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Using Indonesian corruption law for eradicating the Yogyakarta Sultanate Land Mafia: a legal formulation study

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Abstract

This study aims to examine the problematic functionalization of corruption offenses inside the Sultan Grond and Paku Alaman Grond land mafia and propose strategies for eliminating the Sultan Grond and Paku Alaman Grond land mafia by implementing corruption offenses in the future. The present study adopts a normative legal research methodology, incorporating both a statutory approach and a conceptual approach that deviates from the actual occurrence of land grabbing in Sultan Grond and Paku Alaman Grond. The results of the research show that based on the research findings and legal investigations, it can be concluded that: a. the prospect of functionalizing the provisions of the crime of corruption in the eradication of the "Sultan Grond and Paku Alaman Grond" land mafia case in Yogyakarta has a weakness because in the legal regime of state finances the "Sultan Grond and Paku Alaman Grond" asset is not one of the state assets, in other words, the foundation for the use of corruption offenses in the land mafia still does not have a solid juridical basis so that several things need to be done, one of which is to include the "sultan grond" asset as one of the protected sub in the corruption offense in the legal politics of eradicating corruption offenses; b. The regulation of eradicating the land mafia through the crime of corruption There are two potential approaches to address the issue of land mafia through corruption offenses in the case of " Sultan Grond and Paku Alaman Grond" The first approach involves incorporating the provisions of sultan ground land as a component of state assets, separate from the broader state property law. This classification of sultan ground land as special assets is supported by the DIY privileges outlined in Article 18B of the 1945 Constitution and the KDIY Law. The second approach entails recognizing special regional assets as protected components of the Corruption Eradication Law.

1. Introduction

Typically, acts of corruption tend to attract more attention compared to other criminal offences. This tendency is comprehensible due to the adverse consequences

resulting from this criminal conduct. The impact might affect multiple aspects of life. In order to acknowledge the gravity of corruption, it is important to understand that this illicit behaviour poses a threat to the stability and security of society, as well as to socio-economic development and political systems. Furthermore, corruption can undermine democratic norms and moral principles, as it has the potential to become ingrained in the culture over time. Corruption poses a significant danger to the notion of a fair and affluent society. Romli Atmasasmita accurately asserts that corruption in Indonesia has pervaded the government since the 1960s and continues to persist, hindering efforts to eradicate it.[1]

Considering the extensive and organised nature of corruption in Indonesia, this criminal activity must no longer be tolerated and permitted to proliferate throughout all aspects of society, including the executive, legislative, and judicial branches.[2] As a nation governed by the rule of law, we must eliminate the crime of corruption. Furthermore, in the context of combating corruption, the administration receives support from the United Nations (UN) in addition to law enforcement efforts. The United Nations Convention Against Corruption, 2003 (UNCAC) is an invitation sent by the United Nations to all countries worldwide to combat acts of corruption. One of the advantages that Indonesia gains from this convention is the ability to promote cooperation in exchanging information to prevent and eliminate corruption. In Indonesia, the task of handling corruption cases is not solely entrusted to one law enforcement entity but rather distributed among many different institutions. The prosecutor's office operates with a solid legal foundation and exercises its functions and authorities in the law enforcement process independently, without any external interference.[3]

Corruption is also unavoidable in the agricultural sector. Local communities faced the influence of capital (corporations) and/or state institutions when dealing with the original agricultural issues.[4] Land concerns sometimes stem from the state's

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[1] Ratna Juwita, 'Good Governance and Anti-Corruption: Responsibility to Protect Universal Health Care in Indonesia', *Hasanuddin Law Review*, 4.2 (2018), 162–80 <https://doi.org/10.20956/halrev.v4i2.1424>.

[2] Caroline Gratia Sinuraya and Tutik Rachmawati, 'Does Icts Matters for Corruption?', *Asia Pacific Fraud Journal*, 1.1 (2017), 49 <https://doi.org/10.21532/apfj.001.16.01.01.04>.

[3] Noore Alam Siddiquee and Habib Zafarullah, 'Absolute Power, Absolute Venality: The Politics of Corruption and Anti-Corruption in Malaysia', *Public Integrity*, 24.1 (2022), 1 – 17 <https://doi.org/10.1080/10999922.2020.1830541>.

[4] Hendi Yogi Prabowo, 'To Be Corrupt or Not to Be Corrupt: Understanding the Behavioral Side of Corruption in Indonesia', *Journal of Money Laundering Control*, 17.3 (2014), 306–26 <https://doi.org/10.1108/JMLC-11-2013-0045>.

monopolistic policy on property ownership. In addition, the state monetizes the land for financial gain. Managing the situation becomes challenging when law enforcement authorities, government officials, and the commercial sector, together with signs of a land mafia, engage in reprehensible activities that could potentially damage the country's economy. The Ministry of Spatial Planning (ATR) has recorded a total of 305 documented occurrences of land mafia in Indonesia between 2018 and 2022. Out of these cases, 145 have been officially classified as P21. So far, a total of 242 cases have been filed to the public prosecutor and have reached a final legal decision.[5]

Furthermore, a legal agreement has been reached to resolve the matter, and the land will be restored to the individuals who are rightfully entitled to it. The activities of the land mafia closely resemble skirmishes and disputes. The attributes of the Land Mafia typically exhibit a methodical and premeditated nature. Furthermore, their actions are in breach of the law and are executed in collaboration. Land mafia activities extend beyond administrative forgery. There exist sophisticated criminal organizations that manipulate the physical layout of infrastructure projects.[6]

Land mafia activities are prevalent in various parts of Indonesia, including the Sultan's Land of Yogyakarta Special Region, which encompasses both the Sultan Ground and Paku Alaman Ground. The land mafia extends its activities by targeting land controlled by the government of DIY, which is classified as Sultan Ground (SG), meaning it belongs to the DIY sultanate. The losses caused by land mafia practices on SG land are substantial, amounting to tens of billions of rupiah. The data regarding the land area of the Sultanate and Duchy land in the Yogyakarta Specialty container, which pertains to control and ownership by the Sultanate and Pakualaman Duchy, is available from the Bureau of Governance of the Yogyakarta Special Region Setda. The data is distributed as follows:

Figure I
Sultan Ground and Paku Alaman Ground Data

No	Location District/City	Land Size (m^2)
1	Yogyakarta City	82.000
2	Bantul District	22.767.859

[5] Vani Wirawan and others, 'Rekonstruksi Politik Hukum Sistem Pendaftaran Tanah Sebagai Upaya Pencegahan Mafia Tanah', *Jurnal Negara Hukum*, Volume 13.2 (2022), 185-207.
[6] Rini Astuti, 'Governing the Ungovernable: The Politics of Disciplining Pulpwood and Palm Oil Plantations in Indonesia's Tropical Peatland', *Geoforum*, 124.May 2019 (2021), 381–91 <https://doi.org/10.1016/j.geoforum.2021.03.004>.

3	Sleman District	928.338
4	Kulon Progo District	26.451.247
5	Gunung Kidul Regency	402.950
Total land size		50.632.394

Source: Results of Inventory Activities of the Bureau of Governance Setda DIY, 2014

Presently, the presence of Sultan Ground (SG) and Paku Alaman Ground (PAG) is acknowledged by both the broader community and the government. Prior approval from the Yogyakarta Palace or Puro Paku Alaman is required for the local government to utilise land in the Yogyakarta area, as substantiated by evidence. Entrepreneurs desiring to make investments in Yogyakarta are not exempt from this. The recognition of Sultan Ground and Paku Alaman Ground in the community is indicated by the community's acceptance of Kekancingan, which is explained as the status of the occupied ground being either Magersari land or belonging to the palace. The letter was signed by Panitikismo, also known as the Palace Land Institution. The Panitikismo institution, which is not yet present in Puro Paku Alaman, is currently being built in the Yogyakarta palace.

