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The Conflict Between the Principle of Horizontal Separation of Land and The Vertical Integration Perspective in Criminal Law Enforcement for Property Damage and Destruction Cases

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ABSTRACT: Indonesian National Agrarian Law acknowledges the doctrine of horizontal separation (horizontale splitsing), a doctrine stating that land and the constructed objects and/or structures on/in it, are treated as distinct legal subjects. However, in exercising criminal law on the offense of property damage and destruction as stipulated in Article 521 of the Criminal Code, law enforcers tend to adhere to the colonial mindset of vertical attachment (accession) and thus are heavily certificate-centric. Consequently, in the absence of a land title certificate, police reports on the damage of non-land property (i.e. crops and/or buildings) are usually rejected due to prejudicial geschil, i.e. the existence of a civil dispute. This research, based on the works of Friedman and Radbruch, utilizes legislation, concepts, and case analysis to address the procedural dilemma in question. The findings indicate that law enforcement officers have a procedural misconception as the phrase "belonging to another person" in Article 521 of the Criminal Code is meant to protect and defend the actual and physical possession of the item, and is not meant to defend the land and/or the underlying land rights. In practice, ownership of the non-land property in question can be substantiated by other means, such as a purchase receipt, a financial receipt, or even testimony by local community leaders or neighbors. To that end, this study proposes that a Joint Decree of the Indonesian National Police and the Minister of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia (BPN RI) be enacted in order to uphold the principle of horizontal separation during the course of property destruction research, and to establish the joint education and training (diklat) of judicial officers.

KEYWORDS: Principle of Horizontal Separation; Vertical Integration; Criminal Offense of Property Destruction; Law Enforcement Officials.

I. INTRODUCTION

The incorporation of horizontal separation doctrine (horizontale splitsing) into the national legal system of Indonesia was made possible due to the passage of Law No. 5 of 1960 concerning the Basic Provisions of Agrarian Law (UUPA). Under this doctrine, if a person owns a piece of land, this does not give the person ownership right over the crops, or structures (buildings) that are sited on the land. This implies that these items are regarded as separate legal entities. This premise contrasts sharply with Western civil law, which subscribes to the principle of accession (accessie), meaning that anything permanently affixed to the ground is considered to be part of the land. As a result, the practical implementation of the law tends to be rather chaotic because of the conflict of the two systems, particularly in criminal lawsuits regarding damages to property, plants, and the structures that are on the land (Mulyanto & Budianto, 2026; Nurjannah, 2018).

According to the principle of horizontal separation, land and things attached to it (such as buildings and crops) can be owned by separate people and are separate legal entities. However, in practice, vestiges of Western colonial jurisprudence hang firmly in vertical accession (accessie) through the Civil Code (Burgerlijk Wetboek). This creates inconsistencies in classification. The application of accessie creates significant problems when trying to determine whether the destruction of a building or vegetation constitutes damage to land, or damage to a separate legal entity (Utomo, 2019). Classificatory ambiguity makes it difficult to establish the ownership of property in cases of criminal property destruction, as legal processes tend to remain inflexible toward the segmentation of property rights in the course of judicial proceedings. This confusion over operational boundaries is apparent in field cases such as Supreme Court Decision No. 1909 K/Pid/2010 regarding crop destruction. In this case, authorities become

more preoccupied with determining the land ownership status, rather than focusing on establishing physical control over the destroyed objects (Rifai, 2017).

Theoretical dualism creates significant ambiguity in the law surrounding the destruction of property. There are often issues concerning the application in cases of law enforcement personnel misunderstanding the separation of the ownership of the land and the improvements. This results in the improper application of the principle of natrekking to establish the rightful ownership of the disputed property (Ganindra & Kurniawan, 2017). This conceptual conflict generates interpretive ambiguity regarding the phrase "property belonging to another person." This ambiguity particularly exists in the context of criminal destruction of property, as civil agrarian laws explicitly recognize land titles and the rights to objects or plants affixed to the land (Saputro & Tohari, 2020). Consequently, authorities face challenges in assigning criminal liability in land tenure disputes involving one-sided claims on buildings or vegetation (Wijaya, Hadiyanto, & Maeleni, 2026). Enforcing horizontal separation in the context of land use means accepting that a landowner does not acquire ownership over buildings or crops that a third party has established on that land (Amalia, 2018; Dwiyatmi, 2020). This suggests that land transactions do not legally convey surface elements of land ownership in the absence of an express agreement between the parties (Helmi, 2019; Santoso, 2018).

