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Agrarian Legal Politics of the Special Region of Yogyakarta in the Indonesian Legal System A Study on Law No 13 of 2012

Jamaluddin Mahasari[1].
[1]Universitas Tjut Nyak Dhien, Medan, Indonesia, jamaluddin.mahasari@yahoo.com.

Corresponding Author: jamaluddin.mahasari@yahoo.com[1]

Abstract: This study examines agrarian legal politics in the Special Region of Yogyakarta (DIY) within the Indonesian legal system, focusing on Law Number 13 of 2012 on the Special Status of DIY. The research analyzes the dynamics of agrarian law in DIY, which is unique due to the coexistence of two legal systems: the national law based on the Basic Agrarian Law (UUPA) and the traditional royal agrarian system. The comparison between agrarian legal politics in DIY and national policies reveals significant differences in land law implementation, particularly in the aspects of land inventory, certification, and the legal status of Sultanate and Kadipaten (Duchy) lands. The main challenges identified include the lack of adequate baseline data, community land ownership without legal certainty, and regulatory inconsistencies regarding the management of village land and Sultanate/Duchy lands. Additionally, the disharmony between national agrarian policies and the agrarian legal politics of DIY poses further challenges, especially regarding land ownership and land-use rights for non-indigenous Indonesian citizens. This study recommends a reconstruction of agrarian legal policies at both the national and DIY levels through the revision of regulations such as Law Number 13 of 2012, Government Regulation Number 38 of 1963, and Government Regulation Number 24 of 1997. A more equitable and harmonized approach to the agrarian legal system is essential to ensure legal certainty, social welfare, and alignment between national policies and the special status of DIY.

Keyword: Agrarian Legal Politics, Special Status of DIY, Sultanate Land, Duchy Land, Land Regulation.

INTRODUCTION

The preamble to the 1945 Constitution (1945 Constitution) in the fourth paragraph states that one of the goals of the independence of the Unitary State of the Republic of Indonesia (NKRI) is to form a state government that protects the entire Indonesian nation and all Indonesian bloodshed (Santoso, 2013). Indonesia's bloodshed is related to the sovereign territory of the Republic of Indonesia which consists of three main elements, namely land (land), water (sea, river, and others), and space. The embodiment of the noble message in the fourth paragraph of the Preamble to the 1945 Constitution is then described in Article 33 paragraph (3) of the 1945 Constitution which states that the earth, water, and wealth contained

in it are controlled by the state and used for the greatest prosperity of the people (Elli Ruslin, 2012). In the order of the Indonesian legal system, each element of sovereignty is regulated in the Law, one of which is Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles or better known as the Basic Agrarian Law (UUPA) (Wangi et al., 2023).

The explanation of the UUPA emphasizes that the earth, water, and space within the territory of the Republic of Indonesia are not the rights of the owners alone, but are the rights of the entire Indonesian nation (Sulistio, 2020). Thus, lands in certain areas or islands are not only the rights of the indigenous people of that area, but are part of common ownership. The right of the Indonesian nation in land ownership has two elements, namely the element of common ownership which is civil but not in the sense of juridical ownership as stipulated in Article 1 paragraph (1) of the UUPA, and the element of public authority to regulate and lead the control and use of jointly owned land (Sari, 2020). In Article 2 paragraph (1) of the UUPA, the state is referred to as the power organization of all Indonesian people who are responsible for protecting the homeland and promoting general welfare (Arba, 2021).

State control over land in the entire territory of the Republic of Indonesia is sourced from the Rights of the Indonesian Nation as mentioned in Article 2 paragraph (2) of the UUPA which includes the authority to regulate and organize the designation, use, supply, and maintenance of the earth, water, and space; determining and regulating the legal relationship between individuals and the earth, water, and space; and regulates legal relationships between individuals and legal actions related to these three elements. With the details of the authority regulated in Article 2 of the UUPA, the authentic interpretation of the right to control the state is affirmed as a purely public legal relationship, so that there is no other interpretation related to the meaning of "controlled" in Article 33 of the 1945 Constitution (Triningsih & Aditya, 2019).

