

## LAND MANAGEMENT IN YOGYAKARTA SPECIAL REGION

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### ABSTRACT

DIY As a special autonomous region, it has the right to manage land in DIY where not everyone can directly patent land in DIY. Land management in DIY sometimes becomes polemic for the community. The research method carried out is a qualitative method. Data collection techniques in this study were interviews with relevant stakeholders such as the Department of Land and Spatial DIY and the National Land Agency of the DIY and literature study, namely data collection using various literature and legal documents governing land management in DIY. Land management which is divided into two previously mentioned, namely Keprabon Land and Non-Keprabon Land or Dede Keprabon which are found in all regions in DIY. The Sultanate and the Pakualaman of Pakualaman are legal subjects for land ownership in DIY. Besides, the Sultanate is also given the authority to be able to manage the land of Keprabon and non-Keprabon land in DIY. In this case, all forms of management, use of private land, all kinds of business, social, legal and others have been regulated through Article 33 Paragraph (4) of the Privileges Law. Special Autonomy makes this area has rights to land management where DIY has four boundaries divided into Sultan Ground (SG) land, Pakualaman Ground (PG), village land and DIY land. The granting of authority over the use of Sultanate land and Pakualaman land is carried out following applicable legal provisions, namely according to customary law.

**Keywords:** Land Management, Sultan Ground, Pakualaman Ground, Yogyakarta Special Region

### INTRODUCTION

Indonesia is a country that consists of islands, from Sabang to Merauke. Many tribes, religions and cultures are each characteristic of the Indonesian nation as well as being unique to the Indonesian state, which is not only rich in culture but also nature. This is the basis for how the Indonesian nation which consists of various tribes but can become one in a country in the form of unity, namely Indonesia. Interestingly, Indonesia has several regions that are granted special privileges or special autonomous regions. Indonesia has five provinces that get special autonomy, namely Aceh Province, Special Capital Region (DKI Jakarta), Special

Region of Yogyakarta (DIY), Papua and West Papua (DwiYansany & Wardhani, 2019). In this discussion is about an area on the island of Java which is famous for its friendly people, a culture that is still thick and tourism to the world at UNESCO.

Special Region of Yogyakarta (DIY), is one of the regions in Indonesia that gets special privileges which, if traced from historical traces, Yogyakarta is beneficial to the government in the days of colonialism first (Husni, 2011; Vani Wirawa, 2019). This is what makes the privilege of Yogyakarta to get special rights as a special autonomous region (Arto, 2016; Hasim, 2016). DIY Province consists of four districts and one city, namely Bantul Regency, Gunung Kidul Regency, Kulonprogo Regency, Sleman Regency, and Yogyakarta City (Hasim, 2016).

As a special autonomous region and following Law No. 13 of 2012, DIY gets the privilege contained in (Annafie & Nurmandi, 2016; Helmi & Nurmandi, 2016) that the authority is as follows:

- a. Procedures for filling positions, positions, duties and authorities of the governor and deputy governor
- b. Local government institutions
- c. Culture
- d. Land
- e. Spatial planning

This authority cannot be contested if it does not want to cause problems with the people of Yogyakarta, so it is unique to DIY were the only region that does not elect direct governors but must be based on the descendants of the sultanate of Yogyakarta (Widianto, 2017). However, in the discussion of this study, we did not discuss it, but the governance of land in Yogyakarta as a special autonomous region. DIY As a special autonomous region, has the right to manage land in the Special Region of Yogyakarta. Not everyone can directly patent the land in DIY. If the community wants to own land in DIY, it must be done according to procedure (Rahmatunnisa, Hindersah, & Achmad, 2018).

The land polemic in DIY is a matter of concern for the natives and non-natives in DIY. Still, as a special autonomous region as stipulated in special privileges that DIY can regulate its households, one of which is in the land sector. Namely, DIY has the following restrictions: Sultan land, Pakualaman land, national land and local land, which we will discuss in the chapter on how to manage land systems in DIY that are different from other regions (Arto, 2016; Dwiyanany & Wardhani, 2019; Hasim, 2016).