Despite the complete implementation of the UUPA in Yogyakarta since 1984 and the enactment of Law No.13 of 2012 on the Privileges of the Special Region of Yogyakarta, there is a duality in land arrangements based on the UUPA. The land concerns pertaining to the autonomy of the special zone in Yogyakarta remain a subject of controversy. Verification of the palace's status and the territory under its control must adhere to the principles of the Unitary State of the Republic of Indonesia and contribute to the promotion of public well-being, therefore necessitating the prioritisation of the people's interests. Before legalising UUK No.13 of 2012, it is important to consider three possible solutions for the formal status of the Palace in relation to the territories of Sultan Goundr and Paku Alaman Ground.[7]

First and foremost, the Palace holds official recognition as a Private Legal Entity. The Palace is acknowledged as a Private Legal Entity, with the legal ability to own

[7] Fajar Laksono and others, 'Status Keistimewaan Daerah Istimewa Yogyakarta Dalam Bingkai Demokrasi Berdasarkan Undang-Undang Dasar 1945 (Studi Kasus Pengisian Jabatan Kepala Daerah Dan Wakil Kepala Daerah)', *Jurnal Konstitusi*, 8.6 (2016), 1059 <https://doi.org/10.31078/jk868>.

ownership rights over land, as stipulated in the UUPA.[8] The Palace is formally acknowledged as the subject of ownership rights. The Palace is a legally recognised entity that has exclusive property rights over the land owned by the Palace, specifically SG and PAG. As per the UUPA, property rights are heritable and regarded as the most potent and all-encompassing rights. Property rights are regarded as the most fundamental rights because of their inherent nature, robustness, and broad coverage. Hak milik refers to an enduring and absolute right of land ownership. Ownership can be burdened by additional land rights, such as the right to build and the right to use. Under the concept of Hak Milik, the Palace enjoys a strategically excellent position, guaranteeing absolute possession of the land. This confirms that the government does not own the land. Suppose the Palace is acknowledged as a Legal Entity possessing property rights. In that case, it is obligated to comply with the regulations specified in the Fourth Dictum or else incur the consequent sanctions. A UUPA, which invalidates and transfers rights and authorities over the soil, water, and former swapraja that are still present at the time of implementing this Law to the State, is nullified.[9]

Moreover, the Palace operates as a public legal entity, functioning as an adjunct to the government. The second approach is bestowing the Palace with the status of a Public Law entity, operating as an extension of the government. Being a government-affiliated institution, the Palace is exempt from property rights, meaning it does not possess the lands on which it is located (SG and PAG). As a public legal institution, the Palace has the right to manage.[10] The phrase "Management Right" pertains to the authority of the state to exercise management over land, with some powers of execution delegated to the holder, as specified in Article 1 of Presidential Regulation No. 4 of 1996. Initially, the idea of Hak Pengelolaan was introduced and regulated by the Minister of Agrarian Affairs Regulation No. 9 of 1965. This regulation primarily focused on the conversion of land tenure rights and the accompanying policy

[8] Dian Agung Wicaksono, Ananda Prima Yurista, and Almonika Cindy Fatika Sari, 'Mendudukkan Kasultanan Dan Kadipaten Sebagai Subyek Hak Milik Atas Tanah Kasultanan Dan Tanah Kadipaten Dalam Keistimewaan Yogyakarta', *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 8.3 (2019), 311 <https://doi.org/10.33331/rechtsvinding.v8i3.342>.

[9] Rangga Hasim, 'Politik Hukum Pengaturan Sultan Ground Dalam Undang-Undang No. 13 Tahun 2013 Tentang Keistimewaan Yogyakarta Dan Hukum Tanah Nasional', *Arena Hukum*, 9.2 (2016), 207–24 <https://doi.org/10.21776/ub.arenahukum.2016.00902.4>.

[10] Shenita Dwiyansany and Lita Tyesta Addy Listiya Wardhani, 'Sistem Pertanahan Keraton Yogyakarta Sebagai Daerah Otonomi Khusus', *Jurnal Pembangunan Hukum Indonesia*, 1.2 (2019), 226–36 <https://doi.org/10.14710/jphi.v1i2.226-236>.

provisions. In order to exert control over State land in DIY, the Palace must establish itself as a Legal Entity. Nevertheless, the Palace does not now meet this condition.[11]

Moreover, the topic of Ulayat's rights pertains to the Palace. As per Article 18B, paragraph (2) of the 1945 Constitution, the State recognises and respects the unity of customary law communities and their traditional rights, provided that they are still active and in accordance with societal advancement and the principles of the Unitary State of the Republic of Indonesia as defined by law. The Basic Agrarian Law also recognises the existence of customary rights. The recognition of the existence of this hak ulayat depends on its continued real presence. (2) The execution of it must be in accordance with the interests of the nation and the state. (3) It must comply with other higher-level rules and regulations. If it is established that the Palace possesses customary rights, it is necessary to recognise that the land owned by the Palace is the communal land of the community. The Palace functions solely as a regulatory body.[12]

After the enactment of the KDIY Law, the land tenure system of Sultan Ground and Pakualaman Ground is now connected to the initial point specified. Consequently, the Sultanate of Yogyakarta and the Duchy of Pakualaman are officially acknowledged as independent organizations with legal standing, and they possess legitimate ownership of SG and PAG land. According to Article 32 Paragraph (2) and 32 Paragraph (3) of the KDIY Law, the Sultanate and Duchy have property rights over SG and PAG. The structure denotes that the Sultanate and the Duchy are legal entities, indicating that they are institutions rather than individuals representing Sultan Hamengku Buwono or Adipati Paku Alam personally. The Sultanate and Duchy's jurisdiction includes both autonomous and religious land located in all regencies and cities within the DIY region. The Sultanate and Duchy own exclusive ownership of the Sultanate property and Duchy Land, conferring upon them the power to supervise and utilize the property for the utmost promotion of culture, social welfare, and communal well-being. In order for third parties to manage and utilize the Sultanate Land and the Duchy Land, they must obtain authorization from the Sultanate for Sultanate land and authority from the Duchy for Duchy land. Moreover, the KDIY Law confers the Sultanate and Duchy with the power to manage particular issues pertaining to spatial planning. This encompasses the authority to set the overarching

[11] Tyas Dian Anggraeni, 'Interaksi Hukum Lokal Dan Hukum Nasional Dalam Urusan Pertanahan Di Daerah Istimewa Yogyakarta', *Media Pembinaan Hukum Nasional*, 1.10 (2012), 277–94.

[12] Mardian Wibowo, I Nyoman Nurjaya, and Muchammad Ali Safaat, 'The Criticism on the Meaning of "Open Legal Policy" in Verdicts of Judicial Review at the Constitutional Court', *Constitutional Review*, 3.2 (2018), 262 <https://doi.org/10.31078/consrev326>.

principles for spatial planning policies for Sultanate and Duchy territories, taking into account the distinctive attributes of the DIY territory and considering both national and DIY spatial planning.

This arrangement has long-lasting consequences for the control and ownership of SG and PAG territory by external entities through illegal means. Law enforcement authorities have uncovered the illicit manipulation of SG and PAG by external actors, both during current investigations and through court rulings. As per the data acquired from the Yogyakarta Special Region High Prosecutor's Office (referred to as Kajati DIY), the Yogyakarta Special Prosecutor's Office effectively safeguarded SG or PAG land assets by conducting three investigations in the villages of Catur Tunggal, Meguwo, and Candi Binangun. The investigations encompassed a total area of around 31.6 hectares (equivalent to 316,000 square metres) and had an estimated economic value of Rp. 316 trillion rupiah. The valuation was determined by calculating the mean of the T values. Third parties have effectively dealt with illegal control or ownership of SG and PAG land through the implementation of anti-corruption laws. These laws specifically target the financial harm caused to the state or national economy. One of them is Decision Number 11/PID.SUS-TPK/2023/PT YYK. Robinson Saalino Bin Martin Saalino obtained permission from SG and PAG to use village treasury land.[13]

Nevertheless, the Governor of Yogyakarta did not authorize this permit, which only applied to a 5000 square metre area. The Village Treasury Land, initially covering an area of 16,215 m2 (consisting of 5,000 m2 as specified in the Governor's Permit and an extra 11,215 m2), was later rented out to third parties for 20 years. The individual responsible for this action was paid a sum of Rp 29,215,920,000 (twenty-nine billion two hundred fifteen million nine hundred twenty thousand rupiah). Robinson Saalino Bin Martin Saalino has been formally and definitively found guilty of engaging in the unlawful act of corruption, as stipulated in Article 2 Paragraph (1) of the Anti-Corruption Law. The Yogyakarta District Court rendered a conviction in the case with the reference number 8/Pid.Sus-TPK/2023/PN Yyk, which was subsequently affirmed by the decision with the reference number 11/PID.SUS-TPK/2023/PT YYK. The defendant was found guilty and sentenced to 8 years of imprisonment along with a fine of Rp400,000,000.00. Nevertheless, failure to make the payment will result in a 4-month incarceration.