The above normative description indicates that the politics of agrarian law in land management initially applied a centralistic system, where authority was fully in the hands of the central government (Davidson et al., 2010). However, the implementation of the unified national agrarian system did not run easily, as seen in the phenomenon that occurred in the Special Region of Yogyakarta (DIY). The issue of agrarian law in Yogyakarta has its own uniqueness in the national agrarian political landscape, because in this region there are still two legal systems at once, namely national law as regulated in the UUPA and royal law which still exists today. This dualism of agrarian law causes land in Yogyakarta to be divided into several categories, namely national land, population land, Sultan Land (Sultan Ground), and Pakualaman Land (Pakualaman Ground) (Muhsin et al., 2019).

The difference in land status is rooted in Article 18 of the 1945 Constitution which recognizes the privileged status of certain regions before the establishment of the Republic of Indonesia (Widodo, 2011). This provision provides a legal basis for kingdom-based land to have privileges in the national agrarian system. The case of Yogyakarta is interesting because this region still maintains a kingdom-based land arrangement when other regions that were previously royal status have been integrated into the national agrarian system. The kingdom's customary rights to land are still recognized as a form of recognition of the privileged status of Yogyakarta (Jati, n.d.).

De facto, DIY was formed in the revolutionary scene between September 5, 1945 and May 18, 1946 (Sarjita, 2020), while de jure, DIY is recognized as a special region through Law Number 3 of 1950 which was passed on March 3, 1950. Article 4 paragraph (1) of the Law emphasizes that DIY household affairs include agrarian aspects. As a follow-up, Yogyakarta Regional Regulation No. 5 of 1954 concerning Land Rights in Yogyakarta was issued to fill the legal void while waiting for the formation of a national land law. R. Ay. Sri Retno Kusumo Dhewi argued that since April 1, 1984, there has been legal dualism in the field of land in Yogyakarta. Law Number 3 of 1950 still recognizes rijksblad and regional regulations, but with the full enactment of the UUPA and its implementation rules, the agrarian authority that was

previously autonomous has turned into deconcentration, causing various local agrarian regulations in Yogyakarta to no longer apply.

In the royal land system before the agrarian reorganization, the land laws in the Sultanates of Yogyakarta and Surakarta stated that the ownership of all land was in the hands of the king (Soedarisman, 1984). The people are only given the right to anggadhuh or land loans from the king from generation to generation. The land that was directly controlled by the king was called the land of aosan/pamahosan dalem (land of the land of the palace in Surakarta). In addition, there is kejawean land or lungguh/gaduhan land (apanage), which is land used to ensure the needs of the king's family or to pay courtiers. The rights and obligations over the land have been regulated in a compliant system since 1863 (Mertokusumo, 2007).

The polemic of agrarian politics in Yogyakarta and its compatibility with national agrarian politics is still ongoing today, as seen in the ratification of Law Number 13 of 2012 concerning the Privileges of Yogyakarta (Muhammad Haidar, 2020). Article 7 paragraph (2) letter d of the Law states that land is one of the authorities in the affairs of DIY privileges. This shows the existence of political influence in agrarian policy in Yogyakarta, considering that the Law is a legal product born from political negotiations of stakeholdersThe Preamble to the 1945 Constitution (1945 Constitution) in the fourth paragraph states that one of the goals of the independence of the Unitary State of the Republic of Indonesia (NKRI) is to form a state government that protects the entire Indonesian nation and all Indonesian bloodshed. Indonesia's bloodshed is related to the sovereign territory of the Republic of Indonesia which consists of three main elements, namely land (land), water (sea, river, and others), and space. The embodiment of the noble message in the fourth paragraph of the Preamble to the 1945 Constitution is then described in Article 33 paragraph (3) of the 1945 Constitution which states that the earth, water, and wealth contained in it are controlled by the state and used for the greatest prosperity of the people. In the order of the Indonesian legal system, each element of sovereignty is regulated in the Law, one of which is Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles or better known as the Basic Agrarian Law (UUPA).

