

Legal Protection for the Community of Wonokerto Village Occupying Village Land Without Legality

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Abstract: This study analyzes the use of Kasultanan land as a residence in Wonokerto Village for 63 years without legality. The method used is empirical law with primary and secondary data collection through literature studies, field observations, and interviews with the community, Wonokerto Village Office, and Panitiksmo. The use of Kalurahan land as a residence violates Governor Regulation Number 24 of 2024, but is based on historical aspects where there was a mandate from Sri Sultan Hamengkubuwono IX in 1961 to move the community group from the disaster-prone area of Mount Merapi. This creates a lack of legal certainty for the community group. As a result, the community group cannot carry out legal acts such as Loyer and Lintir. The results of the study show that the Sultanate can release the rights of Anggaduh Kalurahan Wonokerto to become the Sultanate's land, so that the community can submit Serat Kekancingan for legality and be used as legal protection for the community group. Although there are regulations, the resolution refers more to the Sultanate's policy. More explicit and legally binding regulations are needed, such as the Governor's Regulation on resolving the status of village land that has been used by the community as a residence, so that the community can obtain clear legal certainty.

Keywords: Sultan Ground, Residence, Wonokerto Village, Society.

A. Introduction

Land is a vital element in the life of Indonesian society. By definition, land is a part of the Earth's surface that can be owned or utilized for economic, social, and ecological functions.¹ In an English dictionary, it can be defined as the word "Land" or "ground." Both terms are used interchangeably to refer to the Earth's surface or a specific area. In a broader definition, land can be viewed from the aspect of ownership, namely Land controlled under customary law and Land controlled with other legal titles.² Land controlled under customary law, also known as 'ulayat land', is land owned and managed jointly by a specific customary law community. Customary land is based on the traditions and customary rules of each indigenous tribe, and their rights of ownership³. Meanwhile, land controlled under other legal bases, which is personal or corporate land, has legal titles based on a Land Certificate, which can be in the form of ownership rights, building use rights, business use rights, lease rights, and use rights.

¹ Supriadi, *Hukum Agraria* (Sinar Grafika, 2006).

² Arba, *Hukum Agraria Indonesia* (Sinar Grafika, 2019).

³ Sigar Aji Poerana S.H, "Prosedur Pengakuan Tanah Ulayat | Klinik Hukumonline," 12 Juni 2020, <https://www.hukumonline.com/klinik/a/prosedur-pengakuan-tanah-ulayat-1t4f1654e73aad1/>.



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The object of land law is the right of control over land, which contains authorities, obligations, and/or prohibitions for the holder of the right to do something with the land that has been granted to that individual or legal entity.⁴ In Article 1 paragraph (3), "land" means the surface of the earth. Legally, Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) comprehensively regulates land rights in Indonesia. According to Article 1 of the UUPA, land is defined as the surface of the earth, both above and below water. This indicates that the concept of land in Indonesian agrarian law has a broad and comprehensive scope.⁵ Article 4 of the UUPA provides more detailed regulations regarding the legal basis for land rights based on state authority. Land rights granted by the state to individuals or legal entities are legal proof that the land is based on land rights, and that ownership of the land cannot be disputed.⁶

As a Special Region, the Special Region of Yogyakarta (DIY) has special authority regarding the management and utilization of land in the DIY area, commonly known as Kasultanan land. Sultanate land has two different types of land: keprabon and dede keprabon.⁷ Keprabon is land used for the interests of the kingdom and the sultan's family, such as the palace and its facilities, namely the Pagelaran, Kraton, Sripanganti, land for the graves of kings and their relatives, the alun-alun, mosques, Tamansari, Pesanggrahan, and Petilasan.⁸ Meanwhile, land that is not keprabon or dede Keprabon is land that can be utilized by the community, government agencies, institutions, and companies under certain conditions, one of which is kalurahan land. The Kalurahan land itself is an institution at the village level, and the changes occurred due to changes in the Governor's Regulation Number 24 of 2019 concerning Guidelines for the Institutional Affairs of Special Privileges in District/City and Kalurahan Governments. The changes are intended to align with the mandate set forth in Law Number 13 of 2012 concerning the Special Privileges of the Special Region of Yogyakarta. The village is headed by a Lurah, who was previously known as the Village Head. In carrying out their duties, the Lurah is assisted by a secretary called a carik.⁹

The village's own land is regulated in Law Number 13 of 2012 concerning the Special Status of the Special Region of Yogyakarta. The utilization of village land is further regulated in the Special Region of Yogyakarta Governor Regulation Number 24 of 2024 concerning the Utilization of Village Land. In the Regional Regulation, village land is divided into four types of utilization, namely:

- a. Village-owned land or Tanah kas kalurahan,
- b. Land for village officials or Tanah pelungguh,
- c. Land for public use or Tanah pengarem-arem, and
- d. Land for public interest or Tanah untuk kepentingan umum.

