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**THE POLICY OF SWAPRAJA LAND MANAGEMENT IN
SURAKARTA DURING NEW ORDER REGIME**

Winarti (a)*, Christy Damayanti (b)
*Corresponding author

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(a) Public Administration Program, Faculty of Social and political Sciences, Universitas Slamet Riyadi, Surakarta, Indonesia, winartitik@yahoo.co.id + 62-812-2603-676
(b) International Relations Program, Faculty of Social and political Sciences, Universitas Slamet Riyadi, Surakarta, Indonesia, christydhartono@gmail.com + 62 813-2910-0699

Abstract

²
Economic development during the New Order era was inclined to capitalism. This inclination continued to the reform era and encouraged takeovers and re-functioning of autonomous and ex-autonomous lands in capitalist's hands. The fact is one of the reasons behind agrarian problems in Surakarta. The research aimed at finding out the role and the interests of actors in agrarian policy-making, the capitalist's attempts at taking over autonomous and ex-autonomous lands, as well as advantaged and disadvantaged parties in agrarian policies in the city of Surakarta by using information from neglected actors of agrarian policies. The results show that the role of actors in agrarian policy-making is dominated by the government. Ambiguity of the said party brings about inconsistencies in policy implementation, while city development policies marginalize the locals. This reality is a premise for injustice, with a tendency for conflicts between the locals people and the government. The government always utilizes military forces in its attempt to solve agrarian conflicts, and even in the courts, the people never wins, due to partial policies. Based on the research it is concluded that the system of the New Order government in Indonesia is centralistic. This affected the model of state policy making especially in land policy. It was centralistic and top-down. In case of Swapraja land, the management and land use became the authority of central government. Policy was determined by the state without considering participation of civil society and local government.

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Keywords: State domination; agrarian policy; land conversion; takeover.



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1. Introduction

Indonesia's economic **development** in the New Order era adopted the reform of economic liberalization of developed countries. The change occurred not only in Indonesia but also in most of developing countries. The effect of such policy was the declining role of government in economic affairs and it was, then, replaced by market force. The priority was economic growth that emphasized on the importance of capital accumulation. Such condition was also found in Indonesia that was recognized as agrarian country turning to implement industrialization program.

The change of the policy affected on the pattern of land use. This transformation resulted in the shift of land function, from social function to economic one or as commodity goods. In line with that Sri Sultan Hamengku Buwono X states "... lands possess not only economic function but also values that share social justification. Therefore, government need to firmly manage land ownership and utilization. One of important conditions is that the government, as regulator and businessman, must not possess cheating character and being incompetent" (Buwono, 2002). The argument reflected an appeal to the government, as the trust holder for the welfare of society, to be able to enforce fairness in establishing land policy. Considering that in matters of land affairs of the poor people of Indonesia increasingly marginalized, the government should not take sides only with the powerful group, sacrificing the poor. The government should seriously consider the poor.

The policy of land management after Indonesia's independence has been regulated in the **Act no.5** year **1960 on Basic Regulations of Agrarian Principles**. This is **the** elaboration **of** the Constitution of 1945 **article 33 paragraph 3**. This becomes **the legal protection** of Land Nationalization in Indonesia, which is recognized to accommodate the interests of society, considering that Indonesia consists of many tribes and cultures.

As a former royal city, Surakarta has two palaces, The *Kasunanan* and The *Mangkunegaran*. Prior to the enactment of the Basic Agrarian Law, The Palaces possessed authority to manage area of Surakarta, even several areas outside of Surakarta at that time. Prior to the Dutch Colonial, the ruler of the land in Indonesia (*Nusantara*) was the Palace. It was known as *Swapraja* region (autonomous region) and *Ulayat* land (the land of indigeneous people).

