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Legal Resolution of the Land Dispute over Former Recht Van Eigendom of Taman Sriwedari Surakarta and the Solo City Government

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Abstract

Sriwedari Park in Surakarta is a cultural heritage area that has high historical and social value, but has experienced a prolonged land dispute since 1970. This study aims to analyze the settlement of the land dispute of the former

Recht van Eigendom (RvE) Verponding No. 259 between the heirs of KRMT Wirjodiningrat and the Solo City Government. The object of the research is the process of converting colonial land rights into national rights based on the Basic Agrarian Law (UUPA), as well as the legal and policy dynamics surrounding the dispute. The research method used is an empirical juridical approach. The results of the study show that although the process of conversion of rights has been in accordance with the law through the issuance of Building Rights (HGB) No. 22 in 1965, the Solo City Government continues to control the land factually and issue the right of use unilaterally, even though it has been defeated in a series of court decisions to the level of review. Non-compliance with court rulings reflects weak law enforcement and the dominance of local political interests over citizens' property rights. This study concludes that dispute resolution requires political commitment from local governments, intervention from supervisory institutions, and administrative and juridical restitution of rights to heirs.

Keywords

Land disputes, Recht van Eigendom, UUPA, Building Rights, law enforcement.

A. Introduction

In the center of Solo City which is full of tradition, Taman Sriwedari stands not only as a green open space, but as a silent witness as well as an active actor in the breath of Javanese culture. Since it was built during the reign of Pakubuwana X in the late 19th century, the park has undergone a metamorphosis of its function initially as the royal resting place of the exclusive Kasunanan family palace, into a democratic public space and a vibrant cultural center.¹

¹ Swastika, N. D. 2022. "A Study of the Development of Historic Public Space in the City Center (Case Study: Sriwedari Park as a King's Garden in Surakarta City)." *Region: Journal of Regional Development and Participatory Planning* 17 (1): 43-54.

Its existence which is still preserved to this day makes Sriwedari Park a cultural heritage that has high historical value.

Physically, Sriwedari Park has an area dimension of approximately 400 meters long and about 270 meters wide. The orientation of the park area faces north, with the main access in the form of a monumental gate decorated with Baladewa crown ornaments in the central part. The circulation paths in the park area are designed with vegetation corridors, where on the right and left sides of the road are planted various types of shade trees, including cypresses, trembesi, palms, and walnuts. In the southern part of the park area, there is an animal breeding area that accommodates a number of animals, such as sangsam, kancil, piggy bank, senuk, naam, cow, and bull. Meanwhile, to the east of the breeding area, a stage or rest place was built for Sunan when visiting Sriwedari Park.



*Figure 2 Wayang Orang
Puppet Show Hall*

Source: Solopos-Espos.id



*Figure 1 Sriwedari Park Gate
Source: Traveloka*

The Taman Sriwedari area is equipped with a variety of entertainment and cultural facilities, including the Radya Pustaka Museum, a theater building, and a puppet show building. The Radya Pustaka Museum was officially inaugurated in 1907 by Patih Kanjeng Raden Mas Adipati Sasradiningrat IV as a center for the preservation and development of Javanese knowledge and cultural treasures. Furthermore, the construction of the theater building was carried out in 1914, followed by the establishment of a special building for puppet performances in 1917. The development of facilities in this area continued with the

construction of a stadium in 1933 located on the west side of Taman Sriwedari, the construction of which was carried out at the direct request of Sunan Pakubuwono X.²

In addition to functioning as a recreation space, Sriwedari Park is also a place for various cultural activities to take place. This area is often used as a location for the celebration of the Selikuran Night entertainment tradition as well as the commemoration of Susuhunan's birthday which is routinely held every year. Selikuran Night refers to the commemoration of the 21st night of the month of Ramadan, in which there is a cultural procession of the Thousand Tumpeng Kirab, which is a procession of a thousand tumpeng which is then contested by the people present as part of the symbol of celebration and togetherness. Meanwhile, in the context of Susuhunan's birthday celebration, Taman Sriwedari became the center for various art performances, such as keroncong music performances and various traditional dances.³

Behind its popularity there are problems that have occurred since 1970 and there have been 39 legal incidents⁴. The land dispute over the former *Recht van Eigendom* (RvE) Taman Sriwedari Surakarta is one of the most complex land cases in Indonesia. The land of Taman Sriwedari was originally owned by KRMT Wirjodiningrat based on (RvE) *Verponding* No. 295 which was obtained through a sale and purchase with a Dutch citizen in 1877, as evidenced by a notary deed and an official deed of the colonial government. In its history, this land served as the king's resting place, then developed into a city park that is widely known as a center of

² Kristanto, Bagaskara D. 2024. "The Development of Wong Sriwedari Surakarta Wayang Art Performance during the Period of Sri Susuhunan Pakubuwana X."

³ Kiswoyo, Danu. 2023. "Design of a Cultural and Arts Center with an Eco-Cultural Approach in the City of Solo." *PhD diss, Atma Jaya University Yogyakarta*.

⁴ Novitasari, Selvie. 2024. "LAND USE RIGHTS OF TAMAN SRIWEDARI: OVERLAPPING REGULATORS AND LAND RIGHTS APPLICANTS." *Rewang Rencang : Lex Generalis Law Journal*, 5 (9).

entertainment and culture.

After independence, the Indonesian government carried out massive reforms in the land sector through the birth of the Basic Agrarian Law (UUPA) Number 5 of 1960.⁵ One of the main goals of the UUPA is to abolish the dualism of agrarian law that during the colonial period distinguished between Western land law and customary land law.⁶ Colonial inherited land rights such as the *Recht van Eigendom* (RVE), which originated from *the Agrarische Wet* 1870, were abolished and required to be converted into land rights recognized in the national agrarian legal system, such as Property Rights, Business Use Rights (HGU), Building Rights (HGB), or Use Rights. This conversion rule is emphasized through the transitional provisions in the UUPA and various implementing regulations, including Presidential Instruction No. 1 of 1976 and Circular Letter of the Minister of Home Affairs No. Agr/BPN/1387/65 of 1965, which sets the deadline for the conversion of foreign rights until September 1980.

This provision provides clarity if the RVE holder is an Indonesian citizen and the land is used for personal or family purposes, then the right can be converted into Property Rights. However, if the designation is commercial or physical development for business purposes, then the right can be converted into HGB with a certain period of time that can be extended.⁷ This principle is intended to ensure legal certainty as well as the suitability of land allocation with the social functions mandated by Article 6 of the UUPA.

In the context of Taman Sriwedari, RVE belonging to

⁵ Harsono, Boedi. 2000. Indonesian agrarian law: a set of land law regulations. N.p.: Bridge.

⁶ Tandori, Tandori. 2025. "The Contradiction of Communal Rights and Customary Rights in Indonesian Land Law: A Review of Indonesian Jurisprudence and Regulation." *Agricultural Tunas* 8 (3).

⁷ Polwanti, N. 2022. "Polwanti, Nola. " Juridical analysis of eigendom rights as the basis for an unlawful action lawsuit to cancel the building use rights certificate on it (Decision Number 3042/K/PDT/2021)." *Journal of Deli Sumatra*, 2 (1).

KRMT Wirjodiningrat was converted to HGB No. 22 in 1965 in the name of his heirs. This conversion process has basically fulfilled the provisions of national agrarian law, considering that the location of Sriwedari is used as an entertainment and commercial area that is open to the public. However, the status of the HGB then became the object of a prolonged dispute due to claims of control by the Solo City Government which were not supported by the legal basis of rights. The main problem in the Taman Sriwedari dispute lies not only in the difference in ownership claims, but in the attitude of the Solo City Government which consistently controls the land even though almost all court decisions ranging from the first level, appeals, cassation, to review state that the land is the legal property of the heirs of KRMT Wirjodiningrat. Such as one of the Supreme Court Decisions (2013) No. 598K/PDT/2012 where the Supreme Court again won the Heirs and upheld the Decision of the Semarang High Court Number 31/Pdt.G/2009/PT. SMG stated that Sriwedari land was the land owned by the Heirs of KRMT Wirjodiningrat. However, this fact is not followed by respect for the court's decision, either through the physical handover of the land or the termination of the issuance of new rights on it. Instead of implementing the decision, the Solo City Government has repeatedly issued new rights on its own behalf, such as Right to Use No. 11 and No. 15, even though the status of the land is being disputed and there have been applications for an extension of HGB from heirs that have not been decided. These use rights were later canceled by the court, but the City Government again issued Right to Use No. 40 and No. 41 on the same land object.

