



Law Enforcement of the Crime of Embezzlement of Land Certificates, Case Study of the Bali High Prosecutor's Office

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<i>Keywords</i>	ABSTRACT
law enforcement, embezzlement, land certificates	The issue arises from challenges in law enforcement, including administrative hurdles and coordination difficulties, which hinder effective action in these cases. The research employs an <i>empirical juridical</i> approach, using both verbal data obtained through interviews and real behavior observed directly to gather empirical facts about the issue. The study focuses on the handling of land certificate embezzlement cases at the Bali High Prosecutor's Office, specifically analyzing data from 2023 to June 2025. The findings indicate that the handling of these crimes has not been effectively implemented. Key obstacles include poor communication between law enforcement officials, a lack of professionalism among prosecutors, and insufficient public awareness and knowledge regarding land documents and certificates. The study concludes that these issues contribute to inefficiencies in law enforcement efforts. The research suggests that improving communication, enhancing prosecutor training, and increasing public education on land documentation could significantly strengthen the enforcement of laws related to land certificate embezzlement. These findings have important implications for reinforcing legal frameworks and improving operational procedures in the prosecution of such crimes.

INTRODUCTION

In social life, there are various types of people: some do good, while others do bad. It is natural that good deeds coexist with actions that are detrimental to society (Nix, Wolfe, Rojek, & Kaminski, 2024). Within communities, evil acts or violations of laws and norms that are otherwise considered good by society often occur (Manhattan Institute, 2023). Any violator of the law will be subject to sanctions in the form of punishment, as a reaction to acts that

violate legal norms. Law is a set of norms or rules, which, although varied, form a unified system (Liu, Wang, & Zhang, 2024). The *Constitution of the Republic of Indonesia 1945* expressly stipulates that Indonesia is a *state of law*. In line with these provisions, one of the important principles of a *state of law* is the guarantee of equality for everyone before the law (*equality before the law*). Therefore, everyone is entitled to fair legal recognition, guarantees, protection, and certainty, as well as equal treatment before the law (Weisburd, Wilson, Gill, Kuen, & Zastrow, 2024).

In the context of equal treatment before the law, it means that legal norms are applied without regard to individual status (Journal of Participatory Research Methods, 2023). In addition, all citizens are obliged to uphold the law and the government without exception (GIS Reports Online, 2025). The purpose of law is to protect society from social problems, and in principle, the law is a collection of statements and realities that ensure the adjustment of an individual's free will (Research Square, 2025). Upholding the law can be interpreted as obeying the law, and compliance is driven by legal awareness and sincerity in adhering to it. Citizens who fail to uphold the law are considered violators (Pickering & Fox, 2022). Law cannot be separated from human life because it serves as a rule to regulate human behavior; without law, it is unimaginable what the condition of the state would be. To realize the existence of law within a *state of law*, legal norms must serve as the main pillar for maintaining the structure of society, the nation, and the state (Van Wingerde, Van de Bunt, & Huisman, 2015).

One of the main characteristics of a *state of law* lies in its tendency to judge the actions of society based on legal regulations. This means that a country with the concept of a *state of law* regulates every action and behavior of its people according to applicable laws in order to create, maintain, and safeguard social order (Braga & Weisburd, 2020; Eyerman & Strom, 2020). This is in accordance with the mandate of *Pancasila* and the *1945 Constitution*, which guarantee every citizen the right to security and freedom from all forms of crime (United Nations Office on Drugs and Crime, 2023).

The problem of crime and offense is a complex and vulnerable phenomenon that is always significant to discuss. Crimes that frequently occur in society demand government attention, as the state serves as the servant and protector of the people in preventing the spread and escalation of criminal acts. These violations of social values and norms are thus classified by the state as criminal acts (Stansfield & Parker, 2025). Perspectives on crime often differ, resulting in varied opinions. Consequently, lawmakers emphasize the creation and application of regulations that address crimes and violations against public order, moral offenses, and acts that threaten state security. When lawmakers designate an act as a crime or criminal offense, it reflects their judgment that

the act endangers legal interests. By stipulating prohibitions accompanied by criminal sanctions, the law provides legal protection for those interests.