The UUPA (Basic Agrarian Law) emphasizes that land, water, and space in Indonesia belong to the entire nation, not just individual owners. The state holds public authority over land control and use, as outlined in Article 2 of the UUPA, which gives the government the responsibility to regulate and manage these resources for the public good. This centralization of authority over land is intended to protect the homeland and promote general welfare. However, the application of this agrarian law faces challenges, particularly in Yogyakarta, where dual legal systems exist: national law (UUPA) and royal law. This duality has led to the categorization of land in Yogyakarta into national land, population land, Sultan Land, and Pakualaman Land, creating complexity in land management and legal interpretation.

The difference in land status is rooted in Article 18 of the 1945 Constitution which recognizes the privileged status of certain regions before the establishment of the Republic of Indonesia. This provision provides a legal basis for kingdom-based land to have privileges in the national agrarian system. The case of Yogyakarta is interesting because this region still maintains a kingdom-based land arrangement when other regions that were previously royal status have been integrated into the national agrarian system. The kingdom's customary rights to land are still recognized as a form of recognition of the privileged status of Yogyakarta.

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This research focuses on the politics of agrarian law within the context of DIY privileges, specifically examining the land laws outlined in Law Number 13 of 2012. The study addresses three main aspects: the politics of DIY agrarian law in relation to Indonesian law, the challenges in implementing these laws, and potential solutions for reconciling the agrarian law of DIY with national agrarian policies. The research aims to understand the impact of these regulations, identify implementation issues, and propose ideas for the political reconstruction of agrarian law in both DIY and the broader Indonesian legal system.

METHOD

Research Specifications

This research is doctrinal and non-doctrinal research. As a doctrinal research, this research is prescriptive. The prescriptive in this study can be interpreted that this study is normatively reviewed, which is expected to provide clues to the substance of the research. As a non-doctrinal research, this research is descriptive. Descriptive can be interpreted as describing what the data obtained is in detail and thoroughly related to the substance of the research (Muhdal, 2012).

Research Approach

This type of research uses doctrinal and non-doctrinal approaches. The doctrinal approach used in this study is the legislative approach (Statue Approach) and the conceptual approach (Conceptual Approach). The non-doctrinal approach is a type of social legal research. This type of research is social legal research, which is by examining or analyzing primary data and secondary data in the form of secondary legal materials by understanding the law as a set of regulations or positive norms in the legal system that regulates human life (Hadisuprapto, 2006).

With a combination of both research approach methods, namely doctrinal and non-doctrinal, this research is expected to provide a comprehensive picture related to the substance of the research. To examine the first problem in this study, which is related to regulations, the doctrinal approach is used. Then to study the implementation, a non-doctrinal approach is used. Meanwhile, to obtain the reconstruction as intended and objective in the third problem, a combination of doctrinal and non-doctrinal approaches will be used.

Data Source

The data sources in this study are primary data and secondary data.

Data primer

The primary data used in this study is in the form of interview data. An interview is to give questions that have been made to the informant.

Data seconds

The secondary data in this study consists of:

1) Primary legal materials are binding legal materials, and consist of basic norms or rules, basic regulations, laws and regulations such as laws, government regulations, presidential decrees, ministerial decrees and equivalent regulations, uncodified legal materials, jurisprudence.
2) Secondary legal materials are legal materials that provide explanations about primary legal materials, such as draft laws, research results, works by legal experts, and books.
3) Tertiary legal materials are legal materials that provide clues and explanations for primary and secondary legal materials such as dictionaries, encyclopedias, cumulative indexes and so on (Sarwono et al., 1998).

Research on the Agrarian Law Politics of the Special Region of Yogyakarta in the Indonesian Legal System (Study of Law number 13 of 2012 concerning the Special Region of Yogyakarta), is essentially a type of sociological legal research. This type of sociological legal research is carried out by examining secondary data obtained from literature studies and primary data, namely data obtained directly (Atikah, 2022). The primary data was obtained from the Yogyakarta Government, the Yogyakarta Palace and other related parties.

