occur due to the absence of orderly land administration in practice. This condition is further driven by the profit-oriented motives of land plot organizers. Profit orientation is pursued by minimizing costs through the avoidance of taxes and licensing requirements, increasing efficiency, and maximizing revenue. Ultimately, the problems associated with the organization of land plots by individuals who are not rights holders have significant adverse impacts on land data maintenance and the broader system of orderly land administration.

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This problem becomes increasingly complex when linked to the administration of housing and settlement areas as regulated under Law Number 1 of 2011 on Housing and Settlement Areas (State Gazette of the Republic of Indonesia of 2011 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5188). This Law, commonly referred to as the Housing and Settlement Areas Law (UUPKP), explicitly regulates the mechanisms for housing development, including the prohibition on the provision of Ready-to-Build Environments (*Lingkungan Siap Bangun/LISIBA*) and Ready-to-Build Areas (*Kawasan Siap Bangun/KASIBA*) by individuals, as well as requirements concerning planning, licensing, and the provision of adequate infrastructure, facilities, and public utilities. The organization of land plots by individuals who are not land rights holders clearly contradicts both the spirit and the provisions of the UUPKP, which emphasize the importance of planned, high-quality, and sustainable residential development.

The legal implications of this practice are highly significant. For purchasing communities, it creates legal uncertainty regarding ownership of the land acquired. Land title certificates are difficult to obtain, and may even be impossible to issue if the land use designation is inconsistent with the Spatial Planning Framework (RTR). In addition, buyers often lack access to adequate basic infrastructure, as land preparation is carried out without proper standards or supervision. Ironically, although such practices are inconsistent with the objectives of the UUPKP and cause losses to many parties, law enforcement in practice frequently encounters obstacles due to “regulatory uncertainty” or divergent interpretations of existing rules. This situation creates loopholes that are exploited by irresponsible actors and further contribute to the growing number of unresolved land disputes. Ultimately, these conditions disadvantage the public and hinder the efforts of local governments to establish orderly urban spatial planning and decent, livable settlements in the City of Mataram.

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Based on the existence of these problems and the prevailing tendency of such practices, a clear discrepancy emerges between the law as it ought to be (*das sollen*) and the law as it is practiced (*das sein*). Moreover, the high frequency of these practices, which often give rise to disputes, may normatively be attributed to the existence of a regulatory vacuum (vacuum of norms), resulting in legal uncertainty. For these reasons, the author is motivated to conduct this research.

## **2. RESEARCH METHOD**

The type of research employed in this study is a combination of normative legal research and empirical legal research (mixed-methods legal research), also commonly referred to as socio-legal research. This approach is chosen to obtain a comprehensive understanding of the issues under investigation. Normatively, the research analyzes the provisions of Law Number 1 of 2011 on Housing and Settlement Areas along with its implementing regulations, agrarian law theories, and concepts of legal certainty. The objective is to understand how land plot development ought to be regulated under positive law (*das sollen*).

According to Muhaimin, normative legal research is a form of legal research that examines law as it is conceptualized as norms or rules that apply within society and serve as references for individual behavior (Muhaimin, 2020). Meanwhile, empirical legal research, as explained by Salim HS and Erlies Septiana Nurbani, is legal research that examines and analyzes the legal behavior of individuals or communities in relation to law, with data sources primarily derived from primary data (HS & Nursyahbani, 2019).

Muhaimin explains that normative–empirical legal research (applied law research) is legal research concerning the enforcement or implementation of normative legal provisions such as codifications, statutes, or contracts *in action* in specific legal events

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occurring within society. He emphasizes that such *in-action* implementation constitutes empirical facts and is instrumental in achieving predetermined research objectives.

In line with Salim HS, Muhaimin further asserts that normative–empirical legal research always involves a combination of two stages of analysis. The first stage is normative legal analysis, focusing on applicable laws and regulations or contractual provisions, while the second stage is empirical legal analysis, examining the application or implementation of those norms in concrete legal events in order to achieve the intended objectives. This type of research, therefore, requires both secondary data and primary data.

