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Juridical Analysis of the Position of the Surakarta Kasunanan Palace as a Cultural Heritage Area Linked to the Basic Agrarian Law (UUPA)

M. Giovani Fernanda[1], Lego Karjoko[2], Hari Purwadi[3]

[1]Master of Notary Student at the Faculty of Law, Sebelas Maret University. Surakarta.

[2,3]Lecturer of the Faculty of Law, Sebelas Maret University, Surakarta.

ABSTRACT: With the provisions of the Fourth Dictum of the UUPA, regarding the position of the Surakarta Kasunanan Palace as a cultural heritage area, there are still differences of opinion regarding its ownership status. This research aims to examine the position of the Surakarta Kasunanan Palace after the enactment of the UUPA, as well as to analyze the ownership status of the Surakarta Kasunanan Palace as a cultural heritage area. The research method is normative juridical. The type of data used is secondary data. Data analysis techniques using deductive reasoning presented descriptively. The results of this research are: first, the position of the Surakarta Kasunanan Palace after Indonesian Independence, based on: Law Number 10 of 1950 was designated as part of Central Java Province; and based on Law Number 18 of 1965, de jure Swaraja Surakarta was abolished. Then, after the UUPA came into force, the position of the Surakarta Kasunanan Palace should have shifted to the State. However, in reality, currently the Surakarta Palace Sultanate still has and exercises authority over the lands it owns and owns based on Presidential Decree Number 23 of 1988. Second, the ownership status of the Surakarta Kasunanan Palace as a cultural heritage area is stipulated in the Regulation of the Minister of Culture and Tourism Number PM.03/PW.007/MKP/2010 belongs to the Surakarta Kasunanan Palace as an indigenous community in accordance with Article 13 of the Cultural Heritage Law. The Surakarta Kasunanan Palace is a traditional community, because the King is the traditional leader who still has the same territorial area and lineage and has authority within and outside his traditional area. If the Kasunanan Surakarta Palace is interpreted as a traditional institution, and ownership of the land of the Surakarta Kasunanan Palace becomes a customary right for the Surakarta Kasunanan Palace, then as a consequence the Government in taking over the land of the former Surakarta self-government must also pay attention to the principle of recognizing these customary rights.

KEYWORDS: Cultural Heritage, Surakarta Kasunanan Palace, Swapraja, UUPA.

I. INTRODUCTION

Land is the basic capital for human life. The legal basis for control over natural resources, including land, is determined by Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia). To bring Indonesian society to a level of prosperity, land must be utilized. Since time immemorial, the archipelago (now Indonesia) has consisted of several kingdoms. During the reign of the kings, land law was based on feudalism that existed in parts of Indonesia, which basically meant that the land belonged to the king, the power of the land was in the hands of the king (Tauchid, 2011). For a kingdom, land is a very influential factor in perpetuating the king's power. Land is a source of legitimacy for a king, as a country has an area of land to make the country's sovereign territory. Based on this, in Indonesia, land law was dualistic before 1960, namely Western or European land and customary land. Then in 1960 the Government issued Basic Agrarian Law Number 5 of 1960 (hereinafter referred to as UUPA) as a fundamental land regulation and had the character of national land law.

With the enactment of the UUPA, very fundamental changes were made to Indonesian land law. These changes are fundamental, because the structure, basic concepts and content of legal instruments must be in favor of the interests of the Indonesian people and also meet their needs in accordance with current developments (Harsono, 2013). UUPA in particular has brought about the realization of legal unity in the field of land law and the end of dualism in land law (Harsono B, 2007). Regarding self-employed and former self-employed lands, the Fourth Dictum IV of the UUPA regulates as follows:

a) When this Law comes into force, the rights and authority over land and water of the existing self-government or former self-employed self-government are abolished and transferred to the State.
b) Government regulations further regulate matters regarding the requirements as intended in letter a above.

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Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Provision of Compensation (hereinafter referred to as PP Number 224 of 1961) defines the meaning of self-sufficient and former self-employed land which is transferred to the State as intended in the Fourth Dictum Letter A of the UUPA, namely other than Swapraja domains and former domains. Swapraja which was abolished and transferred to the State with the enactment of UUPA, also from land which was actually owned by Swapraja, for example land cultivated by way of rent, profit sharing, and so on.