This problem shows that even though the conversion has been formally carried out in accordance with the provisions of the UUPA, the implementation and protection of the land rights resulting from the conversion is still vulnerable to conflicts of interest, especially when involving local governments as parties that also have administrative authority in land regulation.

Thus, this study is important to examine in depth the

historical, legal, and policy factors behind the protracted land dispute between the heirs and the Solo City Government, even though almost all court decisions have been in favor of the heirs. This research also offers solutions for settlement in order to break the cycle of disputes that continue to occur.

This study uses an empirical juridical approach with a qualitative method. Data were obtained through interviews and document studies of primary, secondary, and tertiary legal materials.⁸ Primary legal materials include the Archive of court decisions from the first instance to the Supreme Court related to the Taman Sriwedari dispute. Secondary legal materials are obtained from books, scientific journals, articles, and legal publications relevant to the conversion of colonial land rights and the settlement of land disputes. Meanwhile, tertiary legal materials are collected from document archives, and reliable mass media reports. Data collection is carried out through interviews, observations, and document studies. To ensure the validity of the data, this study uses data validity techniques in the form of triangulation, both source triangulation and method triangulation, by comparing and testing the consistency of data obtained from various sources and data collection techniques. All data collected were analyzed descriptive-analytically, by associating empirical findings in the field with applicable legal provisions, in order to reveal the dynamics of law enforcement, the implementation of court decisions, and the interaction between legal and political interests in resolving land disputes between the former *Recht van Eigendom* Taman Sriwedari.

B. The Process of Converting Foreign Rights of *Recht van Eigendom* into Property Rights in accordance with the Enactment of the UUPA

⁸ Benuf, Kornelius, and Muhammad Azhar. 2020. "Legal research methodology as an instrument for unraveling contemporary legal problems." *Echoes of Justice* 7 (1): 20-30.

The ratification of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) on September 24, 1960 was an important milestone in the process of forming national agrarian law.⁹ The UUPA was born as a tool to end the dualism of agrarian law that was previously in force, the existence of colonial agrarian law sourced from Western law side by side with customary law.¹⁰ This condition not only causes inequality in land control and utilization, but also has an impact on the inconsistency in the application of land law in various regions. Through the UUPA, the state seeks to build an agrarian legal system that applies nationally and becomes the basis for all land regulations in Indonesia. As a national agrarian law, the UUPA affirms its position as the only basic regulation that regulates the land sector. However, the UUPA does not necessarily negate land rights that existed before this law came into force.¹¹ Land rights that have been owned by individuals or legal entities are still recognized as existing, as long as they meet the provisions set by the UUPA. The recognition of these old rights reflects a transitional approach in the reform of agrarian law, while at the same time aiming to ensure legal certainty for rights holders.¹²

In order to adjust existing land rights to the national agrarian law system, the UUPA regulates the mechanism for the conversion of land rights. Conversion is interpreted as the process of changing the legal status of land rights derived

⁹ Answer, Herawan. 2025. "Legal Protection for Landowner Farmers: The Dynamics of Uupa and the Job Creation Law in the Context of Indonesian Agrarian Affairs." *Causa: Journal of Law and Citizenship* 12(7): 71-80.

¹⁰ And finally, and Chess. 2021. "The Transformation of the Agrarian Law of 1870 to the 1960 Law during the decolonization of post-independence land ownership in Indonesia." *Al-Isnad: Journal of Islamic Civilization History and Humanities* 2 (2): 43-59.

¹¹ Winata, Meta N. 2021. "Analysis of Old Rights Evidence as an Indication of Land Rights Ownership According to Government Regulation Number 18 of 2021." *Indonesian Notary* 3 (3): 44.

¹² Yarsina, Nova. 2023. "Reconstruction of Customary Land Registration Regulations in Providing Legal Certainty in the Form of Equity-Based Certificates." PhD diss., Sultan Agung Islamic University (Indonesia).

from foreign law and customary law into a type of land right recognized by the UUPA.¹³ The provisions regarding the expiration of land rights derived from foreign law, together with the obligation to convert them into land rights under national law, are expressly regulated in the UUPA and its implementing regulations. Land rights derived from colonial law, such as *eigendom*, *erfpacht*, and *opstal rights*, were no longer recognized as having continued in their original form after the enactment of the UUPA. The UUPA stipulates that the old rights must be adjusted or converted into new types of land rights, namely Property Rights, Business Rights, Building Rights, and Right of Use. The determination of the type of rights resulting from conversion is based on the subject of the right holder, the allocation of the land, and the nature of the control and use of the land concerned.¹⁴ The conversion process is not only related to changing the term or nomenclature of rights, but also concerns the rearrangement of the legal relationship between the legal subject and the land object within the framework of national agrarian law.

The Circular Letter of the Minister of Home Affairs Number Agr/BPN/1387/65 of 1965 concerning the Implementation of Rights Conversion provides clearer guidelines regarding the procedures for implementing the conversion of land rights derived from foreign law, including *eigendom* rights. Through this circular, it is emphasized that foreign rights that are not adjusted within a predetermined period of time cannot be maintained. Thus, the conversion of rights is placed as a legal obligation that must be fulfilled by the rightholder, not as a mere choice.

If *eigendom* rights or other foreign rights are not converted into one of the types of land rights recognized by the UUPA, namely Property Rights, Business Rights, Building Rights, or Use Rights, by the specified deadline, namely

¹³ Nasir, Rifqi R. 2021. "Analysis of Islamic Law on the Conversion of Ex-Eigendom Land in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles." *Journal of Islamic Business Law* 5 (1).

¹⁴ Santoso, Live. 2015. *Acquisition of land rights*. N.p.: Kencana

September 1980, then these rights are legally considered deleted.¹⁵ The juridical consequence of the abolition of these rights is that the land in question is back under the control of the state, so it can no longer be used as a basis for filing a claim of rights based on the old agrarian law system.¹⁶ This provision reflects the state's desire to create legal certainty in land ownership and ownership, while closing the space for the sustainability of land rights claims that are not in line with the national agrarian law framework after the enactment of the UUPA.

In the case of Taman Sriwedari, the historical basis of the possession and claim of land rights can be traced through the Supreme Court's Review Decision Number 478 PK/Pdt/2015. The decision contains legal facts that show that the strengthening of land rights which were later claimed to belong to K.R.M.T. Wirdjodiningrat began from an event of transfer of rights in the form of a purchase and sale transaction during the colonial period. The transaction was carried out on a plot of land with an area of approximately 99,889 m², as evidenced by the Deed of Sale and Purchase Number 10 dated July 13, 1877. The sale and purchase deed was made in the presence of Pieter Jacobus, who at the time was acting as a public official, thus qualifying as an authentic deed. Thus, the deed guarantees formal validity (*formal legaliteit*) and has perfect evidentiary force (*authentieke bewijskracht*) in the civil evidentiary legal system. The existence of this authentic deed became the basis for the initial legitimacy of land acquisition in colonial agrarian law.

Furthermore, the right to the land is confirmed through conversion into the form of eigendom rights, which are recorded as eigendom verponding Number 295. In the colonial agrarian legal system, eigendom rights are a form of land rights that give the most powerful and full authority to

¹⁵ Sanjaya, I Made S. 2021. "As a result of the law on the conversion of land rights based on Government Regulation Number 24 of 1997 concerning Land Registration." *Journal of Legal Analogy* 3 (3): 282-287.

¹⁶ Syarief, Elza. 2014. *Certificate of land former property rights*. N.p.: KPG (Gramedia Popular Literature).

the holder, because it includes the right to use, enjoy, and control land for generations. Therefore, the registration of land as eigendom verponding rights not only functions as land administration, but also as a form of recognition by the colonial state of the legal position of the rights holder as the legal owner of the land at that time.