On the other hand, the empirical approach is employed to examine actual implementation and real-world practices, particularly in the City of Mataram, concerning the organization of land plots by individuals who are not land rights holders. Empirical data are collected through interviews and observations to obtain an accurate picture of the modes of operation, the impacts arising from such practices, and the obstacles to law enforcement (*das sein*). By integrating both approaches, this research is expected to identify the gap between legal norms and factual conditions in the field and to formulate relevant and practical recommendations.

### **3. RESULTS AND DISCUSSION**

#### **Problems of Land Plot Development by Individuals Who Are Not Land Rights Holders within the Context of Orderly Land Administration**

The City of Mataram, as the capital of West Nusa Tenggara Province (NTB), experiences very rapid development dynamics, particularly in the residential sector. Based on data from the Central Statistics Agency, the population of Mataram City has reached more than 470,000 people, with an annual growth rate of approximately 1.18 percent ((BPS), 2024). This population growth is accompanied by an increasing demand for residential land, while the availability of land in urban areas remains relatively limited.

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The imbalance between land demand and availability encourages communities to seek alternative means of land ownership that are often inconsistent with legal provisions, such as the practice of land plot development carried out by individuals who are not land rights holders. This phenomenon reflects structural pressure between housing needs and a land law system that remains weak in terms of control and supervision.

From a normative perspective, the practice of land preparation and the sale of land plots by individuals who are not rights holders raises serious legal issues due to the existence of a normative gap within the prevailing regulatory framework. Law Number 1 of 2011 on Housing and Settlement Areas explicitly prohibits legal entities from developing Ready-to-Build Areas (KASIBA) and Ready-to-Build Environments (LISIBA) without proper authorization. However, the same legal norms do not explicitly regulate or prohibit similar activities conducted by individual persons. When the law restricts legal entities but remains silent regarding individual actors, a condition of legal disharmony and regulatory vacuum emerges, resulting in legal uncertainty for both the public and government authorities. In such circumstances, legal norms lose their regulatory effectiveness because they fail to address substantively similar legal acts carried out by different legal subjects. As noted by Rachmawati, legal certainty in the field of land affairs constitutes a fundamental prerequisite for social and economic stability within society (Rachmawati, 2021).

From a normative standpoint, the practice of land preparation and the sale of land plots by individuals who are not land rights holders raises serious legal problems due to the existence of a normative gap in several statutory regulations. Law Number 1 of 2011 on Housing and Settlement Areas explicitly prohibits legal entities from developing Ready-to-Build Areas (KASIBA) and Ready-to-Build Environments (LISIBA) without proper authorization. However, the same legal framework does not explicitly regulate or prohibit similar activities when carried out by individual persons. When legislation

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restricts legal entities but remains silent with respect to individual actors, a condition of legal disharmony and regulatory vacuum emerges, resulting in legal uncertainty for both the public and government authorities. In other words, legal norms lose their regulatory force because they fail to reach substantively similar legal acts conducted by different legal subjects.

This normative gap constitutes part of a classic problem in Indonesian land law, which frequently encounters a discrepancy between social needs and the available regulatory framework. Within the framework of Gustav Radbruch's theory of legal certainty, law should provide predictability and protection for societal actions, while ensuring justice and social order. However, when legislation is incomplete or fails to regulate comprehensively, a grey area arises in which both society and law enforcement officials lack firm legal guidance. Legal uncertainty resulting from such normative gaps encourages the practice of unauthorized land plot development to be perceived as common and even "tolerable," even though it fundamentally contradicts the core principles of orderly land administration.

From an empirical perspective, field findings based on interviews with officials of the Mataram City Land Office indicate that most actors involved in land preparation and plot sales rely solely on physical control over land, without possessing valid land rights or spatial utilization permits. Many of these practices take place on agricultural land, village treasury land, river buffer zones, or in areas not designated for residential use. This situation demonstrates weak compliance with spatial planning norms as regulated under Law Number 26 of 2007 on Spatial Planning, which requires that all land use activities conform to the Regional Spatial Plan (RTRW) and be supported by business licensing approvals such as the Spatial Utilization Conformity Statement (KKPR).