⁴ Santoso Urip, *Hukum Agraria Kajian Komprehensif* (Fajar Interpratama Mandiri, 2013).

⁵ Sri Sayekti, *Hukum Agraria Nasional* (Penerbit Universitas Lampung, 2000).

⁶ J.J. Sembiring, *Panduan Mengurus Sertifikat Tanah* (Transmedia Pustaka, 2010).

⁷ Dian Agung Wicaksono dkk., *Kompatibilitas Pengaturan Pendaftaran Tanah Terhadap Kompleksitas Keadaan Hukum Tanah Kasultanan Dan Tanah Kadipaten* | BHUMI: Jurnal Agraria Dan Pertanahan, 17 Januari 2021, <https://jurnalbhumi.stpn.ac.id/index.php/JB/article/view/411>.

⁸ S.H, "Prosedur Pengakuan Tanah Ulayat | Klinik Hukumonline."

⁹ "detik.com/jogja/budaya/d-6826172/ini-lho-perbedaan-kapanewon-kemantren-dan-kalurahan-di-jogja," diakses 2 Oktober 2025, <https://www.detik.com/jogja/budaya/d-6826172/ini-lho-perbedaan-kapanewon-kemantren-dan-kalurahan-di-jogja>.

Village land is land granted by the Sultanate or Principality based on the right to possess it for the benefit of the village or the prosperity of the community. In Article 9 paragraph (3) of the Regulation of the Governor of the Special Region of Yogyakarta Number 24 of 2024 concerning the Utilization of Village Land, it is explained that:

- a. Private/individual dwellings, villas, homestays, guesthouses, hotels, shop houses, or other designations;
- b. Buildings above ground (basement) except for buildings for structural and utility functions; and
- c. Mining activities.

As village land, the village can develop its own sources of income to reduce dependence on government funds and can build an economy for nearby residents in need.¹⁰ Therefore, the use of village land is limited only to the interests of the village, the Sultanate, and the welfare of the community, especially for agriculture.

However, there are currently several issues arising from the use of village land. One of them is in Wonokerto Village, Turi District, Sleman Regency, where village land is used for housing. The use of village land as housing occurred based on the order of Sri Sultan Hamengkubuwono IX in 1961 to protect his citizens from the area prone to Mount Merapi, and they were relocated to Tunggularum Hamlet, Wonokerto Village, Turi District, Sleman Regency. In the transfer, land use was divided into two groups: land belonging to the Sultanate and land belonging to the village.

In 2024, a new regulation was issued, namely the Special Region of Yogyakarta Governor Regulation Number 24 of 2024 concerning the Utilization of Village Land, which subsequently restricted the use of village land and prevented residents living on Wonokerto village land from using it as a place of residence. However, on the other hand, there is a historical fact that cannot be ignored. The relocation of the above-mentioned community group on the village land was initially a direct order from Sri Sultan Hamengkubuwono IX. This created legal uncertainty, as there was a conflict between the latest regulations and the historical decisions made by the highest leader of Yogyakarta at that time.

Additionally, Article 28H paragraph (1) of the 1945 Constitution states that every person has the right to a prosperous life, both physically and mentally, to reside, and to a good and healthy environment. Furthermore, Law Number 1 of 2011 concerning Housing and Settlement Areas, Article 50 regulates that:

1. Every person has the right to reside or occupy a house.
2. The right to occupy a house as referred to in paragraph (1) can be in the form of:
 - a. Ownership; or
 - b. Rent or non-rental.
3. Further provisions regarding the procedures for occupancy through rental and non-rental as referred to in paragraph (2) letter b are regulated by Government Regulation.

