

Implementation of Village Land Utilization Policy in Bantul Regency

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ARTICLE INFO	ABSTRACT
<p>Keywords: Village Land, Village-owned Land, Inventory, Village Land Transition.</p> <p>Date logs: Received: Nov 5, 2023 Reviewed: Nov 6, 2023 Accepted: Nov 8, 2023 Published: Nov 13, 2023</p> <p>How To Cite: Khasanah, N.F., Laksamana, R., Rahmanto, N., Luthfi, A.N., Salim, M.N. (2021). Implementation of Village Land Utilization Policy in Bantul Regency. <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 3 (1), 18–37. https://doi.org/10.31292/mj.v3i1.41</p>	<p>The Special Region of Yogyakarta has experienced developments (or can also be termed as "regressions") in the enforcement of land regulation since time immemorial. A new chapter commenced following the enactment of Law No. 13 of 2012 on the Special Status of the Yogyakarta Special Region (UUK). One of the provisions in Article 7, Paragraph (2) of UUK pertains to land affairs, which, among other things, led to the issuance of the Yogyakarta Special Region Governor Regulation (Pergub) No. 34 of 2017 on Village Land Utilization. This research aims to identify the issues arising from the implementation of Pergub No. 34 of 2017 within the various institutions vested with authority in the implementation of this policy. A qualitative methodology was employed in this study, utilizing observation, interviews, and an intensive document analysis approach. Villages serve as the governing bodies directly responsible for Village-owned Land and are mandated to conduct an identification of Sultan/Pakualaman Ground for the purpose of changing its status to the ownership of the Sultan/Pakualaman. The Department of Land and Spatial Planning, acting as the facilitator for the planning and implementation of land affairs and spatial planning, subsequently carries out inventory, identification, and verification processes. Furthermore, it oversees the utilization of Village Land with the Right of <i>Anggaduh</i>. The implementation of Pergub No. 34 of 2017 on Village Land Utilization has been carried out by all relevant departments or stakeholders possessing authority and/or serving as facilitators on behalf of the Sultanate of Ngayogyakarta/Dutchy of Pakualaman.</p>

A. Introduction

Indonesia is a legal state where the constitutional processes are based on enacted regulations. Specific regulations exist in various regions in Indonesia, and one such region enjoying special status is the Yogyakarta Special Region (DIY). Several fundamental legal aspects are associated with the implementation of the mandate of the Yogyakarta Special Region Governor Regulation No. 34 of 2017 (Pergub DIY No. 34 of 2017). These aspects include: (1) Legal subjects for Right of Use, (2) Land status upon which the right of use will be granted, and (3) The issuance process in accordance with the latest applicable regulations. One fundamental legal aspect related to the enactment of the Governor Regulation of DIY No. 34 of 2017 on Village Treasury Land Utilization is the alteration of the status of Village Land from village-owned land to Sultan/Pakualaman Ground (Utami, 2019). The implementation of Pergub DIY No. 34 of 2017, in effect since 2017 and currently in use, undoubtedly

accumulates various aspects (Ruswidyaningrum & Widiastuti, 2021; Salsabilla, 2023; Yudistira & Sunarno, 2021). Challenges have arisen following the issuance of Pergub DIY No. 34 of 2017 in the various institutions vested with authority to implement this regulation. Villages, as governing bodies directly responsible for Village Land, must register the status of their rights as Sultan/Pakualaman Ground. The Department of Land and Spatial Planning, which facilitates the planning and implementation of land affairs and spatial planning, conducts inventory, identification, and verification processes (Hasim, 2016). Furthermore, the Department of Land and Spatial Planning oversees the utilization of Village Land with the Right of *Anggaduh*. The Bantul Regency Land Office, in implementing these regulations, holds the authority to register and manage Village Land with the Right of *Anggaduh*. Several stakeholders involved in regulation implementation face numerous challenges, as the identification of Village Land, now subject to the right of use, is widespread throughout the village, utilized for various economic and business purposes, and is held by diverse parties, making the process complex (Anggriani, 2017; Fahmi, 2016; Turut & Mujiburohman, 2023; Umar, 2021).

The dynamics of land regulation in Yogyakarta differ somewhat from other regions. Even though Yogyakarta once recognized and was set to implement Law No. 5 of 1960 (UUPA) as the prevailing land law, it underwent significant changes, especially since the enactment of the Special Status of Yogyakarta and its derivative regulations. This situation may be attributed to Yogyakarta's historical context, as it has a long-standing history of land management, characterized by land laws known as "Peraturan Kebekelan" (Houben, 1997; Margana, 2003). In 1918, the *Agrarische Wet* 1870 was replaced by the "Lembar Hukum Kerajaan" or *Rijksblad Kasultanan*. The Sultanate of Ngayogyakarta based its land law on *Rijksblad Kasultanan* No. 16 of 1918, while the Dutchy of Pakualaman used *Rijksblad Paku Alaman* No. 18 of 1918 (Anggraeni, 2012; Luthfi et al., 2014; Yahya & Setiawan, 2023). The Sultanate of Ngayogyakarta and the Kadipaten Pakualaman asserted their authority over land within the scope of the Yogyakarta Special Region, stating:

“sakabehe bumi kang ora ana tanda yektine kadarbe ing liya mawawa wenang Eigendom, dadi bumi kagungane Keraton Ingsun, Ngayogyakarta”. (All land that does not have ownership markings [by other parties] with ownership rights Eigendom, belongs to the Yogyakarta Palace.).