Furthermore, interviews with the Housing and Settlement Areas Agency (Perkim) of Mataram City reveal that between 2021 and 2024, there were more than 120 individual

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land plot locations that were not equipped with KKPR or other required licensing documents. Most land preparation activities were conducted without environmental feasibility studies, without drainage planning, without clean water networks, and without basic infrastructure. This situation has generated significant environmental impacts, including flooding, sedimentation, and the deterioration of residential quality. These findings further underscore that normative gaps and weak law enforcement have direct implications for spatial planning uncertainty and the degradation of urban environmental quality.

From the community's perspective, the practice of land plot development by individuals who are not land rights holders also gives rise to serious issues of consumer legal protection. Many land plot buyers come from lower-middle-income groups and acquire plots at prices far lower than those offered by formal housing developments. However, such transactions are often not supported by a sale and purchase deed (Akta Jual Beli/AJB) executed before a Land Deed Official (PPAT). Instead, they frequently rely solely on receipts, private written statements, or self-prepared plot layouts provided by the seller. Based on interviews with a PPAT in Mataram City, many buyers approach PPAT offices after the transaction has taken place to seek legalization, only to be refused because the legal status of the land object is unclear. From the perspective of civil law, such transactions are highly vulnerable to breach of contract and unlawful acts, as emphasized in jurisprudence and legal literature (Radbruch, 1946).

In a broader context, the practice of illegal land plot development is also closely linked to weaknesses in the legal structure and the legal culture of society, as explained by Lawrence Friedman through his theory of the legal system, which consists of legal substance, legal structure, and legal culture. At the level of legal substance, regulations governing land plot development by individuals remain incomplete and fragmented. At the level of legal structure, coordination among institutions such as the National Land

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Agency (BPN), the Housing and Settlement Areas Agency (Dinas Perkim), the Investment and One-Stop Integrated Services Agency (DPMPTSP), and Land Deed Officials (PPAT) is still partial and sectoral in nature. Each institution often waits for action from others, resulting in the absence of an integrated mechanism to control and regulate illegal land plot actors. Meanwhile, at the level of legal culture, the community tends to be permissive toward informal land transactions, as long as the prices are lower and the processes are faster. (Nonet & Selznick, 1978).

Problems of legal substance become even more pronounced when examined through the perspective of Law Number 1 of 2011. The provisions of Articles 135 and 140 stipulate that the development of Ready-to-Build Areas (KASIBA) and Ready-to-Build Environments (LISIBA) must be carried out by legal entities with government authorization. The prohibition is directed solely at legal entities that undertake such development without the required permits. The absence of explicit clauses prohibiting similar activities by individual persons creates a legal vacuum (*rechtvacuum*), which in turn weakens law enforcement. Substantively, land preparation activities conducted by individuals have the same implications as those carried out by formal developers, including the requirement for permits, the provision of infrastructure, facilities, and public utilities (PSU), and compliance with spatial planning regulations. Consequently, this normative gap leads to regulatory inconsistency, opening space for land speculation and encouraging the growth of informal land markets.

In addition to the normative gap, there is also regulatory disharmony between Law Number 1 of 2011, Law Number 26 of 2007 on Spatial Planning, and other implementing regulations. The Spatial Planning Law mandates that all spatial utilization activities require permits, whereas the Housing Law provides more specific regulations but limits its scope to legal entities. Meanwhile, the Basic Agrarian Law (UUPA), as the foundational framework of land law, does not provide detailed regulation concerning land

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preparation before development, thereby creating room for divergent interpretations. From the perspective of legal harmonization theory, this condition reflects a lack of both vertical and horizontal synchronization among regulations. As a result, opportunities for regulatory violations become increasingly open. (Friedman, 1975).