This shows that everyone is entitled to ownership and proof of their right to the place they live or the land they occupy, whether with ownership deeds or other proof of land rights. Until now, residents in Wonokerto Village who live on village land have difficulty in carrying out legal

¹⁰ Yusnani Hasjimzoem, "DINAMIKA HUKUM PEMERINTAHAN DESA," *Fiat Justicia: Jurnal Ilmu Hukum* 8, no. 3 (2014), <https://doi.org/10.25041/fiatjusticia.v8no3.312>.

actions related to the land they currently occupy because they do not have any legal basis to prove their occupation of the land from 1961 until now, a period of 63 years. This study aims to determine how to ensure legal protection for the residents of Wonokerto Village, ensuring legal status for the land they have used for their residence. It also examines the factors that make it difficult to achieve legal protection for land in Wonokerto Village, where they have lived for 63 years. The issue of legal protection for the Wonokerto Village community who occupy village land without legality needs to be discussed because no one has conducted this research before, although there have been several studies that have written about village land in the Special Region of Yogyakarta, because the issue of village land in the Special Region of Yogyakarta is indeed quite problematic, but no one has researched the village land in Wonokerto Village. For example, a journal written by Ika Kartika Sari entitled "Supervision Of Village Land Use In The Special Region Of Yogyakarta" was published. The study only analyzed whether the applicable laws and regulations regarding supervision of village-owned land use in the Special Region of Yogyakarta were adequate, without specifically addressing the issue of village-owned land in Wonokerto.¹¹ Furthermore, there is a study conducted by Dimas Bayu Candra Prasetya, etc., entitled "Dynamics of Village Land Legalization in Sleman Regency, Yogyakarta: Regulation, Implementation, and Implications." This study discusses the legalization of village land in Sleman, Yogyakarta, from the aspects of regulation, implementation, and implications that do not specifically discuss typical village land in Wonokerto.¹²

B. Methodology

The research typology used is the normative-empirical legal typology. This type of research approach is a statutory regulatory approach that focuses on the symptoms of community behavior regarding the operation of a law in the community itself. In this case, the researcher is in the position of observer, so that later interviews will be conducted regarding whether a norm is implemented as it should in social reality or not. The data sources used are primary data and secondary data. The primary data obtained in this study came from the results of community interviews and meeting policy makers in village land management, namely with the research subjects: 1) Didik Irwanto, Secretariat of Wonokerto Village, Wonokerto Village, Turi Sub-district, Sleman Regency, Special Region of Yogyakarta; 2) Aris Susanto, Expert Staff of Hageng Punokawan Datu Dana Suyasa Kawedanan, Panitikismo Office of Ngayogyakarta Hadiningrat Palace; and 3) Community of Wonokerto Village, Turi Sub-district, Sleman Regency, Special Region of Yogyakarta. Secondary data was collected through literature studies and studies of existing regulations, which were then elaborated on with existing regulations and the effectiveness of law in society. The analysis method used was qualitative, namely analyzing applicable legal materials and interpreting the results obtained from the analysis according to the problems identified through research in the community, resulting in an analysis in the form of a narrative and conclusions that can be accounted for. The data analysis used was qualitative data analysis, where the results of

¹¹ Ika Kartika Sari, "PENGAWASAN PEMANFAATAN TANAH KAS DESA DI WILAYAH DAERAH ISTIMEWA YOGYAKARTA," *Journal of Innovation Research and Knowledge* 4, no. 11 (2025): 8885–90, <https://doi.org/10.53625/jirk.v4i11.9938>.

¹² Dimas Bayu Candra Prasetya dkk., "Dinamika Legalisasi Tanah Desa Di Kabupaten Sleman, Yogyakarta: Pengaturan, Pelaksanaan, Dan Implikasinya," *Widya Bhumi* 4, no. 2 (2024): 136–58, <https://doi.org/10.31292/wb.v4i2.105>.

previous data collection were sorted, then presented in narrative form and conclusions were drawn.

C. Results and Discussion

Land Use in Wonokerto Village Without Legalization as a Place of Residence

The Special Region of Yogyakarta (DIY) has special authority in regulating its government, based on Law No. 13 of 2012 concerning the Special Privileges of the Special Region of Yogyakarta. This special status was granted based on historical agreements between the Special Region of Yogyakarta and the Government of the Republic of Indonesia at that time. This is also based on Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that the state recognizes and respects regional government units that are special or have special characteristics, as regulated by law.

