

The Utilization of Sultan Ground: Reflection of Asymmetrical Decentralization Reinforced by the Sultanate of Yogyakarta

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ABSTRACT

This article explains the implementation of land administration under an asymmetrical decentralization policy, reinforced by Daerah Istimewa Yogyakarta (further stated as DIY). Currently, the sultanate of Yogyakarta rules the territory under a particular normative scheme (Law No. 13/2012). It reflects historical and cultural administration which has been embedded to DIY, even before the independence of Indonesia was proclaimed in 1945. One of the special authority possessed by DIY is land affairs, including the management and utilization of the Sultan Ground and Pakualaman Ground. By using systematic literature review (SLR), this study found that asymmetrical decentralization of DIY has brought positive impact to avoid the conflict of land utilization in DIY. In certain case, the sultanate would negotiate to the citizen (land owner) and explain the reason of why the sultanate need the land for public purpose. Cultural approach was the key instrument maintained by the sultanate to persuade the citizen and to overcome the land conflict. Consequently, land market speculation is rarely found in DIY. Moreover, the local people also give their highest trust and respect to the government as they never witnessed land conflict exposed in media. The social development of DIY reflects a strong cultural characteristic of Java. It is shown in the modest daily life of the citizen, where capitalism could not control the ruler.

Keywords: *asymmetrical decentralization, Sultanate of Yogyakarta, land administration, cultural approach*

1. INTRODUCTION

Special Region of Yogyakarta (sometimes stated as DIY) occupies a special status in Indonesian constitution. This territory is ruled under specific regulations and conducts asymmetrical decentralization from the central government of Indonesia. This status has been embedded since the sultanate of Yogyakarta (under the regime of Sri Sultan Hamengkubuwono IX) integrated the sultanate to be part of Indonesia as an independent nation after the World War II (Jaweng, 2013). It was a phenomenal step when the Sultan Hamengku Buwono IX and Adipati Paku Alam VIII, the two leaders of Yogyakarta at that time decided to become part of Indonesia (Tauda, 2018). The role of Yogyakarta has continued in the era of the independence revolution until now, which is realized through the efforts of the Sultanate with the involvement of the local government, as well as the people of Yogyakarta in maintaining, filling, and maintaining the integrity of the Unitary State of the

Republic of Indonesia (NKRI). The Sultanate is still positioned as a symbol to protect the genuine life of the people of Yogyakarta and remains a distinctive feature of Yogyakarta. The arrangement of the specialties of Yogyakarta aims to realize good and democratic governance, peace and welfare of the people, guarantee the unity in diversity, and institutionalize the roles and responsibilities of the Sultanate in maintaining and developing the culture of Yogyakarta which is the nation's cultural heritage (Baharudin, 2016).

The existence of Yogyakarta, characterized by its indigenous Javanese culture, contributed to the various dynamic of regional autonomy policy in Indonesia. As an effort to maintain the indigenous tradition, the central government of Indonesia gave a mandate to the Sultan to govern the territory. The method of this local autonomy furthermore is known as asymmetric decentralization (Djohan, 2014). This becomes unique and interesting as described by Aziz et al. (2019) because the implementation of asymmetric decentralization is only given and carried out by 5 (five)

of the 34 provinces in Indonesia. One of them is Yogyakarta. The specialty of Yogyakarta is obtained because historically Yogyakarta had a significant role in the Unitary State of the Republic of Indonesia (Annafie and Nurmandi, 2016). For this reason, central government of Indonesia declared Law No. 13 Year 2012 concerning the specialty of DIY. There are 5 specific authorities for DIY, includes: 1) procedures for the appointment of the governor, vice of governor, bureaucrats, followed by their duties; 2) institutional form of governance; 3) traditional culture; 4) land management; and 5) spatial planning.

To implement the authorities mentioned above, Law No. 13 Year 2012 is derived to be a Special Regional Regulations (*peraturan daerah istimewa / Perdais*). In general, the special authority is regulated in *Perdais* No. 1 of 2013 which is the main regional regulation in DIY (Wirawan, 2019). Further provisions regarding each of the specialties will be regulated through *Perdais* of each authorities. However, land management remains the specific issue as this issue is intersect with other issue, particularly regarding the control of capitalism.

