

Responsibility of *Panitikismo* in the Management and Utilization of Sultanate Land in Gunungkidul Regency

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Abstract. *Panitikismo is a customary institution of the Palace that is authorized to take care of the management and utilization of Sultanate Land. The purpose of this study is to analyze how Panitiksimo's legal and non-legal responsibilities in the management and utilization of Sultanate Land in Gunungkidul Regency and analyze what efforts Panitikismo has made in overcoming violations that occur against the use of Sultanate Land. This research uses qualitative research, using a sociological juridical approach. The data sources used are primary, secondary, and tertiary legal materials. Data collection methods using observation, interviews, documentation, and questionnaires to related communities. Data validity is carried out using triangulation techniques. The results of this study show that the legal and non-legal responsibilities that have been carried out by Panitikismo are carrying out responsibilities such as registering the Sultanate Land to the National Land Agency, providing compensation when things happen that are not in accordance with the agreed agreement, and providing education to the public regarding how to apply for a permit to use the Sultanate Land, this is strengthened by the theory of legal responsibility. Panitikismo's efforts in overcoming violations in the use of Sultanate Land are such as monitoring and controlling the use of Sultanate Land and conducting periodic monitoring according to the mandate it has received. The conclusion of this research is that Panitikismo has carried out its responsibilities well in accordance with the theory of legal responsibility, namely carrying out its obligations to register Sultanate Land and provide socialization to the public regarding the importance of applying for a serat kekancingan permit.*

Keywords: *Land; Panitikismo; Responsibility; Sultanate.*

1. Introduction

Land throughout Indonesia is used to achieve prosperity for the people, can be used by anyone and by any purpose for the welfare and justice of all Indonesian people.

Land use must have a clear legal basis in order to be used properly and appropriately. The establishment of national land law was marked by the enactment of Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles or commonly referred to as UUPA as a form of legal unification in the Indonesian land sector. UUPA is a form of implementation of article 33 paragraph (3) of the 1945 Constitution where the state is the highest authority, furthermore article 2 paragraph (1) of Law No. 5 of 1960 concerning UUPA which reads "On the basis of the provisions in article 33 (3) of the 1945 Constitution and the matters referred to in article 1: the earth, water, and airspace including the natural resources contained therein are at the highest level controlled by the state, as the organization of the power of all the people.

Land tenure is the right to retain a right to land as one's own, including the right to be able to obtain the full results of the land one has owned and the right to be able to use the land one owns. However, nowadays the situation is getting more complicated, such as in the Yogyakarta area where there is dualism related to land regulations.¹ On September 24, 1960, the Government passed Law No. 5 of 1960 concerning Basic Agrarian Principles. The issuance of the UUPA was intended to eliminate the dualism that existed in agrarian legislation. The UUPA was formed with the aim that legal unification, especially in the land sector in Indonesia, could be achieved as intended, but for the Special Region of Yogyakarta, the dualism still exists, and the UUPA has not yet been fully enforced. The Special Region of Yogyakarta is a special autonomous region by referring to the scope of the Sultanate and Duchy as one of the special regions at the provincial level.

Historically, Ngayogyakarta Hadiningrat Sultanate and Pakualaman Praja were independent kingdoms and duchies or under the rule of the Dutch East Indies Government and Japanese Nippon Army Occupation.² Yogyakarta's specialty stems from the mandate of Sri Sultan and Sri Paduka Pakualam, which states the integration of Yogyakarta into a special region within the Unitary Republic of Indonesia.³ In terms of its origin, the Specialty of Yogyakarta can be proven in the history of its journey which remained special when Indonesia became independent, but they did not want to break away to become a country of their own and decided

¹ Beby Ista Pranoto and Sunarno Sunarno, "UPAYA HUKUM PENYELESAIAN SERTIPIKAT HAK ATAS TANAH GANDA DI KOTA YOGYAKARTA," *Media of Law and Sharia* 1, no. 3 (August 29, 2020): 176–86, <https://doi.org/10.18196/mls.v1i3.9500>.

² Rahmat Robuan and Junaidi Abdillah, "Kajian Sosio-Yuridis Keistimewaan Yogyakarta Ditinjau Dari Status Daerah Khusus Dan Isitimewa Dalam Teori Negara Kesatuan Di Negara Kesatuan Republik Indonesia," *Jurnal Fakta Hukum (JFH)* 1, no. 1 (2022): 86–100, [https://doi.org/10.58819/jurnalfaktahukum\(jfh\).v1i1.30](https://doi.org/10.58819/jurnalfaktahukum(jfh).v1i1.30).

³ Della Ananto Kusumo and Sudaryono, "Nilai-Nilai Keistimewaan Dalam Sistem Pertanahan Di Yogyakarta," *Jurnal Multidisiplin West Science* 02, no. 05 (2023): 302–13.

to join as part of the Unitary State of the Republic of Indonesia.