The aforementioned *Rijksblad* declarations explicitly promulgated the regulations of the Sultanate of Ngayogyakarta and the Dutchy of Pakualaman regarding land law, known as *Domein Verklaring* (State Ownership). As a result of these explicit declarations, legal consequences arise concerning the "ownership declaration," which can be understood as the birth of a legal principle necessitating the proof of land ownership with eigendom ownership (Yahya & Setiawan, 2023; Zainuddin & Ulya, 2018). Any other party unable to prove land ownership with their eigendom, then, signifies that the land is state-owned (Zainuddin & Ulya, 2018). The existence of *Domein Verklaring*

ensures the proper utilization of land and bestows legal validity upon lands that can be proven as eigendom-owned (Luthfi et al., 2014).

Rijksblad Kasultanan No. 16 of 1918 and Rijksblad Paku Alaman No. 18 of 1918 classify controlled lands into three categories with pre-determined recipients: 1. *Anggaduh* Right, intended for the village for land use; 2. *Anganggo* Right, designated for individuals or descendants; 3. The remainder is Sultan Ground/Pakualaman Ground. These three land categories possess their own administrative mechanisms defined in Rijksblad Kasultanan No. 16 of 1918 and Rijksblad Paku Alaman No. 18 of 1918. According to Article 1, Clause 2 of Yogyakarta Governor Regulation No. 34 of 2017, land associated with the Right of Use (*Anggaduh*) is utilized for managing and collecting/taking yields from Sultan/Pakualaman Ground concerning keprabon or dede keprabon land to the village for village governance, for a specified duration of use. *Anggaduh* land is recorded in the Village Ledger. Land associated with the Right of Inheritance (*Anganggo*), intended for individuals, is recorded in the Village Letter C (Abimanyu, 2022). Individuals using *Anganggo* land have an obligation to deliver the yields from their activities on the utilized land. Inventory and recording of the quantity, location, and area of Sultan/Pakualaman Ground are carried out by the traditional institution of the Ngayogyakarta Palace, known as *Panitikismo* (Wirawan, 2019).

A new phase began with the enactment of Law No. 13 of 2012 concerning the Special Status of the Yogyakarta Special Region. According to Article 7, Clause (2) of Law No. 13 of 2012, it stipulates the jurisdiction regarding special matters as stated in Clause (1), including: 1. The procedure for appointing, positions, duties, and authority of the Governor and Vice Governor; 2. The governance structure of the Yogyakarta Regional Government; 3. Culture; 4. Land affairs; and 5. Spatial planning. One point of focus within Article 7, Clause (2) of the Special Region Law is land affairs (land administration). Land administration in Yogyakarta was renewed with the issuance of Yogyakarta Governor Regulation No. 34 of 2017 on Village Land Utilization. The main thrust of this Pergub DIY is mandated in Article 11, Clauses (1) and (2) of Yogyakarta Governor Regulation No. 34 of 2017, which orders the villages to issue Right of Use Certificates for their respective Village Lands.

The detailed mechanism for granting the Right of Use is regulated in Article 49 of Government Regulation No. 18 of 2021. To ensure legal certainty in the Right of Use granting process, the parties eligible to obtain the Right of Use are also outlined in detail in the aforementioned regulation. Based on the legal regulations regarding the Right of Use and correlated with Yogyakarta Governor Regulation No. 34 of 2017 in force, village governments are categorized as government entities eligible for the Right of Use. However, Village Lands in Yogyakarta must comply with the provisions of Yogyakarta Governor Regulation No. 34 of 2017, indicating that the authority of the Governor is evident in governing all village lands in Yogyakarta, which were previously under the Right of Use certificates.

Regarding these policy changes, several fundamental legal aspects related to the implementation of the mandate of Yogyakarta Governor Regulation No. 34 of 2017 have emerged, such as: (1) Legal subjects for the Right of Use, (2) The status of the land for which the right of use will

be granted, and (3) The issuance process based on the latest applicable regulations. One fundamental aspect related to the enactment of Yogyakarta Governor Regulation No. 34 of 2017 on Village Land Utilization is the alteration of the status of Village Land from village-owned to Sultan/Pakualaman Ground.

The implementation of Yogyakarta Governor Regulation No. 34 of 2017, in effect since 2017 and still in use today, undoubtedly accumulates various aspects. Challenges have arisen following the issuance of Yogyakarta Governor Regulation No. 34 of 2017 in the various institutions vested with authority to implement this regulation. Villages, as governing bodies directly responsible for Village Land, must register the status of their rights as Sultan/Pakualaman Ground. The Department of Land and Spatial Planning, which facilitates the planning and implementation of land affairs and spatial planning, conducts inventory, identification, and verification processes. Furthermore, the Department of Land and Spatial Planning oversees the utilization of Village Land with the Right of Anggaduh. The Bantul Regency Land Office, in implementing these regulations, holds the authority to register and manage Village Land with the Right of Anggaduh.

The author's research reveals that most studies have primarily focused on the existence of Kraton Yogyakarta lands and Village Lands, while research concerning the implementation of Yogyakarta Governor Regulation No. 34 of 2017 is limited. Some studies related to the author's research include Hasannah (2021), addressing the issue of granting the Right of Use on Village Lands in Sleman Regency. The study focuses on the granting of the Right of Use on Village Lands before the enactment of Yogyakarta Governor Regulation No. 34 of 2017. Furthermore, Muttaqin and Mustafida (2019) study the lease agreements of Village Treasury Lands between the Condongcatur Kelurahan Government and the Sleman Regency Government. This study concentrates on the management of lands owned by village governments, which are collaboratively utilized with other parties. The author's focus in this study is significantly different as it examines the Village Land issue in the context of the implementation of Yogyakarta land policy following the issuance of Yogyakarta Governor Regulation No. 34 of 2017, which resulted in a change in land ownership status from villages to the sultanate. This policy change has legal consequences, and the author's study delves into the implementation and legal analysis of this policy's practices.