Swapraja region (autonomous region) was a recognized region by colonial government which covered various administrative form namely the Sultanate, the Kingdom, and the Dutchy. In other words *Swapraja* was a region which was officiated by indigenous and possessed an authority to manage its internal administrative affairs, law, and culture. The legal status of the lands and buildings which belong to Surakarta Palace is registered in the Act no 5 year 1992 about cultural heritage objects. There are several types of landowning which are necessary to consider as the followings:

- a). *Domein Recht Surakarta* (DRS) : the area under the rule of Surakarta Palace.
- b). *Domein Keraton Surakarta* (DKS): the area which belongs to *Kasunanan* Palace
- c). *Sunan Grond* (SG): the lands belong to private property of The Sunan (The current ruler) in Surakarta Palace including *Pesanggrahan*.
- d). The ancestral lands like "*petilasan*" and tombs.
- e). *Recht Van Eigendom* (RVE): the lands belonging to Surakarta Palace which were rented ,for example, to the colonial government or planters

On the other side, the lands belonging to *Kasunanan* palace area are:

a). *Paring Dalem* Land: the lands for the prince and the king's son.

b). *Palilah Anggaduh* Land : hereditary lands which are given to *abdi dalem* (the servants)

c) *Palilah Anggaduh* Land : hereditary lands which are given to *abdi dalem* (the servants)

d). *Palilah Magersari* Land : the lands which are given to *abdi dalem* who become the servants of prince and live in the same area with him.

e) *Tenggan* Land: the lands which are given to a person trusted to maintain a certain area (Juari, 2002).

In 1970 until 1980, there was a change in the management policy and the function of some *Recht Van Eigendom* lands in Surakarta.

2. Problem Statement

2.1. Role of the State

State domination on authoritarian government that is getting stronger makes decentralization scarce. Centralistic principle makes state have no control, the power is on the state, while the society serves as the object only and cannot control the government organization. Robert R. Alford suggests the importance of relation between state and its society, in which social dimension factor becomes the key determinant of a state (Alford & Friedland, 1985).

Good governance requires the synergic cooperation between three pillars (state, civil society, and private/employer) becomes important in the reflection of policy development. In Indonesian case, although there is plurality, the process of developing policy, state and employers are very dominant compared with society's role function and the state tends to prioritize economic reinforcement more than social justice. Migdal (1988) states: "... Most states in the third world are different from western and socialist states; social control practices not decentralization but centralization that seems to be very strong as social control is too far away from the centre of power" (Migdal, 1988:34–35). What Migdal says is just like what occurs centralistic new order government system, so that society's control over state/government organization is very small; it represents that in centralistic government system span of control is getting wider, and the role of state is more dominant/stronger, while the society is weaker.

The stronger role of state in the third world, particularly Indonesia today, is inseparable from colonialism and imperialism occurring intensively, and impacting on economy and politics. This condition colors the state's character and behavior to the society. Sosialismanto's study found that: "there is an indication and a strong correlation between fundamental character or behavior of state regime and the weakening civil society in the third world" (Sosialismanto, 2001: 52).

The role of society in a state can be determined by its contribution to policy making, so that the more democratic the state, the stronger is the society's role, and the weaker is the state's role. In an approach to a state's interest, it can be seen how the role of state in affecting policy development process, and is adopted as a means of controlling all state apparatus, in undertaking a society problem solving program and designing the solution to the problem. This approach focuses on a reality that in society

there are some classes and these make their interests and put the society's position into the object and the representation of policy maker elites in a power regime all at once.

Furthermore, Alavi (1972) research finding has developed science especially for those who intend to conduct further study on post-colonial state theory based on Neo Marxis point of view which is frequently found in developing countries (the third world countries). There are several concepts of state and community relation as the following:

1. State has a neutral position of various interests in society. It only serves like a referee in a race to contend for interests in society. In this case society is more powerful while the state becomes weaker.
2. State and society are integral unity and totality. In other words, there is no dualism between them.
3. State has an autonomous position when dealing with society. It has an ability to take initiative without any approval from the society.
4. State autonomy over society mentioned above enables the state to take dominant position in decision making.
5. State autonomy over the society brings an implication on growing alienative state of society.
6. State becomes only a tool for the dominant class in capitalist and alienative for socialists. (Sosialismanto, 2001)

On the other hand, Arief Budiman who calls it the structural theory of state claims that state has independence although it is relative. The independence is a result of configuration among the forces that exist. The relative independence is largely determined by structural conditions that enable the independence of the state. Colonial process has forced colonial bureaucracy to become strong and weaken the power of non-state (Budiman, 1999).