Empirically, this phenomenon has resulted in various social and environmental problems. In several areas such as Sekarbela, Sandubaya, and Cakranegara Districts, land plots have been developed in water catchment areas and river buffer zones, leading to increasingly severe seasonal flooding. Data from the West Nusa Tenggara Provincial Agriculture Office (2024) also indicate a decline in productive agricultural land in the City of Mataram, from 1,320 hectares in 2018 to 1,030 hectares in 2024, partly due to informal land-use conversion for residential land plots. This indicates that illegal land plotting practices pose a serious threat to local food security and environmental sustainability.

Based on the author's observations, some segments of the community perceive the proliferation of illegal land plots as beneficial because it provides opportunities to acquire housing at lower prices. However, these apparent benefits often turn into serious problems when ownership disputes arise or when government enforcement actions are undertaken. On the other hand, local governments face a dilemma between strictly enforcing the law and considering the social conditions of low-income communities. Several officials at the Housing and Settlement Areas Agency (Perkim) have even stated that overly rigid enforcement measures may trigger social resistance. Therefore, more balanced solutions need to be formulated through a responsive legal approach, including the provision of land plot regularization programs that meet certain requirements, such as conformity with spatial planning regulations and the ability to provide basic infrastructure, facilities, and public utilities (PSU).

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From the perspective of administrative law, the organization of illegal land plots also reflects a failure in the supervisory function of local governments. In modern administrative theory, supervision is a crucial instrument for maintaining order and ensuring compliance with regulations. However, interviews with several officials from the Investment and One-Stop Integrated Services Agency (DPMPTSP) and the Housing and Settlement Areas Agency (Perkim) reveal that limitations in human resources and the lack of digital monitoring systems make it difficult for the government to detect and take action against illegal land plot developments effectively. The risk-based licensing system (OSS-RBA), which is intended to facilitate integrated licensing, often remains disconnected from the land administration data managed by the National Land Agency (BPN), resulting in inconsistencies between juridical data and spatial data. (Hijrianita et al., 2024).

Another significant problem concerns the weak legal protection afforded to consumers. In many cases, buyers of land plots do not obtain certainty regarding the legal status of the land because there is no guarantee that the seller is the legitimate rights holder or possesses the authority to transfer the land. This condition contradicts the principles of consumer protection as regulated under Law Number 8 of 1999, which obliges business actors to provide accurate and non-misleading information. Although land plot sellers who are not rights holders are often neither legal entities nor formally recognized business actors, substantively, they engage in land trading activities that should be subject to consumer protection principles.

Similar phenomena are not only found in the City of Mataram but also in other Indonesian cities such as Denpasar, Bandar Lampung, and Makassar. Research by Rahmawati and Aditya indicates that informal land plot markets flourish because formal regulatory frameworks are perceived as overly bureaucratic and inaccessible to low-income communities. Consequently, this issue requires structural solutions rather than

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merely repressive approaches. Within the framework of responsive law theory, law should function not only as an instrument of control but also as a means of responding to social needs. Therefore, government policies should not be limited to prohibitions and enforcement actions, but should also offer solutions for communities in need of affordable housing access. Limited legalization programs, land readjustment schemes, or conditional permits may serve as viable alternatives, provided that they comply with spatial planning requirements and ensure the provision of basic infrastructure, facilities, and public utilities.

Ultimately, the problems of land plot development conducted by individuals who are not land rights holders represent an accumulation of normative gaps, regulatory disharmony, weak supervision, permissive legal culture, and the socio-economic pressures faced by urban communities. Without comprehensive reform, this phenomenon will not only persist but may also exacerbate environmental degradation, generate land disputes, and disrupt land governance in the City of Mataram. Strategic measures are therefore required, including regulatory harmonization among Law Number 1 of 2011, Law Number 26 of 2007, and the Basic Agrarian Law (UUPA); the establishment of integrated task forces; increased community participation; and more extensive digitalization of land administration oversight, to achieve legal certainty and orderly spatial governance in Mataram and Indonesia more broadly.