Before Indonesian independence, the government in Surakarta was in the form of a kingdom. In each area of the kingdom, land is considered to belong to the king, while the people only use it (Anggaduh). The Palace enforces regulations on areas owned and utilized by the community in the form of Rijksblad (Rijksblad Surakarta, 1938 Number 11), namely the format of regulations issued by the Palace (Nurhadiantomo, 2004). The Surakarta Hadiningrat Palace is considered by the Javanese people to be the "Pusering Land of Jawi" and the "Source of Jawi Culture", which means it is the central point and source of Javanese culture (Budiningtyas & Sirod, 2021). Historically, the Surakarta Hadiningrat Palace had a very wide territory, namely almost three-quarters of the island of Java, namely all of Central Java now, all of East Java now, and most of West Java, except Cirebon and Banten. In further developments after the "Palihan Negari" ", namely the division of the Surakarta Hadiningrat Palace into two, namely the Surakarta Hadiningrat Palace and the Ngayogyakarta Sultanate with the Giyanti Agreement on February 13 1755 and the Surakarta Hadiningrat Palace being further divided with the Puro Mangkunegaran with the Salatiga Agreement, the area of the Surakarta Hadiningrat Palace also experienced a very extensive shrinkage (Anggarawati, 2019, p. 342).

After Indonesian independence, land that was originally considered to belong to the king turned into land controlled by the state. In the Surakarta area, the status of land controlled or under the authority and rights of the Keraton or former self-government is based on the legal regulations issued by the government of the Republic of Indonesia in the form of Government Decree Number 16/SD/1948 which contains the freezing of the Surakarta Palace government into one residency. From then on there was no palace government or self-sufficiency area, only the mention of the former self-sufficiency. Likewise, land that was previously controlled by the Surakarta Palace turned into former self-employed land. In this regard, although the UUPA has regulated self-employed and former self-employed land, it turns out that there are still challenges in implementing the provisions of the UUPA, especially those relating to self-employed or former self-employed land. There are several types of rights to land belonging to the Surakarta Kasunanan Palace, including (Wijaya, 2020):

1. D.R.S (Domain Rijk Surakarta), namely the Kingdom's land spread throughout the territory of the Kingdom of Surakarta and subject to its control.
2. D.K.S (Surakarta Palace Domain), namely the land that belongs to the Surakarta Kingdom, such as Baluwarti, North Alun-Alun, and South Alun-Alun.
3. P. (Pemutihan-Ground), private land belonging to Sunan.

The Surakarta Palace's rights to Kasunanan land, which includes the Surakarta Rijks Domein (DRS), Surakarta Palace Domein (DKS), and Sunan Grond (SG), should be abolished and given to the Republic of Indonesia, in accordance with Dictum IV letter A of the UUPA. The issuance of Law Number 18 of 1965 on September 1 1965 emphasized the elimination of the status of the Surakarta Kasunanan Palace. Swapraja Surakarta has been de jure abolished as stated in Article 88 paragraph (3) that "de facto and/or de jure self-sufficient areas if this Law still exists until the enactment of this Law, and its territory is included in the administrative area of a region, declared abolished", then Swaraja Surakarta de jure becomes abolished. However, because the provisions of the Fourth Dictum of the UUPA have not yet been made into implementing regulations in the form of Government Regulations, there is a difference of opinion between the Palace Parents and the Government of the Republic of Indonesia regarding the status of the land of the Surakarta Hadiningrat Palace, whether it remains owned by the Surakarta Kasunanan Palace or whether it has been transferred to the State.

In the midst of these unclear conditions, then in 1988, President Soeharto issued Presidential Decree Number 23 of 1988 concerning the management and status of the Surakarta Kasunanan Palace (hereinafter referred to as Presidential Decree Number 23 of 1988). In Presidential Decree 23 of 1988 Article 1 stipulates that the land, buildings and all equipment of the Surakarta Kasunanan Palace, including the Great Mosque and the palace square, all belong to the Surakarta Kasunanan Palace and must be preserved as part of the country's cultural heritage. This presidential decree gives the authority to own the Karaton. Therefore, the palace is re-recording information about land and buildings belonging to the palace, both inside and outside the palace walls, using this Presidential Decree as the basis. Palilah Griya Pasiten was used for data collection. In this system, residents who use the land and buildings of the palace are required to register voluntarily with the palace regarding the physical data of the building and its occupants. The person in charge of carrying out data collection was previously the Surakarta City Government (Darini, 2018).