Interestingly, the verdict above remains linked to the identical lawsuit involving

[13] Pengadilan Negeri Yogyakarta, *Putusan Perkara Nomor: 64/Pid.Sus/2022/PN. Yk*, 2022, pp. 1–108.

the ASNs of the DIY Provincial Government. The case is identified as Decision Number 12/Pid.Sus-TPK/2023/PN Yyk. This refers to the usage of village treasury land derived from SG and PAG. The utilization of this site does not comply with the authorization granted by the Governor of DIY, as the land use permit is restricted to a maximum of 5000 square metres. The Village Treasury Land, originally measuring 16,215 m2 (consisting of 5,000 m2 as mentioned in the Governor's Permit and an additional 11,215 m2), was later rented out to third parties for 20 years. The individual responsible for this action was given a payment of Rp 29,215,920,000 (twenty-nine billion two hundred fifteen million nine hundred twenty thousand rupiah). Krido Suprayitno, the Head of the Yogyakarta Special Region Land and Spatial Planning Office, was arrested by the ASN (Civil Servant Investigator) in the case. The defendant was charged by the public prosecutor in the main indictment for violating Article 2 Paragraph (1) and Article 3 of the Anti-Corruption Law.

Furthermore, the defendant was also accused of contravening Article 12B of the Anti-Corruption Law regarding gratuities. In the end, the judge determined that the defendant was not proven guilty of the act of corruption as described in Article 2 Paragraph (1) or Article 3 of the Anti-Corruption Law. The judge determined that the defendant, Krido Suprayitno, had violated Article 12B of the Anti-Corruption Law by accepting bribes. Following the trial, the accused was found guilty and given a 4-year prison sentence, as well as a fine of Rp.300,000,000. It was specified that if the fine is not paid, a 1-month incarceration will be imposed instead.

The judgements above exemplify a proactive strategy in law enforcement with the goal of eradicating corruption. The author is discussing the proactive measures undertaken by law enforcement agents at several levels, encompassing investigation, prosecution, and judicial processes. This is because according to Article 32 Paragraph (2) and Article 33 Paragraph (3) of the KDIY Law, SG and PAG, which are part of the sultanate or duchy, are recognized as private legal entities within the boundaries of national positive law. Law enforcement agencies are currently exploring strategies to regulate the illegal control or ownership of SG or PAG land and to restore the land to its former status as SG or PAG land.

The law enforcement authorities are alarmed by the state's financial detriment caused by the unlawful utilization of land by PT Deztama Putri Sentosa. Kelurahan Caturtunggal has incurred a financial loss due to the non-receipt of rental money for land usage. The leasing agreement for 11,215 square metres of land was valued at Rp 2,467,300,000.00 (two billion four hundred sixty-seven million three hundred

thousand rupiah). The Government of Caturtunggal Village has paid the Land and Building Tax for the land used by PT Deztama Putri Sentosa, which measures 11,215 m2, from 2018 to 2023. The total amount paid was Rp 32,702,940.00. Nevertheless, PT Deztama Putri Sentosa lacked authorization from the Governor of Yogyakarta and did not possess a valid leasing agreement for the said land. PT Deztama Putri Sentosa owes a total of Rp 452,000,000.00 (four hundred fifty-two million rupiah) in rental principal and late payment charges for the period of 2018 to 2023. This is for a leased land area of 5,000 m2.

The total loss incurred by State Finance in the Caturtunggal Kalurahan Land Utilisation Case by PT Deztama Putri Sentosa is valued at Rp. 2,952,002,940.00 (two billion nine hundred fifty-two million two thousand nine hundred forty rupiah) as stated in the Report on the Results of Supervision with Specific Purpose of the Inspectorate of Yogyakarta Special Region Number: X.700/36/PM/2023 dated 16 May 2023 Regarding Supervision with Specific Purpose of Calculation of State Finance in the Caturtunggal Kalurahan Land Utilisation Case by PT Deztama Putri Sentosa.

The main issue at hand is the disparity in opinions among law enforcement agents when it comes to situations with identical material. In the original legal case, the judge clearly said that the unlawful utilization of village treasury land obtained from SG and PAG did not adhere to the Governor of Yogyakarta's authority. The land use permission was restricted to a maximum area of 5000 square metres. The accused, Robinson Saalino Bin Martin Saalino, has been convicted of corruption for breaching Article 2 Paragraph (1) and Article 3 of the Anti-Corruption Law. The court ruled that the defendant had illegally occupied a total area of 16,215 m2 for Village Cash Land. This included 5,000 m2, which the Governor's Permit permitted, and an extra area of 11,215 m2. The relevant information can be located in Decision Number 11/PID.SUS-TPK/2023/PT YYK. In a parallel case involving a distinct defendant, Krido Suprayitno, who holds the position of Head of the Yogyakarta Special Region Land and Spatial Planning Office, the judge rejected the accusations under Article 2 Paragraph (1) and Article 3 of the Anti-Corruption Law. The judge determined that this act did not constitute a corruption violation but rather a type of gratification, as outlined in Article 12B of the Anti-Corruption Law. It is interesting to investigate why such inconsistencies may arise within the same legal matter when the court or judge may have conflicting viewpoints.

If the state's financial losses in the mentioned incidents are evaluated based on the financial income of Caturtunggal Village, then the anti-corruption statute can be

utilized. Nevertheless, if the illegal domination and possession of SG or PAG territories do not lead to financial deficits for the government, the enforcement of the legislation becomes ambiguous. For example, suppose someone obtains legal authorization to use SG or PAG land that is not owned by the village treasury with the approval of the Governor of Yogyakarta. In that case, they can bypass the Governor's permit by unlawfully obtaining a Certificate of Ownership, which grants them permanent control and ownership of the land. Is the legislation pertaining to corruption charges applicable to the specific incident reported by the author?

The author contends that the corruption law cannot be enforced in this particular case due to the fact that it does not satisfy the requirements for a corruption crime as outlined in Law Number 31 of 1999 and its subsequent revision, Law No. 20 of 2001. In order to commit a corruption offence, all the necessary elements, as specified in Article 2 of the Anti-Corruption Law, must be present. (1) Any individual who engages in unlawful activities that result in personal or corporate enrichment, thereby posing a threat to the financial and economic stability of the state, shall be subject to severe penalties. These penalties include life imprisonment or a minimum of four years and a maximum of twenty years of imprisonment, as well as a fine ranging from at least Rp. 200,000,000,000.00 (two hundred million rupiah) to a maximum of Rp. 1,000,000,000.00 (one billion rupiah). (2) If the crime of corruption, as mentioned in paragraph (1), is committed under specific conditions, the punishment of death may be inflicted.[14]

According to Article 3 of the Anti-Corruption Law, anyone who misuses their authority, opportunities, or resources due to their position in order to benefit themselves, others, or a corporation, and in doing so, causes harm to the state's finances or economy, will be subject to punishment. The punishment can range from a minimum of one year to a maximum of twenty years of imprisonment or a fine of at least fifty million rupiah to a maximum of one billion rupiah. Based on the Constitutional Court Decision Number 25/PUU-XIV/2016 (referred to as MK Decision No. 25/PUU-XIV/2016), it was determined that the word "can" should be removed. As a result, Article 3 of the Anti-Corruption Law was changed from focusing on formal offences to material offences. This change was made to ensure legal certainty

[14] Ade Paranata, 'The Miracle of Anti-Corruption Efforts and Regional Fiscal Independence in Plugging Budget Leakage: Evidence from Western and Eastern Indonesia', *Heliyon*, 8.10 (2022), e11153 <https://doi.org/https://doi.org/10.1016/j.heliyon.2022.e11153>.

and to address cases where state financial losses occur specifically.[15]