Data Collection Method

To obtain primary data in this study, interviews were conducted. The interview was conducted by first making a list of questions (interview guide) that are relevant to the substance of the research and then asked directly to the informant. The interview method in this study is freely guided. This method is used to reduce the rigidity of both parties in the interview process so that it is hoped that more accurate data will be obtained. In the free guided interview, the element of freedom is still maintained so that fairness can be achieved to the maximum (Soekanto, 2006). The data collection method to obtain secondary data is carried out by literature study and document study of primary, secondary and tertiary legal materials (Winarni, 2022).

Data Analysis

The last step in conducting research is data analysis. Analysis can be formulated as a process of systematically and consistently decomposing certain symptoms (Soekanto, 1977). Systematic decomposition of symptoms or data that has been obtained both through literature and interview approaches in this study will be carried out by means of syllogism and analytical descriptive. The method of syllogism is used as a way of data analysis because this research is a doctrinal research. The syllogism in this study can be interpreted that the analysis used is by thinking or drawing conclusions consisting of general premise, special premise, and conclusion (Ani Purwati et al., 2020).

Then, besides this research is doctrinal research, this research is also a non-doctrinal research. As described above, as a non-doctrinal research, this research is descriptive. As a descriptive research, data analysis is used in an analytical way, so the data analysis method is called an analytical descriptive method. Analytical descriptive is research that in addition to providing a detailed description, writing and reporting an object or event will also draw general conclusions from the problem discussed. Of the two methods of data analysis above, both use the same method in their writing, namely the deductive method. The deductive method is to draw conclusions from things that are general or to look for specificities from things that are initially general and broad.

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RESULTS AND DISCUSSION

The Speciality of the Special Region of Yogyakarta is an interesting thing and seems to never run out of to be discussed and studied. The ups and downs regarding this "privilege", after going through the dynamic political dynamics of the government, were finally accommodated in a law and regulation, namely Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta.

Since the issuance of Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta, within a period of 3 years, namely 2012-2015, policies related to privileges in the land sector have been taken. Policies that have been taken include: Inventory and Registration of Land Rights (Certification) of Sultanate and Duchy lands

Inventory of Sultanate Land and Duchy Land

Inventory activities for Sultanate and Duchy lands began in 2013, following the enactment of Law Number 13 of 2012 concerning the Special Region of Yogyakarta. Articles 32 and 33 of the law grant the Sultanate and Duchy authority to manage both keprabon and non-keprabon lands across the entire region. This management must begin with reliable land data, as regulated in Perdais Number 1 of 2017. Articles 9 and 10 of Perdais explicitly state that inventory is a key component of land management, serving as the foundation for a land database used in further registration and utilization processes.

The inventory is financed through Special Funds provided specifically for the exercise of Yogyakarta's special privileges, as stated in Article 42 of Law 13/2012. Among the five areas of special authority, land affairs are included, with the inventory of Sultanate and Duchy lands being a primary activity. Since 2013, this inventory has been conducted annually, with dedicated Special Fund allocations supporting its implementation.

Table 1. Special Fund Allocation for Sultanate Land Inventory Activities and Duchy Land

No.	Year	Total Budget (Rp.)
1.	2013	600.000.000,-
2.	2014	2.000.000.000,-
3.	2015	2.603.920.000,-

This inventory activity is not easy to implement. Various problems occurred in its implementation. These problems include:

Inadequate Initial Database

Lack of adequate rights

Based on the results of interviews with employees of the Sleman Regency Land Office and the Sleman Regency Land and Spatial Planning Office, information was obtained that the lands of the Sultanate and Duchy do not all have a written right basis that can be used as proof of ownership. Unlike in other former royal territories in Indonesia. Where some of them, the King or Sultan issues a Grant Sultan as proof of ownership of land rights to a person. For Yogyakarta, the Sultan and Paku Alam as the rulers did not issue land deeds to their people.