Currently the Kasunanan Surakarta building has been designated as a Cultural Heritage based on Minister of Culture and Tourism Regulation Number PM.03/PW.007/MKP/2010. In accordance with Law Number 11 of 2010 concerning Cultural Heritage (called the Cultural Heritage Law) states that cultural heritage must be preserved by applying the principles of protection, development and utilization. The problem is that the land of Kasunanan Surakarta in Baluwarti which is designated as a Cultural Heritage Area does not yet have legal certainty regarding the ownership status of the land rights, whether it has transferred to the

State or remains the property of Kasunanan Surakarta, so according to the author a more in-depth study is needed regarding the position of the Kasunanan Surakarta Palace after the enactment of the Law. -The Basic Agrarian Law (UUPA), as well as the ownership status of the Surakarta Kasunanan Palace as a cultural heritage area. Therefore, the author is interested in conducting research with the title "Judicial Analysis of the Position of the Surakarta Kasunanan Palace as a Cultural Heritage Area Linked to the Basic Agrarian Law".

II. RESEARCH METHOD

The author of this study used normative juridical legal research, also known as doctrinal research. Legal study conducted through a review of library materials is known as normative legal research. Research on legal principles, legal systematics, degrees of vertical and horizontal synchronization, legal comparisons, and legal history are all included in normative legal research or literature (Soekanto & Sri Mamudji, 2013). The legislative approach and the conceptual approach are the methods employed. Primary, secondary, and tertiary legal materials are among the secondary data types that are used. The data collection method uses library research. The data analysis used is a data interpretation method using deductive reasoning which is presented descriptively. Analysis is carried out to build knowledge through understanding a phenomenon and discovering elements that do not yet exist in the applicable theory. The focus of qualitative analysis is a phenomenon that shows a gap between what should be and what is actually from a scientific perspective so that it requires photography, mapping and in-depth understanding that can be used to solve problems based on reliable and reliable data (Danim, 2002). Legal regulations are needed as the main premise. This must be linked to the related legal facts used as minor premises.

III. RESEARCH RESULT

The Position of the Surakarta Kasunanan Palace After the Implementation of the Basic Agrarian Law (UUPA)

Based on its history, the Surakarta Hadiningrat Palace was a country in the form of a sovereign kingdom, and its royal territory covered almost three-quarters of the island of Java. The Surakarta Hadiningrat Palace is a continuation of the Mataram Kingdom, namely an indigenous kingdom whose government was run using the traditional Javanese system. The Surakarta Palace was founded in 1745 as a replacement for the Kartasura Palace which was destroyed by the Chinese rebellion or better known as "Geger Pecinan". Based on this system, the power of the state government is based on the king's ownership of royal land, which in the 1918s, in the Yogyakarta and Surakarta royal regions, the Agrarian Reorganization was launched, namely the policy of restructuring the land ownership system, which resulted in new regulations in the form of the abolition of the apanage system (lungguh); the formation of new sub-districts and the distribution of land to village residents. Before this policy was implemented, land law determined that land throughout the kingdom was "absolutely the King's". However, in reality, this unwritten statement was solely intended to honor and uphold the king. The king himself did not consider himself a landowner in the broad sense, but only asked for a portion of the land's produce as a way of collecting taxes. The Kingdom of Surakarta has sacred religious building value which is the largest culture in Central Java.

Based on control, land throughout the kingdom can be grouped into two groups. The first group is land controlled directly by the king. The second group is land given to sentana (royal relatives). These lands were given to sentana as long as they had a close kinship relationship with the king, and as long as they still held positions in the kingdom. Thus, if their kinship relationship is severed and they no longer serve as "bureaucrats", then the land they control will return to the King (Siregar, 2022). The Surakarta Palace is a feudal social system. Feudalism is a social system based on the power of a ruler (king or queen) who is considered to have supernatural powers. Power is obtained from "above", from supernatural or "supernatural" forces, not from "below" based on the support of the people. The king is a messenger or representative of a divine power or god who creates peace and prosperity throughout the universe. If this king is opposed then the peace of the universe will be disturbed. Feudalism has always been closely related to religion or beliefs that resemble religion.