Yogyakarta Privileges are interpreted as autonomy in the management of land as a manifestation of the nature of the king who nurtures and protects the welfare of the people.⁴ The nature of Yogyakarta Privileges is clarified by the enactment of Law of the Republic of Indonesia Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta. Juridically, the Yogyakarta Government is given special authority listed in the Yogyakarta Special Region Privileges Law, which in this case the special affairs of the Government's authority include: procedures for filling positions, positions, duties and authorities of governors and deputy governors, local government institutions, culture, land and spatial planning, where the implementation of authority in the special affairs is based on the values of local wisdom and partiality.⁵

In 1973 Sultan Hamengkubuwono IX submitted a request to the Minister of Home Affairs, who had the authority at the time to oversee national agrarian issues, to treat the Special Region of Yogyakarta equally with other regions in agrarian matters. The request was granted with the formulation of Presidential Decree No. 3 of 1984 which stipulated that the Basic Agrarian Law was fully enforced in the Special Region of Yogyakarta and applied nationally.⁶

The Special Region of Yogyakarta has its own rules and authorities in several fields, one of which is in the field of land, since the beginning of the nineteenth century the land law in force in the Kingdom of Yogyakarta determined that property rights over the entire land area in the Kingdom were absolutely in the hands of the king.⁷ The UUPA resulted in a dualism of regulations governing land affairs in Yogyakarta. This is understandable because prior to the UUPA, the lands of the Special Region of Yogyakarta had regional legislation in the land sector enacted under Law No. 3 of 1950 in *conjunction with* Law No. 19 of 1950 concerning the establishment of the Special Region of Yogyakarta in the form of *Rijksblad-Rijkblad* and Regional regulations. Specifically in the implementation of land authority, the sultanate and

⁴ Muhammad Johan N Huda, "Dinamika Pencapaian Identitas Sosial Positif Atas Keistimewaan Yogyakarta," *Jurnal Psikologi Integratif* 2, no. 1 (2014): 30–41.

⁵ Shenita Dwiyanany, Lita Tyesta Addy, Listiya Wardhani, "Sistem Pertanahan Keraton Yogyakarta Sebagai Daerah Otonomi Khusus", *Jurnal Pembangunan Hukum Indonesia*, Vol. 1, No. 2 (2019)

⁶ Muchamad Imam Fitriantoro, "Drivers of Conflict in Urban Infrastructure: Case Study of the New Yogyakarta Airport," *Jurnal Politik* 6, no. 1 (September 25, 2020): 87, <https://doi.org/10.7454/jp.v6i1.214>.

⁷ Dian Agung Wicaksono et al., "Kompatibilitas Pengaturan Pendaftaran Tanah Terhadap Kompleksitas Keadaan Hukum Tanah Kasultanan Dan Tanah Kadipaten," *Bhumi: Jurnal Agraria Dan Pertanahan* 6, no. 2 (2020): 172–87.

duchy in the Yogyakarta Privileges Law are stated as legal entities that are subjects of rights that have property rights over sultanate land and also duchy land in the form of *keprabon* land and non *keprabon* land.⁸

The status of a legal entity for the Special Region of Yogyakarta is a form of government recognition of the existence of the sultanate and duchy. Since the colonial era, the sultanate itself has had laws and regulations recognized by the Dutch government, including regulations regarding the transfer of property rights to land to be used by the community.⁹

State recognition of land rights belonging to the Sultanate of Yogyakarta and land rights belonging to the Pakualaman Duchy has legal consequences for the Sultanate and Pakualaman Duchy as legal entities subject to rights to register their land.¹⁰ The Yogyakarta Palace is the owner of the land in the Special Region of Yogyakarta, therefore people who want to use the Palace's land will only get rental rights or borrowing rights or what is commonly called *Magersari*. This right makes the land used by the community can be taken back by the palace at any time if they want it. In accordance with its situation, the Sultanate of Yogyakarta has the authority to regulate its own household regardless of the authority of the central government, this is strengthened by the issuance of Law No. 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta. According to customary law the land of Yogyakarta is the right of the king, people only have the right to use it continuously. People cannot sell their land to other parties, the land they use must be returned to the king.¹¹

One of the authorities of the Special Region of Yogyakarta apart from the authority of the central government is related to land management. Land management in the Special Region of Yogyakarta is regulated in Yogyakarta Special Region Regulation No. 1/2017 on the management and utilization of Sultanate land and Duchy land. Land in Yogyakarta and other areas with Sultanate Land status is a continuity between the past and the present to honor the existence of the Sultanate of Yogyakarta.

⁸ Dian Agung Wicaksono, Ananda Prima, Almonika Cindy, "Mendudukan Kasultanan dan Kadipaten Sebagai Subyek Hak Milik Atas Tanah Kasultanan dan Tanah Kadipaten Dalam Keistimewaan Yogyakarta", *Jurnal Rechtsvinding*, Volume 8 Nomor 3, Desember (2019)

⁹ Arie Nurwanto et al., "Kewenangan Urusan Keistimewaan Provinsi Daerah Istimewa Yogyakarta Perspektif Hukum Tata Negara," *Locus Journal of Academic Literature Review* 1, no. 2 (June 1, 2022): 99–108, <https://doi.org/10.56128/ljoalr.v1i2.55>.

¹⁰ Heru Purnomo, "Pengakuan Hak Atas Tanah Milik Kasultanan Ngayogyakarta Hadiningrat Dan Hak Atas Tanah Milik Kadipaten Pakualaman," *Jurnal Hukum Dan HAM Wicarana* 1, no. 13 (2022): 71–92.