B. Methods

The research methodology employed in this study is the legal research method, which involves a methodical, systematic, and consistent analysis and construction of legal regulations related to Village Lands in the DIY Province, aimed at seeking legal truths. Methodological signifies adhering to a specific method, systematic implies following a system, and consistent implies the absence of elements conflicting with a particular framework (Soekanto, 1986). The juridical-empirical research method is one that encourages researchers to consider not only normative legal issues (law as written in a book) or technical aspects of applying legal regulations but also as a social phenomenon related to human behavior within a unique and intriguing societal context worthy of examination. It is

descriptive in nature, not prescriptive (Sonata, 2014). Empirical research is chosen because it views the law as a reality (das sein) and emphasizes the study of law in action (Ali Achmad dan Wiwie Heryani, 2012).

The approach used in this research encompasses legislative, case, and institutional approaches. The legislative approach involves a thorough examination of legal regulations related to the researched legal issues to generate valuable arguments for issue resolution (Marzuki, 1949). The case study approach is employed to analyze cases related to the legal issues at hand. In this research, the case approach involves the implementation of Yogyakarta Governor Regulation No. 34 of 2017 in the Tirtonirmolo Village, Potorono Village, and Parangtritis Village. The institutional approach is used to identify the subjects of the issue, including regulations, procedures, and relevant organizations. The purpose of selecting the institutional approach is to focus on the implementation of Yogyakarta Governor Regulation No. 34 of 2017 in each relevant institution.

C. The Department of Land and Spatial Planning of the DIY Province as an Actor in Implementing Yogyakarta Governor Regulation No. 34 of 2017

Land management refers to Article 4, paragraph a, point 1, and Article 9 of Perdais No. 1 of 2017. Article 9, paragraph (2), stipulates that the management of Sultan/Pakualaman Ground consists of: (a) Inventory; (b) Identification; (c) Verification; (d) Mapping; and (e) Registration. Data on the target and cumulative realization of Village Land registration and changes to Village Land certificates for the year 2022 in four (4) regencies in the DIY Province can be observed in the table below:

Table 1. Target and Realization of Initial Village Land Registration and Sub-district Certificate Change Registration in the DIY Province

Target and Realization of Initial Registration of Village Land and Recording Changes in Sub-district Land Certificates (Field Units)													
Regency	Total Plots	Certified Village Land	Uncertified Village Land	Uncertified Sub-district Land (Initial Registration)			Certified Sub-district Land (Certificate Change Registration/Adjustment of Village Land/Sub-district Land)						
				Verification	Target Registration	Registered	2019	2021	Total	2020 Realization	2021 Realization	2022 Target	2023 Realization
Bantul	15.743	2.117	13.626	433	433	287	390	1.499	1.889	50	237	1.830	1.367
Kulonprogo	4.156	3.649	507	166	166	166	3.649	0	3.649	0	0	1.400	1.409
Gunung Kidul	10.882	3.295	7.587	992	364	364	1.277	2.018	3.295	50	494	2.136	2.034
Sleman	19.498	7.007	12.491	676	400	324	7.007	0	7.007	50	744	1.250	1.248
Jumlah	50.279	16.068	34.211	2.267	1.363	1.141	12.323	3.517	15.840	150	1.475	6.616	6.058

Source: Department of Land and Spatial Planning of the DIY Province, 2023.

Based on the provided table, the percentages of the various activities related to Village Land Verification are as follows: Village Land Verification stands at 89.2%, Registration of Changes in the Right to Use Certificate (Hak Pakai) is at 78.1%, and Initial Registration of Village Land (Conversion) is at 66.2%. The cumulative progress in implementing activities stipulated by the Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 33 of 2017, until the year 2022, that remain unfulfilled include 10.8% for Village Land Verification, 21.9% for Registration of Changes in Right to Use

Certificate, and 33.8% for Initial Registration of Village Land (Conversion). These unmet targets will be incorporated into the Regional Medium-Term Development Plan (RPJMD) for the Special Region of Yogyakarta for the years 2022-2027.

The utilization of Village Land in Bantul Regency is highly diverse. Field research conducted at three focus locations revealed several challenges stemming from legal vacuums in the past. These challenges in the use of Village Land include:

1. The presence of structures such as public facilities (fasum/fasos) that have existed since ancient times but lack proper permits. These public facilities include kindergartens, elementary schools, public water supply facilities, community health centers, fish ponds, artesian wells, cooperatives, and government offices.
2. The existence of residential structures, both permanent and semi-permanent, constructed on Village Land without proper permits.
3. Indications of irregularities and fraudulent issuance of permits by entities lacking legal authority to grant them.

The release of Village Land can occur for public development purposes, replacement of land for communities affected by land acquisition for public development, rehousing due to disasters, and/or the exchange or sale of Village Land to address Village Land-related issues. According to data from the Regional Land Agency (DPTR) of the Special Region of Yogyakarta, there were two Village Land release processes in the years 2019 and 2022. In 2019, the release was based on a recommendation from the Regent of Bantul to release Village Land in Mangunan for disaster relocation. In 2022, the release of Village Land followed an exchange mechanism with the land owned by the Bantul Regency government for the construction of a cultural park.