The term "state finances" in the Anti-Corruption Law refers to all assets owned by the state, regardless of their form or whether they are separated or not. This includes all components of state assets and all associated rights and obligations. These assets are under the control, management, and responsibility of officials in state institutions at both the central and regional levels. They also include assets controlled, managed, and held responsible by State-Owned Enterprises/Region-Owned Enterprises, foundations, legal entities, and companies that have state capital or companies that have third-party capital based on agreements with the state. The term "State Economy" refers to an economic system that is organised as a collaborative endeavour based on family principles or independent community efforts guided by Government policies, both at the central and regional levels, in accordance with the laws and regulations in place. The objective of this system is to ensure the well-being, prosperity, and welfare of all individuals.[16]

Hence, it is evident that the illicit dominion and possession of SG or PAG territories lack any foundation for causing financial detriment to the state. For instance, if someone obtains permission from the Governor of Yogyakarta to use SG or PAG land that does not belong to the village treasury and follows the legal procedures, they can use the land for an extended period. However, there is a possibility that the SG or PAG user can bypass the Governor's permit by gaining permanent control and ownership of the land through an unlawfully obtained Certificate of Ownership. Hence, the execution of the Anti-Corruption Law is not feasible.[17]

SG or PAG land is not classified as State Finance. According to Article 32 of the KDIY Law: 1. the Sultanate and Duchy are recognised as legal entities when exercising land authority, as mentioned in Article 7 paragraph (2) letter d; 2. The Sultanate, as a legal entity, possesses ownership rights over the land belonging to the Sultanate; 3. The Duchy, as a legal entity, possesses the right to own and control the land within its

[15] Januar Rahadian and Silas Oghenemaro, 'Monodualistic and Pluralistic Punishment Politics in Criminal Code Reform : Lessons from Indonesia', *Journal of Law, Environmental and Justice*, 1.3 (2023), 225–43 <https://doi.org/10.62264/jlej.v1i3.17>.

[16] Hendi Yogi Prabowo, 'Re-Understanding Corruption in the Indonesian Public Sector through Three Behavioral Lenses Hendi', *Facilities*, 35.6 (2015), 925–45 <https://doi.org/10.1108/JFC-08-2015-0039>.

[17] Zico Junius Fernando and others, 'Preventing Bribery in the Private Sector through Legal Reform Based on Pancasila', *Cogent Social Sciences*, 8.1 (2022) <https://doi.org/10.1080/23311886.2022.2138906>.

territory; 4. The land of the Sultanate and the land of the Duchy, mentioned in paragraph (2) and paragraph (3), encompass both rabon land and nonrabon land situated in all regencies/cities within the DIY region; 5. The Sultanate and Duchy have been given the authority to oversee and exploit the territory belonging to the Sultanate and Duchy for the purpose of promoting cultural advancement, social well-being, and public welfare to the fullest extent possible.

The legal structure of the Sultanate and Duchy mentioned in Article 32 of the KDIY Law is classified as a Special Legal Entity. This implies that the law on corruption crimes is not possible if the illegal control and ownership of SG or PAG lands does not result in any financial losses for the state. For instance, if there is permission to utilise SG or PAG land that is distinct from village treasury land. The description indicates that there are deficiencies in the Anti-Corruption Law, particularly with the legal framework for safeguarding unique local government assets through national legislation aimed at eliminating corruption. However, the Anti-Corruption Law falls short in safeguarding the assets of special local governments, which contradicts the expectations set by the KDIY Law. The objectives of the KDIY Law emphasise the state's request for the Sultanate and Duchy to play a role in preserving and advancing Yogyakarta culture, which is a significant part of the nation's cultural heritage. The establishment of the tasks and obligations of the Sultanate and Duchy is achieved through the preservation, utilisation, and adherence to the customs and traditions ingrained in the people of Yogyakarta.

2. Research Method

This study is a normative legal research that focuses on the concept of "positive legal norms in the legislative system".[18] This research has verified that the suitable and employed methods in this legal research are the statute approach, case approach, and conceptual approach. The research methodology employed in this study is document analysis.[19] Document studies involve gathering secondary data from a variety of sources, such as laws, rules, international agreements, books, journals, articles, reports, and other relevant documents related to the research topic. The laws and regulations referenced in

[18] Jamal Wiwoho and others, 'Islamic Crypto Assets and Regulatory Framework: Evidence from Indonesia and Global Approaches', *International Journal of Law and Management*, 2023 <https://doi.org/10.1108/IJLMA-03-2023-0051>.

[19] Umi Khaerah Pati and others, 'THE SMALL CLAIM COURTS DURING COVID-19: ANALYSIS OF INDONESIAN BANKS' CLAIMS ON BAD CREDIT', *UUM Journal of Legal Studies*, 15.1 (2024), 97 – 120 <https://doi.org/10.32890/uumjls2024.15.1.5>.

this paper are Law No. 31/1999 concerning the Crime of Corruption, Law No. 20/2001 amending Law No. 31/1999 on the Eradication of the Crime of Corruption, Governor of Yogyakarta Special Region Regulation No. 34/2017 on Village Land Utilisation, Law No. 13/2012 on the Privileges of the Special Region of Yogyakarta, and Article 18B Paragraph (1) of the 1945 Constitution. The purpose of this investigation is to examine the extent of corruption offences related to land mafia activities involving land controlled by the Yogyakarta Special Region Government, often known as "Sultan Grond and Paku Alaman Grond".

3. Results and Discussion

Prospects for corruption laws for eradicating the Sultan Grond and Paku Alaman Grond land mafia

The term "land mafia" is not specifically referenced in either the Agrarian Law or the Corruption Crime Law. The existence and classification of land mafia are legally recognised in Technical Guidance Number: 01/Juknis/D.VII/2018, which focuses on preventing and eliminating land mafia activities. The word "land mafia", as defined in this text, refers to persons, groups, or legal entities who deliberately partake in illegal activity with the aim of obstructing and hindering the resolution of land-related matters. The phrase "Land Mafia" denotes a collective of individuals who conspire with the aim of unlawfully appropriating and assuming control over another person's property. The land mafia frequently utilises a range of strategies, such as falsifying documents, pursuing legal validation through court processes, engaging in both lawful and unlawful occupation, orchestrating incidents to manipulate circumstances, colluding with officials to acquire legal status, committing corporate offences like embezzlement and fraud, and intentionally destroying land rights and records. According to Article 88 of the Criminal Code (KUHPidana), conspiring to unlawfully control territory that is not owned by them can be categorised as a malevolent conspiracy. An evil conspiracy occurs when two or more individuals conspire to perform a criminal act. Malicious conspiracy is explicitly regulated by Article 110 of the Criminal Code.[20]

The word criminal conspiracy is referenced in several laws and regulations.[21] According to Article 1 point 15 of the Law of the Republic of Indonesia Number 8 of 2010,

[20] Rian Saputra, Muhammad Khalif Ardi, and others, 'Reform Regulation of Novum in Criminal Judges in an Effort to Provide Legal Certainty', *JILS (Journal of Indonesian Legal Studies)*, 6.2 (2021), 437–82 <https://doi.org/10.15294/jils.v6i2.51371>.

[21] J. Ferejohn and P. Pasquino, 'The Law of the Exception: A Typology of Emergency Powers', *International Journal of Constitutional Law*, 2.2 (2004), 210–39 <https://doi.org/10.1093/icon/2.2.210>.

malicious conspiracy refers to the agreement between two or more individuals to commit the crime of money laundering. Furthermore, according to Article 15 of the Law of the Republic of Indonesia Number 31 of 1999 on the Eradication of the Crime of Corruption, as amended by Law of the Republic of Indonesia Number 20 of 2001 on the Amendment to Law of the Republic of Indonesia Number 31 of 1999 on the Eradication of the Crime of Corruption, any individual who engages in an attempt, assistance, or conspiracy to commit a corrupt criminal offence will be subject to the same punishment outlined in Article 2, Article 3, Article 5, up to Article 14.

According to Article 15 of the Law of the Republic of Indonesia Number 15 of 2003, which replaces the Law of the Republic of Indonesia Number 1 of 2002, individuals who engage in a criminal conspiracy, attempt, or assistance in committing acts of terrorism mentioned in Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, and Article 12 will be subject to the same punishment as the actual perpetrator of the crime. Article 8 letter O of Law of the Republic of Indonesia Number 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 of 2002 on the Eradication of the Criminal Offence of Terrorism includes provisions for malicious conspiracy. This provision states that individuals who commit acts of serious injury, as described in letter l, letter m, and letter n, in a premeditated manner, as a continuation of a criminal conspiracy involving two or more persons, are considered to be engaging in malicious conspiracy. Article 5 of Law of the Republic of Indonesia Number 9 of 2013 on the Prevention and Eradication of the Crime of Terrorist Financing states that anyone who conspires, attempts, or assists in the commission of terrorist financing will be punished with the same penalty as stated in Article 4.