¹¹ Andini Salsabila, "Eksistensi Tanah Sultan Ground Dalam Hukum Tanah Nasional", *COURT REVIEW: Jurnal Penelitian Hukum* Vol.3, NO. 2, Maret (2023)

On August 19, 1945 Indonesia officially recognized the existence of the Yogyakarta Palace including its land which has the status of *Keprabon* and *dede keprabon ndalem*. The palace land can be used by the people with *magersari* status. Initially *magersari* was land intended specifically for the courtiers as a token of merit for their service to the palace, but in its development the public can utilize *magersari* land with the status of borrow-to-use rights and *magersari* rights obtained by *Sultanate Land* users, these rights are in the form of *Magersari*, *ngindung*, *angango*, and *anggadoh*.¹² People who occupy Palace land will not have certificates, they are only armed with *Serat Kekancingan* or a decree issued by *Panitikismo*. Based on existing customary law, History explains that the Sultanate of Yogyakarta and the Duchy of Pakualaman will give land to the natives based on the needs of each person because all land in Yogyakarta is under the ownership of the Sultanate and the Duchy.¹³

The *serat kekancingan* held by people occupying palace land contains a clause that the land holder is not allowed to sell and is willing to return the land if requested by the palace at any time. If the *serat kekancingan* has been given, the recipient has the right to occupy or use and utilize the *magersari* land. In the *serat kekancingan* itself there are no regulations governing the provisions on the use of *Sultanate Land*, but there are unwritten norms about not being allowed to use the land for something that is dangerous and can tarnish the good name of the Palace. But there is a difference when non-indigenous Indonesian citizens, they are only allowed with building use rights, use rights, and business use rights.¹⁴ This was the Sultan's way of protecting the economically and financially weak indigenous people of Yogyakarta.¹⁵

The implementation of the use of *Sultanate Land* often escapes supervision so that many people abuse the trust that has been given by the Palace. Violations that often occur are the sale of Sultanate land without the knowledge of the palace, *magersari* rights which were originally the right to reside are converted into business buildings without the effort of asking permission first to the palace. In addition, there are still

¹² Antonio Tilman et al., "Legalisasi Tanah Kasultanan Dan Tanah Kadipaten Di Daerah Istimewa Yogyakarta Yogyakarta Memiliki Lima Keistimewaan Dalam Mengurus Rumah Tangganya Sendiri , Salah Satunya Adalah Pertanahan . 1 Persoalan Tanah Di Provinsi Daerah Istimewa Yogyakarta (DIY)," *Riau Law Journal* 5, no. 1 (2021): 1–13.

¹³ Afan Husni Maulana, "Larangan Kepemilikan Tanah Bagi WNI Keturunan Tionghoa Di Yogyakarta Perspektif Hukum Positif," *Jurnal Hukum Kenegaraan Dan Politik Islam* 1, no. 2 (2021).

¹⁴ D I Daerah and Istimewa Yogyakarta, "Pemilikan Hak Atas Tanah Bagi Warga Keturunan Di Daerah Istimewa Yogyakarta," *Binamulia Hukum* 8, no. 1 (2019): 39–49.

¹⁵ Dhimas Yuki Hananto Adhi and Nurwidiatmo, "Politik Hukum Larangan Kepemilikan Hak Atas Tanah Di Daerah Istimewa Yogyakarta Oleh Warga Negara Indonesia Keturunan Tionghoa Dan Dampak Terhadap Komparasi Akta Jual Beli," *Jurnal Nuansa Kenotariatan* 6, no. 1 (2020).

people who use Sultanate land without having a *Serat Kekancingan*, even though the *Serat Kekancingan* is a letter that must be owned by people who want to use Sultanate land. The party that has the authority to regulate the management and utilization of *Sultanate Land* is *Panitikismo* as a special institution that takes care of immovable property owned by the Yogyakarta Palace.

The use of Sultanate Land according to article 3 of Special Regional Regulation number 01 of 2017 concerning the management and utilization of sultanate land and duchy land states that the management of sultanate land and duchy land consists of administration, maintenance and supervision is the authority of the palace. In this case, the authorized party is *Panitikismo*, *Panitikismo* itself is a customary institution that takes care of the palace land which includes regulation and licensing.¹⁶ From some of the violations that the community still commits above, *Panitikismo* as a customary institution that takes care of the palace land is considered not optimal in carrying out its duties. Until now, people often succeed in buying and selling Sultanate Land and registering Sultanate Land with the intention of obtaining a certificate of ownership of the Sultanate land they use. From these cases, the supervision of the use of Sultanate Land is really considered less than optimal, resulting in many violations and problems in the use of *Sultanate Land*.

Sultanate Land is spread throughout the Special Region of Yogyakarta. In Gunungkidul Regency, *Sultanate Land* is located on the coast or what is commonly referred to as Tanah Gisik and cannot be traded. The land is owned by the Sultanate which has been managed by the surrounding community for decades. Some of the land has been given the kekancingan fiber but there are still many that have not been registered for use, in addition to many lands that have been leased by certain parties for business purposes or to build inns.

Gunungkidul Regency is one of the regencies that is currently actively exploring its potential in the tourism sector. This is also supported by the establishment of Gunungkidul Regency as part of the Gunungsewu *Geopark* site by the international agency UNESCO (*United Nations Educational, Scientific and Cultural Organization*) in 2015. The number of problems and violations in the use of *Sultanate Land* in Gunungkidul Regency is a form of *Panitikismo*'s unsuccessfulness in regulating the management of *Sultanate Land*. This study aims to determine and analyze the legal and non-legal responsibilities of *Panitikismo* in the management and utilization of *Sultanate Land* as well as the efforts made by *Panitikismo* in overcoming violations of the use of *Sultanate Land* in Gunungkidul Regency.