Due to this theoretical conflict, conflict at the grassroots level becomes unavoidable a result of farming and the construction of property on land owned by the state, land leased to the farmer, or even on land owned by others with verbal permission. In cases when land lords carry out arbitrary removals or demolish property, the affected individuals resort to the law enforcement agencies to report the case and seek redress. Ironically, it is often victimized individuals who suffer loss of property value as a result, and in the majority of cases, they find that there is little, if any, progress on their case, and they are unable to receive any protection from loss in the value of their property. In most cases, they apply the accessio doctrine, and assume that structures built on the land, and any forms of vegetation, become part and parcel of the land, and therefore, lose their nature of being distinct or separate property (Harsono, 2017). This interpretation fails to comply with the horizontal separation principle which regards structures and vegetation to be legal entities independent of landownership rights (Mahfud, 2019; Purnawan, 2020). This opinion could interfere with the civil rights of other parties involved with crops or buildings that have been constructed in good faith. This also enables legally recognized formal land title holders to evade legal responsibility for destroying such interests (Ganindra & Kurniawan, 2017). The gap is further exacerbated by an absence of operational regulations that would incorporate distinct property rights into Indonesia's land registration systems (Batubara, Adi, & Wirdyaningsih, 2022).

This research applies Gustav Radbruch's Theory of Legal Certainty to examine the extent to which criminal law provides substantive certainty with respect to physical possession as opposed to mere formal administrative proof, in order to explore the complexity of the issue. This assessment is important to find out if the official explanation of the destruction of property is consistent with the principles of substantive justice that acknowledge the existence of horizontal separation within agrarian law (S. L. M. Sari & Hanim, 2017). Also, an analysis of how a positivistic and very legalistic legal culture among agents of the state shapes law enforcement is done with the aid of Friedman's Law and Order Theory.

When the police become preoccupied with the administrative aspects of land certificates, they fail to provide adequate attention to actual proof of physical possession of the property in question. As a result, in the course of investigating the criminal offense of destruction of property, the police neglect the victims' fundamental rights and their real losses, and do not properly collect evidence and identify the legal position of the complainant (Wijaya et al., 2026). This pattern in law enforcement places victims on the periphery, as financial loss from property damage is considered a tertiary issue in civil land conflict cases, which are frequently exploited to cease criminal investigations (Rifai, 2017). This dynamic shows the need for land management system reforms, particularly through regulations governing the separate registration of surface structures or vegetation (Tista, 2018).

The juxtaposition of these two theoretical models in relation to horizontal separation in Land Law (UUPA) and the vertical stacking doctrine in the Civil Code (KUHPerdata) aims to analyze how judges conceptualize the status of a legal object from the perspective of criminal law. Citing the case of Supreme Court Decision No. 1909 K/Pid/2010, destruction of growing crops valued criminally requires the court to disregard evidence of land ownership and seek evidence of physical possession of the object. It is vital to focus on evidence of possession to prevent the justification of the crop destruction of other people's economic crops on the land under the ownership of the land ownerc (Rifai, 2017).

Research on this legal principle dualism has been conducted by scholars like Dwiyatmi (Dwiyatmi, 2020), who mostly explored the dualism conceptualization in the context of civil law. Nonetheless, these writings seldom consider the specific aspects of criminal law in safeguarding movable or immovable surface property during agrarian disputes. In reality, the enforcement of law is impeded by complicated bureaucratic systems, convoluted jurisdictions, and a disregard for the safeguarding of surface property rights (Irna, Moh Safrul Wijaya, Simamora, & Marian, 2025). This problem is augmented by the limited availability of legal literature

regarding the destruction of buildings or crops treated as separate offenses, since the majority of existing research concentrates on the general conflicts concerning ownership of land.