### **Mechanisms of Law Enforcement against Land Plot Development Conducted by Individuals Who Are Not Land Rights Holders**

Law enforcement mechanisms in the land sector in the City of Mataram constitute an institutional construct operating within a complex dynamic between formal regulations, informal practices, and evolving social realities. This study finds that the practice of land plot development conducted by individuals who are not land rights holders has generated

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legal problems that are far from simple, particularly because patterns of land utilization often develop more rapidly than the capacity of regulations and institutions to respond. Therefore, this analysis does not merely describe how the National Land Agency (BPN), local governments, Land Deed Officials (PPAT), and the police perform their formal roles, but also examines how these practices unfold empirically, including the obstacles, inconsistencies, and legal loopholes exploited by illegal land plot organizers.

The role of the National Land Agency (BPN) is particularly central in ensuring legal certainty in land affairs. However, interviews with the Head of the Mataram City Land Office, Halid Aslamudin Putra Utama, conducted on October 20, 2025, reveal a reality far more complex than that reflected in the regulatory design. He explained that illegal land plot development is a highly pervasive phenomenon in Mataram City and constitutes one of the recurring sources of land disputes. According to him, *“this practice occurs very frequently in Mataram, resulting in numerous violations, including violations related to the readiness specifications of physical data, land boundaries, land area, as well as discrepancies between actual field conditions and spatial planning conformity.”* (Utama, 2025).

This statement illustrates that land administration issues are not merely a matter of record-keeping, but are deeply intertwined with the complex social structure of land tenure. Many parcels of land are inherited without proper registration, heirs are reluctant to process the transfer of title, and the phenomenon of “shadow sellers” emerges, individuals who sell land in the name of persons who have already passed away. This condition reinforces the findings of Absori that discrepancies between physical data and juridical data remain a primary source of land disputes in Indonesia (Absori & al., 2022). In the context of Mataram, such discrepancies are further intensified by the practice of illegal land plot marketing through social media or informal promotions, while the juridical status of the land being sold remains unclear. The National Land Agency (BPN)

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thus finds itself in a dilemmatic position: entrusted with the mandate to ensure legal certainty, yet frequently confronted with application documents that fail to meet juridical and spatial planning requirements.

This condition is consistent with the concept of *administrative burden* in public administration theory, whereby administrative weaknesses create institutional strain and increase the risk of disputes (Absori & al., 2022). The National Land Agency (BPN) faces significant pressure due to a high workload, limited human resources, and the rapid evolution of land-use practices that outpace the adaptability of administrative systems. Although digital initiatives such as *Sentuh Tanahku* and *GeoKKP* have improved efficiency, field interviews reveal that digitalization has not yet been able to address underhanded transaction practices, which constitute the root cause of illegal land plot development.

This is where the local government plays a pivotal role, as land plot development by individuals is essentially a spatial planning issue rather than merely a matter of land administration. Local governments hold authoritative powers through Regional Spatial Plans (RTRW), Detailed Spatial Plans (RDTR), Spatial Utilization Conformity Approvals (PKKPR), and site plan approvals (Setplan). However, interviews with the Head of the Housing Division of the Mataram City Housing and Settlement Agency, H. Fathurrahman, reveal the existence of a serious legal vacuum. He emphasized that *“for individual land plot activities, there is not yet a strong legal basis, because there is no regional regulation that specifically governs this matter.”*

The absence of a local legal framework creates a grey area that is exploited by illegal land plot organizers to market land without spatial utilization permits. As long as a location is not explicitly categorized as an activity requiring formal zoning subdivision approval, these actors can claim that their activities “do not directly violate existing regulations,” even though, in principle, they contravene the provisions of the Regional

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Spatial Plan (RTRW). This situation reflects a lack of harmony between normative ideals and field practices, as described in Black's regulatory gap theory, where social practices evolve more rapidly than regulatory adaptation. (Black, 2014).