In Indonesian criminal law, there are often no specific restrictions that effectively eradicate the operations of land mafia. The phrase "land mafia" is not clearly defined under the national positive legislation. The regulations of the land mafia are specifically detailed in the Technical Guidelines of the Ministry of ATR/BPN Number 01/Juknis/D.VII/2018 on the Prevention and Elimination of the Land Mafia. It is crucial to emphasise that these guidelines are not considered statutory products. The absence of criminal provisions in the Technical Guidelines of the Ministry of ATR/BPN Number: 01/Juknis/D.VII/2018 has a substantial effect. This is consistent with the viewpoint of Dian Puri Winasto, who contended that the Ministry of ATR / BPN does not possess the authority to bring criminal charges in relation to crimes carried out by land mafias. The Land Office's involvement in such situations is restricted to offering aid and assistance during investigations carried out by the authorities until the case file is considered to be fully compiled (P.21). Afterwards, the case is transferred to the Prosecutor's Office for additional measures. The active participation of the Police, Prosecutor's Office, and Court

is vital in aiding the Ministry of ATR/BPN in dealing with issues pertaining to land mafia.

The existing legal framework for countering the land mafia is still inadequate in properly addressing and eradicating their unethical practices.[22] The criminal liability of the land mafia, as described in Article 110 of the Criminal Code regarding criminal conspiracy, requires thorough interpretation. Additionally, additional provisions in the Criminal Code encompass a. Article 263, which applies to the fabrication of correspondence; b. Article 264, which handles the fabrication of authentic papers; c. Article 372 deals with misappropriation of funds; and d. Article 378, which involves deceitful practices. Article 378 of the Criminal Code deals with fraud. According to data from ATR/BPN, a total of 305 cases of land mafia activity were documented from 2018 to 2022. Among these instances, a total of 242 have received formal classification as P21. This suggests that the regulations specified in the Criminal Code have not exerted a significant impact. Thus far, a cumulative sum of 242 cases have been submitted to the public prosecutor and have reached a legally conclusive resolution (*in kracht van gewijsde*).

Criminal culpability is the primary standard used to determine if a suspect or defendant can be legally responsible for a committed crime.[23] The main focus of criminal responsibility is outlined in CHAPTER III of Book I of the Criminal Code. However, it is also discussed in several articles scattered throughout the law. Roeslan Saleh asserted that, in accordance with Alf Ross, assuming responsibility for a criminal act necessitates the just imposition of punishment onto the implicated individual. The legality of inflicting punishment is contingent upon the presence of established standards within a particular legal framework, which dictate the parameters of the act and ensure that it comes under the jurisdiction of that legal system. In essence, the legal system justifies the action taken as a penalty. Furthermore, Roeslan Saleh emphasised that the correlation between the actual circumstances and the obligatory legal outcomes manifests accountability. The relationship between the two is neither inherent nor causally derived but rather in conformity with legal standards.[24]

To ascertain the criminal culpability of an offender and ascertain the appropriate penalty, it is imperative to scrutinise and substantiate the following: 1. The perpetrator's

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[22] Saldi Isra and others, 'Obstruction of Justice in the Effort to Eradicate Corruption in Indonesia', *International Journal of Law, Crime and Justice*, 51 (2017), 72–83 <https://doi.org/10.1016/j.ijlcj.2017.07.001>.

[23] Alexander Testa and Daniel Semenza, 'Criminal Offending and Health over the Life-Course: A Dual-Trajectory Approach', *Journal of Criminal Justice*, 68.February (2020), 101691 <https://doi.org/10.1016/j.jcrimjus.2020.101691>.

[24] Suwari Akhmaddhian, 'Discourse on Creating a Special Environmental Court in Indonesia to Resolve Environmental Disputes', *Bestuur*, 8.2 (2020), 129 <https://doi.org/10.20961/bestuur.v8i2.42774>.

activities must conform to the legal criteria. 2. The culprit is solely responsible for their conduct. 3. The conduct must be illegal. 4. The conduct must be universally forbidden and subject to legal consequences. 5. The acts must be executed in accordance with the precise location, timing, and circumstances specified in the law. 6. The act dictates the application of punishment.[25]

Crime and responsibility. The fundamental principle in criminal law is the concept of culpability, also referred to as the principle of no punishment without fault (geen straf zonder schuld). The principle of culpability states that an individual can only be convicted if they can be held accountable for the illegal conduct they have perpetrated. "Fault has two discrete meanings." Within a certain framework, it pertains to the concept of intentionality (dolus/opzet), which signifies engaging in actions with conscious and deliberate aim and purpose (willen en wetens). However, in a wider framework, it includes both dolus and culpa. *Culpa* is a term used to describe negligence, which is the result of the perpetrator's failure to think or understand properly.[26]

Moreover, the concept of subject responsibility is of utmost importance, as a criminal act can only be ascribed to an individual who committed the crime, known as the perpetrator. "In order to obtain a conviction, the individual who committed the criminal offence must not have any valid reasons to avoid punishment, such as a legitimate justification or excuse." Thus, it may be deduced that in order to attribute accountability to an individual for a criminal transgression, they must satisfy the prerequisites of culpability as stipulated by the legal system, and there can be no legitimate rationale or justification for the perpetrator's behaviour.[27]

Criminal responsibility, sometimes referred to as the concept of theekenbaardheid or criminal liability, entails the imposition of punishment on the perpetrator to determine whether a defendant or suspect is legally responsible for engaging in criminal behaviour. According to Moeljatno, Alf Ross defined the concept of a person's responsibility for their conduct as the establishment of criminal accountability when there is a relationship between the factual factors that cause the results and the legal consequences that are required by law. Criminal behaviour refers to the act of participating in an activity that is

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[25] M Murdian, 'Criminal Responsibility in the Execution of the Contract for the Procurement of the Government', *Jurnal IUS Kajian Hukum Dan Keadilan*, IV.1 (2016), 2–26.

[26] Nanang Nurcahyo, Ramalina Ranaivo, and Mikea Manitra, 'Why Have Indonesian Murderers Not Paid Victims ' Heirs ? Murder Victims By Gender 2019-', *Journal of Law, Environmental and Justice*, 1.2 (2023), 155–69 <https://doi.org/10.62264/jlej.v1i2.13>.

[27] Mallow Muzaffar Syah, 'Corruption: The Law and Challenges in Malaysia ', *Proceedings of ADVED 2018 - 4th International Conference on Advances in Education and Social Sciences*, October, 2018, 15–17.

forbidden and entails the possibility of being penalised. The resolution to this inquiry depends on whether the person involved committed a mistake during the execution of the action. The reason for this is that the fundamental concept in criminal law is that punishment is not justified unless there is a mistake (*Geen straf zonder schuld; Actus non facit reum mens rea*).[28]

According to Sutan Remy Sjahdeiny, in alignment with Alf Ross, the notion of being responsible for one's conduct or being legally liable for a crime is founded on the widely acknowledged principle in criminal law known as actus non facit reum, nisi mens sat rea. According to the adage, an individual may only be held criminally responsible if they not only do a specific action (actus reus) but also have a particular mental state (mens rea) that is directly linked to the behaviour at the time it is carried out. The saying above is known as "No punishment without fault" in Indonesia.[29] Sudarto, as cited by Makhrus Ali, offered perspectives on the delineation of criminal liability. Sudarto says that criminal culpability is established by the existence of objective reproaches in criminal acts and the subjective assessment of penalty eligibility based on one's actions. The concept of legality establishes the basis for the commission of criminal acts, whereas the principle of culpability determines the criminalization of the perpetrator. Therefore, the penalty for a criminal offence is only enforceable if the perpetrator has indeed committed the offence. Thus, to determine a perpetrator's responsibility for committing a criminal act, it is crucial that the conduct itself is inherently "illegal," as this is the primary characteristic that defines a criminal offence. The criminal conduct may be considered illegal depending on the perpetrator's psychological state, which can be classified as either "intent" or "negligence."[30]

The ongoing topic pertains to the functionalization of corruption offences in the context of the land mafia and the "Sultan Grond" land case. Nevertheless, its implementation necessitates thorough interpretation, resulting in a state of legal ambiguity. The elucidation of state assets or state finances, as stipulated in the Anti-Corruption Law, continues to be a subject of ongoing discussion. This encompasses all categories of government-owned assets, whether they are divided or not, together with all elements of these assets and the corresponding legal responsibilities and entitlements. The control, management, and accountability of these assets are entrusted to officials in state

[28] Sebastián A. Reyes Molina, 'Judicial Discretion as a Result of Systemic Indeterminacy', *Canadian Journal of Law and Jurisprudence*, 33.2 (2020), 369–95 <https://doi.org/10.1017/cjlj.2020.7>.