The development of criminal acts has become increasingly prevalent alongside advancements in modern society. This trend cannot be separated from the sophistication of both thought and technology, which influence perpetrators' methods in committing crimes. These developments motivate individuals to pursue their desires by any means necessary, often resulting in losses to others. One significant form of loss suffered by victims of crime is financial harm. To protect individuals and their property, the *Criminal Code* regulates acts causing damage to property under Book II. Among these property-related offenses, embezzlement stands out as a crime in which the abuse of trust is the primary element (Garvelink, 2025; Henderson, Labriola, & Hunt, 2017; Ibrahim, Abubakari, Akanbang, & Kepe, 2022; Jackson et al., 2020).

Embezzlement cases are regulated under Article 372 of the *Criminal Code*, which states: "Whoever deliberately and unlawfully possesses something that wholly or partially belongs to another person, but which is in his power not because of a crime, shall be sentenced for embezzlement with a maximum prison sentence of four years or a maximum fine of nine hundred rupiah."

Bali Province, as a leading tourist destination, attracts both local and international visitors and offers vast business opportunities. Many residents engage in entrepreneurial activities that rely on land as a business asset. However, this situation also leads to numerous disputes, such as those involving inherited land, ownership conflicts, and other land-related disputes.

Land disputes can be viewed from three perspectives: civil, criminal, and administrative. From the civil and criminal perspectives, land disputes fall under the competence of the general judiciary. From an administrative perspective, they fall under the jurisdiction of the *state administrative court*, which is authorized to adjudicate such matters. From the perspective of land-related crimes, the Prosecutor's Office is responsible for carrying out the prosecution process before a case is transferred to the court. Thus, the Prosecutor's Office serves as one of the main gateways for law enforcement in the land sector. Among the land-related criminal cases frequently handled by prosecutors is the crime of embezzlement of land certificates.

In the past three years, several cases of land certificate embezzlement have been handled by the Bali Police Directorate of Criminal Investigation. Many of these cases remain in the *P-19* stage and have been transferred to the Bali High Prosecutor's Office. The following section presents data on the handling of land certificate embezzlement cases by the Bali Police.

Table 1. cases of land certificate embezzlement at the Bali Police

NO	YEAR	P-19	P-21
1	2023	-	13
2	2024	5	7
3	2025	1	1

Data Source: Directorate of General Criminal Investigation

The following is data on the handling of the crime of embezzlement of land certificates at the Bali High Prosecutor's Office:

Table 2. Crime of embezzlement of land certificates at the Bali High Prosecutor's Office

NO	YEAR	MAKING AN INDICTMENT	OVERFLOW TO THE COURT
1	2023	2	11
2	2024	5	2
3	2025	1	-

Data Source: Bali High Prosecutor's Office

From the table above, it can be seen that there are still several cases with *P-19* status, as well as several cases from Bali Police investigators that have been transferred to the Bali High Prosecutor's Office, which are still in the stage of preparing indictments. This situation has led the author to become interested in examining how land certificate embezzlement cases are handled at the Bali High Prosecutor's Office.

Previous research on law enforcement in cases of land certificate embezzlement, such as the study by Haryanto (2018), analyzed the challenges faced by legal institutions in enforcing property-related crimes. Haryanto emphasized the importance of improving coordination between law enforcement agencies and the judicial system but did not address the specific obstacles encountered in handling land certificate embezzlement cases. Similarly, Rachmawati (2020) investigated the role of the Prosecutor's Office in property crimes but focused more on general criminal cases rather than land certificate embezzlement specifically.

The objective of this research is to examine the handling of land certificate embezzlement cases at the Bali High Prosecutor's Office and to identify the obstacles faced. The findings are expected to provide valuable insights for strengthening the legal framework and improving law enforcement practices, ultimately supporting the protection of property rights in Indonesia.

RESEARCH METHODS

The research method used in this study is *empirical juridical* research. This method is a legal research approach that aims to understand how law

functions in reality by examining its implementation and effectiveness within the community. *Empirical juridical* research views law as a social reality, considering not only legal texts but also the cultural, social, and practical contexts in which it operates.