The absence of scholarship regarding criminal destruction of property impedes the efficacy of horizontal separation in conflict resolution. Therefore, officials responding to criminal destruction of property cases are likely to ignore the legal status of surface assets (Rifai, 2017), causing lasting legal ambiguity for legitimate asset proprietors. Furthermore, obstacles to implementing effective legal defense stem from insufficient public awareness and inadequate implementation of regulations to curb land grabbing involving unilateral and physical occupation (Karima, Habibi, Febriana, Adhan, & Prayoga, 2025).

Previous research has predominantly considered the horizontal separation doctrine within the context of civil or customary law, with little regard for the procedural issues victims of criminal property destruction face in relation to police bureaucracies. Consequently, this research further perpetuates inequitable justice systems for marginalized groups that are vulnerable to exploitation by wealthy landowners or corporations using bureaucratic loopholes in land conflicts (Kurniawan, Wardhani, & Hayati, 2025).

This article has an original contribution which identifies just how much this article is different from others. It looks at the procedures in the inquiry and investigation stages of cases of criminal destruction and does not consider arguments left regarding who has the stronger land title. It looks at the misinterpretation of legal principles by law enforcement officials, and how it can obstruct justice for the owners of other non-land assets. It also investigates how the opposing Criminal and Agrarian Laws can protect the rights of victims.

II. METHODS

The research methodology employed in this study is normative juridical research method that discusses doctrines and the synchronization of positive laws with one another. The research design uses a statutory approach to assess the law's integration in the Land Law (UUPA), the Criminal Code (KUHP), and the Criminal Procedure Code (KUHAP); a conceptual approach to examine the meanings of ‘land’ and ‘property’; and a case-based approach to assess the standard cases in which law enforcement officials reject reports or cease investigations in cases of property destruction in the absence of land title documents. Each analysis conducted in this research is based on the combination of primary and secondary legal materials. The primary legal materials are the Criminal Code (KUHP), The Criminal Procedure Code (KUHAP), Law No. 5 of 1960 (UUPA), and the Regulation of the National Police Chief on the Management of Criminal Investigations. The secondary legal materials are the reviewed legal journals and the legal doctrines of the leading scholars of agrarian law. The legal materials were reviewed through qualitative-normative analysis and were assessed through deductive reasoning to achieve analytic and practical conclusions concerning law enforcement problems in the cases described.

III. RESULTS AND DISCUSSION

There is a flawed attitude among law enforcement officials regarding asset destruction investigations. Certain investigative approaches ignore the physical evidence of the destruction caused. Within this attitude framework, Article 521 of Law No. 1 of 2023 on the Criminal Code addresses the destruction and damage of property and is concerned with completely or partially destroying, damaging, defacing or rendering property of another person, and therefore completely or partially making it unusable. This provision of the law protects the interests of the holder of property and, therefore, of the asset without the necessity of establishing land title as a formal prerequisite. Authorities must focus their investigative approach on the physical elements of the act that infringe the interests of the owner of the surface asset (Prianto & Miharja, 2024).

In field operations, criminal cases that involve property destruction are often limited by a "certificate-centric" mentality. This phenomenon leads law enforcement to abandon or stall investigations while claiming to wait for a civil court decision regarding ownership of the property, instead of focusing on the legitimate criminal aspects of the property damage (Chyzh, 2023). These investigative stops are usually the result of the assumption that a land title is a necessary condition for a complainant to have standing in a criminal case. Consequently, investigators may focus overly on formal title documents while ignoring other forms of powerful evidence, including witness accounts, possession evidence, or physical evidence of the asset's loss or damage. In the end, this approach harms the search for justice because it reduces the evidentiary weight of unequivocal evidence of loss or damage (Ainuddin, 2025). When claiming property damage under Article 521 of the Criminal Code, investigators require a Certificate of Ownership (SHM) or equivalent land ownership documentation as the first proof of rightful ownership. This, in practice, becomes the primary focus of the investigation, often overshadowing the examination of the claim itself. Although the

requirement for proof of ownership is legitimate, from a standpoint of criminal law, this provision is aimed at the legal interest of ownership of the property, and not the legal status of land where the property is located (Muda, Lubis, & Mustamam, 2023).