## RESEARCH METHODS

This research was conducted in DIY. The research method used was qualitative. According to (Moleong, 2005: 6), a qualitative approach is a research that aims to understand the facts experienced by research subjects such as behaviour, actions and others by describing through words or using language that is easily understood. Several stages are carried out using this qualitative method, such as raising issues and collecting relevant data. According to (Cresswell, 2010: 4) qualitative approach is a method used to understand the meaning of problems that are considered to originate from social or humanitarian issues, then the data that has been obtained on this qualitative method is arranged systematically. Data collection techniques in this study were interviews with relevant stakeholders such as the Department of Land and Spatial DIY and the National Land Agency of the DIY and literature study, namely data collection using various literature and legal documents governing land management in DIY.

## RESULT AND DISCUSSION

1. Problems with the existence of Sultanate land and Pakualaman land before Law Number 13 of 2012

The existence of the imperial land and Pakualaman land at the moment cannot be shown by proof of ownership or certificates based on the Basic Agrarian Law. This is because the mandate of the fourth dictum letter

B of the Basic Agrarian Law does not exist, and at that time, the Sultanate and Pakualaman were not included as subjects who could have land rights. Kasultanan land and Pakualaman land are customary land rights whose ownership rights have not been handed over to other parties, primarily non-native. To find out the territory of the Sultanate land and Pakualaman land can be seen from the map of the relevant village or you can also ask the village officials. People who apply for a permit which is usually referred to as confusion from the Sultanate and Pakualaman. The granting of authority over the use of Sultanate land and Pakualaman land is carried out following applicable legal provisions, namely according to customary law..

In this case, the Sultanate of kawedanan hageng punakawan wahono sartakriya Yogyakarta Palace has issued Decree number 29 / W & K / 81 regarding granting of building use rights, use rights, protection rights, magersari rights on the palace land, while the decisions referred to are:

- a. **The Right to Build (HGB)** is the right to use or erect a building on palace land that has a maximum term of 20 years and the right to use the building can be extended if the duration exceeds the 20 years.
- b. **Usage Rights** are land used to obtain results from the palace land which gives authority and obligations following the agreement between the palace and the parties concerned, the period to use this usage right is ten years and can still be extended.
- c. **Ngindung rights** are land that is given its rights to people who are interested in using or occupying the palace land by agreeing on the palace and those who have an interest by using a mutually agreed upon period.
- d. **Magersari rights** are land that is surrendered to people who have an interest, as residents of the palace land must have a historical bond with the land, and is only given to native citizens for a while during their occupation.

The rights described above are only handed over to native citizens (pribumi), meaning that other than native citizens, they cannot have rights in the special area of Yogyakarta, especially Chinese citizens, this is inseparable from the historical story that when Yogyakarta fought against the Dutch state, Chinese citizens who live in Yogyakarta show less support for the resistance of Yogyakarta and the Dutch and even intend to leave Yogyakarta so that the Sultan Hamengkubuwono IX gives an ultimatum if the Chinese people who live in Yogyakarta leave Yogyakarta when the war occurs forever they can no longer return to the area special Yogyakarta, then the Chinese people chose to stay in Yogyakarta.

The rights that have been explained above are only handed over to native citizens, meaning that besides native citizens, they cannot have rights in DIY, especially Chinese citizens, this is inseparable from the historical story that when Yogyakarta fought with the Dutch nation, Chinese citizens who were living in Yogyakarta shows less of their support in the Yogyakarta resistance and the Netherlands even intends to leave Yogyakarta so that Sultan Hamengkubuwono IX gives an ultimatum if the Chinese residents who live in Yogyakarta leave Yogyakarta when the war happens forever they may no longer return to the special area of Yogyakarta, then Chinese citizens choose to remain in Yogyakarta.

At the time of the war occurred, Chinese people sided with the Dutch state to control part of the island of Java if the Dutch won against Yogyakarta. This is what makes non-native citizens not allowed or prohibited from owning land in a special area of Yogyakarta. This causes many non-native citizens who feel this decision discriminates against them. So some demand that non-indigenous people can get ground in Yogyakarta and receive the same treatment as indigenous people.