In the early stages of its development, the area now known as Sriwedari Park was part of the expansion of the area of Talawangi Village, Kadipolo.¹⁷ This area was initially known as Kebon Raja or Bon Rojo where the place was used as a royal resting place outside the palace. and began to function as a city park since July 17, 1901. The existence of the park is intended as a recreation space as well as a place to relax for the royal family, so its position is outside the palace complex as a royal park. The construction and management of this park took place during the reign of Paku Buwono X who ruled in the period 1893-1939¹⁸.

In order to avoid the removal of the ownership rights of Recht Van Eigendom Verponding Number 295, the heirs of K.R.M.T. Wirdjodiningrat made efforts to adjust the rights through the conversion mechanism by registering the land in question as a Building Use Right. The choice of the Building Use Rights is based on the character of the land designation used for the public interest, namely as a park and public space, so it does not meet the qualification as an object of Property Rights.¹⁹ Thus, the registration of the Building Use Rights can be understood as a form of adaptation to national

¹⁷ Swastika, N. D. 2022. "A Study of the Development of Historic Public Space in the City Center (Case Study: Sriwedari Park as a King's Garden in Surakarta City)." *Region: Journal of Regional Development and Participatory Planning* 17 (1): 43-54.

¹⁸ Swastika, N. D. 2022. "A Study of the Development of Historic Public Space in the City Center (Case Study: Sriwedari Park as a King's Garden in Surakarta City)." *Region: Journal of Regional Development and Participatory Planning* 17 (1): 43-54.

¹⁹ Ilma, Hutmi A. 2023. "Land Use Analysis in the Use of Rainbow Park in Surabaya City as a Public Facility." *Ma'mal: Journal of Sharia and Law Laboratory* 4 (2): 192-215.

agrarian law, so that the control of land still gains legal legitimacy in the UUPA system.

Based on the provisions of Law Number 11 of 2010 concerning Cultural Heritage, a cultural heritage area is understood as a geographical area in which there are two or more cultural heritage sites that are adjacent to each other and/or have certain distinctive spatial characteristics. By referring to this definition, Sriwedari Park can be qualified as a cultural heritage area because in this area there are a number of buildings that have been designated as cultural heritage, including the Radya Pustaka Museum, the Mental Hospital located in the Sriwedari Stadium area, and the amusement park area located in the eastern part of Sriwedari Stadium.²⁰



Figure 3 Area Around Sriwedari Park
Source: Google Earth

This status shows that since the period when the land of Taman Sriwedari is still in foreign ownership of KRMT Wirjodiningrat, the pattern of use of this area has basically led to commercial and public functions. This turned out to be the initial gap in the dispute.

Over time, the direction of the development policy of Taman Sriwedari cannot be separated from the role of the Surakarta City Government as the party that factually manages the area.²¹ Changes in urban economic and social

²⁰ Aeni, Nur. 2024. "From Poerwosari Weg to Jalan Slamet Riyadi." *Al-Isnad: Journal of Islamic Civilization History and Humanities* 5 (02): 92-108.

²¹ Swastika, N. D. 2022. "A Study of the Development of Historic Public

conditions also affect the pattern of people's needs and interest in the existence of city parks as public spaces. Along with the dynamics of economic growth and the development of urban spatial planning, the function and attractiveness of Sriwedari Park have shifted, both in terms of space utilization and management orientation.²²

The process is influenced by the configuration of political power, economic development, social structure of society, environmental conditions, and technological advances that develop in each period of time.²³ In this context, Sriwedari Park is not only positioned as a green open space, but also as a strategic asset of the city that has social, cultural, and economic value.

The shift in function and the increase in the strategic value of this area then became the starting point for the emergence of disputes. The Surakarta City Government gradually exercised factual control and administrative management of Taman Sriwedari, which at a certain stage developed into a claim to land rights. The claim arises without being preceded by a clear and measurable process of acquiring rights based on the provisions of national agrarian law, thus triggering a conflict of ownership with the heirs who base their claims on the basis of historical rights. Thus, the Taman Sriwedari dispute does not solely depart from the administrative issue of land, but is a consequence of a change in the orientation of urban spatial management policies that are not balanced with legal certainty on the status of land tenure and ownership.

Space in the City Center (Case Study: Sriwedari Park as a King's Garden in Surakarta City)." *Region: Journal of Regional Development and Participatory Planning* 17 (1): 43-54.

²² Scott, N. V. 2025. "Good-bye, Good-bye." *The Design of Sriwedari Creative Hub with an Infill Design Approach at the Surakarta Cultural Heritage Site.* PhD diss., Islamic University of Indonesia.

²³ Wijayanti, R.O. 2020. "The Application of Hybrid Architecture in the Redesign of Sriwedari Park in Surakarta." *Journal of Architecture* 4 (1): 9-16.

C. Dynamics of Disputes and Non-Compliance with Court Decisions

The conversion of Recognition Rights based on colonial rights into rights stated in the UUPA is a legal instrument designed to integrate land rights born from the colonial legal system into the national agrarian legal framework. This conversion policy departs from the principle of unification of agrarian law as affirmed in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA), which expressly ends the enactment of the old land law system and replaces it with a national land rights system.²⁴ Through the conversion mechanism, the *Recht van Eigendom Verponding 295 Rights*, which were previously recognized in Western law, no longer stand as an autonomous right, but must be adjusted and re-legitimized in the form of land rights recognized by the UUPA.

Within this framework, the *Recht Van Eigendom Verponding 295 Rights Conversion* cannot be understood solely as an administrative change, but rather as a process of reconstruction of the legal relationship between the subject of law and land based on the principles of national agrarian law. The UUPA places land as a resource controlled by the state for the greatest prosperity of the people, so that every right to land, including the right to the result of conversion, must be subject to the principle of the social function of land²⁵. Therefore, the conversion of *Recht Van Eigendom Verponding 295 Rights* into HGB is intended to place the possession and utilization of land within the limits of authority and a specific period of time, while ensuring that the rights are aligned with the public interest and national land policy.

However, the existence of Building Use Rights born from

²⁴ Nazir, M. S. 2020. "Agrarian Reform: Institutions and Policy Practices." in the textbook.

²⁵ Triningsih, Anna. 2019. "Reform of Land Rights in the Perspective of the Constitution." *Journal of Rechts Vinding: National Legal Development Media* 8 (3): 329.

the conversion process does not necessarily close the space for land conflicts to occur. Instead of creating legal certainty as its normative goal, the administration of these rights is actually followed by the practice of factual control over land by the Solo City Government which is not based on a clear and valid right basis according to land law. The control is not accompanied by a mechanism for obtaining rights as stipulated in Article 26 Paragraph (2) of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles.

This condition creates a juridical tension between *de facto* control by the local government and *de jure* control by the holder of the converted Building Use Right. The insynchronization between the fact of control in the field and the legal status of land rights is the main trigger for the birth of land disputes between rights holders and the Solo City Government. The dispute was not only incidental, but developed into a protracted series of cases, involving various legal remedies and judicial forums over decades. Thus, the conflict over the land of Taman Sriwedari reflects structural problems in the enforcement of agrarian law, especially related to respect for land rights that have been legitimized normatively but are not followed by compliance in local government practices.

The Taman Sriwedari land dispute began with the existence of eigendom rights obtained by KRMT Wirjodiningrat in 1877 through a legal act of sale and purchase that was carried out legally and evidenced in a notary deed. In the colonial agrarian legal system, eigendom rights are understood as the fullest and strongest form of land rights, because they give broad authority to the holder without any restrictions from the state. Therefore, the acquisition of such rights gives birth to a perfect legal relationship between the subject and the object of the land, which cannot be challenged except through a legitimate legal mechanism. This fact is important to emphasize, because from the beginning the dispute was never preceded by the legal cancellation or abolition of eigendom rights, either before or after Indonesia's independence.

The enactment of the Basic Agrarian Law does not necessarily abolish the right of eigendom, but rather integrates it into the national agrarian legal system through a conversion mechanism.²⁶ The conversion of eigendom rights into Building Use Rights Number 22 on behalf of the heirs of KRMT Wirjodiningrat in 1965 actually shows that there is absolute recognition from the state of the sustainability of these rights.