This situation reflects common operational hurdles in law enforcement practice, particularly when investigators struggle to distinguish the criminal aspect of property damage from underlying civil property disputes. As a consequence, reports of destruction or damage are often treated as mere civil disagreements, despite the existence of conduct that may fulfill the elements of a criminal offense. This overlap becomes a major barrier for victims seeking access to justice, as investigations may be delayed, suspended, or even dismissed before the substantive criminal act is properly assessed (Silitonga, Lubis, & Siregar, 2021). Added instability comes from the frequent abandonment of investigations due to the anticipated or existing civil court actions regarding land ownership. Investigators tend to shy away from the initiation of criminal acts because of the apprehension that the matter is primarily of a civil nature. It must be argued, however, that the existence of a civil dispute over land ownership should not preclude or extinguish the consideration of the criminal acts that were committed in the course of the destruction of the property, considering the evidence of the unlawful act and the damaging act that was perpetrated (Junaedi, Siradjz, & Prayuti, 2025). Moreover, when conflicts over land ownership are not distinguished from the unlawful aspects of property destruction, the foundational principles of protection for legitimate property owners are undermined. When the two aspects are treated as one, law enforcement may lose focus from the destruction of property and shift their focus to the resolution of public order ownership problems. Consequently, individuals incurring the impact of destruction of property may lose their right to protection and their right to access criminal remedies (Syakira & Budhiawan, 2025). The incorrect application of the prejudiciel geschil principle in these cases is commonly used to alleviate the responsibility of identifying the commission of a crime. By concentrating on the unresolved civil disputes, investigators are able to halt or abandon the criminal case without investigating evidence of the destruction of property. This results in a certain level of implicit immunity to property destruction offenders. This happens because the alleged offense is not dealt with, and the concerned parties are directed to civil proceedings (Rahim & Rahim, 2022).

In truth, prejudiciel geschil regulations grant law enforcement discretionary authority to temporarily pause a case only when such action is genuinely necessary to clarify issues that are decisive to the criminal proceeding. The principle was never intended to operate as an automatic or mandatory barrier in every matter involving a land dispute. Therefore, investigators should carefully assess whether the unresolved civil issue truly affects the establishment of the criminal elements, rather than reflexively suspending the investigation whenever competing ownership claims arise (Rahim & Rahim, 2022). The absence of standardized procedures to address cases containing both civil and criminal aspects leads to discrepancies in the methods employed by investigators. Distinct investigators or law enforcement agencies may adopt differing criteria to decide if a case should advance, be put on hold, or be channeled to civil courts. Consequently, applicants experience considerable delays, disparate legal treatment, and considerable legal ambiguity while awaiting the appropriate resolution of their cases (Patra, RS, & Suabawa, 2025). Consequently, to combat the subjectivity and inconsistency of case management related to contested property, the operational indicators for investigators should be standardized. Defining procedural standards like checking applicable legal grounds, reviewing relevant documents, and physically inspecting the property in question can help investigators determine the difference between civil property disputes and criminal acts of vandalism and/or destruction. The implementation of such standards can improve legal certainty, transparency, and case management fairness (Karpenko, 2024). Therefore, strengthening legal precedents that clearly distinguish control over physical assets from rights to the underlying land is critical for maintaining consistency in law enforcement. A sharper doctrinal distinction would enable investigators and courts to concentrate on the elements of the offense of property damage, irrespective of unresolved civil issues concerning the right to the land. In the absence of such guidance, the prejudicieel geschil principle is likely to be applied in an arbitrary manner to postpone or obstruct the performance of criminal proceedings that ought to be conducted (Amiruddin, Pancanigrum, & Purnomo, 2021; Putristira, 2023).