[29] Brian Z. Tamanaha, *A Realistic Theory of Law*, *A Realistic Theory of Law*, 2017 <https://doi.org/10.1017/9781316979778>.

[30]Eddy Rifai, 'An Analysis of the Death Penalty in Indonesia Criminal Law', *Sriwijaya Law Review*, 1.2 (2017), 190–99 <https://doi.org/10.28946/slrev.Vol1.Iss2.44.pp191-200>.

institutions at both the central and regional levels.

The Sultanate of Yogyakarta is officially recognised as a local government entity in accordance with Article 18B Paragraph (1) of the 1945 Constitution. This article states that the state recognises and honours distinctive or unique units of local government that are regulated by law. Sultan Grond, being a possession of the Yogyakarta local government, specifically the Sultanate of Yogyakarta, is regarded as a significant cultural heritage asset of the country. Hence, any instance of land appropriation presents a substantial threat to the long-term conservation of the country's cultural heritage resources.

Land mafia and corruption offences sometimes include a coordinated approach, with numerous individuals participating in the commission of the offence. Therefore, the Anti-Corruption Law specifically deals with the act of participation, as outlined in Article 5 of the Act. Article 15 contains precise provisions that are applicable to both attempted and assisted criminal acts. These restrictions typically lead to a 33% decrease in the criminal sentence, in accordance with the principle of complicity in criminal law. Utrecht put forward Simons' perspective, which asserts that in order for an individual to be regarded as a participant in a crime, they must possess identical attributes to those of the primary perpetrator. This is because an individual cannot be convicted as an accomplice if they do not possess the same characteristics as the primary offender. When calculating the penalty for wrongdoing, it is crucial to consider the extent of responsibility of each individual involved, as well as their level of culpability.[31]

While the Sultanate of Yogyakarta is recognised as the rightful owner of the land called "Sultan Grond", and it is regarded as a valuable national treasure, there are deficiencies in the legal system concerning state funds. More precisely, the assets belonging to "Sultan Grond" are not categorised as state assets. Therefore, the legal foundation for prosecuting corruption associated with land mafia activities is inadequately robust. In order to tackle this problem, it is imperative to designate the assets of "Sultan Grond" as a safeguarded classification under the legal framework aimed at preventing corruption.

Furthermore, the assets of "sultan land" are categorised as state assets that are exempt from the comprehensive doctrine of state assets. These assets are specifically related to the financial resources of a state and its different financial entities. In order to avoid future misunderstandings and disagreements, it is essential to define precise limits regarding the classification of "sultan ground" property holdings within the state's financial framework.

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[31] Rian Saputra, Josef Purwadi Setiodjati, and Jaco Barkhuizen, 'Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)', *JOURNAL of INDONESIAN LEGAL STUDIES*, 8.1 (2023), 243–88 <https://doi.org/10.15294/jils.v8i1.67632>.

It is imperative to have a comprehensive and equitable comprehension of several legislative features, including the State Finance Law, DIY Establishment Law, and Corruption Law. It is essential to differentiate the assets under the "sultan ground" regime from other state financial systems to avoid treating them equally.

Ius Constituendum: Corruption crime regulation to eradicate Sultan Grond and Paku Alaman Grond land mafia

The Indonesian government implements restrictions regarding the extent of corruption inside the country's regime. The Anti-Corruption Law categorises offences into three distinct groups: offences that lead to financial and economic harm to the state, offences connected to bribes, and violations linked to gratuities. All of these transgressions are classified as criminal acts of corruption according to the Anti-Corruption Law.[32] If these offences are linked to the sultan's land mafia instances, it will be exceedingly difficult to employ them as a method to eradicate the sultan's land mafia.

Therefore, to eradicate the sultan's land mafia through the approach of battling corruption, several options can be explored by modifying the current legislation. The available options encompass: First and foremost, it is imperative to establish legislation that specifically classifies the sultan's property as a separate state asset, distinct from other general state assets. Moreover, it is imperative to include provisions to protect specific regional resources within the comprehensive framework of Law Number 31 Year 1999 on the Eradication of Corruption. The author of the passage explores many ideas concerning the protection of the sultan's land assets. This is done by examining corruption offences and suggesting potential changes to the Anti-Corruption Law in the coming years.

Examining the privileges of Yogyakarta from a legal standpoint necessitates considering Law Number 13/2012 on the Privileges of the Special Region of Yogyakarta, also known as the KDIY Law. The process of implementing legislation encompasses multiple stages. Initially, the law was proposed by the government, the regional Ministry of Home Affairs, and the DPR/DPD. Furthermore, the DPR and DPD RI deliberate on the proposed legislation within the Prolegnas. Furthermore, a team of scholars specialising in academic research (referred to as the NA Study Team) thoroughly analyses the legislation and carries out a comprehensive evaluation involving public participation.

Furthermore, a Special Committee is established at the DPR Commission level to scrutinise the law once it is submitted by the government and/or DPD RI. Ultimately, the

[32] Tatu Aditya, 'Reforming Criminal Impacts in the Law of State Finance : Legal Certainty for State-Owned Enterprise', *Indonesian Law Journal*, 15.2 (2022), 125–40 <https://doi.org/10.33331/ilj.v15i2.97>.

law is officially approved during a comprehensive meeting once all groups have voiced their opinions. Therefore, upon careful analysis of the key sections of the KDIY Act, it can be inferred that the Act effectively fulfils the essential requirements for legal writing and sufficiently caters to the aspirations and objectives of the DIY community, which is the major purpose of adopting this legislation.

The UUK-DIY framework commences with an initial assessment that forms the basis for philosophical, sociological-political, and juridical matters. Legal regulations are essential for addressing the specific requirements related to the appointment of regional leaders, specifically the Governor and Deputy Governor as the Head of the Region. These regulations are outlined in Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Law Number 32 of 2004 concerning Regional Government, and they ensure the legal certainty of these appointments.[33]

The citizens of DIY were filled with enthusiasm when, on August 30, 2012, the House of Representatives and the administration formally implemented the DIY Law Number 13 of 2012. The DIY Privileges Law consists of sixteen (XVI) chapters and fifty-one (51) articles. The organisational framework of UU-KDIY is as follows: Firstly, Chapter I is named General Provisions. Consists of a solitary Article with multiple paragraphs that offer precise explanations of terms or ideas in diverse disciplines such as philosophy, history, sociology, politics, and law. This text provides a thorough explanation of all aspects of privilege for the governing body and its members. Chapter Two (II) explores the delineation of the geographical boundaries between Yogyakarta and Central Java. The distribution of territory among Sleman Regency, Bantul Regency, Kulon Progo Regency, Gunung Kidul Regency, and Yogyakarta City.[34]

In addition, Chapter III covers the Principles and Objectives, which are comprised of two (2) elements. Article 4 delineates the fundamental principles that underlie the regulation of DIY Privileges. The principles encompassed in this framework are as follows: (a) recognising the entitlement to originality, (b) taking into account populism, (c) maintaining democracy, (d) fostering unity amidst diversity, (e) guaranteeing governmental efficiency, (f) giving priority to national welfare, and (g) empowering indigenous knowledge. Article 5 of the document outlines a number of objectives, including (a) attaining democratic governance, (b) achieving public welfare and peace, (c) establishing governance and social order that fosters unity within the framework of the Unitary Republic of Indonesia, (d) promoting good governance, and (e) empowering the

[33] Dwiyansany and Wardhani.
[34] Wicaksono, Yurista, and Sari.

