



# Legal Protection of Village Treasury Land in the National Land Law System

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**Abstract.** The position of village treasury land in the Basic Agrarian Law and other laws and regulations is clearly regulated and recognized, but there are restrictions or it is not fully handed over autonomously to the village. The village no longer has full authority over the village treasury land, because it has become state land (non-free state land), so many shifts in village treasury land are used for the benefit of local governments. Various arrangements on village treasury land, little by little there began to be a shift from originally entering part of customary land or customary rights or communal land, has turned into state land which whenever the land is needed by the local government, the village still hands it over. This study aims to find out how legal protection of village treasury land in the national legal system, and why legal protection efforts are important for village treasury land, as well as forms of legal protection for village treasury land.

**Keywords:** Communal Land, Legal Protection, and Village Treasury Land.

## 1. Introduction

Land has a central role for Indonesian society, both as a production resource and as a place for settlement. Therefore, land issues have always been a special concern in Indonesia. The relationship between humans and land is inseparable; throughout his life, humans have always been in contact with the land. Land is a basic human need. There is a Javanese proverb that says "sedumuk bathuk sanyari bumi," which means that even if it is only an inch of land, a person will defend it until the end of his life.[1]

According to Soedjarwo Soeromihardjo, the need for land in Indonesia is very high and occupies the top portion of people's priorities. This indicates that land is not only a vital economic asset as a production resource, but also has enormous social, cultural and symbolic value in people's lives. The close relationship between land, agriculture, settlements, and the role of land in maintaining environmental identity and sustainability are important aspects that make land a very valuable factor in Indonesia:

*That land is one of the natural resources that produces goods and services, is a fundamental need and has a very essential function for human life and*

*livelihood, and even determines the civilization of a nation. This civilization will continue its greatness as long as the nation uses its land wisely.[2]*

Likewise, according to the opinion of Iman Sudiyat, who stated that:

*Land plays a vital role as one of the essential elements in the formation of the state. This is especially important in countries with predominantly agrarian economies. In countries that are committed to the principles of democracy with social justice, the use of land to achieve people's prosperity is a necessity (*conditio sine quanon*). This means that land is not only a source of economic wealth, but also a tool for achieving the social welfare goals desired by society. Thus, fair and efficient management and use of land is very important in achieving the ideals of democratization that is oriented towards social justice.[3], [4]*

In the development process, there is often overlap between the role of land as a social asset and as a capital asset. The dilemma faced in the context of national life in Indonesia regarding the function of land is determining priorities between these two roles. This priority setting is greatly influenced by the land legal framework agreed upon by the community.

The arrival of colonizers in Indonesia brought about various changes, including in terms of land ownership and legal provisions. For example, the colonialists carried out land politics by selling land to individuals who had large capital, especially from the Chinese, Arab and Dutch communities. This policy became known as "private land". As a result of this policy, the Dutch created a class of landowners who exploited the people, and small countries emerged that treated their people as if they were slaves.[3]

After Indonesia's independence, the legal impact of the colonial legal system continues to create problems that have not been resolved to this day. During the New Order government, people tended to feel constrained and were reluctant to voice their rights. However, after the reform era began, various issues related to land began to be expressed and discussed more openly.

The birth of Law Number 5 of 1960, known as the Basic Agrarian Law (UUPA), reflects the direction of national agrarian policy which emphasizes the role of land as a capital asset for development rather than as a social asset. Even though Indonesia has various ethnic groups, indigenous peoples in Indonesia maintain strong communal traditions. Therefore, land that is controlled by indigenous peoples does not only have value as a capital asset, but most importantly as a social asset that plays a major role in their lives.[5]

The consequence of the politics of agrarian law reflected in the BAL (UUPA) is that the rights of indigenous and tribal peoples are often neglected. Prior to the existence of the UUPA, customary law community customary rights covered all land in their territory, such as village villages, marga, forest, and so on, both those that had been controlled and utilized as well as those that were still in the form of vacant land. This right is a right that is fully owned by indigenous peoples.

September 24, 1960 was an important moment in the history of Indonesian national land law with the birth of the BAL (Law Number 5 of 1960). UUPA ended

the system of dualism in land law and replaced it with a comprehensive national land law unification. The basis of the UUPA is customary law which has undergone refinement or refinement, so that it is in accordance with the values and identity of the Indonesian nation. UUPA reflects harmonization between customary law and national law in the context of land law.