The judicial institutions' unconscious adaptation of this vertical attachment bias results in conflating the crime of damaging an individual's property with disputes of land ownership. Consequently, investigators adopt a limited perspective, overlooking the tangible facts of destruction because an unresolved civil suit is still pending (Utami, Fadillah, & Fauziah, 2020). This strategy overlooks the fundamental aim of Article 521 of the Criminal Code, which is to shield concrete belongings from illegal acts of destruction or injury. There is a tendency for law enforcement to focus on unresolved issues related to land ownership, regarding them as the most crucial element of the case. Consequently, the protection the law affords to the property that has suffered damage becomes of secondary importance. The fact that there are contesting claims over the land should not, of itself, preclude the unlawful destruction in question from being considered a crime (Putri & S, 2025).

Should a complainant be unable to provide a land certificate, their case will be dismissed or an SP3 will be issued for a civil dispute (prejudicial geschil) even when they are the legal owners of the crops and structures on the land. As a result, this practice

unintentionally grants the perpetrators of the crimes impunity. This behavior also frustrates the community's desire for legal resolution regarding the crimes that have been committed against them (Amiruddin et al., 2021).

Additionally, the lack of implementation of the mechanism of prejudicieel geschil in matters concerning immoveable properties frequently leads to unwarranted suspensions of criminal investigations, based on the interpretations made by the Supreme Court Regulation No. 1 of 1956. In several instances, investigators come to a premature conclusion that the existence of a civil dispute over land automatically bars the continuation of criminal proceedings, even in the presence of evidence for the unlawful destruction of property. The resulting malpractices lead to procedural delays and the criminal justice system fails to protect victims of unlawful destruction of property (Hadiputra, Setiyono, & Indrayanti, 2022). The optimal management of agricultural conflict demands a careful separation of the civil court proof of land ownership from criminal court proofs of unlawful acts in the destruction of land. Civil cases center around the determination of legal rights and possession of land, while criminal cases center around whether a legally definable act of destruction, damage, or interference has occurred. Absent this separation, investigators are likely to combine disparate legal concerns, resulting in delays, confusion, and a reduction in the protection of the criminal justice system for victims (Batu & Esther, 2025). Balancing these interpretations requires a clear affirmation that the existence of civil claims should not automatically prevent or suspend criminal prosecutions. Criminal proceedings must still be allowed to continue when the elements of destruction or damage can be independently established through physical evidence, witness testimonies, and other relevant proof. By maintaining this distinction, law enforcement authorities can ensure that unresolved civil disputes do not become a blanket justification for avoiding accountability for criminal conduct (Moseiko, 2024).

Thus, precise instructions are required to delineate civil land rights disputes from criminal acts of destruction of property, focusing on their particular goals and standards of evidence. These instructions would help investigators, prosecutors, and judges establish the conditions under which a criminal case may be actively prosecuted, notwithstanding outstanding civil disputes of land ownership. Justice systems then will be able to minimize destructive operational dualism that contributes to uncertainty, inconsistency, and inefficiency in the enforcement of justice (Anand, 2024; Pramesti, 2025). Furthermore, among civil, criminal, and administrative courts, overlapping jurisdictions in agrarian issues are often used strategically by some to frustrate and extend the duration of legal proceedings. Such actors can introduce multiple legal claims in different forums, resulting in confusion and stalling the resolution of both the criminal and civil components of the dispute. The fragmentation of authority burdens law enforcement and the courts, while it escalates the legal uncertainty for victims pursuing the right to a remedy (Mulyadi & Satino, 2019).