The Land and Spatial Planning Agency serves as a facilitator for the Sultanate of Yogyakarta and the Duchy of Pakualaman in overseeing the utilization of Village Land. According to the inventory data on issues related to Village Land in the Special Region of Yogyakarta in the year 2022, Bantul Regency had 903 plots of land with problems. The issues related to land use include 566 plots, the highest number among the four other regions, namely Gunungkidul Regency, Kulon Progo Regency, Sleman Regency, and Yogyakarta City. The issues concerning land exchanges amounted to 215 plots, issues related to the control of third parties amounted to 78 plots, issues related to sales and purchases amounted to 15 plots, boundary issues affected 8 plots, issues related to replacement land amounted to 6 plots, issues related to land certification, land status, and wedi kengser each affected 4 plots, and issues related to Sultan Ground affected 3 plots. Oversight processes cannot be carried out comprehensively in all 392 villages due to limited human resources. In 2019, the oversight activities were first carried out in a total of 20 villages. In 2020, oversight activities were reduced to 8 villages due to the COVID-19 pandemic that hindered the oversight process. The progress of oversight activities in 2021 and 2022 was 20 villages each. The village of Tirtonirmolo, which was the focus of the research, underwent oversight in the year 2022. The village of Potorono is currently undergoing

the oversight process in 2023, while the village of Parangtritis has not yet been designated as a location for oversight by the DPTR of Yogyakarta.

The oversight activities face limitations due to the shortage of human resources in the Land and Spatial Planning Agency of the Special Region of Yogyakarta. This shortage of human resources is addressed by the issuance of Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 13 of 2022 on the Assignment of Special Affairs. The authority for special affairs is delegated to the Sultanate of Yogyakarta, the Duchy of Pakualaman, and local governments. This authority is further delegated to district and sub-district governments and village governments. The issuance of Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 13 of 2022 on the Assignment of Special Affairs is aimed at enabling all stakeholders at the provincial, district, and village levels to collaborate effectively in carrying out oversight activities for rapid realization.

D. The Role of the Bantul District Land Office in the Implementation of Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017

The Bantul District Land Office carries out the management of Village Land based on Technical Guidelines No. 4/Juknis-HK.02.01/X/2019, which is divided into two activities:

1. Registration of Village Land with *Anggaduh* Rights (Conversion):

The registration of Village Land with *Anggaduh* Rights (Conversion) was conducted in 2022 and 2023, with a total of 345 application files received. It is worth noting that data for the Registration of Village Land with *Anggaduh* Rights (Conversion) in 2023 may still see additions, as this research is being conducted in the midst of ongoing activities.

2. Adjustment of Data for Village Land Registration with *Anggaduh* Rights:

The adjustment of data for Village Land Registration with *Anggaduh* Rights has been carried out since 2021, 2022, and 2023. Complete data on the achievement of the adjustment of data for Village Land Registration with *Anggaduh* Rights is only available for the year 2022. This is due to the absence of summary data at the beginning of the activities in 2021. As for 2023, the data on the achievement of the adjustment of data for Village Land Registration with *Anggaduh* Rights has not been summarized as it is still in progress. In 2022, the Bantul District Land Office processed a total of 1,353 files for the adjustment of data for Village Land Registration, out of a total of 1,499 land registers. Of the 1,321 files that were processed with a Order to Deposit (SPS/Surat Perintah Setor), 1,317 files were successfully processed and completed. The remaining unprocessed files typically involve problematic cases that cannot be processed for the adjustment of data for Village Land Registration at the Bantul District Land Office.

In the implementation of Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017 regarding the Utilization of Village Land at the Bantul District Land Office, there are obstacles and solutions, including:

1. Incomplete application files: The solution to this constraint is to return the files to the Regional Land Agency (DPTR) of Bantul, which serves as a facilitator on behalf of the Sultanate of Yogyakarta.
2. Differences in land parcel and area: The solution to this constraint is the issuance of a Certificate of Differences in Land Parcel.
3. Boundary issues: Boundary problems are resolved through boundary adjustment (synchronization of boundaries in the documents with the actual field).
4. Overlapping land parcels: Overlapping land parcels are addressed through an agreement on village maps as the basis for plotting and analysis. Subsequently, a re-survey is conducted on objects that match the application for Village Land measurement.
5. High volume of application files for Registration of Village Land with *Anqqaduh* Rights, particularly towards the end of the year (peak season): The solution to this constraint is to extend working hours/overtime to facilitate the file checking process for Village Land registration applications.
6. Problematic Survey Letters (Surat Ukur): The solution to this constraint involves the improvement of Survey Letters through an analysis process conducted by the Survey and Mapping Section prior to further actions.

E. Procedures for Licensing the Use of Village Land

The utilization of Village Land is regulated under Article 15 of Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017 and can be pursued through various means, including:

1. Self-cultivation:
 - a. Agricultural purposes; or
 - b. Non-agricultural purposes.
2. Leasing;
3. Construction for exchange or mutual construction; and
4. Collaborative usage.

In the case of Village Land being used for agricultural self-cultivation, no usage permit from the Sultanate or Duchy is required. Village Land used for non-agricultural activities may be utilized for purposes such as shops, tourist attractions, restaurants, and/or public facilities. However, the utilization of Village Land intended for village government purposes or leasing requires permission from the Sultanate of Ngayogyakarta or the Duchy of Pakualaman, which is granted through the application process submitted to the Governor. Conceptually, the Governor holds commonalities and several differing aspects.