¹⁶ Rufaida Putri, "Kajian Penggunaan Tanah Sultan Ground Tanpa Serat Kekancingan di Kota Yogyakarta", *Jurnal Pendidikan Kewarganegaraan dan Hukum* Volume 10 No. 2 (2021)

2. Research Methods

This research uses a qualitative approach. The qualitative research approach is carried out by going directly to the field to obtain data, research is carried out in certain settings that exist in real life with the intention of understanding the phenomenon of what is happening, why it happens and how it can happen. The research approach in question is that the researcher directly goes to the relevant institutions, namely *Panitikismo* and the Land and Spatial Office of Gunungkidul Regency to analyze related legal and non-legal responsibilities carried out by *Panitikismo* in the management and use of *Sultanate Land* in Gunungkidul Regency, besides that the research is also intended to analyze what efforts are made by *Panitikismo* in overcoming violations that occur in the use of *Sultanate Land* in Gunungkidul Regency. The type of research taken is sociological juridical, sociological juridical research is research that emphasizes the facts obtained based on scientific methods and guidelines on existing legal theories. Research data collection uses a juridical sociological approach by collecting social facts in the form of problems that develop in people's lives that have sociological significance. The data collection techniques in this qualitative research method are interviews, interviews conducted with *Panitikismo* Institution and the Land and Spatial Office of Gunungkidul Regency, then observation, documentation and literature study.

3. Results and Discussion

3.1 Legal and Non Legal Responsibilities of *Panitikismo* in the Management and Utilization of Sultanate Land in Gunungkidul Regency

Position is always closely related to a right and obligation that will be followed by accountability. Responsibility in the legal dictionary can be termed as *liability* and *responsibility*, the term *liability* refers to legal accountability, namely liability due to mistakes made by legal subjects, while the term responsibility refers to political *accountability*. In the theory of responsibility, it emphasizes the meaning of responsibility born from the provisions of the Laws and Regulations so that the theory of responsibility is more interpreted with the meaning of *liability*.

The concept of responsibility is that responsibility is closely related to an obligation but its form is not identical. A responsibility can arise because of the existence of a legal rule that regulates and imposes an obligation on legal subjects. Legal subjects who are burdened with obligations must carry out these obligations as an order from the rule of law. As a result of not carrying out the obligation, it will cause sanctions. Sanctions themselves are forced actions from the rule of law so that

obligations can be carried out properly by legal subjects. The legal subject subject to the sanction is said to be "responsible" or legally responsible for the offense.

The appointment of *Panitikismo*'s duties and authority to manage the *Sultanate Land* is based on Sultan Hamengku Buwono X's Circular Letter No.13/SE/VIII/2017 concerning the arrangement, supervision, and protection of Sultanate Lands in the Special Region of Yogyakarta which reads that only the Ngayogyakarta Sultanate or Sultan Hamengku Buwono X has the full rights and authority to be able to manage and utilize the *Sultanate Land* so that in order to use it, the public is required to apply for a permit to use the *Sultanate Land* through *Panitikismo*.

Sultan Hamengku Buwono X issued a Special Power of Attorney No.1951/HB/10.2017 that Sultan Hamengku Buwono authorizes KGH Hadiwinoto as Penghageng *Panitikismo* and acts on behalf of Sultan Hamengku Buwono X in carrying out any action related to the lands and buildings owned by Sultan Hamengku Buwono X, either for the benefit of the Yogyakarta Palace or to cooperate in granting rights to parties who wish to use the *Sultanate Land*.

The pattern of management and utilization of Sultanate Land is formally juridically managed by *Panitikismo* as a manifestation or body that takes care of, manages the utilization of Sultanate Land in Yogyakarta.¹⁷ Although *Panitikismo* has created a new institutional structure, in practice it cannot make *Panitikismo*'s work system better, each member of *Panitikismo* is required to be able to understand everything related to the duties of *Panitikismo* itself and can help each other. This results in less focus on being able to carry out tasks as mandated.

The data collection of Sultanate Land and Pakualaman Ground was initially only carried out by *Panitikismo*, but in 2017 the Yogyakarta City Land and Spatial Planning Office was formed (the legal basis for the Land Perdais), one of whose duties is to assist *Panitikismo* to record Sultanate Land and Pakualaman Ground. The results of the data collection will be submitted to BPN for certification.¹⁸

Based on the relationship between responsibility, obligation, and sanctions according to general legal theory, namely that everyone, including the government, must be held accountable for their actions either by mistake or without mistake. In

¹⁷ Vani Wirawan, "Kajian Tertib Administrasi Pertanahan Tanah Kasultanan dan Tanah Kadipaten Setelah Berlakunya Perdais Yogyakarta", Jurnal Ilmiah Penegakan Hukum, 6 (2) Desember (2019)

¹⁸ Maulida Illiyani, "Polemik Pertanahan Di Daerah Istimewa Yogyakarta (Pasca Penerbitan Undang-Undang NO.13 Tahun 2012 Tentang Keistimewaan Daerah Istimewa Yogyakarta)", Jurnal Masyarakat dan Budaya, Volume 22 NO.3 (2020)

relation to this theory, the form of *Panitikismo*'s legal responsibility is divided into 3 forms of responsibility, namely:

1. Criminal responsibility;
2. Civil liability; and
3. Administrative responsibility

The legal responsibility of *Panitikismo* in criminal terms is the responsibility that must be carried out by *Panitikismo* if legally and correctly in carrying out its duties it commits an offense and fulfills criminal elements. This can be seen from the non-criminal elements stipulated in the Criminal Code, namely the existence of a subject, the existence of an element of guilt, the existence of an unlawful act, the existence of an act that is prohibited or required by law/legislation and for those who violate it are punishable.