According to Handayaninggrat, Swapraja was a genuine kingdom in Indonesia that had been established and had received recognition from the Dutch East Indies Government. A Swapraja area is an area that is given the authority to carry out government and regulate its own household, led by a king. According to Wahyudi, the Swapraja area is a term for the area that was once ruled by the Dutch East Indies government around the 17th century AD. In de facto, the Swapraja area is a royal area in Indonesia, as is the city of Surakarta because it is part of the Mataram kingdom or also known as Surakarta Palace. However, de jure this Swapraja area was under the authority of the Dutch Government (Wahyudi, 2005).

The Proclamation of Indonesian Independence on August 17 1945 made Indonesia a sovereign independent country. This was the beginning of the regulation of the Indonesian Constitution, which also changed the legal principles that apply in Indonesia. This means that the sunan regions have combined themselves into one unit to become the Unitary State of the Republic of Indonesia. There was no longer royal law that was subject to Dutch East Indies law, what happened was that Sunantry was abolished and it was subject to Indonesian law. Then these Sunanan areas were called former Swapraja areas (it is not clearly stated whether these former Swapraja areas became Swapraja governments or Sawpraja areas, because they only say former

Swapraja areas). Because this issue raises the question of what the status and position of Sunanan regional governments will be after Indonesian independence, then on September 23 1960, the government issued Law no. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA). With the enactment of this UUPA, it is stated that lands under the authority of self-employed or former self-employed areas have automatically been abolished and controlled by the State. According to the UUPA, all arrangements, control, ownership and use of land are regulated by the State. The status of land as royal land changed to state land (Boedi, 2005). However, for the Surakarta Palace at that time the UUPA could not be enforced because it felt unfair to the Palace, apart from that the provisions in the UUPA regarding self-employed and former self-employed land also had no implementing regulations. Before the UUPA was issued, land regulation in the Palace was in the form of rijsblad-rijskblad and regional regulations (Karjoko, 2005).

In connection with the legal position of the Surakarta Palace, after the birth of the Republic of Indonesia on 17 August 1945, to determine the status of Swapraja Surakarta, the Republic of Indonesia issued a charter of position to Paku Buwono XI on 19 August 1945, so that based on this charter Swapraja Surakarta was still recognized. Then on July 16 1946 Government Decree No. 16/SD/1946 which stipulates that before the form of government structure for the Kasunanan and Mangkunegaran regions is determined by law, these regions are temporarily deemed to constitute one residency. With Law Number 10 of 1950 concerning the Establishment of Central Java Province, the Surakarta residency area was designated as part of Central Java Province. Furthermore, with Law Number 13 of 1950, Klaten district, Boyolali district, Sragen district, Sukoharjo district, Karanganyar district, Wonogiri district were formed and with Law Number 16 of 1947 jo. Law no. 16 of 1950 the City of Surakarta was formed (Karjoko, 2005).

Furthermore, with the issuance of Law Number 18 of 1965 on September 1 1965, the de jure self-sufficiency of Surakarta was abolished, because in Article 88 paragraph (3) of Law Number 18 of 1965 it was stated that "de facto self-sufficient regions and/or de jure until the time this Law comes into force, it still exists and its territory has become a territory or part of the administrative area of a region, it is declared to be abolished," then after the enactment of Law Number 18 of 1965, the definition of the Surakarta palace which originally consisted of a palace and the country (swapraja kasunanan), changed to the meaning of the Surakarta Palace only covering the palace (relatives of the Surakarta palace). Then the Fourth Dictum of the UUPA applies which regulates that self-employed land and former self-employed land is transferred to the State. However, in reality, currently the Surakarta Palace sultanate still has and exercises authority over the lands it owns and owns which are spread across various areas in the city of Surakarta, especially in the Surakarta Palace area and within the walls of Baluwarti, based on Presidential Decree Number 23 of 1988 which states states that the land, buildings and all equipment of the Surakarta Kasunanan Palace, including the Great Mosque and the palace square, all belong to the Surakarta Kasunanan Palace and must be preserved as part of the country's cultural heritage.