Table 1 Chronology of Taman Sriwedari Land Dispute (1970-2021)

Year	Legal Events / Decisions	The Winning Party	Note/Consequences
1970	Civil lawsuit filed by heirs to Solo District Court	Heirs	Decision No. 20/Pdt.G/1970/PN Solo: land is declared to belong to the heirs
1972	Supreme Court Decision	Heirs	Supreme Court No. 98 K/Sip/1972 upheld the decision of the District Court
1973	Second Supreme Court ruling	Heirs	MA No. 368 K/Sip/1974 again won the heirs
1973	Decree of the Minister of Home Affairs No. 85/DJA/1973	Solo City Government Administratively	HGB No. 22 cancelled even though it is juridically valid
1975	Civil Decision No. 147/1970	Heirs	Reaffirming the ownership of the heirs
1979	PT Semarang Decision	Solo City Government	Inconsistent verdict: winning the City Government

²⁶ Triningsih, Anna. 2019. "Reform of Land Rights in the Perspective of the Constitution." *Journal of Rechts Vinding: National Legal Development Media* 8 (3): 329.

1983	Supreme Court Decision No. 3000 K/Sip/1981	Heirs	Correcting the decision of the PT, restoring the rights of the heirs
1980	Application for extension of HGB No. 22	—	Rejected without valid legal reasons
1981	Issuance of Right of Use No. 11 & 15 by the City Government	—	Conducted on disputed land
1992	Supreme Court Decision No. 3303 K/Pdt/1992	Heirs	Strengthen all previous decisions
2007	Solo District Court Decision No. 02/Pdt.G/2007/PN. Ska	Heirs	Declaring the land not owned by the City Government
2007	A series of decisions by the Semarang State Administrative Court	Heirs	Cancelling SHP No. 11, 15, 40, 46
2009	Decision of PT Semarang No. 31/Pdt/2009/PT. SMG	Heirs	Ordering the City Government to vacate and hand over the land
2011	Solo District Court Decision No. 31/Pdt.G/2011/PN. SKA	Heirs	Again order the physical handover of land
2011	BPN Decree No. 17/Pbt/BPN.33/2011	Negara (de facto)	SHP Nos. 11 & 15 revoked; Land is declared national land
2012–2013	Supreme Court Decision No. 3249 K/Pdt/2012 & No. 598 K/Pdt/2012	Heirs	Affirming the legal status of land as the property of the heirs

2015	Solo District Court Decision No. 169/Pdt.G/2015/PN. Ska	Heirs	Strengthening the rights of heirs
2015–2018	Determination of Execution Confiscation No. 10/PEN. PDT/EKS/2015	–	City government submits opposition as a third party
2019	SHP Publications No. 46 & 26	–	Republished despite a dispute
2018–2021	Supreme Court Decision No. 768 K/Pdt/2018 & No. 570 K/Pdt/2020	Heirs	Rejecting the City Government's claims, winning the heirs

Legal problems began to emerge when the Solo City Government exercised factual control of the Taman Sriwedari land without being supported by a legitimate right. This action reflects the practice of land tenure by local governments that are not pursued through proper legal mechanisms, such as land acquisition, revocation of land rights, and land acquisition as required by Government Regulation of the Republic of Indonesia Number 39 of 2023 concerning Amendments to Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest. The Solo City Government exercised factual control over the land of Taman Sriwedari. As a result of the unjustified possession, in 1970 the heirs filed a civil lawsuit with the Solo District Court, which was then decided through Decision Number 20/Pdt.G/1970/PN Solo dated September 24, 1970. In this decision, the court stated that the heirs of KRMT Wirjodiningrat are the legal owners of the Taman Sriwedari land and the possession by the Solo City Government has no legal basis.

The decision was confirmed by the Supreme Court through Decision Number 98 K/Sip/1972, which reaffirmed

that the heirs of KRMT Wirjodiningrat are the legal owners of the Taman Sriwedari land. Furthermore, in 1973, the Supreme Court again strengthened the rights of heirs through Decision Number 368 K/Sip/1974. However, despite the fact that there has been a court decision with legal force, in 1973 the Minister of Home Affairs actually issued Decree Number 85/DJA/1973 which canceled HGB Number 22 on behalf of the heirs. This administrative decision became the starting point of the conflict between judicial decisions and executive policies. On August 29, 1975, Civil Decision No. 147/1970 was again issued, which granted the heirs' lawsuit. However, on April 6, 1979, the Semarang High Court through Decision Number 26/1978/Pdt/PT Smg actually won the Solo City Government. This inconsistency was then corrected by the Supreme Court through Decision No. 3000 K/Sip/1981 dated March 7, 1983, which granted the cassation of the heirs of the Wirjodinerat KRMT.

Meanwhile, before the expiration of the HGB period, on September 9, 1980 the heirs applied for an extension of HGB Number 22, but the application was rejected around 1980 without being based on the cancellation of the legal right. In the same year, the Solo District Court through Decision No. 32/Pdt.G/1980/PN. SKA again stated that the Taman Sriwedari land belongs to the heirs of KRMT Wirjodiningrat and not to the Solo City Government. However, in 1981, the Solo City Government issued Sriwedari Land Use Rights Number 11 and Number 15. The issuance of this right was then again disputed and the Supreme Court through Decision No. 3000 K/Sip/1981 and Decision No. 111/1982/PT. PTS reaffirmed the rights of the heirs to the Taman Sriwedari land. In 1992, the Supreme Court through Decision No. 3303 K/Pdt/1992 reaffirmed all previous decisions that won in favor of the heirs, but without effective execution. The dispute continued again until December 19, 2007, the Solo District Court through Decision No. 02/Pdt.G/2007/PN. Ska again declared the Taman Sriwedari land as the property of the heirs. The year 2007 was also marked by a series of decisions of the Semarang State Administrative Court,

including Decision Number 04/G.TUN/2007/PTUN. SMG, Number 15/G/2007/PTUN. SMG, Number 04/G/2007/PTUN. SMG, and Number 05/G/2007/PTUN. SMG, which completely canceled the issuance of Certificates of Right to Use (SHP) Numbers 11, 15, 40, and 46 on behalf of the Solo City Government. These decisions were then confirmed through Review Decision Number 29/PK/TUN/2007.

In 2009, the Semarang High Court through Decision No. 31/PDT/2009/PT. The SMG dated April 17, 2009 not only corroborated the decision of the Solo District Court, but also ordered the Solo City Government to vacate and hand over the Taman Sriwedari land to the heirs. This decision was again strengthened by the Decision of the Administrative Court Number. In 2011, through the Decision of the Solo District Court Number 31/Pdt.G/2011/PN. SKA, the court ordered the Solo City Government to vacate the Taman Sriwedari land and return it to the heirs. However, in the same year, the BPN Decree No. 17/Pbt/BPN.33/2011 was issued, which revoked SHP No. 11 and 15 and returned the land as state land. The following decisions, namely the Semarang High Court Decision No. 87/Pdt/2012/PT Smg, the Supreme Court Decision No. 3249 K/Pdt/2012 dated December 5, 2012, and the Supreme Court Decision No. 598 K/Pdt/2012 of 2013, all of them reaffirmed that the land of Taman Sriwedari belongs to the heirs of KRMT Wirjodiningrat and does not belong to the Solo City Government.

In 2015, the Solo District Court through Decision Number 169/Pdt.G/2015/PN. Ska again strengthens the rights of heirs. Furthermore, in 2015–2018, the Determination of Execution Confiscation Number 10/PEN was issued. PDT/EKS/2015, but the Solo City Government filed a resistance as a third party.

In 2019, SHP Number 46 and SHP Number 26 were reissued, which were then disputed and the Supreme Court through Decision Number 768 K/Pdt/2018 again won the heirs. The local government's resistance continued through the Surakarta District Court case Number 247/Pdt.G/2020, until finally the Supreme Court through Decision Number 570

K/Pdt/2020 of 2021 reaffirmed the rights of the heirs to the Taman Sriwedari land.