This structural theory of state has distinguished the state theory as independent force in which role becomes relatively active to strongly control the development of political power of civil society. Based on the theory, it is not the society that controls the state as it is clearly mandated that sovereignty is in the hand of society. It is the state that controls society. As a result, the control tends to be more directed to the pressing treatment.

In a post-colonial state, the society was unable to control the state. The state would fight for the interests of particular groups or classes and the state developed its own interests dissembling that they were the interests of the state or society. This is different in modern states. Transformations and structural changes in economic, social, political, and cultural affairs that are based on the power of society will shape the state. Therefore, the role of the state in post-colonial society becomes very dominant. And the forces of political economy outside the state can not dominate state policies (Sosialismanto, 2001).

In fact, in relation to the relationship between civil society and the post-colonial state in Indonesia particularly in the life of Javanese (Surakarta) as the former city of Mataram Kingdom, the role of *Keraton* (the palace) is still very relevant to be considered to discuss the state relation with the community since empirically the life of the society is strongly influenced by local culture (culturally bounded). Furthermore, it is necessary to consider global development and the economy of capitalist world. The

structure of the society that developed as a result of colonialism has persisted in post-colonial era in which its development possesses a trend and effect not far from colonial period.

The role of state relatively possesses a power to face and weaken the development of its society since the state has autonomous nature and is above the interests of the class. The traditional view of the role of government in reference to Adam Smith in his book "Wealth of Nation" states that government has a responsibility to protect community from violations and invasions of other peoples, and to protect, as far as possible, each other and to serve justice. In other words, the opinion suggests that government is obliged to protect citizens from inconvenience due to threads, and unfair treatment of anyone including the injustice of the government itself.

2.2 Land Property Right

The theory fits the land problem that has now become one of the commodities. The fulfilment of land demand, for example, can not be merely shared to the community and the market. This means that the fulfilment of the demand is strongly influenced by government policy. When the government creates policy of city planning in order to expand the city, this city affects the land price. Price becomes higher. This can only be reached by limited party, capital owners. There are already groups in society namely at least the rich and the poor or a bourgeois and proletarian. This means that land management policy can only be utilized by certain groups, the rich. Therefore, land becomes commodity. The result of Sapriadi's research in Sumbawa Regency concludes that in the implementation of state land retribution for land reform object is ineffective; it is because there is an obscure legal norm in interpreting regulation, and procedure in determining the lands becoming the object of land reform not consistent with PP (Government Regulation) number 224 of 1961 (Sapriadi, 2015).

The similar case can occur in many areas including in Surakarta City recalling that the implementation of state's land retribution is highly determined by the state organizer, so that personal and group interests are highly influential. It is consistent with Article 1 of Government Regulation Number 224 of 1961 stating that:

- 1.The lands exceeding the minimum limit as mentioned in Law Number 56 Prp 1960 and the lands falling into the owner break the provision of law.
- 2.The lands taken by Government because the owner live out of the area as mentioned in Article 3 clause 5;
- 3.Autonomous land and former autonomous land that has been transferred to the state, as mentioned in the fourth dictum letter A of UUPA.
- 4.Other lands mastered directly by the state will be confirmed further by Agrarian Minister.

In principle, Government Regulation Number 224 of 1961 governs the land as the land reform object is the one mastered directly by state and will be redistributed to those entitled like farmers and those not having land or needy.