This paradigm error by the officials can be corrected by reiterating the horizontal separation principle as mandated by the UUPA. The principle maintains that land ownership and rights pertaining to surface items are distinguished by law, implying that the destruction of buildings or crops relies on assessment of the land certificate and not the status of the land (Wirastutik & Saleh, 2024). Embedding this perspective is essential to avoid the asset protection purpose of the judiciary from evolving into a venue for lengthy disputes of the validity of national agrarian laws. According to national agrarian laws, crops and buildings are distinct legal entities separate from the land, which implies a person can legally possess a building without possessing the land underneath it. In Criminal Law, the element of 'belonging to another person' in Section 521 of the Criminal Code intends to protect the right of an individual to occupy and utilize a thing, not the right to the land. Disregarding actual physical control over movable or immovable property on a lot of land masks the essence of the offense (Rudiansyah & Wasitaatmadja, 2025).

This legal protection gap is exacerbated by the lack of understanding regarding the legal rights connected to the objects and assets on occupied land. Generally speaking, most enforcement authorities wrongly believe that undetermined civil claims relating to the ownership of disputes will negate claims regarding damage to property located on that land. However, the ambiguous ownership of land will not relieve the perpetrator from criminal responsibility for willfully destroying or damaging physical property owned by someone else (Sukamto & Mintarsih, 2022). Therefore, while addressing destruction complaints, authorities should not insist on a land certificate. Instead, the focus should be on the asset as an independent legal entity in accordance with the horizontal separation principle, which states that legal actions involving land do not include the structures and vegetation above it (Wardani & Irianto, 2022). Accordingly, when dealing with damage claims, agencies are not expected to demand the production of a land certificate. Rather, the emphasis should be on the property as an autonomous legal entity, consistent with the horizontal separation principle, which asserts that legal dealings pertaining to land exclude the built structures and trees on the land (Tista, 2018; Yuniyanti, 2020). This aligns with the horizontal separation principle in the UUPA, which distinguishes land rights from the ownership of crops or buildings situated on that land (Andriani, Nugroho, Firdaus, & Kholidah, 2023; N. A. N. Sari, Tambunan, Felany, & Nugraha, 2019). If this principle were applied uniformly, it would close legal loopholes used to escape criminal liability. In some situations, defendants of property destruction defend themselves with unsolved real property claims,

and claim the case should remain a civil issue. If criminal destruction of property is separated from civil disputes of real property, law enforcement would maintain the accountability of criminal behavior, preventing a lack of clear enforcement from the legal system (Prasetyawati, Ramadan, & Aprillia, 2024).

Furthermore, bolstering the legal acknowledgment of these assets necessitates the articulation of a land certificate, which cannot be construed as the only, or the primary, proof of ownership of improvements on the land. In several instances, improvements may legally belong to persons who do not own the land, especially in the context of lease systems, building rights, or other contractual agreements. Hence, the recognition of other forms of ownership proof is crucial to guarantee that individuals continue to possess legal rights to their improvements, notwithstanding the ownership or rights of use of the land (Widijowati & Rahadiyan, 2021). As a result, proprietary claims to a structure will remain legally upheld, despite an alternative party controlling the underlying parcel through a land use agreement (Nur, 2018).

Evidence for ownership of non-land assets can be sufficiently determined through other means such as:

- A Ministerial decree
- Recording corporate assets
- A Building Permit (IMB)
- Financial receipts for the purchase of seedlings
- Invoices for the purchase of building materials
- Local neighborhood officials (RT/RW) testifying as to who built or planted the asset

This wide standard of proof aligns with how a land certificate is not the only way to prove rights over surface assets, but rather a strong case whose validity can be contested in general courts (Bur & Apriani, 2017; Gestora, Subagiyo, & Wibisono, 2022).

The reluctance of investigators to prosecute is due to a psychological and legal dilemma. Investigators can be accused of being prejudiced and can also be prosecuted if they charge damage to property caused by a crime on land which has a legal dispute of ownership. This anxiety creates a psychological barrier to objectively enforcing the law against illegal activities (Rere & Suardi, 2025). The first step in addressing these constraints is the creation of technical guides that provide legal protection to investigators who differentiate between criminal acts and complex agrarian disputes. These guides must compel investigators to consider substantive justice rather than become entangled in administrative formalities that the concerned parties may exploit. Furthermore, this goal should be supported by legal opinions from concerned ministries/authors to substantiate the discretion of investigators in protecting the rights of individuals when dealing with fragmented land administration (Supadno & Junarto, 2022).