The commonalities in licensing the use of Village Land lie in the procedures that must be followed. Broadly, subjects intending to utilize or exploit Village Land must navigate a lengthy series of procedures, given the involvement of multiple stakeholders and various stages of checking the

compatibility of land use with the Regional Spatial Plan (Rencana Tata Ruang Wilayah or RTRW). The procedures for licensing the use of Village Land can be visualized in the following flowchart.

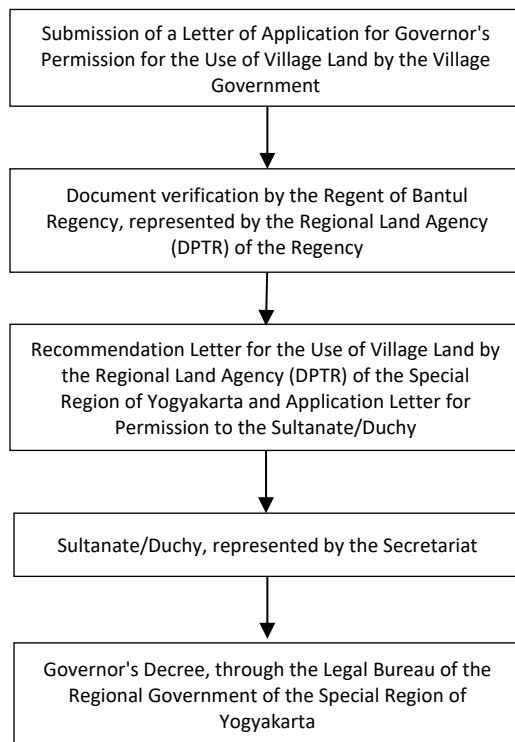


Figure 2. Flowchart of the Procedure for Governor's Permission on the Use of Village Land
 Source: Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017 on the Utilization of Village Land

The use of Village Land by third parties, whether it is by the Village Government or external entities wishing to utilize it, requires permission from the Sultanate of Ngayogyakarta or the Duchy of Pakualaman. To obtain this permission, an application must be submitted to the Governor. The initial step involves the Village Government or the subject intending to use Village Land submitting a request for permission to the Governor through the Village Government, with a copy sent to the Regent of Bantul Regency via the Regional Land Agency (DPTR) of the Regency. The Regent carries out document verification to issue a recommendation to the Governor. In this verification process, the Regent of Bantul Regency is facilitated by the DPTR of the Regency to perform quality control checks for the compliance of Village Land use with the Regional Spatial Plan (Rencana Tata Ruang or RTR) in effect. Subsequently, the DPTR of Bantul Regency forwards the verification results to the DPTR of the Special Region of Yogyakarta to issue a Recommendation for Permission Request to the Sultanate of Ngayogyakarta or the Duchy of Pakualaman. In handling the licensing matters related to the use of Village Land originating from *Anggaduh* Rights, the Sultanate of Ngayogyakarta or the Duchy of Pakualaman is facilitated by the Secretariat. Once permission is granted by the Duchy/Sultanate through the Secretariat, the DPTR of the Special Region of Yogyakarta, as the facilitating body, forwards the request to the Governor through the Legal Bureau for the issuance of the Governor's Decree regarding the permission for Village Land use.

The process of applying for permission for the use of Village Land is processed through various related agencies based on their duties and authorities stipulated in Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017 on the Utilization of Village Land. The Land and Spatial Planning Office, the Land and Spatial Planning Office of Bantul Regency, and the Bantul Regency Government act as facilitators to execute their stipulated legal duties. The Bantul Regency Land Office is an institution with the authority to conduct the legalization of assets through legal documents in the form of certificates. At the core of the application for permission to use Village Land lies the establishment of rights and obligations between the Village Government and the applicant. The Village Government is obligated to process the application for permission to use Village Land and, in return, receives the right to village revenue based on the benefit value in the form of Village Land rental income. For third-party subjects leasing Village Land, there is an obligation to pay the rental fees in accordance with the lease agreement with the Village Government. The rights acquired by third-party subjects paying rental fees involve the opportunity to utilize or engage in activities on Village Land.

The critical point in the process of obtaining permission for the use of Village Land essentially lies in each phase of transferring application files between stakeholders. The application process for permission to use Village Land undergoes multiple stages within each stakeholder. Several stakeholders, authorized to process applications for Village Land use, can be identified based on the following flowchart.

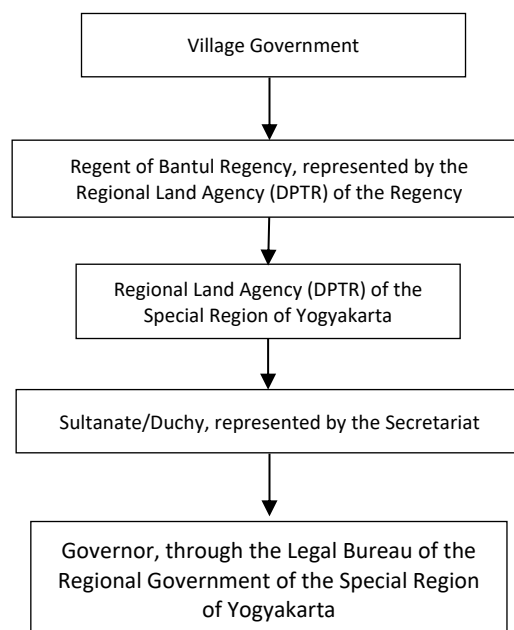


Figure 3. Flowchart of Related Agencies in the Application for Permission for the Use of Village Land
Source: Interview Results with the Land and Spatial Planning Office of the Special Region of Yogyakarta