Eliminating the practice of quickly enforcing formal regulations with a legalistic approach is the primary solution to the ambiguous status of self-employed and former self-employed individuals, as this approach may lead to a rejection of social laws. The numerous disputes over former Swapraja land in Surakarta demonstrate the inadequate implementation of the Ex-Empire Land Policy. These are induced by a number of reasons, which are listed below. Factors leading the City Government to believe: (a) Government Decree No. 16 of 1946, dated July 15, 1946, abolished the palace's authority and the provisions pertaining to control over land in the Swapraja Surakarta area; (b) Whereas the status of former Swapraja land has become STATE LAND, as per the Fourth Dictum letter A of the UUPA; and (c) Based on the provisions of Land Reform, arrangements for the ownership and allocation of former Swapraja lands have been made, with a distribution going to the Government's interests, some going to those who are directly disadvantaged as a result of the abolition of Swapraja's rights to the land, and some going to distributed to people in need. In actuality, the compensation outlined in the Land Reform Regulations has never been given to the Kingdom of Surakarta. Because the King or the Kraton institution is not the topic of land rights, the UUPA has been unable to address the issue of rights to ownership of former Swapraja lands. In addition, no implementing regulations pertaining to the lands that were once part of Swapraja have been developed yet; these laws have the potential to settle disputes over the territories. The battle really took place between the palace and the state, not between the palace and the populace.

Ownership Status of the Surakarta Kasunanan Palace as a Cultural Heritage Area

The Surakarta Palace is located as the center of Javanese cultural orientation and has high cultural value. Much of that traditional life is still alive there today. This makes the Surakarta palace the core of the cultural tourism area in the city of Surakarta. The cultural traditions of the Surakarta palace take place in an area, namely the Surakarta Palace, which is located in Baluwarti sub-district, Pasar Kliwon sub-district, Surakarta city, where until now the status of land rights is still contested between the Surakarta Kasunanan Palace and the Surakarta city government. On the one hand, the Surakarta City Government considers Baluwarti land based on the UUPA to be state land. Meanwhile, according to the Surakarta Kasunanan Palace, based on Presidential Decree Number 23 of 1988 the Baluwarti land belongs to the Surakarta palace.

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The Surakarta Kasunanan Palace area has been designated as a Cultural Heritage based on Minister of Culture and Tourism Regulation Number PM.03/PW.007/MKP/2010. Kasunanan Surakarta is one of the cultural heritage sites in Indonesia to this day and receives subsidized funds from the Government to maintain these cultural heritage assets. The potential of cultural heritage objects, Surakarta palace buildings as tourist attractions can be grouped as follows:

1) Which includes objects that have very high potential to be developed, namely: Kasunanan Surakarta Palace Area Group.
2) Those that have high potential for development are the Baluwarti Residential Neighborhood Area Group and the Gapura/Tugu/Monument/Street Furniture Group, namely Gapura Keraton (Klewer, Batangan, and Gading).
3) The objects that have moderate potential for development are the Traditional House Building Group, namely Dalem Brotodiningratan, Dalem Purwodiningratan, Dalem Sasonomulyo, Dalem Suryohamijayan, Dalem Wuryaningratan, Dalem Mloyosuman, Dalem Ngabeyan.

Regarding cultural heritage, it is regulated in Law of the Republic of Indonesia Number 11 of 2010 concerning Cultural Heritage (hereinafter referred to as the Cultural Heritage Law), Article 13 regulates that Cultural Heritage Areas can only be owned and/or controlled by the State, except for those that are hereditary. owned by customary law communities for generations. Based on Law Number 18 of 1965, the Kasunanan Surakarta Palace which has become part of Central Java Province, the self-government status of the Surakarta Kasunanan Palace was declared abolished. Based on the policy of Law Number 18 of 1965, the legal position of the Kingdom of Surakarta remains as a group of people bound by one family relationship headed by Sinuhun for Kasunanan and Pangeran for Mangkunegaran, both of whom claim to be Traditional Leaders in the area surrounding their traditional communities in the City. Surakarta. The concept of customary law communities was first introduced by Cornelius van Vollenhoven. Ter Haar, as a student of Cornelius van Vollenhoven, explored customary law communities in more depth. Husen Alting "according to Ter Haar's opinion, a customary law community is an orderly community group, settled in a certain area, has its own power, and has its own wealth in the form of visible and invisible objects, where the members of each unit experience life in society as a natural thing according to nature and no one among the members has the thought or inclination to dissolve the bond that has grown or abandon it in the sense of breaking away from that bond forever." (Dewi, 2018).