Sultanate and Duchy to enhance the development of Yogyakarta culture as a national heritage.

Chapter IV is of great significance as it covers the essential ideas of do-it-yourself privileges. Article 7 is a vital regulation that clearly highlights the importance of the five fundamental components of privilege. The five pillars of DIY privilege encompass (1) the election of the Governor and Deputy Governor, (2) the creation of DIY government institutions, (3) the advancement of Culture, (4) the possession of Land, and (5) the execution of Spatial Planning. Chapter V consists of nine sections (Article 8 to Article 17) that specifically address the Form and Structure of the DIY Government. Chapter VI focuses on Pillar 1 of Privileges, which specifically deals with the selection of the Governor and Deputy Governor of DIY. This chapter includes nine articles, spanning from Article 18 to Article 27. Articles 28 to 29 govern Chapter VII, which deals with the situation when the Governor and Deputy Governor are not present. Chapter VIII specifically focuses on Article 30, which deals solely with the governmental organisation of the Special Region of Yogyakarta.

Chapter IX, specifically discussed in Article 31, focuses on the clear definition of cultural specialisation, different types of culture, and particularly the establishment of cultural cities. Chapter X centres on Land and is regulated by two Articles, namely Article 32 and Article 33. The distinction between sultanate land and paku alaman land, along with efforts to determine and define these particular territories. Chapter XI, which deals with Spatial Planning, is especially regulated by Article 34 and Article 35. Chapter XII of Article 38 and Article 36 provide guidelines for classifying regional rules, which encompass Special Regional rules, Governor Regulations, and Governor Decrees. Chapter XIII pertains to the regulations concerning finance, encompassing Articles 41 to 42. These articles act as motivators for DIY initiatives, as they receive funding from the state budget as a result of the privilege, amounting to approximately Rp. 1 trillion. Chapter XIV has supplementary provisions consisting of Articles 43 to 44. Chapter XV, entitled "Transitional Provisions," includes Articles 45 to 48. Chapter XVI, which pertains to Closing Provisions, encompasses Articles 49 and 51.

Chapter IV of Yogyakarta's privileges contains a provision about land, which states that it is exempt from and not subject to national land laws. The terms of Article 33 of the 1945 Constitution can be located in the official documentation of the Constitution. To avoid categorising encroachments on the sultan's territory as detrimental to the state and including them as public assets, these encroachments are subject to specific and distinct rules.

Within the statutory framework that governs state finances, state assets are categorised into two distinct classifications. The first group comprises state assets that are under the jurisdiction of the state and possess a public character. In this case, the state acts as the governing body, while the management of these assets is delegated to an authorised institution. Regarding land matters, the National Land Agency (BPN) is the authorised governing body.[35] If the asset is related to forest goods, it is transferred to the Ministry of Forestry. Likewise, if it pertains to maritime items, it is passed to the Ministry of Maritime Affairs. State-owned assets are created in accordance with Article 33 of the 1945 Constitution, which states that the government has authority over land, water, and natural resources, and these resources should be administered in a way that maximises the well-being of the population.

Moreover, some assets are under the jurisdiction of the state, as well as assets that the Government owns. The Government classifies its state assets into two categories: non-segregated assets and segregated assets. Separated assets, often referred to as State/Regional Property, are things that are obtained or bought using monies from the APBN/APBD (national/regional budget) or acquired via other lawful methods. This encompasses commodities acquired through grants, contributions, or analogous origins, as well as commodities acquired as a consequence of agreements, contracts, legislative provisions, or judicial rulings that possess enduring legal validity. The administration of non-separated state assets is regulated by several laws and regulations, namely Law Number 17 of 2003 on State Finance and Law Number 1 of 2004 on State Treasury. The management of this system is governed by Government Regulation Number 6 of 2006, which specifically addresses the management of state/regional property.

In addition to non-separated state assets, separate state assets are also referred to as government investments. These investments include the government's ownership share in State/Regional Owned Enterprises (BUMN/BUMD),[36] as well as other limited liability companies and other government-owned legal entities. The legal foundation for the management of separated state assets is defined by various laws, namely Law Number 17 of 2003, Law Number 19 of 2003 on State-Owned Enterprises, and Law Number 1 of 2004. The government regulations that govern the management of government investments are further governed by specific execution of these laws, in accordance with Article 41

[35] Pertiwi Liliyani, Tanjung Nugroho, and Dwi Wulan Titik Andari, 'Inventarisasi Penguasaan, Pemilikan, Penggunaan Dan Pemanfaatan Tanah (IP4T) Partisipatif Di Kabupaten Madiun', *Tunas Agraria*, 3.2 (2020), 157–76 <https://doi.org/10.31292/jta.v3i2.114>.

[36] Yohanes Suhardin, 'Fenomena Mengabaikan Keadilan Dalam Penegakan Hukum', *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 21.2 (2012), 341 <https://doi.org/10.22146/jmh.16261>.

paragraph (3) of Law Number 1 of 2004.

State assets can be classified into three subcategories to classify them in a lawful and standard way. Firstly, there exist assets that are directly administered by the government, which are referred to as State Property (BMN). Some examples of these assets are land, buildings, and vehicles that Ministries/Institutions own. Additionally, there exist assets that are under the management of external entities, commonly known as separate state assets. These can encompass the state's capital involvement through ownership of shares in state-owned companies (BUMN) or original assets in different state-owned legal organisations (BHMN) that are designated as distinct assets based on their creation legislation. Finally, there are state-owned assets that relate to the land, water, atmosphere, and the natural resources contained within them. The state has power over these assets as the supreme governing authority. Some examples of these assets are mining, coal, oil, geothermal energy, assets that the government previously took over from foreign individuals or companies, and cultural heritage.[37]

In land legislation, state-owned land is divided into six categories: (1) waqf land, (2) land with management rights, (3) land with customary rights, (4) land with community rights, (5) land in forest areas with rights, and (6) other land not falling into the previous five categories, which is under the jurisdiction of the National Land Agency (BPN). State land can be characterised in two distinct manners. Primarily, in a comprehensive context, it denotes territory that is under the jurisdiction of the BPN (National Territory Agency) and is supervised by the Head of the BPN. Furthermore, in a more specific context, it pertains to territory that is under the jurisdiction of government ministries and agencies. This land is regarded as a valuable possession or component of the state's resources and is overseen by the Minister of Finance.[38]

Based on this description, the KDIY Law grants certain do-it-yourself privileges that classify the sultan's land as being subject to different regulations from the national land law. These actions have led to adverse outcomes, as the acts of seizing land and exerting illegal control cannot be categorised as criminal acts of corruption and damage to the state. What measures should be undertaken to successfully enforce the legislation aimed at eliminating corruption offences and combating the sultan's land mafia? An alternative is

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[37] Jiwon Suh, 'Human Rights and Corruption in Settling the Accounts of the Past: Transitional Justice Experiences from the Philippines, South Korea, and Indonesia', *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 179.1 (2023), 61–89 <https://doi.org/https://doi.org/10.1163/22134379-bja10049>.

[38] Sopian Sitepu, 'State Owned Enterprises Finance from the Perspective of State Funds', *Yuridika*, 35.2 (2019), 363 <https://doi.org/10.20473/ydk.v35i2.16874>.

to include a provision declaring that the sultan's land is classified as a state asset, subject to the authority of the local government. However, the author highlights the importance of implementing these restrictions carefully to prevent the idea that they weaken the Central Government's ability to exercise its DIY powers. The author advocates for harmonisation between the KDIY Law, the State Finance Law, and the State Treasury Law. One approach entails classifying the land owned by the sultan as unique state assets that are not subject to the restrictions of the broader state financial system.

The classification of the sultan's land as unique state assets can be justified by the historical, socio-political, and cultural factors that form the basis of the KDIY Law. To protect personally acquired assets, such as private land holdings, from being exploited and unlawfully controlled by criminal organisations involved in land-related illegal activities, it is imperative to implement strategies aimed at eradicating their influence. The author suggests that the KDIY Law should be harmonised with the State Finance Law and the State Treasury Law to include Sultan Grond land as a distinct state asset. The alignment must be carried out with great care and attention to prevent any erosion of the privileges of DI Yogyakarta, as outlined in Article 18B of the 1945 Constitution and the KDIY Law.