Nevertheless, if the current level of ambivalence endures, the absence of clear guidelines will result in the criminal justice system's inability to control acts of vigilantism (eigenrichting). One approach is to be more resilient in reconciling jurisdiction boundaries: cultivation in civil law disputes and the willful destruction of property in criminal law. This destruction may be committed against crops planted and tended to by others, irrespective of who owns the land, and must be addressed to maintain social stability. This solution will simultaneously curb "land mafia" activity, power abuses, and intimidation physical intimidation and destruction to an extreme degree (Zai, 2025). Collaboration through a specialized task force between policing bodies and land administration offices is critical to reducing the legal loopholes abused by land mafia networks (Siagian & Sadino, 2025).

The vertical alignment standpoint from law enforcement is valid since the dominant paradigm in the criminal justice system puts a lot of emphasis on due process of law. This means that law enforcement officials must take care to follow all laws and procedures and also assess and manage the possible risks that may occur if an area is illegally trespassed upon or the property in question may have been illegally acquired. This same situation applies to the collection of evidence and exhibits relating to the crime. In this situation, if the evidence or exhibits relating to the crime being investigated or prosecuted may have a significant adverse impact on the investigation or prosecution, the most strict requirement to ensure the objectivity of the evidence is to enhance the professionalism, integrity, and the legal aspect of the investigators. In addition, if a case that has a lot of evidence is brought to court and the defendant has a better case with a lot of evidence that leads the judges to believe that the case is not established, the judges will be legally constrained to grant an acquittal or a dismissal.

Consequently, strengthening institutional coordination through a Memorandum of Understanding between the police force and the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is a crucial step toward improving the effectiveness of investigations involving agrarian disputes and property destruction. Such cooperation would enable investigators to obtain clearer and more reliable information regarding land status, usage rights, and related administrative records without unnecessarily delaying criminal proceedings. In addition, a more integrated coordination mechanism could help reduce overlapping interpretations between civil and criminal aspects of disputes, thereby supporting a more comprehensive and legally consistent investigation process (Rizki & Sutrisno, 2025). This collaboration intends to increase the productivity of the AntiLand

Mafia Task Force by identifying and examining internal and/or external operational methodologies (Amrullah & Bakir, 2024; Siagian & Sadino, 2025). This reinforcement is especially significant because organized land mafia operations exhibit a methodical distribution of roles to financial factions, field operatives, and specialists such as village bureaucrats and notaries (Wirawan, Yusriyadi, Silviana, & Widowaty, 2024). The high complexity of these methods requires comprehensive law enforcement measures that combine both preventive and repressive approaches to effectively address the problem. Such actions are essential to ensure legal certainty, protect the rights of affected parties, and provide a greater sense of security and justice for victims (Permadi, 2024).

IV. CONCLUSIONS

There are several problematic contemporary procedures related to the destruction of assets in the enforcement of criminal law. This is largely due to the fact that judicial officials almost always depend on the colonial-era integration of the vertical system, resulting in the erroneous view that land title certificates must be obtained to prosecute a case. The horizontal separation doctrine resulting from the Basic Agrarian Law (UUPA), the legal position of land, surface structures, and plants must be considered separately. Therefore, when examining the destruction of property in light of Article 521 of the Indonesian criminal code (KUHP), it is necessary to provide evidence of ownership or actual possession of the property in question, excluding land.

The first initiative is that the Indonesian National Police and the Ministry of Agrarian Affairs and Spatial Planning (ATR/BPN) are to enact a Joint Decree that establishes the separation of the horizontal system. This policy would prevent investigators from unilaterally dismissing complaints of property destruction because a land title certificate was not presented. The second initiative is the creation of collaborative education and training (diklat) programs to bring together agrarian law experts with judicial law practitioners. The convergence of the two interpretive frameworks will result in the criminal justice system working in harmony with the national agrarian policy, ensuring that the needs of the public are met.

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