For example, criminal sanctions can be given to *Panitikismo* if he is proven to have committed a criminal act of corruption, this could happen considering that the pisungsung money that the community gave to pay the Sultanate Land rent was given directly to *Panitikismo*.

the legal responsibility of *Panitikismo* is civil liability. When the Sultanate Land that has been leased to the community is to be requested back by the Palace, the Palace will provide replacement of other land or by reimbursing costs. This refers to Article 1243 of the Civil Code that the party who fails to fulfill an obligation can be sued by the party who feels harmed by the non-fulfillment of the performance in the obligation. Claims that can be given include compensation in the form of reimbursement of costs and losses suffered and profits that should have been obtained. In the process of determining compensation payments for parties who have rights in the implementation of land acquisition, it often causes a problem in its implementation, determining the process of providing compensation in the form and amount of compensation often undergoes a prolonged process due to not reaching an agreement between parties who have an interest.¹⁹

Before using the Sultanate Land, the public as tenants must apply for permission to use the *Sultanate Land*. When they have done all the procedures to get permission to use the Sultanate Land, the tenants will make an agreement with the Sultanate represented by *Panitikismo*. In the *serat kekancingan*, which is a letter of permission

¹⁹ Aji Bayu Prasetya and Rahayu Subekti, "Aspek Hukum Pembayaran Ganti Rugi Dalam Pengadaan Tanah Untuk Jalan Tol," *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 2 (2022): 250–64, <https://ejournal.undiksha.ac.id/index.php/JJPP/article/view/46942%0Ahttps://ejournal.undiksha.ac.id/index.php/JJPP/article/download/46942/21790>.

to use the Sultanate Land, there are articles which are the rights and obligations of the tenant. The articles listed in the *Serat Kekancingan* are as follows:

1. Article 1 states that the first party has agreed to give permission to "PINJAM PAKAI" to the second party, and the second party has accepted the permission to use and become a tenant/protector of land owned by Sri Sultan Hamengkubuwono Ngayogyakarta Palace.
2. Article 2 states that as of today the second party has received the land in its present state with all the benefits and has assumed all the losses and other burdens associated with the land.
3. Article 3 states that the second party will use the land properly and will not use it for other purposes.
4. Article 4 states that the second party is given permission to construct a building or buildings on the land for residence or business.
5. Article 5 states that it is obligatory to maintain the integrity and goodness of the land and is not allowed to use it for things that are against the law.
6. Article 6 states that it is not permissible to transfer the borrow-to-use or land protection license, either partially or wholly, to a third party without the knowledge of the first party.
7. Article 7 states that this agreement is valid for the period stated. Article 7 A states that in the event of a transfer of title due to *liyeran/lintiran*, the new title holder receives the remaining term of the agreement.
8. Article 8 states that with the consent of both parties the agreement may be extended or renewed after its expiration.
9. Article 9 states that based on the stipulated *Peraturan-Dalem*, the second party is willing to pay *pisungsung/penanggalan* money.
10. Article 10 states that the *pisungsung* or dating money should be deposited to the *Panitikismo* Office of the Ngayogyakarta Palace.
11. Article 11 states that after this agreement expires and is not renewed, the second party is able to return the land to the first party in an intact and good condition, and will not ask for compensation for buildings or buildings and plants located on the land.
12. Article 12 states that the agreement can be canceled if the second party violates the contents of this agreement and the land automatically returns to the first party in good and intact condition without asking for any compensation.
13. Article 13 states that additions and changes to the contents of this agreement will be stipulated in an agreement and are an attachment to this agreement.

14. Article 14 states that this agreement shall be valid when both parties have signed it.

Article 9 of the agreement states that the tenant is able to pay pisungsung money which is handed over directly to *Panitikismo*. The money is a guarantee fund for the owner of the right to use and maintain the Sultanate Land, but if the Sultanate Land is used by the Government, the pisungsung fee will not be charged. The pisungsung money is given by the tenants to *Panitikismo* at the end of each year, if there are tenants who do not routinely pay pisungsung then it is *Panitikismo*'s job to give a warning so that the tenants immediately pay the pisungsung money.

This is the amount of pisungsung financing that has been determined by the formula:

- If the proposed land area is less than 150 m, then the amount:

$$\frac{1\% \times \text{land area} \times \text{NJOP of the land}}{10}$$
- If the proposed land area is more than 150 m, then the amount:

$$\frac{1,5\% \times \text{land area} \times \text{NJOP of the land}}{10}$$

The formulation of the amount of the pisungsung fee until now does not have a specific reference in juridical form, according to the author, this is what gives some individuals the opportunity to determine the pisungsung fee as they wish. This lack of certainty results in violations that can occur regarding the amount of pisungsung fees that must be paid. The *Panitikismo* is currently trying to make a regulation as a reference for pisungsung payments.