Even more concerning, illegal land plot activities are frequently carried out in areas that are ecologically or agriculturally significant, such as Sustainable Food Agricultural Land (LP2B) zones or river buffer areas. Follow-up interviews with local government officials reveal that a large proportion of land plots advertised through social media are located in zones that are explicitly prohibited under the Regional Spatial Plan (RTRW). Nevertheless, local governments face substantial limitations in conducting direct supervision, due both to a shortage of field personnel and to constrained operational budgets. This situation is consistent with UN-Habitat's findings on the phenomenon of informal land parceling in developing cities, where weak spatial planning and enforcement mechanisms contribute to urban sprawl and legal uncertainty. (UN-Habitat, 2023).

This problem is further compounded by the poor quality of administrative evidence in land transactions. At this point, the role of Land Deed Officials (PPAT) and notaries becomes particularly significant. Normatively, PPATs are obligated to ensure the validity of both the object and the subject of a transaction before drafting an authentic deed. However, interviews with Notary Gracia, S.H., M.Kn., indicate that professional dilemmas are frequently encountered, especially when the public demands rapid processing without fully understanding the legal consequences. She emphasized that *“verifying the original land certificate, checking conformity with spatial planning regulations, and ensuring the legal capacity and authority of the subject are mandatory obligations of the PPAT before a sale and purchase deed (AJB) can be executed.”* (Gracia, n.d.).

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Nevertheless, informal transactions conducted through preliminary sale and purchase agreements (PPJB), receipts, or other non-authentic sale and purchase statements remain widespread. This practice is identified in the literature as *shadow conveyancing*, namely, unofficial land transfer processes that significantly weaken legal protection for buyers (De Soto, 2000). Moreover, Notary Putri Ade Kutajeng Jumsa, S.H., M.Kn., revealed the phenomenon of “*PPAT shopping*,” stating that “*sellers often seek to move to a more ‘cooperative’ PPAT when one refuses to draw up a deed or imposes numerous legal requirements.*”

This phenomenon illustrates the strong market pressure exerted on the PPAT profession, such that some PPATs may become trapped in conflicts between professional ethics and economic necessity. International studies on PPAT practices in Thailand and Malaysia reveal similar patterns, where the liberalization of legal services in land administration has created opportunities for abuse of authority (Yusoff, 2021). Therefore, in the context of Mataram, strengthening guidance and supervision of PPATs constitutes a key element in breaking the chain of legalization of land transactions originating from illegal land parceling practices.

Meanwhile, law enforcement agencies, particularly the police, occupy a crucial position in addressing the criminal aspects of illegal land parceling. An interview with an investigator from the West Nusa Tenggara Regional Police (Polda NTB), Ngurah, revealed that numerous public reports involve alleged fraud, embezzlement, and document forgery in land parceling practices. He stated that “there are very frequent criminal reports related to land parceling activities such as fraud, embezzlement, the use of forged documents, and bogus organizers.” However, he also emphasized the low level of public legal awareness: “Public legal awareness is very minimal ... there needs to be firm regulation regarding the mechanism for organizing land parceling.”

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From the perspective of law enforcement theory, such conditions indicate weak compliance resulting from ineffective regulation, causing law enforcement to shift toward complaint-based policing, namely, acting only after receiving reports (Reiss, 1971). In fact, land-related cases often require proactive investigations and complex document examinations. The limited capacity of investigators in document forensics, combined with the lack of data integration among institutions, causes investigative processes to be slow and frequently inconclusive. Dani's study emphasizes that the effectiveness of law enforcement is strongly influenced by investigators' ability to understand the complexity of land-related crimes, which typically involve numerous formal and informal documents (Dani et al., 2024).

The combination of weak regulatory frameworks, low levels of public legal literacy, and limited data integration among institutions has created an ecosystem that enables the proliferation of illegal land parceling practices. Nevertheless, global trends indicate that land digitalization, blockchain-based land registries, and spatial data integration constitute effective solutions for strengthening accountability. Countries such as Estonia, the United Arab Emirates, and Rwanda demonstrate that integrating land administration data with population registries and digital mapping systems can reduce land disputes by up to 40% within five years (Bank, 2022). Indonesia is moving in this direction through the Complete Systematic Land Registration (PTSL) program; however, implementation at the local level, particularly in regions such as Mataram, requires strong political commitment and adequate budgetary support.