Based on the flowchart, it can be observed that the process of applying for permission for the use of Village Land involves a lengthy process and passes through several institutions or stakeholders with authority over this matter. The first institution that directly interacts with individuals or entities interested in utilizing Village Land is the Village Government. The Village Government is consciously and responsibly obliged to assist in the process of obtaining permission for the use of Village Land, as

the ultimate goal of this licensing process is to increase village revenue. Once the application files for permission to use Village Land are complete, they are processed by the Regent of Bantul Regency, in this case, the Regent of Bantul Regency. The process of requesting the Governor's permission can be observed in the implementation of permission requests for the use of Village Land at the sub-district level, which focuses on the sub-districts of Tirtonirmolo, Potorono, and Parangtritis.

In the period following the issuance of Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017 on the Utilization of Village Land, the sub-district of Tirtonirmolo has not engaged in or experienced activities related to the use of Village Land with external parties through lease mechanisms. According to records, the sub-district of Tirtonirmolo last implemented lease agreements for the use of Village Land in 2012. Prior to the enactment of Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017 on the Utilization of Village Land, the mechanism for using Village Land by external parties through lease arrangements was determined by auction. This differs from the current regulations, which determine the value through the services of a public appraiser (Interview with *Ulu-Ulu* of Tirtonirmolo Sub-district, June 2023). The initial auction system was initially intended for the local community of Tirtonirmolo sub-district, but there was no interest from the local community. This led the sub-district government to consider conducting open auctions without restrictions or standards related to the participants in the Village Land lease. In 2023, a change in the lease agreement (addendum) between the sub-district government of Tirtonirmolo and the Trade Office of Bantul Regency related to the lease of Village Land in Pasar Niten was made. Changes in the content of the licensing from the Governor were also positively received, as they led to the construction of an Intermediate Treatment Facility (ITF) or Waste-to-Energy Power Plant ((Interview with *Ulu-Ulu* of Tirtonirmolo Sub-district, June 8, 2023).

The process of requesting the Governor's permission for the use of Village Land in the sub-districts of Tirtonirmolo, Potorono, and Parangtritis follows the established regulations. However, it still faces challenges in the process. The challenges encountered lie in the time taken by each authorized stakeholder. Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017 on the Utilization of Village Land does not specifically regulate the processing time for Governor's permission requests for the use of Village Land. Sometimes, the Regent of Bantul Regency, through the Regional Land Agency (DPTR) of the Regency, performs checks for compliance with the Regional Spatial Plan only after several months since the Governor's permission request letter was submitted. The sub-district of Tirtonirmolo has also expressed concerns about the time-consuming nature of the recommendation issued by the Regional Land Agency (DPTR) of the Special Region of Yogyakarta, assuming that there are many incoming requests. Furthermore, the Sultanate of Ngayogyakarta, represented by the Secretariat, also takes considerable time to issue licensing decisions. After the Secretariat provides responses to permission requests for the use of Village Land, the Regional Land Agency (DPTR) of the Special Region of Yogyakarta forwards them to the Governor of the Special Region of Yogyakarta through the Legal Bureau of the Special Region of Yogyakarta, which then issues the Governor's Decree concerning the permission for the use of Village Land. The application process

for permission for the use of Village Land faces a common issue, which is the absence of specific processing time regulations at each institution. The sub-district government of Tirtonirmolo noted that the time taken for the processing of permission requests for the use of Village Land could extend for months at each institution. However, it should be noted that permission requests for the use of Village Land always receive responses from the Secretariat, which are provided in the form of response letters, whether they are accepted or rejected, and these responses always include clear and logical reasons.

The sub-districts of Tirtonirmolo, Potorono, and Parangtritis have encountered various challenges in the implementation of the lease of Village Land, including:

1. Late payment of rent by other parties as users of Village Land.
2. Implementation of Village Land use after the issuance of the Governor's Decree of the Special Region of Yogyakarta, which is not expedited and seems to be delayed.

A unique pattern tends to be identified regarding timely rent payments, with government institutions usually making on-time payments. In contrast, individuals or private entities, who are often delayed in making payments, tend to be late.

The interviews with the village authorities of Tirtonirmolo, Potorono, and Parangtritis revealed that, in the event of expiring licenses or lease agreements, the mechanism for extending the lease would be adjusted in accordance with Regional Regulation (Pergub) of the Special Region of Yogyakarta No. 34 of 2017. Notably, in the case of Tirtonirmolo, there was an instance where one of the users of Village Land, PT. Karya Jasa, withdrew from the lease agreement or did not continue the lease process due to difficulties in obtaining a Building Permit (Izin Mendirikan Bangunan or IMB). This issue arose because the Village Land in question had a spatial recommendation status in a green corridor that should have been utilized for agricultural purposes. However, the existing condition did not align with the agricultural utilization specified in the lease agreement, as PT. Karya Jasa was involved in transportation activities. The sub-district government of Tirtonirmolo offered an opportunity for PT. Karya Jasa to apply for an IMB as a condition for amending the lease agreement; however, this could not be pursued due to the spatial status mismatch.