The legal relationship between the Sultanate and the Pakualaman and the land owned continues to this day. The discussion on land in the DIY

is inseparable from the Sultanate and Pakualaman land which based on article 1 paragraph 1 of law number 3 of 1950, pakualaman ground there are four sub-districts in the Kulonprogo district. The origins of Sultanate and Pakualaman are derived from the choice of the nagari based on the agreement that agreed, namely the Giyanti agreement on February 13, 1755, which was signed by the Prince of Mangkubumi and the governor of the Netherlands, Nicholas Hartingh. Prince mangkubumi who has the title of Sultan Hamengkubuwono I, who is the recipient of the land surrender called the Ngayogyakarta Hadiningrat State. As a landowner, the prince Mangkubumi gets the right to obtain the full yield from the land..

Sultanate and Pakualaman land rights decreased or decreased because since the Sultan Hamengkubuwono II until the completion of the Diponegoro war the Mataram government was in an unstable situation. This caused the lands in Mataram region to still be owned by the Sultan but had been opened to the general public, including for rent to foreign companies or the Dutch government. After independence, of the land in Manco Negari, which was leased apart from the Sultan's rights, the Sultanate and Pakualaman only had land rights with Rijksblad in 1918, which declared as the property of Sultan until now.

The philosophical aspects as the basis for the management and utilization of the Sultanate and Pakualaman land are as follows:

- a. *Hamemayu Hayuning Bawana* is the rights and obligations of citizens to protect, maintain and maintain world safety by not prioritizing their interests and prioritizing work.
- b. *Sangkan Paraning Dumadi* is an understanding of the origin of human creation and the purpose of human nature, and this is inseparable from Islamic values.

- c. *Manunggaling Kawula Lan Gusti* is the principle of leadership that is humanism and democratic, which is based on the benefit of the wider community.
- d. The throne for the people is power togetherness for the benefit of the wider community..

## 2. Bulkhead Land Special Region of Yogyakarta

DIY land has been regulated through the statutory legislation of article 7 paragraph (2), where the Sultanate and the Pakualaman of the Pakualaman are legal subjects to land ownership. Besides, the Sultanate is also given the authority to be able to manage private land and not private land in DIY. In this case, all forms of management, use of private land, all types of business, social, legal and others have been regulated through Article 33 Paragraph (4) of the Privileges Law. Special Autonomy makes this area has rights to land management where the DIY has four boundaries divided into Sultan Ground (SG) land, Pakualaman Ground (PG) land, Village land and Land of the Special Region of Yogyakarta.

Sultan Ground Land (SG) is land owned by Yogyakarta Sultanate, that land is kebrabon land and non-kebrabon land that is found in all DIY, the same as Pakualaman land which includes kebrabon and non-kebrabon land. Kebrabon Land is land used for palace buildings and accessories, such as Pesisir Selatan, Panggung Krpyak, Alun-alun Selatan, Panggung Krpyak, Alun-alun Utara, Mesjid Gede, Pasar Beringharjo, Kepatihan, Tugu, dan Merapi, as well as its accessories, such as mosques, tombs, pesanggrahan, and petilasan.

Land not Kebrabon consists of 2 (two) types of land, i.e. land that is used by residents of institutions with rights (HGB, Right to Use, magersari, ngindung), as well as forests, wedi kengser, and land used by residents without legal basis. What is meant by the Paku-Alaman Ground (Pakualaman) is the Kagungan Dalem land in the Paku-Alaman

Pakualaman, which has been recognized by the DIY Community as Pakualaman land, which includes: (1) Keprabon land; is land used for palace buildings and accessories, such as self-service, mosques, cemeteries, pesangrahan and petilasan. and (2) Not Keprabon. Non-Keprabon land consists of 2 (two) types of land, namely: (1) Land used by residents/institutions with rights (magersari, protecting, use rights), as well as forests, wedi kengser; and (2) Land used by residents without legal basis.