D. Factors Causing the Protracted Dispute of Taman Sriwedari

1. Dominance of Local Political Interests

Government is essentially a process of implementing state authority in various fields of life, both political, economic, and administrative, aimed at managing resources and regulating public affairs.²⁷ The administration of government is not solely interpreted as a formal activity of state institutions, but includes all mechanisms, procedures, and institutions that allow public decision-making to run. Within this framework, citizens and social groups play the role of subjects who articulate their interests, exercise their legal rights, fulfill their obligations as part of the political community, and participate in the management of differences of interest that are inherently inherent in the life of the state.²⁸

Politics and local government are areas of study that place the dimensions of politics, government, and locality as a unit that are intertwined. The term "local" refers to a certain geographical area whose limits of authority and space of movement are determined by laws and regulations. Thus, local government politics cannot be understood in isolation from the legal framework that governs the distribution of authority between the central and regional governments. Local politics is an arena where public policies are formulated, implemented, and evaluated taking into account local social, economic, and cultural characteristics.²⁹

²⁷ Simamora, Delisya F. 2023. "Regional autonomy in the framework of realizing good governance through public services." *Innovative: Journal Of Social Science Research* 3 (6): 8541-8555.

²⁸ Raudhatul, Jannah. 2025. "The Rights and Obligations of Citizens." *Journal of Literature Review* 1 (1): 180-186.

²⁹ Pramono, Dr. Joko. 2022. *Public Policy Review: An Analysis of Its*

Local government politics is also understood as a field of study that aims to explain and analyze the practice of power at the regional level, including how political decisions are taken and their impact on society. The complexity of local politics is reflected in the involvement of various actors, ranging from regional heads, bureaucratic elites, representative institutions, to interest groups and civil society.³⁰ The interaction between these actors is often colored by differences in interests, unbalanced power relations, and diverse political commitments, resulting in policy dynamics that are not always linear and rational.

Politics as a concept is not only related to the activities of governing or carrying out state administrative functions. Politics also includes the process of seizing, managing, and preserving power in the public sphere. In this sense, politics is closely related to how authority is acquired, exercised, and maintained, as well as how strategic decisions are taken to govern the collective life of society.³¹ Therefore, politics cannot be separated from the dimensions of conflict, negotiation, and compromise of various interests in society.

Political activities ultimately function as a mechanism for managing common life in a country or region. It is a means of regulating relations between the state and the citizen, as well as between the citizens themselves, through generally binding policies and decisions.³² In the framework of local government, this function becomes increasingly evident because the political decisions taken have a direct impact on regional resource management, public services, and the distribution of development benefits and burdens. Therefore, an understanding of local government politics is important as a basis for analysis before further examining the practices of

Implementation and Evaluation in Indonesia. N.p.: Unisri Press.

³⁰ Chalik, Abdul. 2017. *The elite fight in local politics*. Yogyakarta: Yogyakarta Student Library.

³¹ Haboddin, Muhtar. 2017. *Understanding political power*. N.p.: UB Press.

³² Munaf, Yusri. 2016. *State Administrative Law*. Pekanbaru: Marpoyan Tujuh Publishing.

power, including conflicts in the management of public assets and land that often arise at the regional level.

In the political dynamics of local government, power relations do not always run in a balanced and inclusive manner. The dominance of *certain elite* groups in the public decision-making process, which in political and public policy studies is known as *elite capture*. *Elite capture* refers to the condition when actors who have strategic positions, both politically, bureaucratically, and economically, are able to control the process of formulating and implementing public policies so that the policies reflect the interests of *the elite group* more than the interests of the wider community.³³

Elite capture does not occur suddenly, but rather grows out of local government structures that open up space for the concentration of power. The decentralization of authority, which is essentially intended to bring public services closer to the community, in certain practices, creates new opportunities for local *elites* to consolidate their influence. Regional heads, bureaucratic *elites*, and other local political actors often have greater access to resources, information, and decision-making mechanisms, thus being able to influence policy direction according to their interests.³⁴ *Elite capture* is not always manifested through blatantly unlawful actions. On the contrary, the practice often takes place subtly through the use of formal authority, control of administrative procedures, and the use of political legitimacy obtained through electoral democratic mechanisms.³⁵ Thus, the resulting policy or decision still appears procedurally valid, but substantially ignores the principles of justice and the public interest.

The elite's *control* of public policy is also closely related

³³ Lestari, Linayati. 2022. "Reorganizing Decentralization from the Perspective of Archipelago Regions."

³⁴ Edma, Sandy P. 2025. "The Role of Local Political Actors in Road Infrastructure Development in Rokan Hulu Regency, Riau Province." PhD diss., INSTITUTE OF DOMESTIC GOVERNMENT.

³⁵ Principe, Riyo A. 2025. "Policy Analysis in Regional Government." JOURNAL UNIT 4 (8): 120-130.

to the control of regional strategic assets. Public assets, especially land and urban space, have high economic and symbolic value. On the one hand, these assets can be used to support development and public services, on the other hand, they become a potential resource to strengthen the political and economic position of *the local elite*.³⁶ *Elite capture* also has an impact on weakening community participation in the decision-making process. When policies have been "locked in" by elite interests, the space for public participation is often a mere formality. The community is placed as an object of policy, not as a subject who has the capacity to influence the direction of public resource management. This condition widens the distance between local governments and residents, and has the potential to trigger social conflicts, especially in sensitive issues such as land tenure and utilization.³⁷

From a legal and governance perspective, *elite capture* shows a deviation from the basic purpose of local government administration. The government, which should function as an instrument to realize the general welfare, has actually transformed into a means of distributing profits for a handful of actors who have access to power. Therefore, *elite capture* cannot be understood solely as a practical political problem, but rather as a structural problem related to institutional design, accountability mechanisms, and the effectiveness of the rule of law principle at the local level.³⁸ The phenomenon of *elite capture* in local government politics basically shows that there is a serious tension between the practice of power and the principles of *good governance*.

Good governance is understood as a set of norms and values that demand that the administration of government be

³⁶ Chalik, Abdul. 2017. *The elite fight in local politics*. Yogyakarta: Yogyakarta Student Library.

³⁷ Chalik, Abdul. 2017. *The elite fight in local politics*. Yogyakarta: Yogyakarta Student Library.

³⁸ Helandri, Joni. 2025. "The Effectiveness of the Implementation of the Rule of Law Principle in Decentralization Policy in Indonesia." *Hutanasyah: Journal of Constitutional Law* 4 (1): 101-120.

carried out in a transparent, accountable, participatory, law-abiding, and public interest-oriented manner. These principles are normative benchmarks to assess whether the use of public authority has been carried out in accordance with the purposes of the state of law and the mandate of the constitution.³⁹

The principle of transparency is often the first aspect that is reduced. Strategic decision-making, especially related to the management of public assets, is often carried out through closed mechanisms and minimal access to information for the public. Although formally the decision can be wrapped up in a legitimate administrative procedure, the substance of the process does not provide sufficient space for the public to know the basis of considerations, objectives, and policy implications. This condition is contrary to the principle of openness which is a fundamental element in good governance. *Elite capture* also has direct implications for weak local government accountability. In ideal practice, any use of public authority must be legally and politically and morally accountable to society. However, when policies are controlled by a particular *elite*, the accountability mechanism often becomes dull. The mutually protective power relationship between political and bureaucratic *elites* causes the evaluation and supervision process to not run effectively, making irregularities in the management of public assets difficult to correct.

The principle of public participation has also been degraded in *elite capture situations*. *Good governance* places the community as an active subject in the decision-making process, especially in policies that have a direct impact on living space and collective interests. However, in the practice of *elite capture*, public participation is often reduced to a formalistic procedure with no substantive influence. The aspirations of the people are not really the basis of policy, but

³⁹ Kennedy, Alexander. 2024. "Sources of State Administrative Law in the Framework of Good Governance in Indonesia." *Iuris Studia: Journal of Legal Studies* 5 (2): 558-569.

merely a complement to the legitimacy of the decisions that have been predetermined by the *ruling elite*.⁴⁰ From the perspective of the state of law, *elite capture* reflects the use of authority that deviates from the normative purpose of the law itself. The law should function as an instrument of limiting power and protecting the public interest.⁴¹ However, in the condition of *elite capture*, the law has the potential to be used as a tool to legitimize power. Regulations, administrative decisions, and public policies are used not to ensure justice and legal certainty, but to secure the interests of the *elite* in the control and utilization of public assets.