Administrative responsibility is the responsibility of *Panitikismo* in planning, controlling and organizing the implementation of the use of Sultanate Land. From the results of the author's interview with Mr. Julaedi regarding *Panitikismo*'s administrative responsibilities, namely in the implementation of the application for permission to use the Sultanate Land, *Panitikismo* has done its best to assist the community and provide explanations to the community regarding how to apply to obtain the *serat kekancingan*. *Panitikismo* is also responsible for registering the Sultanate Land to the National Land Agency.

The procedure for applying for a license to use Sultanate Land is as follows:

1. Applicants who wish to utilize the Sultanate Land can submit an application letter
2. Complete all required administration, in accordance with Article 6 of Governor Regulation No. 33/2017 on Procedures for Management and Utilization of Sultanate Land and Duchy Land, the applicant must fill out

- the form and complete the required documents.
3. The applicant submits the documents and waits for approval from the *Penghageng Kawedanan Ageng Wahono Sarto Kriyo*.
4. Survey the location of the land for which the application is submitted.
5. Preparation of agreement letter *serat kekancingan*.

Panitikismo is responsible for assisting and educating the community on how to apply for a Sultanate Land use permit, as this is the beginning of the Sultanate Land inventory. *Panitikismo* has conducted an inventory of Sultanate Land in Gunungkidul Regency and successfully issued 277 certificates with an area of 177,760 m². So it can be concluded that *Panitikismo* has been responsible in accordance with the mandated task of carrying out an inventory on Sultanate Land.

Serat kekancingan is not a strong evidence letter so it needs to be registered with the Land Institution for positive legal legality. Article 33 paragraph (1) of the Yogyakarta Privileges Law states that property rights to Sultanate land and Kadipaten land as referred to in Article 32 paragraph (2) and paragraph (3) are registered with the land institution in accordance with the applicable law. With this, the lands belonging to the Sultanate that are used by the community on the land certificate are written as belonging to the Sultanate of Yogyakarta and the community can only have *serat kekancingan*.

Serat kekancingan is proof that the party applying for land use has indeed been given permission by the Sultanate to use it. *Serat kekancingan* as a proof of permission to use the land will not get a certificate of land rights because the certificate will be written in the name of the sultanate and it is prohibited to build permanent buildings because the land can be withdrawn at any time by the sultanate.²⁰ By customary law, all land in Yogyakarta belongs to the Sultan and people are only allowed to have the right of use, not the right of ownership. This statement is reinforced by the theory that the Sultan owns all the land in Yogyakarta, therefore to be able to use the Sultan's land, the community is required to apply for permission to use it and make an agreement first.

Panitikismo also conducted socialization to the community regarding the use of Sultanate Land. Socialization is carried out by *Panitikismo* by involving the Village Government and community leaders and religious leaders in each village with the aim that the community understands the importance of obtaining permission to use the Sultanate Land and the community also needs to take part in the implementation efforts. This is *Panitikismo*'s non-legal responsibility in the use of Sultanate Land. In addition to conducting direct socialization, *Panitikismo* also

²⁰ Jaenudin Umar, "Kewenangan Otonomi Daerah: Sistem Pertanahan Daerah Istimewa Yogyakarta", Cerdika: Jurnal Ilmiah Indonesia, Februari (2021)

notifies the importance of applying for permission to use the Sultanate Land through television and newspaper media, this is done because not all villages can be visited to conduct socialization considering the small number of *Panitikismo* members.

Although they have carried out their responsibilities well, violations and problems in the use of Sultanate Land have not been resolved, according to the author this is due to the lack of *Panitikismo* employee members which results in overlapping tasks that must be carried out by each employee. This hampers the performance of each *Panitikismo* employee in processing Sultanate Land permit applications or in supervising the use of Sultanate Land.

From this discussion, it can be concluded that *Panitikismo* has carried out its duties and authority properly. *Panitikismo* has provided accountability regarding problems and violations that occur in the use of Sultanate Land in Gunungkidul Regency. It's just that the many violations that still occur are the result of *Panitikismo*'s lack of supervision in overseeing the use of Sultanate Land. *Panitikismo* is less assertive in imposing sanctions on parties who violate the rules and parties who have not applied for *serat kekancingan*.

3.2 *Panitikismo*'s Efforts in Overcoming Violations of the Use of Sultanate Land in Gunungkidul Regency

The problems that occur in the use of Sultanate Land, especially in Gunungkidul Regency, are a form of the *Panitikismo* institution's failure to carry out its duties. The number of problems or conflicts that occur in the use of Sultanate Land is largely due to the lack of *Panitikismo*'s role in supervising the use of Sultanate Land. Problems and violations that still often occur are obstacles in the implementation of inventory on Sultanate Land. Obstacles are factors or circumstances that limit, hinder and can prevent the achievement of goals. In the implementation of the use of Sultanate Land, the author found several problems that could hinder the smooth implementation of inventory activities.

Problems that often occur in the use of Sultanate Land are:

1. The public is unaware of the *Panitikismo* Institution as the institution that manages the Sultanate Land.
2. People do not know the importance of applying for permission to use Sultanate Land.
3. People feel that the procedure for applying for permission to use Sultanate Land is very complicated and costly.
4. Individuals who succeeded in buying and selling the Sultanate Land.
5. Individuals who claim to be members of the Sultanate family and feel that they have rights to the land so they feel authorized to provide *serat kekancingan*.
6. People who build permanent buildings on the Sultanate Land.