As the executive regulation of Governmental Regulation Number 224 of 1961 governs:

- 1.The land exceeding the maximal limit as governed in the Agrarian Minister's Decree Number Sk. 609/Ka/1961.

2. Absentee land governed further in Agrarian Minister's Decree Number Sk. 35/Ka/1962.

3. Autonomous and former autonomous land governed in the fourth dictum letter a of UUPA.

4. Other land mastered directly by state, including the former *erfpacht* right lands governed further in the Agrarian Minister's Decree Number Sk. 30/Ka/1962.

3. Research Question

The research questions focus on: what was the role of the New Order government in the policy of managing *Swapraja* Land especially *Recht Van Eigendon* and how was it controlled by the people.

4. Purpose of the Study

The purpose of this study is to investigate the role of the New Order governance in the policy of managing *Swapraja* Land and how it was controlled by the people.

5. Research Method

Through qualitative research approach, this study aimed to describe and to find out unique phenomena specifically the problems of the management of *Swapraja* land in Surakarta. There were several considerations why this method was employed. Firstly, qualitative method was more flexible to adjust when dealing with double data/facts. Secondly, The method directly presented the nature of relationship between researcher and respondents. Thirdly, this method was more sensitive and adaptable to many sharpening of mutual influences and to patterns of value encountered. The data of this research were obtained from various informen: the family of Kasunanan Palace, The public figure of generation 45, and the members of Parliament house of Surakarta. To analyse the data, triangulation method was employed.

Data validity, using verification technique, was obtained based on four criteria as follow:

1. Credibility level ; this functions to conduct inquiry in such a way that the degree of finding was obtained and to show credibility level of the findings by providing evidence of double/multiple facts which were investigated.
2. Transferability; Problems of empirical conditions depends on context similarity. Therefore, the researcher had to find and to gather empirical phenomena of context similarity.
3. Dependability; The concept of dependability has broader definition than reliability in non-qualitative research. This is due to the fact that its review in terms of the concept takes everything into account including things in the reliability and other factors related with the concept.
4. Confirmability; To ensure that something is objective does not depend on the approval of some persons on the view, opinion, or discovery of someone. In other word, it is said that one's experience is subjective. However, when it is approved by some or many people it is said objective (Moleong, 2006).

6. Finding

Each government regime has different way of development policy. The agrarian reforms that were passed created a dual system of law, and resulted in conflict between traditional rights and the modern, western-influenced, interests and purposes of the state (Gold & Zuckerman, 2014). This also happens in Indonesia in which it has experienced transition of three regimes: Old Order, New Order, and Reform Order. All of them have set a purpose to achieve welfare of the Indonesian people. The New Order focused on economic development. Therefore, potential and assets of the state, including *Swapraja* land, became great potential. In this era, land policy became the matter of central government. Therefore, local government was the executor. Unlike the New Order, in the Old Order, the economic development strategy focused on equity and empowerment of the poor. The poor possessed the right of land in order that they could develop economy. This right was reflected by the enactment of Basic Agrarian Law year 1960 stating that the interests of the poor and pluralism level were recognized and accommodated. Furthermore, in this era, strong groups (capital and access) could access the opportunity to cultivate land and to provide chance of employment. Therefore, the results of the development could be enjoyed by the poor.

Such policy is used by the government to manage and utilize *Swapraja* land including the land that formerly belonged to *Recht Van Eigendom* (RVE) and was on the list of protected building in Surakarta, according to the Act no.5 year 1992 on heritage objects and the Mayor's decree No. 646/116/I/1997 issued on Desember 31, 1997 on the establishment of ancient and historical buildings in Surakarta Municipality. Change of function and ownership of *Swapraja* land becomes a choice of an interest. *Swapraja* land and building that, according to the law and regulation, become government's responsibility finally can be personally possessed by individual and capital owners.