Based on these regulations, the DIY Government also has the authority to regulate its land, which is called sultanate land. Sultanate land is land owned by the sultanate, which the sultanate and the dukedom have the right to manage and utilize for cultural development, social interests, and the welfare of the community. In Article 32 paragraph (5) of Law Number 13 of 2012 concerning the Special Status of the Special Region of Yogyakarta, it is explained that:

"The Sultanate and the Duchy have the authority to manage and utilize the Sultanate's land and the Duchy's land, which is intended for the greatest possible development of culture, social interests, and community welfare."

The utilization of village-owned land is regulated in the Special Region of Yogyakarta Governor Regulation Number 24 of 2024 concerning the Utilization of Village-Owned Land. Article 1 paragraph 4 explains that:

"Kalurahan land is land that is not keprabon or dede keprabon, owned by the Sultanate or Kadipaten, and granted management rights to the Kalurahan government based on the right of anggaduh."

Sultanate land has two types of land: keprabon land and dede keprabon land. Keprabon land is land used for the interests of the kingdom and the Sultanate family, such as palaces and their accessories, namely pagelaran, Kraton, land for the graves of kings and their relatives, alun-alun, mosques, tamansari, pesanggrahan, and patilasan.¹³ Meanwhile, land that is not royal property or is not royal property is land that can be utilized by the community according to regulations that have been set.

In the use of sultanate land, the community, government agencies, institutions, and other users will be given a Kekancingan certificate as proof of their right to use Sultanate land or Kadipaten land. In Article 1 of the Special Region of Yogyakarta Governor Regulation Number 49 of 2018 concerning Procedures for Applying for the Utilization of Sultanate Land and Kadipaten Land, it is explained that a Kekancingan letter is a decision letter regarding permission to utilize land rights from the Sultanate or Kadipaten to the community/institution, granted for a certain period and can be extended/renewed.

¹³ S.H, "Prosedur Pengakuan Tanah Ulayat | Klinik Hukumonline."

<https://ejournal.candela.id/index.php/jlc>

The type of rights associated with a kekancingan certificate varies depending on its intended use. These types of rights include Magersari rights, Ngindung rights, Anganggo rights, and Anggaduh rights.

a. Magersari Rights (*Hak Magersari*)

Magersari Rights are rights or permits intended for people who utilize land owned by the sultanate or land owned by relatives of the sultan with historical ties.¹⁴ Magersari Rights are only granted to native Indonesian citizens and are not subject to rent. These rights expire if the holder does not meet certain requirements or dies. In this right, the right of magersari is often used as housing for people who need land.¹⁵

b. Ngindung Rights (*Hak Ngindung*)

In Article 1 of the Special Region of Yogyakarta Regional Regulation Number 1 of 2017 concerning the Management and Utilization of Sultanate Land and Kadipaten Land, Ngindung rights are rights granted by the Sultanate to the community or institutions to use non-royal or non-royal land belonging to the Sultanate or Kadipaten by entering into an agreement with a mutually agreed-upon term.¹⁶ In general terms, the right of Anganggo is granted hereditarily to the people to manage and give to others, and to pass on to future generations. Usage rights are personal and are specifically intended for personal purposes such as use for homes, villas, apartments, hotels, and malls. In this case, the community using the right of use is still subject to an annual rental fee.

c. Right of Use (*Hak Anganggo*)

The Right of Use is a customary right granted by the Sultanate or Principality to the community or institutions to use land that is not royal land or not royal land, without collecting any yield, and is independent in nature.¹⁷ Generally, this right is granted to institutions such as schools, universities, libraries, and government offices. In this case, the Sultanate or Duchy does not provide rent money to the people or institutions that use the Sultanate or Duchy's land based on the right of Ngindung.

a. Anggaduh Rights (*Hak Anggaduh*)

Anggaduh Rights are customary rights granted by the Sultanate or Principality to the village government for the use of non-royal or non-royal land to be utilized by the village government. In Article 1, paragraph 2 of DIY Governor Regulation Number 24 of 2024 concerning the Utilization of Village Land, it is explained that, "The right of anggaduh is a customary right granted by the Sultanate or Kadipaten to manage and collect/ take the results from Sultanate land or Kadipaten land that is not keprabon land or dede keprabon to the Village in carrying out village governance for the duration of its use. In this case, the Kalurahan government does not need to pay a single penny, such as for the Right of Use."