Land in DIY is divided into several divisions which are scattered in the DIY, especially Sultan Ground land where the area is not only one point. Therefore, in this case, the land reconciliation in the Special Region of Yogyakarta is attached. To be able to map the area of Sultan Ground and Pakualaman Ground in the DIY and the land area of Sultan Ground, Pakualaman Ground, and Village Land.

Table 1  
Land recap of Yogyakarta Special Region

<b>Bulkhead</b>	<b>Luas</b>	<b>Persentase</b>
Sultan Ground and Pakualaman Ground	8000	2.511
Village Land	24746.22	7.767
DIY Land	318600	10.278

*Source: Land and Spatial Planning Office DIY*

In this case, the Sultanate Land and Pakualaman land in the Special Region of Yogyakarta are spread in all regencies and cities in Yogyakarta, as follows:

a. Yogyakarta City

At present according to the data obtained, the Sultanate and Pakualaman land in the city of Yogyakarta is 859,244

b. Bantul Regency

The distribution of Sultanate / Pakualaman land in Bantul Regency amounted to 22,767,859 while 11.57% had not been identified.



- c. Sleman Regency  
Land of the Sultanate / Pakualaman in Sleman, all (of which are recorded) the status of Sultanate land with an area of 928,338
  - d. Kulonprogo Regency  
Distribution of Kasultanan/Pakualaman land in Kulonprogo Regency according to status is 26,451,247
  - e. Gunung Kidul Regency  
Kasultanan land and Pakualaman land in Gunungkidul Regency, amounting to 402,950.
3. Land Management in DIY

DIY is included in the special regions in Indonesia which have been given the right to manage their areas. DIY has also gained recognition of the Sultanate and Pakualaman land. Related to this matter, it has been regulated in the DIY Privileges Law, which includes regulating the land issue. It is felt there is no technical guidance that explains in more depth about the Privileges of land in DIY The Minister of Agrarian Spatial Planning / National Land Agency issues professional guidelines for land management in DIY related to the management of Sulthan Ground (SG) and PakuAlaman Ground (PAG).

Sri Sultan Hamengkubuwono X as the Governor of DIY added that in this regard, he said that this technical guide was a procedure and the way the community how to register SG and PAG. So, it can be utilized by the community. Sultan Hamengkubuwono also added that SG and PAG which had not been certified were targeted for 2021 to be completed.

The Department of Land and Spatial Planning of DIY has administered the Sultan Ground and Ground Pakualaman following Law No.13 / 2012 concerning DIY features. Based on Special Local Act CHAPTER I article I, Sultanate land is land which is owned by the Sultanate which consists of two categories namely Kaprabon land and land not

Keprabon or Dede Keprabon which are spread in the regency/city area in the DIY region. Likewise, with Pakualaman Ground or Pakualaman Land is land owned by the Pakualaman, which includes Keprabon land and non-Keprabon land, which is also in the DIY area. Some important things are also the Management and utilization of Sultan Ground and Ground Pakualaman based on Recognition of the rights of origin, the effectiveness of government and the utilization of local wisdom.

The management of the Sultan Ground and Pakualaman Ground also does not forget the principle of local wisdom, with the aim of people's welfare, justice, following law and order and not forgetting transparency. Management of the Sultanate Land and the Pakualaman Land aims to preserve the culture and continue the rules of the kingdom to maintain ancestral regulations and also seeks to prosper the community.

The management of the Sultan Ground and the Pakualaman Ground consists of administration which is regulated in detail and involves legal regulations in it and the authorities also carry out maintenance of documents and conduct supervision. And its use is for the protection, use and release of the land itself. The Sultanate and the Pakualaman have themselves been established in legal entities by law.