Based on the findings of the research conducted in the three focal areas of Tirtonirmolo, Potorono, and Parangtritis regarding the implementation of the procedures for permitting the use of Village Land, it can be concluded that each institution faces the following challenges:

Table 2. Tabulation of Challenges in the Procedure for Permitting the Use of Village Land

No.	Implementing Agency	Challenges
1.	Sub-district	<ol style="list-style-type: none"> a. Incomplete applications for the Governor's permit to use Village Land in the midst of the licensing process; b. Delayed or irregular rent payments by other parties using Village Land; c. Implementation of Village Land utilization not expedited or appearing to be postponed by parties who already have the Governor's permit to use Village Land.

2.	Bantul Regency DPTR	<ol style="list-style-type: none"> a. Delayed execution of location checks, despite the application having been submitted to Bantul Regency DPTR for a long time; b. Processing of documents stopping for a considerable duration in Bantul Regency DPTR without any arrangement or information regarding the completion and continuation of the documents to the next department.
3.	DIY Provincial DPTR	Documents in the form of Recommendations from DIY Provincial DPTR taking a considerable amount of time due to a lack of processing time regulation.
4.	<i>Panitikismo</i>	Responses to Recommendations from DIY Provincial DPTR regarding the permission for the use of Village Land take an extended amount of time. To date, there is no regulation specifying the processing time for applications at this institution.
5.	Legal Bureau	No complaints or challenges reported by the Sub-district Government.

Source: Results of Interview Analysis with Informants in Tirtonirmolo Sub-district, Potorono Sub-district, and Parangtritis Sub-district, June 2023.

F. Village Land in Tirtonirmolo Sub-district, Potorono Sub-district, and Parangtritis Sub-district

The use and utilization of village land are primarily governed by Village Regulations issued in 2019, which are used by the Regional Government of DIY Province (DPTR Provinsi DIY) and Bantul District Regional Government (DPTR Kabupaten Bantul) as the basis for implementing activities stipulated in DIY Provincial Regulation No. 34 of 2017 concerning Village Land Use. These Village Regulations were developed by the village leadership based on data and the existing conditions of village land with *Anggaduh* Right status. Village land with *Anggaduh* Right status includes agricultural land (*pelungguh*), residential land (*pengare-arem*), village-owned land, and land for public purposes.

In Tirtonirmolo Sub-district, there are 149 agricultural land plots (*pelungguh*), primarily used for rice paddies, of which 8 have been certified for land use rights. There are 42 residential land plots (*pengare-arem*), of which 3 have been certified for land use rights. The village-owned land consists of 88 land plots, of which 8 have been issued land use rights certificates. The land for public purposes in Tirtonirmolo Sub-district comprises 69 plots, none of which have been certified. The agricultural land (*pelungguh*) and residential land (*pengare-arem*) are predominantly used for farming, which aligns with Article 15 of DIY Provincial Regulation No. 34 of 2017, allowing village governments to cultivate these lands for agricultural purposes. However, the use of village-owned land and land for public purposes in Tirtonirmolo raises concerns. Specifically, 22 village-owned land plots are used for residential and commercial purposes without the required Governor's authorization. A similar issue exists for land for public purposes, which includes facilities such as kindergartens, elementary schools, the Kasihan Sub-district Office, community health centers, the Tirtonirmolo Village Office, and several gravesites. Despite their longstanding use, these areas lack the Governor's approval for their use. Although the village acknowledges the inconsistency with current regulations, these practices have been ongoing for an extended period before the regulations were enacted.

In Potorono Sub-district, village land currently lacks any supporting documentation apart from "Letter C." Therefore, it is intended to undergo Village Land Registration in compliance with DIY Provincial Regulation No. 33 of 2017 regarding the Procedures for Managing and Utilizing Kasultanan

and Kadipaten Land and DIY Provincial Regulation No. 34 of 2017 concerning Village Land Use. Agricultural land (*pelungguh*) and residential land (*pengarem-arem*) in Potorono Village are primarily utilized for farming, gardening, and several plots that have yet to be identified physically. This utilization aligns with Article 15 of DIY Provincial Regulation No. 34 of 2017, which permits village governments to independently cultivate these lands for agricultural purposes. However, it would be advantageous to revise the Village Regulations (Perdes) of Potorono Village to provide more detailed information regarding the physical conditions of the land. Concerns also arise regarding the use of village-owned land and land for public purposes in Potorono Village. Notably, 98 village-owned land plots are predominantly used for farming, home gardens, and gardens. However, three village-owned land plots are employed for commercial purposes, such as shops, without the requisite Governor's authorization. A similar situation applies to land used for public purposes, with 36 plots stemming from village-owned land usage. The land for public purposes consists mainly of public facilities, including kindergartens, elementary schools, the Potorono Village Office, green open spaces, which have long been in use but lack the Governor's approval for their use. These discrepancies between the land's current utilization and the required authorization have persisted over time, pre-dating the promulgation of the regulations.