As the owner of the land of the Sultanate and the Duchy, the Sultanate and Duchy only based on the registration in the Registrar. Panitikismo is a customary institution under the Sultanate and Duchy that takes care of the recording of the lands of the Sultanate and Duchy used by the people. People who use land owned by the Sultanate and Duchy submit an application for borrowing to the palace through a committee. By the Pengirit (the recording

officer at the panitikimo institution), the application will be followed up with the application for permission to the Head of the committee, namely the Pengageng Kawedanan Ageng Wahono Sarto Kriyo of the Yogyakarta Palace, KGPH Hadiwinoto. If the permission is granted, the button fibers will be issued which are valid for 10 years and can be extended. For the people whose permits are issued, there is an obligation to pay pisungsung or calendar, which is a kind of tax to the Palace which amounts between Rp. 150,000 to Rp. 250,000 every year. If they pay late, the people are not subject to a fine, but for the extension process after 10 years have expired, they must pay off the previously outstanding obligations. So, as long as it is in the list of Registrar's records, it can be ascertained that it includes the land of the Sultanate or Duchy.

During inventory activities, the role of the Village Head and Village Head is very important. Through the Village Head and Village Head, information was obtained about lands whose status was recognized by the community as land belonging to the Sultanate and Duchy. The basis of rights to the lands of the Sultanate and Duchy is more of a recognition from the people. Seeing a phenomenon like this, it is likely that the validity of juridical data is very weak legally. It is very possible that there is a land of the Sultanate and Duchy that is not recorded in the Registrar, then it is controlled by the community and is not recognized as the land of the Sultanate or Duchy, so it is not included in the inventory of the land of the Sultanate and Duchy. As a result of this inventory activity, in terms of juridical administration, the land of the Sultanate and Duchy that does not have a basis of rights will get legitimacy as the land of the Sultanate and Duchy based on recognition from the community. The data obtained is then a complement to the data on land users/uses in the Registry.

Unavailability of maps of Sultanate and Duchy lands

In addition to the basis of rights, the land inventory of the Sultanate and Duchy also experienced obstacles due to the lack of adequate maps. The lack of adequate maps makes it difficult to determine which land is included in the Sultanate and Duchy land and which is not. According to information from one of the employees of the Governance Bureau of the Yogyakarta Provincial Government, there is a map of Dutch heritage that is currently in use. However, the map is not a map that shows information on the location of the lands of the Sultanate and Duchy. Meanwhile, based on the results of the search in the village/sub-district, the maps in the village/sub-district (Village Map) also do not contain information on the location of the palace and Kadipaten lands. Thus, even though there is a map, it still cannot provide detailed and accurate information about the existence or location of the lands of the Sultanate and Duchy. This was also confirmed during an interview with an employee at the Sleman Regency Land office.

The boundary designator from the Sultanate and the Duchy cannot indicate the boundary between the Sultanate and the Duchy Land.

The lands of the Sultanate and the Duchy that are recorded in the committee's data have relatively good land administration. However, most of the other lands are poorly documented, and proof of ownership is often based solely on community acknowledgment. The lack of written evidence and accurate maps makes it difficult to identify land boundaries in the field. As a result, the demarcation of Sultanate and Duchy lands heavily relies on oral information from village heads and surrounding communities.

This issue needs to be examined through the lens of justice, particularly considering that the majority of Yogyakarta's population is Muslim. In Islamic law, the concept of justice is elaborated through the terms 'adl (equality), qist (fair portion), and mizan (balance or scale). Justice according to the Qur'an does not discriminate based on social status, religion, or ethnicity, and it guarantees equal legal protection and ownership rights for all individuals.

In the context of the Sultanate and Duchy land inventory, limited initial data hinders the validation of ownership claims. Many land occupations by the community are not necessarily

legitimate, and both the Sultanate and the Duchy often struggle to provide evidence of their land boundaries. The values of justice in Islamic legal philosophy offer a relevant foundation: equal ownership rights (‘adl), fair recognition of ownership claims (qist), and objective measures in dispute resolution (mizan). Justice can only be realized if both parties are able to present valid evidence whether administrative, physical, or testimonial so that any legal resolution is based on an equitable and acceptable standard for all parties involved.