Public knowledge about the existence of *Panitikismo* Institution is a factor that determines the smoothness of Sultanate Land inventory activities. Without knowing the existence of the institution, people will not apply for permission to use the Sultanate Land and will only use the Sultanate Land without having the *serat kekancingan*. This has resulted in land problems becoming more and more frequent and unresolved. The lack of supervision by *Panitikismo* has resulted in many Sultanate Lands that have been used and managed for a long time by the community but have not yet been applied for a permit.

When asked about the *serat kekancingan*, the community explained that the presence or absence of *serat kekancingan* was not an obstacle because there were no sanctions imposed by *Panitikismo*. This has resulted in more and more lands that have been utilized but have not yet been registered for use and have not been equipped with the *serat kekancingan*. In addition, there is very little information about what requirements must be prepared before applying for permission to use Sultanate Land, the process that must be taken in applying for permission also takes a long time, which is what makes people not immediately submit applications to *Panitikismo*.

There are many people who claim to be members of the Sultanate family and have land rights so they feel they have the authority to be able to provide *serat kekancingan* to the community. People eventually choose to register with these individuals because they feel that the requirements that must be prepared are not difficult and the time required is not long, something like this is a violation because the party that has the authority to be able to issue *serat kekancingan* is only *Panitikismo*.

Problems that still occur are the sale and purchase of Sultanate Land, besides that people who use Sultanate Land build buildings permanently, this is not allowed because in essence the land used belongs to the Sultanate and the Sultanate can at any time take back the leased land when the land will be used for common needs.

The problems and violations above cover the theory of legal effectiveness where the theory means determining the factors that make effective or functioning legal norms in real terms that guide traffic behavior or legal relations in the life of society and the state. factors that can affect whether the law is effective or not, namely: The legal factor itself or the law, the law enforcement factor, namely the parties who form and apply the law, the facilities and facilities that support law enforcement, the community factor, namely the environment where the law applies, and the cultural factor, namely as a result of work, copyright and taste based on human nature in the association of life.

Legal factors that affect the effectiveness of the law are as follows:

1. The legal factor or the law

In this theory, legal factors are factors that can determine whether the law is effective or not. The law governing the management and use of Sultanate Land is a factor that determines whether or not the implementation of borrowing and use on the use of Sultanate Land is effective. The success of the implementation of the inventory and the implementation of the application for permission to use the Sultanate Land is determined by how the existing regulations as the basis for applying for the use of the Sultanate Land.

The regulation on the Privileges of Yogyakarta was published in 2012, namely Law No. 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta. This law was the beginning of the birth of other regulations governing the Privileges of Yogyakarta. Then in 2017, Yogyakarta Special Region Regulation No. 1/2017 on the Management and Utilization of Sultanate Land and Duchy Land was issued. The scope of the regulation includes the management of Sultanate Land and Duchy Land which consists of administration, document maintenance and supervision. The next scope is the utilization of Sultanate Land and Duchy Land which consists of protection, use, and release of Sultanate Land.

In this factor, the existing laws and regulations related to the management and utilization of Sultanate Land have been running well, starting from the implementation of inventory, the procedure for applying for the use of Sultanate Land and Duchy Land, the procedures for managing and utilizing Sultanate Land and Duchy Land have each been regulated in clear regulations. The laws and regulations regarding the management and utilization of Sultanate Land have been clearly regulated and do not contradict one another so that in carrying out inventory activities on Sultanate Land there should not be any obstacles.

2. Law enforcement factors

Law enforcers are parties who are used as role models and should have the ability to communicate in order to be able to carry out their duties properly. In addition, law enforcement must be able to provide justice by forming and applying the law. In the activity of using the Sultanate Land, the party authorized to supervise and regulate everything regarding the use of the Sultanate Land is *Panitikismo*. In the management of Sultanate Land, *Panitikismo* is assisted by several agencies that take part such as the Regional Government, the National Land Agency and the Land and Spatial Planning Office. All of these agencies work together to carry out the mandate of the Privileges Act. The National Land Agency must cooperate with the local government to be able to control the land, the local government has the advantage of being the main manager of the land in its area.²¹

The role of the Regional Government in this case is to provide facilities to

²¹ Carolus Bregas Pranoto, "Pembangunan Negara, Hukum Pertanahan Indonesia, Dan Kembalinya Tanah Kasultanan Di Yogyakarta," *Jurnal Politik* 3, no. 1 (August 30, 2017), <https://doi.org/10.7454/jp.v3i1.49>.

Panitikismo in accordance with Article 25 of PERDAIS Number 1 of 2017 concerning Management and Utilization of Sultanate Land and Duchy Land that the Regional Government can provide assistance in terms of:

- a. Inventory, identification, verification, mapping and land registration activities;
- b. Procurement of infrastructure for document care and maintenance;
- c. Implementation of monitoring and controlling the use of Sultanate Land and Duchy Land that violates *Serat kekancingan*;
- d. Handling disputes over Sultanate Land or Duchy Land;
- e. Preparation of technical considerations for land use permits; and
- f. Data rejuvenation activities of Sultanate Land or Duchy Land.