The 1945 NRI Constitution contains three primary clauses that might serve as the foundation for the rights and survival of communities governed by customary law. Article 18B paragraph (2), Article 28I paragraph (3), and Article 32 paragraph (1) and (2) of the 1945 Constitution of the Republic of Indonesia are the three relevant provisions. Article 18B, paragraph (2): As long as customary law community units and traditional rights are in existence and align with the ideals of the Unitary State of the Republic of Indonesia, which are governed by law, the State acknowledges and upholds them. The Republic of Indonesia's 1945 Constitution, Article 28I, paragraph (3), explicitly mandates the rights and existence of customary law communities as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law. Article 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia also requires the existence and rights of customary law communities as long as they are in accordance with current developments. Based on the opinions of customary law experts, the following criteria for customary law communities can be formulated: (1) There is an orderly society; (2) Occupying a certain place; (3) There are institutions; (4) Owning joint assets; (5) Community structure based on hereditary ties or regional environment; fan (6) Living communally and working together. In customary law communities there is a government or leadership structure. In this case, he has full sovereignty over his territory (customary land) and through the traditional leader also has full authority to manage, regulate and regulate the relationships between residents and the natural surroundings for the welfare of the customary law community.

Because the King is the traditional leader who still has the same territory and lineage and has authority both inside and outside of his traditional area, the Kingdom of Surakarta, specifically the Palace and Mangkunegaran, is a traditional civilization. The land that belongs to indigenous peoples is customary to them. This indicates that the territory of the ancient Surakarta Kingdom is legitimate as customary land, or ulayat land. As a result, the Surakarta Kasunanan Palace regards its territory as customary land, or ulayat land. It is evident that customary land is not covered by the UUPA's Fourth Dictum, letter A. Customary land is legally protected, and the state is not allowed to take away its rights without providing justification. Quoting KP's opinion. Edi Wairabhumi, as Chair of the Surakarta Palace Legal Aid Institute, stated that in fact the right to manage the palace is based on the palace's customary rights to land that the palace has legally owned since the founding of the palace. Presidential Decree Number 23 of 1988 actually regulates palace management where a palace management body is formed to manage the palace. Management of palace land should not be affected by provisions outside customary law (Isbandiyah, 2008). So the Surakarta Kasunanan Palace as a cultural heritage area is interpreted as a traditional institution, Javanese culture holders led by a king.

Javanese legal culture is a frame of reference for some relatives of the Surakarta palace in interpreting the Surakarta palace as the center of government with Sinuhun as king. The territory includes the former Surakarta residency in accordance with the Gianti Agreement of 1755. Javanese legal culture is a frame of reference for (former) President Soeharto in interpreting the Surakarta palace as seen in Presidential Decree Number 23 of 1988. In considering and Article 2, the Surakarta palace can be interpreted as a (kin) palace. Surakarta palace) and state (Surakarta kasunanan self-government). In considering letter (a) of

Presidential Decree Number 23 of 1988, it is stated that the Surakarta Kasunanan Palace is a national cultural heritage that needs to be maintained in order to preserve national culture and tourism. Former President Soeharto was determined to strive for the preservation of the Surakarta Kasunanan palace with cultural motives that were very dominant over economic motives.

At this time the Surakarta palace is not a political institution, nor is it a formal government institution. Now the Surakarta palace is only a traditional institution that maintains Javanese culture. The meaning of the Surakarta palace as a traditional institution, the holder of Javanese culture from some of the palace's relatives, was formed and supported by the Surakarta city government and the palace-oriented community. According to Sri Susuhunan Paku Buwono On the other hand, he interpreted the government's interest in the development and preservation of traditional culture as a guarantee for the existence of the palace's role in the future (Setiyadi, 2001). According to palace relatives, there are five types of Surakarta palace land, namely SG land, DKS land, ancestral land, land and building assets leased by the Dutch and DRS land. Only this DRS, since the enactment of the UUPA, has become state property, while the others remain the property of the Surakarta palace, because according to the fourth dictum of the UUPA, after the enactment of the UUPA, self-employed or former self-employed land becomes state land. Of the five types of land belonging to the Surakarta palace, only DRS land is controlled by rijk kasunanan (swapraja Surakarta). So far, the government has misinterpreted the status of the land of the Surakarta palace, all land related to the palace directly belongs to the state (Karjoko, 2005).