Registration of Land Rights (Certification) of Sultanate Land and Duchy Land

Land inventory activities for the Sultanate and Duchy are followed by land rights registration, as mandated by Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta. Articles 32 (1)–(3) affirm the legal entity status of both the Sultanate and the Duchy, granting them ownership rights over their respective lands.

Perdais Number 1 of 2017 further regulates the land registration process, stating in Article 14 that the Sultanate and Duchy must submit registration applications to the local land institutions within their respective jurisdictions. This process is funded by Special Funds as stipulated in Article 42 of Law 13/2012, provided in addition to the regional APBD budget and allocated through the Provincial Budget of Yogyakarta.

Registration results in the issuance of ownership certificates (Sertifikat Hak Milik) for Sultanate (SG) and Duchy (PAG) lands. These activities are coordinated by the Yogyakarta Provincial Government in collaboration with local governments and land offices under the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN DIY). Implementation and fund allocation have been carried out annually since 2013.

Table 2. Allocation of Special Funds for Sultanate Land Registration Activities and Duchy Land

No.	Year	Total Budget (Rp.)
1.	2013	1.400.000.000,-
2.	2014	7.700.000.000,-
3.	2015	3.998.051.000,-

In its implementation, there are several problems faced, including:

Inadequate Initial Data

The application is not accompanied by sufficient grounds of entitlement

Based on data obtained from the Sleman Regency Land Office, the application submitted by the Applicant, namely the Sultanate and Duchy in collaboration with the Provincial Government, is not equipped with adequate rights bases. The application only conveys the number and location of the Regency/City and its Village/Village area. This amount generally adjusts to the budget allocation in the Special Fund that has been determined. The basis of rights is generally only made later to adjust and complete the application file. This is in accordance with the fact that many of the lands of the Sultanate and Duchy are not well recorded in the committee. So that the existence of the right base is also not properly administered.

Unclear location of the land applied for

The application submitted to the Land Office for the registration of Sultanate and Duchy land is also not equipped with the clarity of the location of the land in question. The applicant (Sultanate and Duchy) in its implementation will coordinate with the Head of Village/Lurah to

then determine the land plots that can be applied for land registration to the local Land Office. The locations that the applicant ultimately indicated to the surveying officer of the local Land Office are the following land parcels:

1) Land plots recorded in the committee;
2) Land parcels that have no dispute with other parties;
3) Land parcels recognized by the community as Sultanate and Duchy land.

The land parcel shown by the applicant is a land parcel that is directly controlled or controlled by another party with a borrow-and-use status (magersari). In general, land plots with magersari status are used by the people for social life, such as: residential houses, farming places, business places, etc. Regarding the land plot appointed by the applicant, but there are still objections from other parties, the Land Office has not been able to serve the measurement and registration of the land.

Unavailability of basemaps

One of the obstacles to land services in almost all Land Offices is the availability of a base map as an initial working map of the measurement process in land registration services. In the implementation of land registration of the Sultanate and Duchy, this obstacle is also experienced. The Regency/City Land Office within the Regional Office of ATR/BPN DIY does not have a valid base map as a special reference related to the location of the Sultanate and Duchy lands. The existing maps cannot provide a definite and detailed picture of the existence of the location of the Sultanate and Duchy lands.

Then, in the Sultanate and Duchy, there is also no accurate map of the location of the poi of the lands it owns. The administration in the Sultanate and Duchy, namely in the bureaucratic institution, is more administrative with records and is not equipped with comprehensive mapping. The unavailability of this base map causes the implementation of land registration activities of the Sultanate and Duchy to be hampered. The identification carried out on the location of the Sultanate and Duchy land position finally relied on information from the Village Head/Lurah and the community. Meanwhile, the Sultanate and Duchy as the applicant did not accurately know the position of the land.