Data collection techniques in this study included interviews, field observations, and document analysis. Interviews were conducted with key stakeholders such as prosecutors, legal experts, and law enforcement officers to obtain insights into the practical handling of land certificate embezzlement cases. Field observations were carried out at the Bali High Prosecutor's Office to examine procedural practices in handling these cases. In addition, secondary data was collected through document analysis, which included case files, legal reports, and official records from the Prosecutor's Office, thereby providing a comprehensive view of the case-handling process.

For data analysis, a qualitative approach was employed, with a focus on thematic analysis to identify patterns, obstacles, and procedural issues in the enforcement of land certificate embezzlement laws. The results were then compared with relevant legal frameworks to assess the effectiveness of the current law enforcement process and to propose recommendations for improvement.

RESULTS AND DISCUSSION

Handling of Criminal Acts of Embezzlement of Land Certificates

The Bali High Prosecutor's Office in carrying out its duties has a big and heavy responsibility considering that there are several cases of embezzlement of land certificates from the last few years that have not been resolved and are still being handled. The number of cases of land certificate embezzlement handled by the Bali High Prosecutor's Office from 2023 to June 2025 are as follows

Table 3. Settlement of Crime of Embezzlement of Land Certificates at the Prosecutor's Office

No	Year	P-19	Making An Indictment	Overflow To The Court
1	2023	-	2	11
2	2022	5	5	2
3	2023	1	1	-

Data source: Bali High Prosecutor's Office

From the table above, it can be seen that there are still several cases that have not been handled in recent years, which can be concluded that the handling of land certificate embezzlement at the Bali High Prosecutor's Office has not been effective.

Obstacles in Handling the Crime of Embezzlement of Land Certificates

- 1) The limitations of prosecutors owned by the Bali High Prosecutor's Office, considering the number of cases that must be handled by the prosecutor's office outside of embezzlement cases, so that there are cases of embezzlement that are hampered in the prosecution process. In general, each embezzlement case handled at the Bali High Prosecutor's Office requires between 5 and 7 prosecutors, one person as the leader and the rest as members. The lack of prosecutors is considered to be quite disruptive to the prosecution process and makes prosecutors have to work extra hard to resolve incoming cases, especially cases of land certificate embezzlement.
- 2) In practice, there is often a lack of good communication and coordination between law enforcement officials so that the case file is returned, and if the results of the improvement of the case file are still not in accordance with the will of the public prosecutor, there can be a back-and-forth case file from the public prosecutor to the investigator, so that the case settlement process becomes delayed (Lawrence et al., 2019). In making indictments, the public prosecutor often encounters obstacles due to the incompleteness of the case file received from the investigator, because the material of the indictment is greatly influenced by the results of the investigation (Lattimore & Visher, 2022). This is important because the strength of the evidence before the Panel of Judges in court depends on how deep and strong an indictment by the public prosecutor is. If the investigation turns out to be incomplete, the public prosecutor returns the case file to the investigator accompanied by instructions on what must be done to complete it and within fourteen days from the date of receipt of the file, the investigator must have submitted the case file back to the public prosecutor, this is as explained in article 138 paragraph 2 of the Criminal Code. According to this article, the public prosecutor must also work quickly, because in just seven days the public prosecutor must have studied and researched the results of the investigation from the investigator and informed the investigator whether the results of this investigation are complete or not.

CONCLUSION

Based on the research findings and interviews conducted at the Bali High Prosecutor's Office, it can be concluded that the handling of land certificate embezzlement cases has been ineffective, particularly during the *Pre-Prosecution* and *Prosecution* stages. From 2023 to 2025, data indicated that procedural inefficiencies and delays were prevalent. The obstacles include the limited capacity and professionalism of prosecutors at the Denpasar City District Attorney's Office, exacerbated by the high volume of cases they must handle, which affects the processing of embezzlement cases. Furthermore, poor communication and coordination between law enforcement officials

contribute to delays, as case files are often sent back and forth between prosecutors and investigators.

This study highlights the need for improved coordination, capacity building for prosecutors, and a more streamlined process to address land certificate embezzlement cases effectively. For future research, it would be valuable to explore the role of technological tools in enhancing case management and inter-agency coordination. Additionally, research could focus on the legal and administrative reforms required to improve the efficiency and professionalism of prosecutors handling such cases, as well as the broader impact of these delays on public trust in the legal system.

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