Customary law which is the basis of national agrarian law must meet the following requirements:

- a. it must not conflict with national and state goals based on national unity;
- b. it must not conflict with Indonesian socialism;
- c. must not conflict with the regulations contained in the Basic Agrarian Law; and
- d. must not conflict with applicable laws and regulations.[6]

In the considerations (considerations) of the UUPA, it is stated that there is a need for a national agrarian law that is based on simple customary law on land and provides legal certainty for all people. This clearly shows that the UUPA still recognizes the principle of recognition of customary rights and similar rights of indigenous and tribal peoples. This is also reflected in Article 3 of the UUPA and the Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 5 of 1999, which regulates the settlement of customary law community rights issues.

According to Maria SW Sumardjono, customary rights are a representation of the legal relationship between legal communities (which are the subject of rights) and certain land or areas (which are the objects of rights). The customary right contains the authority to:

- a. Regulate and organize land use (for settlements, farming, etc.), supplies (creation of new settlements/rice fields, etc.), and land maintenance;
- b. Regulate and determine the legal relationship between people and land (granting certain rights to certain subjects); and
- c. Regulate and determine the legal relationship between people and legal actions related to land (buying and selling, inheritance, etc.)

The contents of the customary rights authority explain that the relationship between customary law communities and their land or territory is a relationship of use or control, not an ownership relationship, as contained in the concept of the relationship between the state and land in accordance with Article 33 paragraph (3) of the 1945 Constitution.[7] In the concept of the right to control by the state, the state obtains the authority to control the land given by the entire people or nation, with the main aim of protecting and safeguarding the interests of the community's citizens.[8]

Maria Sriwulan Sumardjono also said in her inauguration speech for the position of professor, that:

As a manifestation of the relationship of control and non-ownership between the state and land, every action must be based on applicable laws and regulations. If this is violated, it will create the impression that the state is not the manager but the owner. For example, the sale of state assets in the form of land by the agency that controls it without complying with existing provisions or the act of taking over land without paying attention to the content or spirit of the provisions governing it.[8]

When the UUPA came into effect, it became important to study and analyze whether customary rights still existed, with reference to several legal regulations. There are three determining criteria that need to be considered in assessing whether customary rights still exist or not. namely:

- a. the existence of customary law communities that fulfill certain characteristics of customary rights subjects.
- b. the existence of land/territory with certain boundaries as Lebensraum which is an object of customary rights; and
- c. the existence of the authority of customary law communities to carry out certain actions as described above.[7]

By referring to these three criteria cumulatively, we can conclude that the existence of customary rights continues after the enactment of the UUPA. Even though the first and second criteria are met, namely the existence of customary law communities and their territories still exist, if they are not given the authority to carry out certain actions, then customary rights can automatically be deemed non-existent. The types of customary rights in customary law communities can vary, such as bengkok land, village treasury land (village bondho land), and so on.

Village treasury land, which is part of customary rights, remains after the enactment of the UUPA. Even though the village treasury land still exists and is managed by the village head and village apparatus, in reality the authority of the village head has experienced not full limitations. This happens because several regulations regulate restrictions on the village head's authority to take certain actions regarding village treasury land.

## 2. Problems

Departing from the various cases that have been described in the background of the problem above, the problem to be studied is formulated as follows:

- a. What is the existence and legal position of village treasury land in the national land law system?
- b. Why is it important to take legal protection for village treasury land, and what are the forms of legal protection?

### **3. Method**

This research is a normative legal research (doctrinal legal research). In order to achieve the objectives of legal research, legal research methods must be clear and accurate and based on regular and systematic principles.

### **4. Discussion**

#### **4.1. Existence and Legal Position of Village Treasury Land in the National Land Law System**

##### **Existence and Legal Position of Village Treasury Land**

In the UUPA there are various types of land rights, which have been described in Article 16 paragraph (1) and Article 53 UUPA, which according to their nature can be grouped into three areas, namely:

- a. Permanent land rights.

These types of land rights are property rights (Hak Milik/HM), usufructuary rights (Hak Guna Usaha/HGU), building use rights (Hak Guna Bangunan/HGB), usufructuary rights (Hak Pakai/HP), building lease rights (HSUB), land clearing rights, and harvest rights. forest.

- b. Land rights will be determined by law.

This type of land right has not yet existed; and

- c. Temporary land rights.

There are various types of land rights: pawning rights (land pawning), production sharing business rights (production sharing agreements), boarding rights, and agricultural land rental rights.