Based on the previous research, it was found that there was a change of the function and land ownership and several cultural heritage buildings in Surakarta. It is presented on the table below:

Table 01. Function and Ownership Shifts/Transitions of *Swapraja* Land

No (1)	Initial Owner (2)	Previous Function (3)	New Function (4)	New Owner (5)
1	The Property of Kasunanan Palace	Vastenberg Fort 1987-1989	Shopping Centre, Bank, and Hotel (approximately 13.5 Ha)	investor/Capital Owner
2	The Property of Kasunanan Palace	<i>Tipes</i> Stadium 1970	'Makro' Shopping Centre	investor/Capital Owner I
3	The Property of Kasunanan Palace	<i>Mangkubumen</i> General Hospital Surakarta 1990	<i>SOLO PARAGON</i> Shopping Centre and Residence (approximately 4 Ha)	Investor/Capital Owner
4	The Property of Kasunanan Palace	Dokares (Health centre) 1990	Solo Grand Mall Shopping centre (approximately 2000m2)	Investor/Capital Owner
5	The Property of Kasunanan Palace	<i>Sriwedari</i> Park (public fun park) 1970	Multifunction business, office complex, and public space (approximately 10 Ha)	The property of Wiryodiningkrat Heirs

6	The Property of Kasunanan Palace	Kadipolo Hospital 1976	Arseto Hostel (approximately 2.5 Ha)	Private Propert
7	The Property of Kasunanan Palace	The House of Suryomijayan and The House of Nabean. The property of Kasunanan Palace. 1980	The Houses within Kasunanan Palace (approximately 1000m2)	Private Property
8	The Property of Kasunanan Palace	The building/house of Bondoloemakso 1980	Dwelling house/resident	Private property
9	The Property of Kasunanan Palace	The Hall of Balai Agung (a place for gamelan production) 1995	Shelter of street vendors (approximately 800 m2)	Managed by Kasunanan Palace
10	The Property of Kasunanan Palace	Purwosari guesthouse 2000	HERO Supermarket (approximately 1,500 m2)	Investor/capital owners
11	The Property of Kasunanan Palace	The building of Pekapalan 2002	Souvenir Market (approximately 500 m2)	Managed by the government of Surakarta
12	Property of Mangkunegaran Palace	The Complex of <i>Kepatihan Mangkunegaran</i> 1980	<i>PKU</i> Hospital (approximately 1.5 Ha)	Private/foundation
13	Property of Mangkunegaran Palace	The land on Yosodipuro street (HGB/the building rights of Dharma Pancasila Foundation) 2008	Based on information, an entertainment site is being built (approximately 1800 m2)	Investor/capital owners

Based on the above survey, it was found that the land and building management was not suitable with the regulations particularly regulation on Cultural Heritage and basic agrarian law. Furthermore, this policy was a top-down one. The people of Surakarta did not know what happened to the assets of Surakarta. In line with this fact, the guard of Vestenberg castle stated that the government swapped the castle to *Batik* entrepreneurs. The people had no information about this. The fort was not listed as the state land. After the people claimed in 1999 BP3 listed and recorded this fort as cultural heritage. Unfortunately, the fort was sold.

The change of the function and ownership of *Swapraja* lands has triggered various responses from the royal family of *Kasunanan* Place. Based on an interview with the informant of this study it was found that the family of the palace, specifically *Kasunanan*, assumed that unclear status of the former lands of the royal palace, after the enactment of Basic Agrarian Law as the legal law base in the management of the lands in Indonesia, brought disadvantages for them. Furthermore, one of the royal family stated that the state robbed the property of the palace. On the other side, another family of *Kasunanan* Palace stated

that Kasunanan Palace was actually not concerned with that as long as *Swapraja* land was used for the interest of the people. This was a consequence of Kasunanan to fully supports the government of Republic Indonesia.