Land management which is divided into two previously mentioned, namely Keprabon Land and Non-Keprabon Land or Dede Keprabon located in all regions in DIY. The land referred to as Keprabon land-based on article 6 a PERDAIS is Land from the Sultanate and Pakualaman Land which is used for buildings, The palace and its equipment, including karaton, Lor Alun-alun, Alun-alun Kidul, white palette, Tamansari, Benteng, Jagang, krapyak stage, Beringharjo Market, Kepatihan Apart from that, the tombs and mosques of Dalem scattered in DIY are also the land of Keprabon .

Land that is not Keprabon or Dede Keprabon is a village land originating from the Sultanate and the Pakualaman with the right of

Anggaduh or production sharing rights, and this land is land used by the community or institutions that have had a Kancingan, land that is used by the community or institutions but does not yet have a concern and land that has not been used at all.

This confusion itself means leasing means that the Sultanate invited if there was anyone who wanted to use the land at a little cost, the old regulation formula ( $1.5\% \times \text{NJOP} \times \text{land area}$ ). As a concrete example, after the calculation, the tenant pays 1.5 million for ten years. This provision applies to all people of Yogyakarta and who have a Yogyakarta KTP, if migrants or communities from outside the area use the transitional provisions, meaning to buy again or rent from the original tenant of Jogja or be transferred.

Administration of the Sultan Ground and PakuAlaman Ground is the authority of the Sultanate and Pakualaman. Includes Inventory, Identification, verification, mapping and registration. This inventory itself takes the form of recording and collecting documents to the Sultan Ground and PakuAlaman Ground itself, through sources by tracing data from the village map, then raising the data from books and model certificates, then determining location, estimating land area, and collecting user data or who manages the land. And this inventory can be obtained from the village government, the land agency, the district government, the Sultanate, the Pakualaman, letters and witnesses who produced preliminary data from the Sultan Ground and PakuAlaman Ground.

After obtaining the initial data of the Sultanate Land and the Pakualaman Land, identification is continued by matching the data with the real conditions. The match data is in the form of juridical data and real data. Regarding verification, they were matching the object's land with the user who is the subject of the Sultan Ground and Ground Pakualaman by knowing physical data such as location, boundaries, area and type of land,

the presence or absence of buildings, the origin of the acquisition of land. The results of the verification are used as material for mapping in areas of Sultan Ground and PakuAlaman Ground.

Furthermore, for the management of land registration submitted by the Sultanate and the Pakualaman to the land agency in the jurisdiction where it is located. For land registrations carried out by other parties must obtain written approval from the Sultanate and the Pakualaman. And the registration in question must be following the laws and regulations.

Furthermore, for village land, all village land management is regulated by the village administration. Since the Sultanate land has granted 1918 village land with title rights or sharing rights. But, the results of village land that manages and regulates it is the village government that the palace does not get anything, but at least there is an acknowledgement that the land is from the Sultanate or Pakualaman land. Decision letter or commonly called "Fiber of Oblivion" about the Sultanate giving land rights to the government the village, the confusion itself is in the form of Magersari, Ngindung, Anganggo, and Anggaduh. Besides, village heads and village officials also receive income or additional income that is part of village land. The division of the territory is the Pakualaman of the region of Kulon Progo which has four sub-districts for Sultan's ground throughout Yogyakarta.

The regional government in carrying out its duties and authority facilitates all related to the management and utilization of the Sultan Ground and PakuAlaman Ground (Kasultanan Land and Pakualaman Land). Regional Government Facilitation in this matter helps in the inventory, identification, verification, mapping and registration activities. Responsible for providing facilities and infrastructure for the care and maintenance of documents, as well as organizing for monitoring of the use of the Sultanate Land and Pakualaman Land that is not following the fibre of fish. And also the Regional Government handles if there are disputes over the Sultanate

Land and the Pakualaman. The local government also prepares materials for things that can be considered regarding the technical use permit of the land and the activities of the Sultanate Land and Pakualaman Land collection.

District and City Governments also play a role in the management and use of land, including:

- a. Publish recommendations for suitability of the use of the Sultanate Land and the Pakualaman Land with the Spatial Plan.
- b. Examining application documents for the use of the Sultanate Land or the Pakualaman Land.
- c. Issue recommendations for applications for the use of Sultanate Land or Pakualaman Land.