¹⁴ Mushin et.al., *Surat Kekancingan Tanah Sultan Ground* (Deepublish Publisher, 2019).

¹⁵ Karin Christiana Basoeki S.H, "Aspek Hukum Kepemilikan Rumah Berstatus 'Magersari' | Klinik Hukumonline," 1 Desember 2020, <https://www.hukumonline.com/klinik/a/aspek-hukum-kepemilikan-rumah-berstatus-magersari--lt5fc5fde284670/>.

¹⁶ Heru Purnomo, "Pengakuan Hak Milik atas Tanah Kasultanan dan Tanah Kadipaten," *WICARANA* 1, no. 1 (2022): 71–92, <https://doi.org/10.57123/wicarana.v1i1.17>.

¹⁷ "Peraturan Daerah Istimewa Yogyakarta Nomor 1 Tahun 2017 tentang Pengelolaan dan Pemanfaatan Tanah Kasultanan dan Tanah Kadipaten," t.t., 1.

The right of gaduh is a customary right owned by the Sultanate/Duchy, where the right to manage and collect the produce of the land is granted for the administration of the village government, cultural development, social interests, and community welfare. The utilization of village land itself is divided into 4 types, namely:

1. Village cash land
2. Pelungguh
3. Pengarem-arem
4. Land for public interests

Furthermore, Article 9 paragraph (3) of the Special Region of Yogyakarta Governor Regulation Number 24 of 2024 concerning the Utilization of Village Land also explains that village land cannot be used for other purposes such as housing, villas, homestays, guest houses, hotels, shop houses, and other limitations. In its implementation, the village government is obliged to ensure that the use of village land is carried out wisely and responsibly. This includes aspects of planning, supervision, and periodic evaluation of the impact and benefits of using the village land. This aims to ensure that the village land use does not violate the law, and that the village land use also benefits all elements of society and the village itself.¹⁸

According to calculations made by Wonokerto village, there are 220 family cards with 222 land parcels located on Wonokerto village-owned land.¹⁹ Based on the results of a survey conducted with residents of Wonokerto village who live on village land, out of 10 people, 7 stated that they found it difficult to perform Lintir, Liyer, and other legal actions regarding the land because there was no legal basis for the land they lived on. Residents living on village land also stated that they had applied for assistance to address these obstacles but had not yet received a solution to the problem.

Basically, the government cannot grant a residence permit for the reasons explained in the Special Region of Yogyakarta Governor Regulation Number 24 of 2024 concerning the Utilization of Village Land, which states that village land cannot be used as a place of residence. However, in terms of legal protection, the Sultanate or Duchy is obliged to provide assistance to protect the right of residence for the community groups residing on the village land in Wonokerto Village. This is important because the community lives on village land based on the order of Sri Sultan Hamengkubuwono IX to protect them from the Mount Merapi disaster. However, due to Governor's Regulation Number 24 of 2024 concerning the Utilization of Village Land, these residents are unable to live on that village land.

Legal Protection for the Community of Wonokerto Village

In resolving this issue, the Sultanate, as the party with a vested interest, plays a very important role. In the Regulation of the Governor of the Special Region of Yogyakarta Number 24 of 2024 concerning the Utilization of Village Land, the Sultanate can reclaim SG (Sultan Ground) as the owner of the village land and having an interest in it. In Article 10 paragraph (1) of the Special Region of Yogyakarta Governor Regulation Number 24 of 2024 concerning the Utilization of Village Land, it is explained that the Sultanate or Principality intending to use village land must notify the village government in writing, with a copy sent to the relevant

¹⁸ Marsudi, *Kearifan Lokal dalam Pemanfaatan Sultan Gorund di Kecamatan Gamping Kabupaten Sleman*, 9 (2014): 69.