The disagreement of Kasunanan Palace party against the sale of the former *Swapraja* lands to investors reflects their dissatisfaction. Prior to the enactment of national agrarian law, the palace was the authority of lands in Solo and the surrounding. After there was a status transition, the lands possessed by the palace are under the authority of the state. The palace does not receive any compensation. Furthermore, Kasunanan Palace receives only limited territory starting from the north gate (*Gladag*) until the south gate (*Gading gate*) plus *Masjid Agung* and the square. This is in line with president decree number 23 year 1988 concerning status and management of Kasunanan Palace Surakarta. Based on the president decree the management of *Masjid Agung* is distributed to Kasunanan Palace. However, in reality the state or government manage it, in this case by Ministry of Religion. In other words there is an inconsistency between the implementation of the president decree and the reality

Based on the theory proposed by Arif Budiman, the above condition can be illustrated that The state is considered to have independence although it is relative. The independence is a result of configuration among the power exist. This relative independence is determined by structural conditions which enable this occurs. The colonial process has forced colonial bureaucracy to become strong and weakened the power of non-state (Budiman,1999).

The above theory supports the findings of this study. In the New order era, the central government played great role. They formed land acquisition committee that functioned to liberate the desired lands. In line with that, based on the opinion of an informant, it was stated that one of the proof that the government played the role in the chaos of land policy was the establishment of aquisition committee in the New Order era that possessed a force.

Furthermore, based on a research on the implementation of land reform program in two areas of Bangladesh that was conducted by Md. Robiul Islam, it was found that the implementation of land reform program in Tala upazila for nine years was high. About 72% of government land had been distributed. The underlying reason was that there was a cooperation among the government, Uttaran NGO, and community organization. Meanwhile, in Shahadpur upazila, it was only 25% of the lands that was allocated. This was a result of the uncertainty level of collaboration between local government and civil organization (Islam, 2013). The findings of the research conducted in Bangladesh are different from those of this study. Study of Dang in Vietnam, private interest groups appear to obtain virtually limitless access to government leaders, who in turn are accountable to entrepreneurial interests rather than the interests of farmers, workers, and youth (Dang, 2016).

In New Order era, land policy in the city of Surakarta was fully managed by central government without any participation of local government and civil society. The centralized system of New Order governance affected the success of *Swapraja* land management. Strong role of the state was reflected by the establishment of acquisition committee. This is in line with Sosialismanto who argued that there was a strong indication and correlation between basic character or behaviour of the state regime and the weakening civil society in the third world (Sosialismanto, 2001:52). This will result in the weakening of control to government. This also happened in the management of *Swapraja* land in Surakarta in New

Order era. In line with this, Migdal states that most third world nations differ from Western and Socialist blocs. Social control practises are not decentralized. Centralization appears strong due to too much social control with the central of power. (Migdal, 1988:34 – 35) The role of New Order government in Swapraja land management policy that resulted in the change of ownership of several *Swapraja* lands and buildings to be private property as illustrated on table 1 shows the success of the New Order by swapping and selling *Swapraja* lands without any obstacles from the society of Surakarta. There was no society dared to oppose state policy for fear of being accused a member of forbidden organization.

12 7. Conclusion

Based on the research it is concluded that the system of the New Order government in Indonesia is centralistic. This affected the model of state policy making especially in land policy. It was centralistic and top-down. In case of *Swapraja* land, the management and land use became the authority of central government. Policy was determined by the state without considering participation of civil society and local government. This condition is certainly not in accordance with the Constitution of 1945 article 33 paragraph 3.

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Law Number 5 of 1960 about Basic Regulation of Agrarian Details as the legal foundation of land affairs nationalization in Indonesia has not been implemented yet, particularly the Government Regulation Number 224 of 196 clearly governing the redistribution of lands that have been the object of land reform and have been mastered by the state, including autonomous and former autonomous lands, for the society welfare, but in reality instead traded. Many buildings recorded as the Cultural Pledge building according to Law Number 5 of 1992 about Cultural Pledge Object, but have been converted into business places.

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Corresponding Author: Winarti

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