In the context of public asset management, Sriwedari Park in Surakarta City is not only a symbol of historic public space, but also functions as an engine of the local economy through tourism activities. For a long time, this area has attracted visits from locals and tourists because of its historical value, culture, and various recreational facilities in it, such as puppet shows, playgrounds, culinary, and green open spaces that are the center of socio-economic activities of the surrounding community. As a tourist attraction, Sriwedari Park clearly contributes to the Regional Original Revenue (PAD) of Surakarta City through tourism levies, income from entrance tickets, and economic multiplier effects in the form of consumption and transactions made by visitors in the park area. This contribution can be seen from the local government's strategy in managing facilities and activities in the park professionally, so that the local economic potential can be maximized for the welfare of the community. The Surakarta City Government seems to have succeeded in maintaining the attraction of this tourist object through the

⁴⁰ Lismanto, Lismanto. 2020. "Grounding the legal instruments of state administration as a tool to realize social welfare in the perspective of a democratic state." *Journal of Indonesian Legal Development* 2 (3): 416-433.

⁴¹ Lismanto, Lismanto. 2020. "Grounding the legal instruments of state administration as a tool to realize social welfare in the perspective of a democratic state." *Journal of Indonesian Legal Development* 2 (3): 416-433.

provision of supporting facilities and cultural events that are routinely held in the park area. The government's efforts in caring for and developing the Taman Sriwedari area are increasingly evident through the revitalization program that has been carried out recently. The Solo City Government has begun to allocate a budget for the revitalization of part of the area in the Segaran Taman Sriwedari area, with the aim of improving the physical and aesthetic condition of public spaces, as well as maintaining the cultural and tourist attractions of the area. One of the ongoing projects is the revitalization of the Segaran area, which is being handled by a local contractor to restore the historical and aesthetic function of the space.

By 2025 the local government has budgeted around IDR 1.8 billion from the APBD for the revitalization of the Segaran Pond in Sriwedari Park, which is an important part of this historic tourist complex. The revitalization also opens up opportunities to re-excavate old structures such as the Swara Cave found during the excavation, which have high historical value. This project is intended to strengthen the attractiveness of the Taman Sriwedari area as a cultural tourism destination while strengthening its contribution to the local economy.⁴²

⁴² Kompas Regional. 2025. "Solo City Government Costs Rp 1.8 Billion for the Revitalization of the Pakubuwono X Heritage Pond." September 8, 2025.

<https://regional.kompas.com/read/2025/09/08/135331678/pemkot-solo-rogoh-rp-18-m-untuk-revitalisasi-kolam-peninggalan-pakubuwono-x>.

*Table 2 Taman Sriwedari Economic Contribution to Surakarta City
Tourism PAD in 2024*

Tourist Attractions	Jenis	Number of Tourists		Income (Rp)
		Wisnus	Wisman	
Attractions of the Warriors of the Keraton Kasunanan	Cultural Tourism	13.494	77	12
Heritage Batik Keris	Artificial Tourism	16.595	147	12
Surakarta Hadiningrat Palace	Cultural Tourism	-	-	-
Kethoprak Balekambang	Cultural Tourism	2.571	-	12
Masjid Raya Sheikh Zayed Solo	Artificial Tourism	3.174.428	9	12
National Press Monument	Artificial Tourism	29.755	68	12
Museum Batik Danar Hadi	Artificial Tourism	8.489	3.266	401.975.000
Museum Keris Nusantara	Artificial Tourism	20.506	327	180.690.000
Lokananta Music Museum	Artificial Tourism	67.964	156	1.363.960.000
Museum Radyapustaka	Cultural Tourism	23.806	390	224.432.000
Pura Mangkunegaran	Cultural Tourism	124.460	7.600	4.113.800.000
Ramayana Dance	Cultural Tourism	18.290	-	12
Solo Keroncong Festival (19-20 July 2024)	Miscellaneous	26.083	-	1

Solo Dance (April 29, 2024)	Miscellaneous	17.600	-	1
Solo Safari (Jurug Solo Zoo)	Artificial Tourism	418.747	-	24.748.678.750
Balekambang Park	Artificial Tourism	328.308	-	1.315.410.002
Tumurun Private Museum	Artificial Tourism	33.008	-	667.975.001
Sriwedari Movie	Cultural Tourism	65.090	746	1.339.100.000
SUBTOTAL		4.389.194	12.786	34.356.020.827

Source: Central Java Tourism Statistics Book in Figures in 2024

Based on data on Surakarta City's tourist attraction revenue in 2024, Wayang Orang Sriwedari recorded revenue of IDR 1,339,100,000, which contributed around 3.9% to the total revenue of the regional tourism sector of IDR 34,356,020,827.⁴³ This figure shows that Wayang Orang Sriwedari is not only a cultural institution with symbolic value, but also has a real economic role in the structure of the Surakarta City Regional Original Revenue.

This revenue achievement cannot be separated from the position of Sriwedari Park as a strategic public space that has long been the center of the city's cultural and tourism activities. The existence of Wayang Orang Sriwedari as part of the Taman Sriwedari ecosystem shows that public assets that have historical and cultural value can function as an engine of the local economy, either through direct levies or multiple effects on other economic sectors. Thus, Sriwedari Park not only functions as a space for recreation and cultural expression, but also as an instrument of regional economic policies that contribute to the fiscal independence of the city

⁴³ CENTRAL JAVA PROVINCE YOUTH, SPORTS AND TOURISM OFFICE. n.d. *Central Java Tourism Statistics in 2024 Figures*.

government. However, the economic success does not necessarily negate the governance problems that accompany the management of Sriwedari Park. In fact, this relatively significant economic contribution is what makes this public asset even more vulnerable to the tug-of-war of local political interests. In the framework of elite capture, the Surakarta City Government maintains the management of Sriwedari Park, especially because this park is one of the sources of Regional Original Revenue (PAD). The decision not to relinquish management authority reflects efforts to maintain control over assets that provide direct economic benefits to local governments, while strengthening the bureaucratic position and local political legitimacy. This condition is in line with the character of *elite capture*, where local *elites* use formal authority and political legitimacy to secure control over regional strategic resources.

As a result, the management of public assets has the potential to be more oriented towards the interests of the City Government itself, which is reluctant to relinquish control over the management of the park because it is a source of Regional Original Revenue and because the disputed land of Sriwedari is located in the city center with a high selling value, rather than solely for the benefit of the legal rights owner, namely the heirs of KRMT Wirjodiningrat.

2. The Dualism of Authority of BPN and the Solo City Government

One of the structural factors that significantly prolongs and complicates the settlement of the Taman Sriwedari land dispute is the dualism of authority between the National Land Agency (BPN) and the Surakarta City Government. This dualism is not only administrative-technical, but also reflects a deeper conflict of authority between national land law and the authority of local governments in the management of public assets. In the context of agrarian disputes, this condition creates systemic legal uncertainty due to the absence of a clear demarcation line regarding the authority authorized to determine the legal status of land in a final

manner.

Authority in the field of land in Indonesia comes from Article 2 paragraph (1) of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA), which affirms that the earth, water, and space are controlled by the state as the organization of power of all the people. This conception of "the right to control from the state" places the state as the holder of public authority to regulate, manage, and determine the legal relationship between the subject and the agrarian object. The implementation of this authority, especially in the aspect of land registration and the determination of land rights, is operationally carried out by the National Land Agency as a land technical institution.⁴⁴

The authority of the state in agrarian law is not the right of ownership, but public authority that aims to create legal order and certainty of land rights. Therefore, land registration and the issuance of land rights certificates have constitutive and declarative functions, namely affirming and protecting the legal relationship between rights holders and their land.⁴⁵ In the case of the Taman Sriwedari dispute, BPN should act as a neutral, professional, and independent authority of political interests, with a primary orientation on legal certainty and the protection of citizens' rights.

However, in the practice of implementing government after decentralization, the authority of national land intersects with the authority of local governments. Surakarta City Regional Regulation Number 7 of 2016 concerning Regional Property Management gives authority to local governments to manage regional property and public assets, including land that is factually used for the public interest. Regional asset management is often widely understood as the basis for land tenure claims, although juridically the status of land rights is

⁴⁴ Ramli, Asmarani. 2025. "The Legal Responsibility of the Land Office in the Issuance of Certificates of Ownership on Disputed Land." Semarang State University Undergraduate Law and Society Review 5 (5).