This article aims to describe the implementation of asymmetrical decentralization that is reflected through land management. In specific, the impact of land issue, administered by the sultanate will be scrutinized. The basic assumption of this research is that sultanate management successfully control the land market in Yogyakarta.

The arrangement of the Sultan Ground is generally regulated in Law No. 13 Year 2012; *Perdais* No. 1 Year 2013, and *Perdais* No. 1 Year 2017 concerning the Management and Utilization of Sultanate Land and Duchy Land which contains the management and utilization intended for the development of culture, social interests, and/or community welfare (Wirawan, 2019, Filius, A. M. 1986).

Hasim (2016) stated that the sultanate had reinforced the land administration through a unique method. He combined a legal formal regulation by using traditional and persuasive communication. In addition to the authority of the Sultanate, land affairs are also one of the affairs carried out by the DIY Regional Government (DIY Regional Government). According to Dwiyanany et al. (2019), the governance form of DIY reflects the respect of central government for DIY as this kingdom expressed their wholehearted willingness to be part of Indonesia. Even though receiving special autonomy, national law is still implemented and respect each other (Sari et al., 2016).

The specialties of Yogyakarta recognized in the 1945 Constitution of the Republic of Indonesia were then strengthened through the KDIY Law, not only provide a clear legal status for the *Ngayogyakarta* Sultanate institution but also declare certain authority

over its land, the Sultan Ground (Pranoto, 2017). These lands are divided into two, namely land that cannot be used by the community, such as *keprabon* land which is used for sultanate cultural activities. Meanwhile, the land that can be used by the community is *Dede Keprabon*. To utilize it, the community must have a permit in the form of a button fiber, which is issued by *Panitikismo* which is a traditional institution that manage the land use of the palace which includes regulations and permits. Some lands that can be used by the community already have button fibers and some do not. The land rights are in the form of *magersari*, *ngindung*, *angango*, and *anggadoh* (Munsyarif, 2013).

In this article, we explain how the use of the Sultan Ground has a positive impact on the lives of the people of Yogyakarta (Wirawan, 2019). In its use when the Sultanate and the Yogyakarta Regional Government find problems in its implementation. However, the sultanate as a symbol of protecting the life of the people of Yogyakarta still upholds the noble cultural values that have long been rooted as a way of approaching the community in overcoming land problems in Yogyakarta, especially the Sultan Ground. Furthermore, the Sultan Ground whose regulation is regulated as property rights to land belonging to the Sultanate (Wicaksono et al., 2019), with a cultural approach and high trust and respect for the community for the Sultan, the people of Yogyakarta believe that in the future sooner or later they will feel the positive impact of using the Sultan Ground (Marsudi, 2014; Rukayah, 2012).

2. RESEARCH METHOD

This study uses the Systematic Literature Review (SLR) method, which is a literature review method that identifies, assesses, and interprets findings on research topics to complement and answer research questions (Kitchenham & Charters, 2015). According to Triandini, et al (2009), the SLR method is used to identify, review, evaluate, and interpret research with phenomenal topics, with certain relevant research questions. The SLR method allows for systematic review and identification of journal articles, each process following steps and protocols. In the above publication, the SLR method is used in information technology research. Meanwhile, Hariyati (2010) explained that this method is used to review, study, structured evaluations, classifications, and categorizations from empirical-based evidence that has been produced previously. The steps and strategies for implementing the SLR are very well planned and structured so that it is very different from the method which only conveys literature studies.

3. FINDINGS AND DISCUSSION

General description of land administration in Yogyakarta

The historical aspect arguably becomes the most considered in giving a special authority for Yogyakarta. The existence of the *Ngayogyakarta* Sultanate further strengthens the asymmetrical decentralization held in Yogyakarta (Fatmawati, 2018). Yogyakarta's special authority is a reflection of the implementation of asymmetric decentralization in Yogyakarta, especially land affairs in the utilization of the Sultan Ground (Gainifer and Karjoko, 2019). Law No. 13 Year 2012 has mandated Yogyakarta to organize asymmetrical decentralization which aims to realize the welfare of the community with its local wisdom (Thontowi, 2019), so that it can bring positive impacts, one of which is preventing and minimizing land conflicts in Yogyakarta.