In Parangtritis Sub-district, village land also lacks any supporting documentation apart from "Letter C" and is set to undergo Village Land Registration to adhere to DIY Provincial Regulation No. 33 of 2017 and DIY Provincial Regulation No. 34 of 2017. Agricultural land (*pelungguh*) and residential land (*pengarem-arem*) in Parangtritis Village are mainly utilized for farming, with the utilization aligning with Article 15 of DIY Provincial Regulation No. 34 of 2017, allowing village governments to independently cultivate these lands for agricultural purposes. Nonetheless, the Village Regulations (Perdes) of Parangtritis Village would benefit from further detailing the evidence of village land. Concerns also apply to the use of village-owned land and land for public purposes in Parangtritis Village. Specifically, 164 village-owned land plots are primarily employed for farming, home gardens, and gardens. However, 22 Tanah Kas Desa plots are utilized for residential purposes without the necessary Governor's authorization. The land used for public purposes is not specified in the appendix of the Village Regulations (Perdes) of Parangtritis Sub-district. Instead, it is incorporated into the village-owned land's usage. Like the issues in Tirtonirmolo and Potorono Villages, many plots of village-owned land in Parangtritis Sub-district serve as public facilities, including kindergartens, elementary schools, the Parangtritis Village Office, and more. Despite their longstanding use, most plots lack the Governor's authorization for their utilization. Although the village recognizes the inconsistency with current regulations, these practices have been ongoing for an extended period before the regulations were enacted. According to the findings from DPTR Provinsi DIY, Parangtritis Village has not been subjected to oversight or designated as a monitoring location for village land management in Bantul Regency in 2023. The issues related to the use of village land will be addressed individually through a monitoring program.

Following discussions with the Regional Government of DIY Province (DPTK Provinsi DIY), a solution to the issues related to village land use will be addressed individually through a monitoring program. DPTK Provinsi DIY, in coordination with DPTK Kabupaten Bantul, has issued letters to the governments of Tirtonirmolo, Potorono, and Parangtritis Villages to compile information about village land that lacks the Governor's authorization but plays a crucial role as public facilities that benefit the community. This initiative aims to enable the collective issuance of the Governor's authorization in Bantul District without the need for repeated individual applications.

G. Conclusion

The implementation of DIY Regional Regulation No. 34 of 2017 concerning Village Land Utilization has been carried out by all relevant agencies and stakeholders with authority and/or as facilitators on behalf of the Sultanate of Ngayogyakarta and Dutchy of Pakualaman. It can be concluded that, legally, the DIY Provincial Department of Land and Spatial Planning has acted as a facilitator on behalf of the Sultanate of Ngayogyakarta and Dutchy of Pakualaman, conducting the inventory and identification of village land in Bantul District, totaling 15,743 plots out of 50,279 in the DIY Province. The inventory and identification process in Bantul District yielded two outputs: 2,117 village lands with certified land use rights and 13,626 plots without certification. The cumulative realization of registration of certificate change for land use rights associated with Hak Anggaduh is 1,654 plots out of the total 2,117 village lands with certified land use rights. The progress in achieving the registration of certificate change for land use rights associated with Hak Anggaduh is 78.1%. The remaining village lands with certified land use rights amount to 463 plots or 21.9%.

In the implementation of Regional Regulation No. 34 of 2017 concerning Village Land Utilization at the DIY Provincial Department of Land and Spatial Planning, several issues have been identified, including the delayed verification process for village land with *Anggaduh* Right without certification, the slow processing of Village Land Registration with Anggaduh Rights (Conversion) applications in Bantul District, the issuance of permits for village land use and SG/PAG use by parties outside *Panitikismo*, the existence of permanent and semi-permanent residential buildings on Village Land (Tanah Kas Desa) without permits, and the slow implementation of village land monitoring activities in the DIY Provincial Land Office in Bantul.

Meanwhile, the Bantul District Land Office has carried out two activities: Village Land Registration with *Anggaduh* Rights (Conversion) and Village Land Registration Data Adjustment with Hak Anggaduh. The registration of Village Land with *Anggaduh* Right (Conversion) was conducted in 2022 and 2023, with a total of 345 application files received. It is worth noting that the data for Village Land Registration with Hak Anggaduh (Conversion) in 2023 may still see additions, as this research was conducted amid ongoing processes.

Other parties involved in this context include the Village Governments (Tirtonirmolo, Potorono, and Parangtritis). In the implementation of Regional Regulation No. 34 of 2017 concerning Village Land Utilization by the Village Governments, several issues have been encountered, such as the delayed

verification process for village land with *Anggaduh* Rights without certification, the absence of Ledger books in some villages like Kalurahan Tirtonirmolo and Kalurahan Potorono, the lack of knowledge transfer accompanying changes in Village Leadership, incomplete applications for Governor's permits for Village Land use during the authorization process, a lack of regulation on the processing duration in each authorized agency, leading to delays in applying for Governor's permits for Village Land use, a failure of some villages to specify the classification of Village Land for Public Use in their Village Regulations on Village Land Utilization, delayed rent payments by third-party subjects using Village Land, and a perception of non-urgent implementation of Village Land use by third-party subjects already authorized by the Governor to use Village Land.

H. Recommendations

Based on the conclusions above, the following recommendations are provided:

1. There is a need for revision or improvement of Regional Regulation No. 34 of 2017 concerning Village Land Utilization, particularly regarding the regulation of processing timeframes for Village Land use permits at each stakeholder level and the Village Land monitoring process.
2. The standardization of Village Regulations (Perdes) concerning Village Land Utilization in DIY is necessary to provide clear, detailed classifications for Village Land use, using a uniform format.
3. The issuance of a Decree (Surat Keputusan or SK) concerning the implementation of Regional Regulation No. 13 of 2022 on the Assignment of Special Affairs should be considered to distribute responsibilities evenly among relevant institutions. This will facilitate the expeditious implementation of Regional Regulation No. 34 of 2017 concerning Village Land Utilization.
4. This research can be further developed with in-depth case studies related to village land monitoring activities at the provincial, district, and village levels to address specific issues.

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