Legal politics, as defined by Padmo Wahjono, refers to the strategic decision-making process carried out by state administrators. This process plays a vital role in determining the direction, structure, and content of laws, as well as establishing the standards for applying punishments.[39] Legal politics, as described by Padmo Wahjono, refers to the potential implementation of legislation (ius constituendum). In his paper titled "Legal Renewal and Politics in the Framework of National Development," Teuku Mohammad Radhie defines *legal politics* as the manifestation of the intentions of state authorities regarding the laws that are currently in force within their jurisdiction, as well as the direction of legal advancement that is being established.[40]

Legal politics, as described by Satjipto Rahardjo, involves the intentional choice and application of strategies to achieve particular social and legal goals within a society. Satjipto Rahardjo presents a number of crucial questions that arise when analysing legal

[39] Lego Karjoko, I Gusti Ayu Ketut Rachmi Handayani, and Willy Naresta Hanum, 'Legal Policy of Old Wells Petroleum Mining Management Based on Social Justice in Realising Energy Sovereignty', *Sriwijaya Law Review*, 6.2 (2022), 286–303 <https://doi.org/10.28946/slrev.Vol6.Iss2. 1745.pp286-303>.

[40] Ngesti Prasetyo and others, 'The Politics of Indonesias Decentralization Law Based on Regional Competency', *Brawijaya Law Journal*, 8.2 (2021), 159–84 <https://doi.org/10.21776/ub.blj.2021.008.02.01>.

politics.[41] The tasks involved in this process are: (1) defining the goals that need to be achieved through the existing legal system; (2) choosing the most efficient approaches to accomplish these goals; (3) determining the appropriate timing and methods for modifying the law; and (4) creating a standardised framework to direct the selection of objectives and strategies for their achievement. Legal politics refers to the deliberate and planned actions taken by the government to create a national legal system that is in line with Indonesia's goals and desires.[42]

The primary purpose of enacting the Anti-Corruption Law is to safeguard the financial resources and assets of the state, which are intended for the betterment of the public's well-being, from the detrimental effects of corrupt practices.[43] The basic explanation of Law No. 31/1999 on the Eradication of Corruption clearly indicates that the goal of National Development is to establish a fair, wealthy, and well-organized Indonesian society based on Pancasila and the 1945 Constitution. To achieve a fair, affluent, and well-organized Indonesian society, it is imperative to consistently enhance endeavours to prevent and eliminate criminal offences in general, with a specific focus on combating corruption.[44]

In addition, it is asserted that amidst the ongoing national development endeavours across multiple sectors, there is a growing public desire to eliminate corruption and other forms of misconduct.[45] This is due to the fact that corruption has resulted in significant financial losses for the state, which in turn can lead to crises in various domains. In order to more effectively prevent and eliminate corruption, it is necessary to strengthen and intensify efforts while also ensuring the protection of human rights and the interests of society. This is crucial to combat various forms of corrupt criminal activities that have a

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[41] Rian Saputra, M Zaid, and others, 'Reconstruction of Chemical Castration Sanctions Implementation Based on the Medical Ethics Code (Comparison with Russia and South Korea)', *Lex Scientia Law Review*, 7.1 (2023), 61–118 <https://doi.org/10.15294/lesrev.v7i1.64143>.

[42] Mohd Rizal Palil and others, 'Social Enterprise and Taxation Policy: A Systematic Literature Review', *Bestuur*, 9.2 (2021), 135 <https://doi.org/10.20961/bestuur.v9i2.55569>.

[43] Pujiyono Suwadi and others, 'Legal Comparison of the Use of Telemedicine between Indonesia and the United States', *International Journal of Human Rights in Healthcare*, ahead-of-p.ahead-of-print (2022) <https://doi.org/10.1108/IJHRH-04-2022-0032>.

[44] P Pujiyono, Sufmi Dasco Ahmad, and Reda Manthovani, 'The Future of the Leniency Program as an Efforts to Reveal Cartel Practices in Indonesia', *ARPN Journal of Engineering and Applied Sciences*, 14.20 (2019), 7599 – 7608 <https://doi.org/10.36478/JEASCI.2019.7599.7608>.

[45] Maria-Ana Georgescu, 'Unethical Aspects and the Recent Manifestation of Corruption in Romanian Public Administration', *Procedia Economics and Finance*, 15 (2014), 452–58 <https://doi.org/https://doi.org/10.1016/S2212-5671(14)00480-8>.

severe negative impact on state finances, the economy, and society as a whole.[46]

The term "state finances" encompasses all assets owned by the state, regardless of their physical or legal separation. This includes all components of state assets and all associated rights and liabilities. a) The control, management, and responsibility of State institutions, both at the central and regional levels, encompass these matters; b) These matters fall under the control, management, and responsibility of State-Owned Enterprises/Region-Owned Enterprises, foundations, legal entities, and companies that have state capital, or companies that have third party capital based on agreements with the State. The term "State Economy" refers to an economic system that is organised as a collaborative endeavour based on family principles or independent community efforts, guided by Government policies at both the central and regional levels, in accordance with relevant laws and regulations. The goal of this system is to enhance the well-being, prosperity, and welfare of all individuals.[47]

The description provided indicates that there is a confined area where the implementation of corruption law can be utilised to eliminate the Yogyakarta sultan's land mafia. The reason for this is that the sultan's land, due to its unique characteristics, does not fit under the classification of public assets as defined in the Public Finance Law and the State Treasury Law. In order to utilise the law of corruption, it is imperative to enhance the Anti-Corruption Law by incorporating an additional provision. This provision specifies that the state finances under scrutiny encompass all state assets, regardless of their form, whether they are separated or not. This includes all components of state assets and all associated rights and obligations. Furthermore, it encompasses the assets of the regional government that arise from its privileges and/or are under the control, management, and accountability of the regional official.

This formulation can serve as a foundation for the implementation of corruption law as a means to eliminate the sultan land mafia in the future, as well as for the revision of the Anti-Corruption Law in the future. The future formulation of the explanation of the Anti-Corruption Law defines state finances as follows: a) under the control, management, and responsibility of officials in State institutions at both the central and regional levels; b) under the control, management, and responsibility of State-Owned Enterprises/Region-Owned Enterprises, foundations, legal entities, and companies that have state capital, or

[46] Noore Alam Siddiquee, 'Combating Corruption and Managing Integrity in Malaysia: A Critical Overview of Recent Strategies and Initiatives', *Public Organization Review*, 10.2 (2010), 153–71 <https://doi.org/10.1007/s11115-009-0102-y>.

[47] Hilaire Tegnan and others, 'Mining Corruption and Environmental Degradation in Indonesia: Critical Legal Issues', *Bestuur*, 9.2 (2021), 90–100 <https://doi.org/10.20961/bestuur.v9i2.55219>.

companies that have third party capital based on agreements with the State. The term "State Economy" refers to an economic system that is organised through collaborative efforts based on family principles or independent community initiatives, guided by government policies at both the central and regional levels, in accordance with relevant laws and regulations. The objective of this system is to enhance the well-being and prosperity of all individuals. Additionally, it encompasses the assets of local governments that are generated through their privileges and are under the control, management, and responsibility of regional officials.

4. Conclusion

Based on research findings and legal investigations, it can be concluded that a. The prospect of functionalisation of the provisions of the crime of corruption in the eradication of the "Sultan Grond and Paku Alaman Grond" land mafia case in Yogyakarta has a weakness because in the legal regime of state finances, the assets of the "Sultan Grond and Paku Alaman Grond" are not one of the state assets, in other words, the foundation for the use of corruption offences in the land mafia still does not have a strong juridical basis so that several things need to be done, one of which is to include the assets of the "sultan ground and paku alaman ground" as one of the protected subs in the corruption offence in the legal politics of eradicating corruption offences; b. Arrangements for eradicating the land mafia through corruption in the case of "Sultan Grond" can be made in 2 (two) ways. First, including the provisions of Sultan Grond's land as part of state assets outside the general state property law, here the provisions of state assets of Sultan Grond's land are special assets with the same argument from the nature of DIY privileges as mandated by Article 18B of the 1945 Constitution and the KDIY Law and Second, accommodating the provisions of special regional assets as a protected part of the Corruption Eradication Law.

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