The role of the National Land Agency is to issue certificates of ownership of Sultanate Lands and help verify all Sultanate Lands. While the role of the Land and Spatial Planning Office is to provide a letter of recommendation regarding the suitability of the use of Sultan's Land to be utilized by the community.

From the law enforcement factor, *Panitikismo* has not been firm enough in supervising the implementation of the use of Sultanate Land. There are still many people who do not have *serat kekancingan* and stated that they would not apply for permission to use the Sultanate Land, this is because people feel that the presence or absence of *serat kekancingan* does not have any impact. *Panitikismo* does not give any sanction to people who do not have *serat kekancingan*.

3. Facilities and means

Facilities and means are also important factors in determining whether or not the law is effective. These facilities and means include adequate equipment, skilled and educated human resources, good organization and sufficient finance. From the results of the research, seeing the many problems that occur in the use of Sultanate Land is proof that there are still factors that are stated to be not ideal and adequate. Although the facilities and facilities that have been owned are appropriate, human resources are also a very important factor.

Panitikismo only has a few human resources and this has not been able to make *Panitikismo* carry out its duties properly, this lack of resources has resulted in *Panitikismo*'s work system not being maximized. *Panitikismo* employees are required to know and carry out all tasks from *Panitikismo* and help each other. This has an impact on *Panitikismo*'s lack of supervision in the use of Sultanate Land.

4. Community factors

This factor describes how the level of public awareness of existing laws. Most of the people in Gunungkidul Regency who use the Sultanate Land do not know about the existence of the *Panitikismo* Institution, and public awareness regarding the importance of applying for a permit to use the Sultanate Land is also very low. This is

the beginning of the problems and violations that occur in the use of Sultanate Land. People feel that they do not have to own *serat kekancingan* to be able to use Sultanate Land because there are no strict sanctions from the Sultanate regarding the ownership of *serat kekancingan*.

From this factor, it can be concluded that the community as the party using the Sultanate Land has not been able to cooperate well with *Panitikismo* in the effort to organize the inventory of Sultanate Land. The lack of public awareness to apply for a permit to use the Sultanate Land has an impact on the inventory process on the Sultanate Land.

5. Cultural Factors

Sultanate Land is a customary land owned by the Sultanate of Yogyakarta. All land belongs to the king and people who want to use it must first ask permission from the king. Regulations made by the Government must be adapted to the existing culture of the community. Then the implementation will be more effective and easier. Conversely, if the regulations made are contrary to the existing culture, the implementation will be more difficult to be accepted by the community.

The existing regulations are good and acceptable to the community. The community consciously understands that the land used is the king's land and cannot be owned with property rights. However, in order to adjust to the regulation, the community needs time; the lack of socialization has made the community less aware of the things that have been regulated in the new regulation. They do not know that the land they use must be applied for a use permit in order to obtain a land certificate, the community still uses the old rules which are only required to pay *pisungsung* in order to continue using the Sultanate Land.

According to Soerjono Soekanto's theory of legal effectiveness, whether or not the law is effective can be fulfilled and can be influenced by several factors. As has been explained, the regulations governing the management and utilization of Sultanate Land are very clear, it is just that the obstacles that occur are due to the lack of existence of the *Panitikismo* Institution as a Customary Institution that takes care of the use of Sultanate Land. Intensive socialization is needed so that people understand that the land they are using must be applied for permission to use it so that problems and violations that occur do not increase.

Panitikismo as the party that has the authority to supervise the Sultanate Land plays a very important role in overcoming all problems and violations that exist in the use of Sultanate Land. Various efforts have been made by *Panitikismo* in overcoming problems and violations that occur in the use of Sultanate Land. The efforts that have been made are:

1. Conduct inventory, identification, verification, mapping, and registration on Sultanate Land.
2. To monitor and control the use of Sultanate Land.

3. Coordinate with the village head to monitor the existing Sultanate Land and report to *Panitikismo* if violations occur.
4. Conduct monitoring to find out the real condition of the use of Sultanate Land.
5. Conduct periodic monitoring assisted by the District Government, Village Government and also related agencies.

Basically, the Palace or represented by the *Panitikismo* Institution has made an inventory as an effort to obtain data which will later be given to the National Land Agency as an application related to the functions and duties of the National Land Agency as a state institution authorized to carry out state land registration.²² Some of these efforts are carried out by *Panitikismo* with the aim that violations that occur can be reduced immediately and the people who commit violations can be arrested immediately so as not to further disturb the people who use the Sultanate Land.

4. Conclusion

Panitikismo Institution as a customary institution that takes care of the management and utilization of Sultanate Land in carrying out its responsibilities has been carried out properly. According to general legal theory, they have registered the Sultanate Land with the National Land Agency and provided compensation if things happen that are not in accordance with the contents of the existing agreement. *Panitikismo*'s non-legal responsibility is to conduct socialization to the community regarding the use of Sultanate Land in Gunungkidul Regency. The efforts made by *Panitikismo* in overcoming violations that occur against the use of Sultanate Land are by conducting an inventory of Sultanate Land, coordinating with the village head to be able to monitor the existing Sultanate Land and report any violations, conducting monitoring to find out the real conditions of the use of Sultanate Land and conducting periodic monitoring assisted by the Regency Government and other relevant agencies.

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