The applicant cannot show the boundary definitively

The extent of the Sultanate and Duchy land area (SG/PAG) remains unclear, as there are no available basic maps or rights documentation. Landowners involved in land registration often do not know the exact location or boundaries of their land. The Sultanate and Duchy rely on village heads and local communities to designate boundaries, but this is hindered by poor historical land administration, with incomplete records.

The land registration process faces difficulties due to these issues, and the values of justice, as outlined in Pancasila, are compromised. According to legal theory, justice means giving everyone their full rights without excess or deficiency, which becomes challenging when the land data is incomplete. The inability to definitively determine land boundaries further undermines the fair administration of land rights, making it impossible to fulfill the value of justice in this context.

Determination of Land Rights

Next is the problem of determining the right to land in the process of registering the land of the sultanate and the Duchy. Problems in the process of determining land rights are basically divided into 2 (two), namely: Problems of Pre-Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta; and Problems After Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta. The problems that occur will be described as follows:

Problems of Pre-Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta.

Prior to the enactment of Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta, discriminatory land policies were already in place. One of the most notable was the 1975 Instruction of the Head of the Yogyakarta Special Region (No. K.898/I/A/1975), which prohibited non-indigenous Indonesian citizens from holding land ownership titles in the region. This policy mandated that land purchased by non-indigenous individuals must revert to state land, to be reassigned only through approval by the Governor. This stance was reaffirmed through various official letters issued between 2000 and 2012 by regional and land office authorities.

Such policies contradict constitutional guarantees of equality, particularly Article 26(1) and Article 28H(2) of the 1945 Constitution, which affirm equal rights and protections for all Indonesian citizens. Komnas HAM (Indonesia's National Commission on Human Rights) echoed this concern in its 2014 recommendation urging the Governor of Yogyakarta to revoke the 1975 instruction.

Moreover, the legal distinction between "indigenous" and "non-indigenous" citizens is not recognized in the current legal framework. Laws such as the Citizenship Act (Law No. 12 of 2006) and the Elimination of Racial and Ethnic Discrimination Act (Law No. 40 of 2008) stress equal legal treatment and the importance of pluralism, while the Basic Agrarian Law (UUPA, Law No. 5 of 1960) clearly states in Article 21(1) that all Indonesian citizens—without ethnic distinction—can own land rights. Article 9(2) further guarantees equal access to land for all citizens regardless of gender or background.

According to Sudjito, the Indonesian legal state is built upon the unity of three elements: Pancasila, national law, and the goals of the state. Justice and belief in One Almighty God, as core values of Pancasila, are fundamental in shaping legal policies. Thus, the concept of social justice—as stated in the Fifth Principle of Pancasila and reiterated in the Preamble of the 1945 Constitution—should guide land ownership policies toward fairness and inclusivity for all Indonesian citizens.

Problems After Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta.

The problem that occurred after the passage of Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta was the change in paradigm regarding the status of land in Yogyakarta. The policy maker, as well as the highest political leader of the government in Yogyakarta, the Governor (Sultan), stated on various occasions to the public that there is no longer state land in the Yogyakarta region. This means that all land in the DIY area is customary land.

Prior to the issuance of Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta, the process of determining rights in land registration activities in Yogyakarta was carried out through the granting of rights because it was considered that the DIY area was state land that was originally obtained from Dutch and British colonialism during the Independence period. However, with the change in the political agrarian law in Yogyakarta, a new opinion has emerged that the status of lands in Yogyakarta is customary land.

This opinion has actually occurred since the beginning of the integration of the Sultanate and Duchy to become part of the Republic of Indonesia. And now it is developing again with the problems that arise after the passage of Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta The following will be described regarding the two opinions:

The opinion that land in DIY is customary land

After Indonesia's independence and the departure of the Dutch and British from Yogyakarta, the political contracts between the Sultanate of Yogyakarta and the Dutch, as well as the Duchy of Paku Alaman and the British, were no longer valid. The Sultanate and Duchy then declared their integration into Indonesia through the Charter of Position issued by President Soekarno in 1945. This was formalized by the Sultan and Duke's mandates later that year, marking Yogyakarta's official integration into the Indonesian legal system.