From the overall findings, it is evident that law enforcement mechanisms in the City of Mataram operate within a system that is not yet fully integrated. The National Land Agency (BPN) performs administrative functions, the local government regulates spatial planning, Land Deed Officials (PPAT) manage the legality of authentic deeds, while the police handle criminal aspects. However, these four actors function along separate

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institutional trajectories, with coordination remaining limited. This lack of coordination reinforces the theoretical framework of *fragmented governance*, a condition in which public institutions are not systemically interconnected, thereby weakening the state's overall capacity to enforce the law effectively (Peters, 2018).

Empirically, the situation in Mataram demonstrates that in the absence of clear regulation governing the organization of land parceling by individuals who are not legal rights holders, all legal actors will inevitably remain in a reactive rather than proactive position. The National Land Agency (BPN) will continue to receive applications for land certificate subdivision without a clear juridical basis; the local government will remain overwhelmed by the mushrooming growth of illegal land parcels; Land Deed Officials (PPAT) will persist in facing professional dilemmas; and the police will continue to deal with victims who realize too late that they have suffered legal and financial losses. Consequently, the establishment of comprehensive regulation at the regional level becomes an urgent step to provide a clear framework of legal certainty.

Ultimately, the enforcement of land law mechanisms in the City of Mataram will only be effective if all relevant actors operate within a single, integrated governance system, strengthened by digitalization, supported by firm regional regulations, and underpinned by enhanced institutional capacity and improved public legal literacy. Without these measures, illegal land parceling will remain a latent problem that erodes legal certainty, undermines spatial planning, and generates long-term social and economic burdens for the community.

#### **4. CONCLUSION**

The organization of land parceling by individuals who are not legal rights holders in the City of Mataram has generated serious problems in the orderly administration of land affairs. This practice is carried out without a valid legal basis of land rights, without

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proper procedures for land subdivision, and without verification of spatial conformity (RTR/RDTR). As a result, factual discrepancies arise between physical and juridical data within the land administration system, creating new potential disputes, encouraging informal and underhanded land transactions, and increasing the number of land parcels that cannot be registered and remain legally unresolved. Normatively, such practices clearly contradict the principles of orderly land administration as regulated under the Basic Agrarian Law (UUPA), Government Regulation Number 24 of 1997, and Law Number 1 of 2011 concerning Housing and Settlement Development. The widespread occurrence of this practice reflects the exploitation of legal loopholes, particularly due to normative gaps at the regional level, weak governmental supervision, and low levels of public legal literacy, all of which contribute to the expansion of administrative disorder in land governance.

The legal consequences of land parceling conducted by non-rights holders are highly detrimental to the community, as they result in uncertainty over ownership status, obstacles to the issuance of land title certificates, and an increased risk of civil and administrative disputes. Legal uncertainty in such land parceling practices ultimately leads to inconsistent law enforcement, as authorities lack a clear legal basis to assess, regulate, or uniformly impose sanctions. The ambiguity surrounding land rights status, unclear authority of the actors involved, and the absence of a firm legal classification of land parceling within existing regulations give rise to divergent interpretations among local governments, land offices, and law enforcement agencies. Consequently, actions that should be subject to immediate enforcement are often delayed, treated merely as private civil disputes, or not pursued at all. This condition exacerbates the vulnerability of buyers, increases the likelihood of disputes, contributes to the emergence of informal or slum areas, disrupts spatial planning, and creates space for illegal practices to flourish by exploiting regulatory ambiguity. Therefore, legal uncertainty not only produces

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uncertainty of land rights but also directly undermines certainty in law enforcement itself. This situation demonstrates that the guarantee of legal certainty as mandated by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, as well as the concept of legal certainty articulated by Hans Kelsen, has not yet been fully realized. Law enforcement efforts remain predominantly reactive and have not reflected the principles of responsive law, thereby failing to provide optimal legal protection for the public or to ensure orderly land administration.

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