In addition, the cultural perspective places Yogyakarta as an area that has a lot of cultural heritage (Sari et al., 2019), so it requires special arrangements regarding the management and utilization of the Sultan Ground. The *Ngayogyakarta* Sultanate with a distinctive form of government also positions the throne as well as the strong authority possessed by a Sultan as an effort to manage and utilize the Sultan Ground to be able to side with the interests of the people of Yogyakarta. The actualization of values expressed by Sri Sultan Hamengkubuwono IX, namely "*Tahta Untuk Rakyat*" (Roem, et al., 2013), can create a spirit for the Sultanate and the Yogyakarta Regional Government in implementing asymmetric decentralization for land affairs, especially in the utilization of the Sultan Ground in Yogyakarta.

The historical city of Yogyakarta is also a well-known as city of education, tourism, and culture (Sugiyanto, 2004; Fitri, et al 2015; Vitasurya, 2015). Yogyakarta always improves the quality and prioritizes these superior areas in regional development. In carrying out development in Yogyakarta, various aspects must be met, such as public facilities and supporting facilities and infrastructure. The practice is reflected in the development of tourist areas and cultural heritage which is carried out regularly. In other words, the Sultanate and the Yogyakarta Regional Government are given the flexibility to carry out the function of optimizing and utilizing the Sultan Ground, thereby accelerating regional development. The development of tourist areas will also help revive the economic activities of the surrounding community with the concept of independent empowerment and limited outside investors. Some examples of land-use changes at the Sultan Ground that have succeeded in increasing regional productivity include the development of Watu Kodok Beach, Parangkusumo Beach, and others (Septa and Suparjan, 2017).

Fulfillment in the construction of public facilities in certain areas is often faced with land conflicts with local communities (Inayah, 2017; Buchori, 2017) as users of the Sultan Ground with the Sultanate as the holder of property rights over the land. In the perspective of preventing and handling land conflicts, the Sultanate and Yogyakarta Regional Government in charge of land affairs do not directly carry out evictions or land conversion activities, but first listen and consider the position and demands of the community (Dewa, 2017). The community is also involved in coordinating the design and relocation so that things that must be met and avoided can be understood without uncertainty, so that they can be accepted more precisely and easily by the community (Dewa, 2017; Zhu, et al., 2015)).

The power to control land speculation by the sultanate of Yogyakarta. As a rapid growth city, Yogyakarta had indicated the economic attractive symptoms. It can be described from the highest number of colleges and universities among the provinces in Indonesia; its cultural heritages and its humble community. Life cost of Yogyakarta is arguably the lowest living cost among the metropolitan city in Indonesia (Herliana, 2015).

Consequently, Yogyakarta attracts many investor to expand their capital. The need to occupy a certain land has been emerged since the economic dynamic were very attractive. However, it is not easy as seen and found as in other cities did. It is not related to how much money should people prepared. It is mostly related to how land administration is controlled in very strict way and reflect protectionism conducted by local government (the sultanate).

Some of the investment, the investor opt to buy the land in the fringe area for several reason. Firstly, land speculation where capitalist take an advantage from 'land disputes' were rarely found. In this term, many Chinese capitalists usually articulate their capital by taking advantage from dispute of land ownership. Secondly, the people of Yogyakarta tend to choose peaceful life rather than hectic economic activities. In this case, cultural perspective tied their daily life so the livelihood indicates a 'slow economic movement'. However, the most significant consideration is that sultanate has a strong authority of control the land use and the land market in Yogyakarta.