¹⁹ "Wawancara dengan Didik Irwanto, Sekertariat Kalurahan Wonokerto," 2024.

agency, namely the Yogyakarta Special Region Land and Spatial Planning Agency. After receiving the letter, based on Article 10 paragraph (2), the village government will discuss the minutes of the return of the leasehold rights with the Village Consultative Body (BAMUSKAL). When the Sultanate receives the minutes of the return of the leasehold rights, based on Article 10 paragraph (2) letter b, the village government will remove the leasehold rights from the land inspection book or land book. After the land status was abolished, the village land became Sultanate land. After becoming sultanate land, the community can apply for a letter of decree (*Serat Kekancingan*) for the use of the sultanate land. A letter of land grant is a written permit for the use and utilization of land from the Sultanate or Duchy, granted to the public or institutions for a specific period that can be renewed.

After that discussion, according to the results of the interview with Panitikismo, the party responsible for maintaining the lands owned by the Sultanate and the Duchy, represented by Mr. Aris Susanto, an expert at the Kawedanan Hageng Punokawan Datu Dana Suyasa, it was explained that procedures needed to be prepared.²⁰

As explained in Article 6, letter a of the Special Region of Yogyakarta Governor Regulation Number 49 of 2018 concerning Procedures for Applying for the Utilization of Sultanate Land and Kadipaten Land, it is stated that:

"In addition to filling out the form as referred to in Article 5 paragraph (1), the applicant must complete:

- a. For individual applicants:
 - 1. A legalized photocopy of the applicant's Identity Card and family card;
 - 2. 3 (three) pieces of 4x6 passport photos;
 - 3. If proven by a Rp. 6,000 (six thousand rupiah) stamped power of attorney, accompanied by a legalized photocopy of the applicant's and the authorized party's Identity Card and family card;
 - 4. A location map of the land along with a sketch of the land area depicting the shape and boundaries of the land, prepared by the applicant;
 - 5. A land certificate from:
 - a) The village head and endorsed by the sub-district head for Sultanate or Principality land located in the Regency, stating that the land being applied for is indeed Sultanate or Principality land and is not in dispute; or
 - b) The land office for Sultanate or Principality land located in the City, stating that the land being applied for is indeed Sultanate or Principality land and is not in dispute;
 - 6. A recommendation on the suitability of land use with the spatial planning plan and the Regional Spatial Planning Coordination Team/Regional Spatial Planning Coordination Agency of the Regency/City; and
 - 7. A recommendation for the use of Sultanate or Principality land from the Regional Government Organization of the Regency/City responsible for land and spatial planning, which must include at least:
 - a) The purpose of using Sultanate or Principality land;
 - b) An explanation of the existence of a land certificate from the village head or a certificate from the land office as referred to in point 5 (five);

²⁰ "Wawancara dengan Aris Susanto, Tenaga ahli pada Kawedanan Hageng Punokawan Datu Dana Suyasa," 2024.

- c) An explanation that the proposed use of Sultanate or Principality land is in accordance with the spatial planning plan;
- d) An explanation that the building on the Sultanate or Principality land was built before this Governor's Regulation came."²¹

After all attachments are prepared, the applicant can submit the application letter along with the attachments addressed to the Sultanate or Duchy, with a copy to the DIY Land and Spatial Planning Office. After the application letter is received, the DIY Land and Spatial Planning Office submits a technical consideration recommendation for land use permits. This recommendation is sent to the Sultanate or Duchy.

The Sultanate/Duchy authorities have the right to reject or approve the letter of recommendation. If approved, the Sultanate or Principality will register the Sultanate's ownership rights with the DIY Land Agency. Article 7 paragraph (1) of ATR/BPN Regulation No. 2 of 2022 concerning Registration of Sultanate and Principality Land in the Special Region of Yogyakarta states that, "The determination of ownership rights for Sultanate and Principality land is carried out by conversion in accordance with the provisions of the prevailing laws and regulations."

Additionally, after the Sultanate or Duchy requested the creation of ownership rights. The National Land Agency (BPN) will conduct an inventory, identification, and verification, which will then make the land the property of the Sultanate.

In accordance with Article 6 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2022, the verification and clarification process requires a maximum of 30 working days. During this process, the Sultanate will issue a Palilah fiber as temporary permission to use Sultan Ground land. A Palilah is a decision letter granting temporary permission to use land owned by the Sultan to the community utilizing it. Permission is granted for a maximum of 14 working days from the date of application and must be returned after receiving the Certificate of Grant.