⁴⁵ Ramli, Asmarani. 2025. "The Legal Responsibility of the Land Office in the Issuance of Certificates of Ownership on Disputed Land." Semarang State University Undergraduate Law and Society Review 5 (5).

not necessarily under the control of local governments. This slice is the main source of authority conflict between BPN and the Surakarta City Government.

From the perspective of agrarian law theory, this condition shows the tension between the centralization of land authority and the decentralization of local government. Soetandyo Wignjosoebroto explained that in agrarian disputes in Indonesia, the law does not work in a sterile space, but operates in the context of power relations.⁴⁶ The state is not always present as a norm enforcer, but often becomes an arena for contestation between institutions that each bring institutional and political interests. As a result, agrarian law loses its normative coercion when dealing with local administrative and political power.

In the Taman Sriwedari dispute, this dualism of authority is reflected in the insynchronization of BPN's actions with the practice of factual control by the Surakarta City Government. On the one hand, BPN has the authority to determine and affirm the legal status of land based on legal rights, including the Building Use Rights converted from colonial rights of *Recht van Eigendom*. On the other hand, the Surakarta City Government has consistently carried out factual control and administrative management of the land of Taman Sriwedari by basing it on the social function of the land and its use as a public facility.

Table 3 Comparison of Rights Issued by the Solo City Government on Taman Sriwedari Land

Types of Rights / Certificates	Certificate Number	Year of Publication	Legal Basis of Publication	Legal Status According to Court Decisions
Right to Use	SHP No. 11	1981	Decree of the Mayor of Surakarta	Cancelled – PTUN Semarang (2007), MA (2007)

⁴⁶ Firmanto, Taufik. 2024. *Legal Research Methodology : A Comprehensive Guide to Scientific Writing in the Legal Field*. N.p.: PT. Sonpedia Publishing Indonesia.

Right to Use	SHP No. 15	1981	Decree of the Mayor of Surakarta	Cancelled – PTUN Semarang (2007), MA (2007)
Right to Use	SHP No. 40	±2006	Decree of BPN Surakarta City	Cancelled – PTUN Decision (2007)
Right to Use	SHP No. 41	±2006	Decree of BPN Surakarta City	Cancelled – PTUN Decision (2007)
Right to Use	SHP No. 46	2019	Decree of BPN Surakarta City	Cancelled – Supreme Court No. 768 K/Pdt/2018
Right to Use	SHP No. 26	2019	Decree of BPN Surakarta City	Rejected/cancelled – Supreme Court No. 570 K/Pdt/2020

This tension puts BPN in a dilemmatic structural position. As a vertical institution that implements national policies, BPN is faced with political and administrative pressure from local governments that have symbolic, historical, and economic interests over the land of Taman Sriwedari. As a result, BPN tends to be administrative-formal and not firm in making final decisions, even though there have been a series of court decisions that have permanent legal force and consistently won the heirs.

This condition shows the weak integration between legal norms and government administration practices. Indonesia's agrarian law policy normatively requires legal certainty and protection of land rights, but in practice it has not been able to control the use of authority by local governments. When factual control is used as the basis for political legitimacy, land law risks being reduced to an instrument of justifying power, not as a tool for resolving fair disputes.⁴⁷

⁴⁷ Wicaksono, Setiawan. 2024. "Resolution of Land Disputes and Conflicts

This dualism of authority creates a gray space of authority that is used to maintain the disputed status of Taman Sriwedari. The absence of institutional firmness causes the Taman Sriwedari dispute to be managed as a latent conflict that continues without a definitive resolution. Disputes are not directed at the restoration of rights under law, but are maintained as administrative and political issues that can be negotiated according to the interests of local authorities.

Thus, the dualism of authority between BPN and the Surakarta City Government is a very decisive structural factor in the protracted Taman Sriwedari dispute. This conflict not only shows the unclear boundaries of authority between state institutions, but also reveals fundamental problems in the politics of national agrarian law. As long as the state is unable to consistently assert the authority of land law and limit the use of regional administrative authority, similar agrarian disputes will continue to recur and legal certainty will remain a normative promise that is difficult to realize.

3. Weak Law Enforcement

In the conception of the state of law (*rechtsstaat*), court decisions that have permanent legal force (*inkracht van gewijsde*) occupy a central position as the final instrument for dispute resolution. It is not just a technical product of the judiciary, but a concrete manifestation of the working principle of the rule of law (supremacy of law). Through an *inkracht* ruling, the state officially declares that a conflict has been resolved juridically and is no longer open to debate, either by the parties or by the organs of the state itself.⁴⁸

Legal certainty born from the *inkracht* verdict is one of the fundamental values of law as stated by Gustav Radbruch, in addition to justice and utility. Radbruch asserts that without legal certainty, law loses its basic character as a predictable and reliable norm. Legal certainty allows citizens to plan their actions, protect their rights, and trust that the state will act

in Indonesia: A Study of Legal Politics." *Dialogia Iuridica* 16 (1): 068-095.

⁴⁸ Pamolango, Jessicha T. 2015. "A Juridical Review of Arbitral Authority in Dispute Resolution." *Lex Administratum* 3 (1).

consistently in accordance with the established law. A court decision that has been *inkracht* should be the end point of uncertainty and conflict.⁴⁹

Court decisions that have legal force must still be considered correct and binding on all parties. This final and binding nature does not only apply to the parties to the case, but also to all state organs, including local governments. In fact, within the framework of the rule of law, the government actually bears a higher obligation to comply with court decisions, because the legitimacy of its power comes from the law itself. Non-compliance with the *inkracht* decision is essentially a form of denial of the basis of the legality of the administration of government.⁵⁰

The reality that arises in land disputes involving the Surakarta City Government shows that there is a wide gap between norms and practices. Although there has been a court decision that expressly states that the object of dispute is the legal property of the heirs of KRTMT Wirjodiningrat, the Surakarta City Government still exercises physical and administrative control. The control is not only factual, but also legitimized through administrative actions that seem to ignore the existence of court decisions. This condition creates prolonged legal uncertainty and reduces the meaning of the *inkracht* decision itself. This marks a serious shift from the principle of rule of law to rule by power. In the rule of law, the law functions as a control of power, while in the rule of power, power actually controls and interprets the law according to its interests.⁵¹ When the local government retains control of land that has been legally decided to belong to another party, the law no longer acts as a binding norm, but

⁴⁹ Anisyaniwati. 2024. "The Concept of Law and Justice in the Thought of Gustav Radbruch." *Praxis: Journal of Applied Philosophy* 2 (1).

⁵⁰ Sugara, Chairul. 2024. "Juridical analysis of the inapplicability of court decisions in civil cases that already have permanent legal force (*inkracht*)." PhD diss., FACULTY OF LAW, ISLAMIC UNIVERSITY OF NORTH SUMATRA,.

⁵¹ Ash-Shidiqqi, Ellectrananda A. 2021. "Rule of law in the perspective of critical legal studies." *Amnesty: Journal of Law* 3 (1): 25-36.

is merely a formality that can be negotiated or ignored. The court's decision loses its substantive coercive force and is reduced to a "legal document without consequence".

Non-compliance with this *inkracht* ruling not only has an impact on the heirs as the aggrieved party, but also hurts public trust in the judicial system and the rule of law itself. If court decisions that have gone through a long, multi-layered, and resource-consuming process can be ignored by the government, then a dangerous precedent arises that legal certainty is selective and subject to power relations. In the long run, this condition has the potential to normalize the practice of lawlessness by the state and weaken the authority of judicial institutions.⁵² The problem in the Taman Sriwedari land dispute cannot be understood solely as a land ownership conflict, but as a structural problem of enforcing the principle of the rule of law. The *inkracht* decision, which should be a pillar of legal certainty, actually loses its function when dealing with the interests and power of local governments. This situation shows that the existence of legal norms and court decisions alone is not enough without a political and institutional commitment to compliance, legal certainty will remain a fragile normative concept in practice.

Soerjono Soekanto emphasized that law enforcement is not a stand-alone process, but is influenced by five main factors, namely:

- (1) the law itself,
- (2) law enforcement officials,
- (3) supporting facilities or facilities,
- (4) the community, and
- (5) legal culture.

These five factors are interrelated and determine whether the law can function effectively or stop as a formal norm without any workmanship in practice.⁵³

⁵² Rahmanto, Faiz. 2025. "Legal Political Relations, Moral Values, and Legal Certainty in the Perspective of the Principles of Justice in Indonesia." *Scientific Journal of Advocacy* 13 (2): 440-458.