In certain case, land rental activities become quite popular and is chosen by people who want to invest in Yogyakarta through traditional letter of agreement (contract of sale). Land brokers, local residents, gatekeepers, local laborers, friends/relatives and local officials serve as sources of information about availability of land for rent. They play important role in regulating informal land transformation. Informal land delivery is a response to inefficient formal land delivery. It is, thus, important to create efficient formal land

delivery system to suit the requirements of all for whom it is intended and make state rules and regulations appropriate to the situations they are meant to mediate. It is also necessary to give a space for informal actors in urban management and incorporate positive innovations in policy formulation.

Cultural approach of land management in Yogyakarta

Human life in general, cannot be separated from cultural values. Culture can be defined as the whole system of ideas and feelings, actions, and works produced by humans in social life obtained from the learning process (Koentjaningrat, 1996 Evers, 2015). This culture becomes a process of learning in the form of biological transfers or social transfers carried out by humans in their daily patterns (Saputri, 2019). To overcome some of the land problems that often occur between the government and citizens, it is necessary to resolve them through a cultural approach that is adapted to local wisdom and the cultural values of the people of Yogyakarta which also functions in guidelines for behavior and the implementation of regional development (Perda DIY No. 4 of 2011). The cultural approach became the main instrument used by the Sultanate in overcoming land conflicts that occurred in Yogyakarta. This is in line with the Javanese cultural philosophy adopted by the palace, namely "*memayu hayuning bawana*" which means beautifying the beauty of the world. If this philosophy is associated with the Sultan Ground, then the Sultan allows the land to be used by anyone who needs it for the welfare of its people (Marsudi, 2014).

The Javanese people interpret land as the dignity of themselves and their ancestors that must be protected. This is as contained in the phrase "*sedumuk bathuk sanyari bumi*" which means that if the land they own is disturbed, they will defend it (Sari and Suteki, 2019). Therefore, the government through a cultural approach tries to understand and negotiate in several ways, such as carrying out the principle of the agreement through deliberation as a form of direct negotiation with related parties to reach a consensus, both regarding the surrender of land and in determining physical and non-physical compensation including replacement, resettlement, reconstruction, and rehabilitation (Maria S. W. Sumardjono, 2008). In addition, the government also carries out its consent obligation and negotiate in a plenary manner by fulfilling the values of justice that have benefits for the community, especially the affected community (Sari and Suteki, 2019). The existence of a cultural approach contained in the actualization of Javanese cultural values by the Sultanate in overcoming land conflicts caused land problems in Yogyakarta to be very rarely found in the news media.

In addition, the people of Yogyakarta also place high trust and respect for the local government and the Sultanate which is represented by a Sultan. One of the

special features of Yogyakarta is that it has a Sultan who has a dual role, namely as a king as known as Ngarso Dalem who becomes the leader of the local government of the *Ngayogyakarta* Sultanate, also as a governor who is a representative of the regional head in the DIY Regional Government (Rifayani, et al., 2013). The community believes that all the regulations and policies made by the Sultan for Yogyakarta will lead to a return of benefit to the community (Rinasti, 2021). This is by the cultural reflection that is very inherent in the way of life of the people of Yogyakarta and the courtiers, "*sendiko dawuh*" which means obeying what the leaders say (Sugiyono, 2020), believing that what is done by both the Sultanate and the local government is a wise step to make a positive contribution to the social environment by serving (Aryandha and Elqadri, 2020). Thus, the existence of land ownership in the form of the Sultan Ground which is directly controlled by the Sultanate is believed to again provide benefits, especially for the people of Yogyakarta, such as a cheaper rental system, which can be used as a settlement, place of business, mix-use, and social facilities (Marsudi, 2014).

4. CONCLUSION

Yogyakarta demonstrates undebatable facts that the indigenous way of land management is arguably the most suitable method to avoid land market speculation. In some case, Yogyakarta indicates a land management as implemented in Malaysia (Sutton, 1989), where government should reinforced the administration in a strict way as land market has an opportunity to be replaced by more capitalistic land market.

This paper also uncovers the persuasive method of communication of Yogyakarta sultanate in handling the land conflict. In one hand, people have their freedom to utilize the land, but in the other hand, the Sultanate control the land management. As long as the land is not needed for public purpose, people can utilized for their livelihood.

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