Based on the description above, even though the UUPA has come into force, the land of the Surakarta Palace still belongs to the Surakarta Kasunanan Palace. This is reinforced by Presidential Decree Number 23 of 1988 and the status of the Surakarta Palace as a cultural heritage whose existence needs to be preserved to this day. Thus, the rights to the former self-employed land were returned to the Surakarta Palace through Presidential Decree Number 23 of 1988, which previously based on the Fourth Dictum Letter A of the UUPA stated that the former self-employed land was transferred to the state. However, the Surakarta Palace is no longer the subject of land rights because it is no longer a legal entity, the Surakarta Palace is currently a traditional institution, a Javanese cultural authority headed by Sinuhun (king) as a traditional leader, which still has territorial territory. and one descendant, and has authority both inside and outside their customary territory. The former Swaraja Surakarta area is recognized as customary land because indigenous peoples have ulayat land, namely land that is customary to them. Therefore, the land and buildings of the Surakarta Kasunanan Palace can be considered as customary rights because they are part of the cultural heritage area. However, there is no valid evidence that the Kingdom of Surakarta has customary rights to a community regulated based on customary law.

If the Kasunanan Surakarta Palace is interpreted as a traditional institution, and ownership of the land of the Surakarta Kasunanan Palace becomes a customary right for the Surakarta Kasunanan Palace, then as a consequence of the use of the principle of recognition of customary rights, the Government in taking over the land of the former Surakarta self-government must also pay attention to the principle of recognition of customary rights. In this way, the implementation of the former self-employed land policy can be effective and accepted by the Surakarta Palace and the people affected by the land takeover, which can then create a sense of justice and an atmosphere of peace and order in society.

IV. CONCLUSION

The position of the Surakarta Kasunanan Palace after Indonesian Independence, based on: Government Decree no. 16/SD/1946 that the Surakarta Kasunanan Palace is temporarily considered to be one residency; Law Number 10 of 1950, the Surakarta residency area was designated as part of Central Java Province; Law Number 13 of 1950, created Klaten district, Boyolali district, Sragen district, Sukoharjo district, Karanganyar district, Wonogiri district; Law Number 16 of 1947 jo. Law no. 16 of 1950 the City of Surakarta was formed; and Law Number 18 of 1965 on September 1 1965, de jure Swaraja Surakarta was abolished. Then, after the UUPA came into force, the lands that were under the authority of self-employed or former self-employed areas were automatically abolished and controlled by the State. So the position of the Surakarta Kasunanan Palace after the enactment of the UUPA should be transferred to the State. However, in reality, currently the Surakarta Palace sultanate still has and exercises authority over the lands it owns and owns which are spread across various areas in the city of Surakarta, especially in the Surakarta Palace area and within the walls of Baluwarti, based on Presidential Decree Number 23 of 1988 which states states that the land, buildings and all equipment of the Surakarta Kasunanan Palace, including the Great Mosque and the palace square, all belong to the Surakarta Kasunanan Palace and must be preserved as part of the country's cultural heritage.

The ownership status of the Surakarta Kasunanan Palace as a cultural heritage area as stipulated in the Minister of Culture and Tourism Regulation Number PM.03/PW.007/MKP/2010 belongs to the Surakarta Kasunanan Palace as an indigenous community in accordance with Article 13 of the Cultural Heritage Law. The Kingdom of Surakarta, namely the Palace and Mangkunegaran, is a traditional society, because the King is the traditional leader who still has the same territorial area and lineage and has authority within and outside his traditional area. Indigenous peoples have customary land which is customary land for them. If the Kasunanan Surakarta Palace is interpreted as a traditional institution, and ownership of the land of the Surakarta Kasunanan Palace becomes a customary right for the Surakarta Kasunanan Palace, then as a consequence of the use of the principle of

recognition of customary rights, the Government in taking over the land of the former Surakarta self-government must also pay attention to the principle of recognition of customary rights.

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