⁵³ Arliman S, Laurensius. 2015. *Law Enforcement and Public Awareness*. N.p.: Deepublish.

In the context of land disputes involving the Surakarta City Government, the main problem does not lie in the legal factor itself. Normatively, the law has provided a clear foundation. The court decision that has permanent legal force has confirmed the status of land ownership and should be the final basis for dispute resolution. Thus, the aspect of legal certainty at the normative level has actually been fulfilled. There is no legal vacuum (*recht vacuum*), ambiguity of norms, or conflicts of rules that can be used as justification for protracted disputes.

The problem actually arises in the factors of law enforcement officials and legal culture, especially when the subject who does not comply with the law is the local government. In Soekanto's theory, law enforcement officials play a key role as the main driver of the functioning of the law. However, when the apparatus does not carry out the function of effectively executing court decisions either due to political pressure, power relations, or conflicts of interest, the law loses enforceability. A court decision that should be final and binding becomes nothing more than a normative symbol.

The non-optimal implementation of court decisions that have permanent legal force, accompanied by ineffective executory actions by law enforcement officials, shows that there are problems at the level of legal implementation. This condition illustrates that law enforcement does not always run automatically after norms and decisions are set, but is influenced by various institutional and structural factors that surround it.⁵⁴

In the context of land disputes involving the Surakarta City Government, these dynamics can be understood as part of the complexity of the relationship between government authority and the obligation to implement court decisions. Local governments are in a position that is not only related to compliance with legal norms, but also with asset management, public service functions, and administrative

⁵⁴ Arliman S, Laurensius. 2015. *Law Enforcement and Public Awareness*. N.p.: Deepublish.

considerations attached to the object of dispute. The interaction of these various interests has the potential to affect the speed and effectiveness of the implementation of court decisions.

This situation reflects the gap between law in the book and law in practice. The court's decision has provided juridical clarity regarding the legal status of the object of dispute, but its realization in practice still faces obstacles. This gap does not merely show the weakness of legal norms, but indicates the need to strengthen law enforcement mechanisms in order to be able to bridge normative certainty with the reality of government administration.

E. Dispute Resolution Solutions

Departing from the overall events that occurred, the settlement of the Taman Sriwedari land dispute can no longer be placed within the framework of conventional litigation. Empirical facts show that the judicial path has been pursued for decades, with results that are juridically consistent in winning the heirs through court decisions that repeatedly have permanent legal force (*inkracht*), including at the Supreme Court level. However, these juridical victories never transformed into factual victories, because the rulings were not executed, while the local government still controlled and managed the objects of disputed land.

This condition emphasizes one important thing, namely that the main problem in this dispute does not lie in the judicial institution or the quality of the judge's decision, but in the absence of political will and the design of state policies in following up on court decisions. In practice, the Solo city government actually acts as the legal loser, but wins factually, while still issuing new rights to disputed land, such as Right to Use Numbers 11, 15, 40, and 41. This action reflects a structural defiance of the court's decision that has been *inkracht*, as well as showing the weakness of legal coercion when dealing with local administrative and political power.

This situation also proves the limitations of litigation channels in land disputes whose objects are strategic city

lands, public spaces, and areas of historical value and cultural heritage that have long been used for the public interest. Theoretically, litigation is placed as the main instrument of enforcing legal certainty.⁵⁵ But practically, when the losing party is the local government that controls the policy instruments, bureaucracy, and political legitimacy, then the court decision loses its effectiveness. In other words, the path of litigation in this context is theoretically legitimate, but it fails in practice.

On this basis, dispute resolution through non-litigation channels is a more realistic and rational alternative. However, it should be emphasized that the non-litigation in question is not ordinary mediation in the sense of civil procedure law. Non-litigation in this context is negotiation and reconciliation based on public policy (policy-based settlement), which is the settlement of disputes pursued through the political-administrative decisions of the state while still recognizing the existence of the civil rights of the parties that have been juridically won by the courts.

This policy-based non-litigation approach is relevant because the object of dispute has undergone a functional transformation into a public space and a strategic asset of the city. The state, through local governments, cannot constantly take refuge behind the pretext of public interest to ignore court rulings. Instead, the state is obliged to present policy solutions that are fair, proportional, and constitutional.

The resolution of the dispute settlement between KRMT Wirjodiningrat and the Surakarta City Government was taken through a management scheme that remained under the authority of the Surakarta City Government. This pattern was chosen to ensure the sustainability of social, historical, and public functions on the object of dispute, while ensuring that there is no management vacuum that has the potential to harm the interests of the wider community. Within the

⁵⁵ Hasan, Muhammad R. 2025. "CONFLICT RESOLUTION METHODS IN A LEGAL PERSPECTIVE: A STUDY OF LITIGATION AND NON-LITIGATION IN INDONESIA." *NUJEEEL: Nusantara Journal of Education, Technology and Law* 1 (1).

framework of the settlement, the Surakarta City Government is obliged to provide part of the revenue from management to the rights owner as stipulated in a court decision that has permanent legal force (*inkracht van gewijsde*). The provision of this share of income is a form of recognition and respect for legal civil rights, without having to change the status of the control and management of the object of dispute that has been running.

The distribution of revenue is based on a valid agreement between the parties, which is prepared voluntarily, balanced, and meets the conditions for the validity of the agreement as stipulated in the provisions of civil law. With this agreement, the legal relationship between the Surakarta City Government and the right owner becomes clear, measurable, and has legal certainty in its implementation.

This settlement model reflects a non-litigation approach oriented towards substantive justice, utility, and legal certainty. On the one hand, the public interest is still protected through management by the local government, while on the other hand, the rights of parties that have been determined through the *inkracht* decision are still accommodated proportionately and based on valid law.

The sustainability of settlement efforts through litigation is also confronted with the principle of *ne bis in idem*, which is a principle that prohibits a case that has been decided with permanent legal force to be re-examined with the same object, subject, and legal basis. The dispute over the ownership of the land of Taman Sriwedari has in essence been repeatedly examined and decided by the court with a consistent understanding of the rights of the heirs. Therefore, pushing back for settlement through litigation mechanisms is not only ineffective, but also potentially contrary to the principle of legal certainty that is precisely intended to be guaranteed by the principle *ne bis in idem*. Based on these conditions, dispute resolution through non-litigation channels is a more rational and realistic alternative. However, the non-litigation referred to in this context is not conventional

mediation as known in civil procedure law, but policy-based settlement. This approach places the state, through local governments, as the actor responsible for formulating political-administrative solutions that recognize and respect the civil rights of the parties that have been won judicially, while considering the social function of the land as a public space and a strategic asset of the city. Thus, the public interest is no longer used as an excuse to ignore the court's decision, but is used as a basis for presenting a fair, proportional, and constitutional settlement policy.

F. Conclusion

This study concludes that the land dispute of the former *Recht van Eigendom Taman Sriwedari* does not originate from the unclarity of agrarian law norms, but from the weak implementation and enforcement of the law in local government practices. The process of converting rights from *Recht van Eigendom* to Building Use Rights has been carried out in accordance with the Basic Agrarian Law and its implementing regulations, and the validity of these rights has been consistently affirmed through court decisions with permanent legal force. Thus, legal certainty at the normative level has actually been achieved. However, the findings of the study show that there is a significant gap between juridical legal certainty and reality, which is reflected in the non-compliance of the Surakarta City Government with the *inkracht* decision, the factual control of land, and the issuance of administrative decisions that are contrary to judicial decisions, so that the law has not fully functioned as an instrument of controlling power.

The protracted dispute over *Taman Sriwedari* also revealed structural problems in land governance, especially the dualism of authority between the National Land Agency and local governments which created a gray area in the affirmation and protection of land rights. This condition confirms that the settlement of strategic land disputes involving public assets cannot rely solely on litigation

channels, but requires political commitment from local governments to implement court decisions, effective supervision from the central government, and policy harmonization between institutions. Public policy-based approaches, such as fair compensation or transparent and accountable asset exchange mechanisms, are realistic alternatives to bridge the public interest and civil rights protection, while preventing similar agrarian conflicts and restoring public confidence in the national agrarian legal system.

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