After obtaining the kekancingan certificate, the community can live on and utilize the land with official proof of land ownership in the form of a kekancingan certificate with Ngindung rights. With the kekancingan certificate, the community of Wonokerto Village who previously lived on village land will receive a guarantee of legal protection to live on and carry out legal processes on that land. In its implementation, the sharecropping system with Ngindung rights is regulated by non-burdensome periodic payments. Regarding the use of Sultanate or Dukedom land by the community, the community is given a 10-year time limit, which can be extended with the approval of the Sultanate or Dukedom.

Factors Causing the Difficulty in Realizing Legal Protection for the Legality of Village Land Rights Used by the Community as a Place of Residence in Wonokerto Village

Legal protection for the community in Wonokerto Village, who have occupied the village land for 63 years, faces various obstacles that make it difficult to realize their right to land as a place to live. These factors are²²:

²¹ "Peraturan Gubernur Daerah Istimewa Yogyakarta Nomor 49 Tahun 2018 tentang Prosedur Permohonan Pemanfaatan Tanah Kasultanan dan Tanah Kadipaten," t.t.

²² "Wawancara dengan Didik Irwanto, Sekertariat Kalurahan Wonokerto," 2024.

1. The land status lacks legally certain ownership because residents only occupy it based on the order of Sri Sultan Hamengkubuwono IX in 1961 to be relocated from the area prone to Mount Merapi, and without any other proof of rights that can strengthen the evidence of the village's land being used as a residence.
2. Governor of the Special Region of Yogyakarta Regulation Number 24 of 2024 concerning the Utilization of Village Land prohibits the use of village land for private residences, villas, homestays, guesthouses, hotels, or shophouses. This creates a policy conflict between past policies and current regulations.
3. The absence of specific regulations regarding the use of village land for housing. The use of the village land as a place of residence is based on orders from the Sultanate or the DIY Government, which are grounded in historical, disaster-related, and public interest aspects.

The Sultanate and the DIY government have not taken any specific action to resolve the issue. The current regulations only focus on restricting land use without providing solutions. There is a need for regulations regarding the transfer of the right to lease held by the village in special circumstances. Where the use of the land for housing is based on historical, disaster, and public interest aspects. The solution implemented by the Sultanate regarding the use of village land for housing shows that the policy basis is more aligned with the Sultanate's policies. This is reflected in Article 9 and Article 10 of the Special Region of Yogyakarta Governor Regulation Number 24 of 2024, which emphasizes the role of the Sultanate in decision-making regarding the use of the village land. However, the policy has not yet provided clear legal certainty for the public, especially those who have occupied kalurahan land as their residence for a considerable amount of time. This ambiguity has the potential to cause legal issues in the future. Therefore, more explicit and legally binding regulations are needed, such as a Governor's Regulation specifically addressing the resolution of village land status that has already been used by the community for residential purposes. Therefore, it is hoped that land issues in other villages can be resolved with clear legal certainty.

D. Conclusion

Based on the research results presented by the author in the previous chapter, the following conclusions can be drawn: The legal protection carried out by the Yogyakarta Special Region government and the Sultanate in overcoming this problem is to request the return of the anggaduh rights granted to Wonokerto Village and then change the ownership of the land to the ownership of the Sultanate so that a Serat Kekancingan can be issued which can be official evidence of the use of the land and the community can carry out legal events and actions related to the land. The residents of Wonokerto Village face obstacles in obtaining legal certainty over the land they have occupied for 63 years due to the lack of legal documents supporting their ownership. This makes it difficult for them to carry out legal proceedings related to the land. Furthermore, there is a discrepancy between the policy mandated by Sri Sultan Hamengkubuwono IX regarding permits for the use of village land as residential areas and the current regulation, namely the Regulation of the Governor of the Special Region of Yogyakarta Number 24 of 2024 concerning the Utilization of Village Land. This discrepancy creates confusion and uncertainty for residents. The suggestion is that an amendment to Yogyakarta Special Region Governor Regulation Number 24 of 2024 concerning Village Land Utilization is needed to include exceptions to the prohibition on the use of village land as residential areas, based on orders from the Sultanate or the Yogyakarta Special Region

Government based on historical aspects, natural disasters, and the public interest. Therefore, it is hoped that the use of village land for residential purposes and the occurrence of land disputes in other villages can be resolved with clear legal certainty.

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