The village government also has a role in the management and utilization of the Sultanate Land and the Pakualaman Land itself, which is as follows:

- a. Provides data on Sultanate Land and Pakualaman Land for land management and use.
- b. Record every legal treatment that occurs.
- c. Issued a certificate of land status.
- d. Helps to file land registrations.
- e. Designate boundaries of land

In the management of Sultan Ground and PakuAlaman Ground if there is a dispute between the Sultanate / Pakualaman and the Community / Institution, then it can be resolved by deliberation and consensus and facilitated by the Regional Government. The management and utilization of the Sultan Ground and PakuAlaman Ground are promoted, and the State Budget and DIY Budget bear the costs. In the control of Village Land in other provisions village land is regulated by the village government. The village land that is meant by village treasury land, Pelungguh, Pengarem-

area and land of public interest. Management and utilization of Village Land have authority based on ownership rights.

The right of Anggadun which results in the use of Land by the community and all settlement regarding village land is granted permission from the Sultanate and the Pakualaman. In management, there are also transitional provisions, namely that before the enactment of PERDAIS for those who already have a degree from the Sultanate, they can continue to use it following the requirements of the law. The decree Land that already has a certificate with the status of the right to use must adjust the status of the right to use the Kasultanan Land or Pakualaman Land based on the Special Regulation.

From this matter, land management in DIY has been arranged clearly and in detail for instructions and technical requirements following the Special Regulation. It is hoped that the management of the Land will not cause problems. The regulations will be significantly facilitated for the people of Yogyakarta because the rule is a form to protect DIY Land so it will not be taken over who dominates from outside the DIY community and prioritizes the DIY community in particular to have their land rights.

#### 4. The process of land ownership for non-native residents in DIY

DIY experiences many problems in terms of land where many non-native citizens feel discriminated against in terms of society especially the Chinese community; this is based on differences in land ownership in the Special Region of Yogyakarta in the sense that non-indigenous people feel they do not get the opportunity to own land privately in DIY, where Chinese descendants even though Indonesian citizens do not obtain ownership rights to land within the DIY territory.

Therefore, some communities take the fight, some use non-legal channels as follows:

##### a. Legal way

- 1) Non-native descendants can submit to the state administrative court, if they are rejected, they can file a lawsuit up to the Supreme Court (MA).
  - 2) A descendant of a foreign country can file a lawsuit and can send a letter of complaint to the President, but in particular, who was asked by Willie S, this letter did not get a direct response from the President because it did not contain full discrimination.
  - 3) As ethnic groups who feel discriminated against, plaintiffs can submit letters to the national human rights commission, which will later have discussions with the court and ethnic Chinese.
- b. Non-legal channels
- 1) Borrowing Names, which will be made by Chinese citizens with indigenous people through agreements made by both parties, deals on work that is not following the law and will cause problems when one of the two parties dies.
  - 2) This method has the same risk as borrowing names, where the second way is to act as an intermediary, where the agreement is made only verbally and in writing

## CONCLUSION

Land management in DIY has been arranged clearly and in detail for instructions and technical requirements following special regional regulations. The regulation is a form to protect DIY land so that it is not taken over who dominates from outside the DIY community and prioritizes the DIY community, in particular, having rights to their land. Land management which is divided into two previously mentioned, namely Keprabon Land and Non-Keprabon Land or Dede Keprabon which are found in all regions in DIY. The Sultanate and the Duchy of Pakualaman are legal subjects for land ownership in DIY. Besides, the Sultanate is also given the authority to manage the land of Keprabon and non-Keprabon land in DIY. In this case, all forms of management, use of private land, all kinds of business, social,

legal and others have been regulated through Article 33 Paragraph (4) of the Privileges Law. Special Autonomy makes this area has rights to land management where DIY has four restrictions divided into Sultan Grown (SG) land, Pakualaman Grown land (PG), village land and DIY land. The granting of authority over the use of Sultanate land and duchy land is carried out following applicable legal provisions, namely according to customary law.

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