The Special Status of Yogyakarta is based on three elements: its historical government structure, royal-based governance, and leadership by the reigning Sultan and Duke. This status is legally recognized through Law Number 13 of 2012, granting the region special authority, particularly over land affairs. In practice, the Governor of DIY issued letters in 2012 and 2013 requiring Governor approval for land rights applications, which has led to difficulties for the community in acquiring legal land ownership. This policy has conflicted with national efforts to streamline land rights processing, as outlined in a 2015 national circular.

The conflict between local and national policies reflects a divergence in legal substance, as described by Lawrence M. Friedman's theory, which distinguishes between written laws and living law. Lili Rasjidi's theory also emphasizes the need for harmony between legal concepts and their implementation. The land rights issue in Yogyakarta underscores the need for a more progressive and community-oriented legal approach.

Cross-Sectoral Problems (Village Law)

Another problem that emerged after the enactment of Law Number 13 of 2012 on the Privileges of the Special Region of Yogyakarta was a cross-sectoral legal conflict with the Ministry of Home Affairs regarding village land assets. The core issue lies in the contradictory regulation of certified village land. The Governor of DIY issued Regulation Number 112 of 2014, which states that certified village land originating from land appointments or replacements should be transferred into Sultanate or Duchy land. This policy is reinforced by Perdais Number 1 of 2017, which mandates that certified village land with use rights be adjusted to use rights over Sultanate or Duchy land.

However, this policy contradicts Law Number 6 of 2014 on Villages, particularly Article 76, which recognizes village land as a village asset that must be certified in the name of the Village Government and returned to the village if previously taken over, unless used for public purposes. Thus, the central government grants broader access and protection to village land, contrasting with the regional policy that reclaims it under the Sultanate or Duchy.

This inconsistency reflects a deeper issue in legal substance. According to Lawrence M. Friedman, a legal system functions through three elements: structure, substance, and culture. Legal substance includes not only written law (law in the book), but also living law, or the norms practiced by society. In this case, the policies of the Yogyakarta Government appear to fulfill only the written law, while ignoring the living law upheld in village communities.

CONCLUSION

This study concludes that the national agrarian legal politics and the privileges of DIY have undergone significant changes from time to time. In the Old Order, national agrarian law was based on customary law with a democratic and participatory approach, while DIY postponed the implementation of national law with a system of sectoralization and exclusivism. The New Order implemented a more centralistic agrarian law system, while in Yogyakarta a national agrarian law was enforced with restrictions on land ownership for non-indigenous Indonesian citizens. In the Reform Order, there was a reform of agrarian law that was more decentralized, while DIY began to adopt a cultural democratic system. After Law Number 13 of 2012 was passed, national agrarian law became more accommodating, while DIY agrarian

law politics developed in the form of cultural constitutionalism with a semi-constitutional monarchy system.

However, the implementation of Yogyakarta's agrarian policy faces various problems, especially in the inventory and certification of Sultanate and Duchy land. The main challenges include the lack of basic data, land ownership by the community, and the unclear boundaries and grounds of land rights. To overcome this problem, this study recommends the political reconstruction of agrarian law through changes in the status of village land, revision of laws and regulations related to land registration, and revocation of the Instruction of the Head of the Special Region of Yogyakarta Number K.898/I/A/1975.

As a strategic step, it is necessary to reform agrarian law policies that integrate the privileges of DIY in the national legal system, including the revision of Law Number 13 of 2012, Government Regulation Number 38 of 1963, Government Regulation Number 24 of 1997, and Perdais Number 1 of 2017. In addition, the improvement of the land program is needed to ensure legal certainty, community welfare, and harmonization between national agrarian law and DIY privileges. These steps are expected to create a more inclusive, fair, and sustainable agrarian legal policy.

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