Boedi Harsono explained that land control rights can be divided into two types, namely primary and secondary rights. Primary tenure rights include: ownership rights, usufructuary rights, building use rights granted by the state, and usufructuary rights granted by the State in accordance with Article 16. Meanwhile, secondary tenure rights include: building use rights and usufructuary rights granted by the owner land, mortgage rights, profit sharing business rights, boarding rights, rental rights, etc. (Articles 37, 41, and 53).[9][10]

The UUPA system is not rigid in determining types of land rights, which means that the UUPA still opens up opportunities for changes or additions to types of land rights other than those regulated in Article 16 paragraph (1). This can be indirectly concluded from Article 16 paragraph (1) letter h UUPA which states that other types of rights will be determined through law.[10]

The UUPA contains a hierarchy of land control rights, namely:

- a. the rights of the Indonesian people mentioned in Article 1, as the highest right of control over land, have civil and public aspects;

- b. the state's right to control as mentioned in Article 2, has a purely public aspect; customary law communities' customary rights, referred to in Article
- c. have civil and public aspects; and
- d. individual/individual rights, all of which have a civil aspect, consisting of:
  - 1) land rights, as individual rights, all of which directly or indirectly originate from the rights of the Nation, which are mentioned in Articles 16 and 53; and
  - 2) waqf, namely property rights that have been donated, are regulated in Article 49;
  - 3) Security rights over land, called "mortgage rights", are regulated in Articles 25,33, 39 and 51.[9]

The highest land control right is the Indonesian Nation's right to land. This right has a communal nature, which means that all land in the territory of the Republic of Indonesia is the collective property of the Indonesian people, who are united as the Indonesian Nation (in accordance with Article 1 paragraph 1 UUPA). The Indonesian Nation's right to land also has a religious dimension, which means that all land in the territory of the Republic of Indonesia is a gift from God Almighty (in accordance with Article 1 paragraph 2 UUPA). The relationship between the Indonesian people and their land is eternal, which means this relationship will last forever without breaking, as long as the Indonesian people remain united as the Indonesian nation and the shared land still exists. In other words, Customary law emphasizes a very important position for customary rights and divides it into two aspects, namely the aspect of civil law and the aspect of public law. The civil law aspect refers to collective ownership rights to land owned by members or citizens of the community. Meanwhile, the public law aspect includes the duties and obligations to manage, regulate, and lead the joint control, maintenance, use, and allotment of the land.

The two rights, namely the right to control land by the state and customary rights, both have power at the highest level. However, the main difference lies in the scope of their jurisdiction. The right to control land by the state applies throughout the territory of the Republic of Indonesia (national scale). Meanwhile, customary rights in the context of public aspects are only limited to certain areas that constitute customary law communities (local scale).

There are several forms or status of traditional land tenure, namely:

- a. yasan, yasa or yoso land is land where a person's right to the land comes from the fact that he or his ancestors were the first to open or work on the land. This land right obtains legal status in the UUPA-1960 as owned land;
- b. Norowito, gogolan, pekulen, playangan, kesikepan, and the like are agricultural lands that are collectively owned, from which villagers can get a share to work on, either in rotation or permanently, with certain conditions. In order to obtain the cultivation right, it was generally required that the candidate must be married, have a house and yard, and be willing to do the obligatory work for the village. In the Western concept, this land can be categorized as

communal land. In UUPA-1960, the status of this land was changed to become land owned by the last cultivator;

- c. titisara land, bondo deso, village treasury is village-owned land that is usually rented out, passed on, by way of auction to whoever wants to work on it. The results are used as a routine budget or for village maintenance such as repairing bridges, roads, mosques, and so on; and
- d. bengkok land, namely village-owned land allocated to village officials, especially the lurah, whose results are considered a "salary" for as long as they occupy that position. In the Western concept, bengkok land and water drops can be classified in the category of "land subject to communal control". In UUPA-1960 both are still recognized.[11]

The results of the various forms or statuses of traditional land tenure above must be fully used to support the administration of government and development in the village, and may not be used as collateral for loans or transferred to other parties in any way, except for the public interest. This is as stated in Article 18 of the UUPA that the public interest is defined as the interests of all the people in general, including the interests of the nation and state, the purpose of which is welfare.

The scope of the public interest is a big question because there are issues that must be agreed upon, namely:

- a. whether the public interest is government action based solely on the government's will, or;
- b. government actions carried out based on mutual agreement with the local community or people; in other words, actions taken by the government after going through a determination process with the community or local people who are interested.[12]

The use of village treasury land for public purposes, of course, is included in the second scope, in communal or village communities, agreements made in village forums are highly respected.

Protection of state assets, especially village treasury land, needs to be improved immediately. The aim is that the assets of the nation and state are not wasted, but instead provide greater benefits for the welfare of the village community. Given the demographic developments that have resulted in expansion, merging, and even changing the status of villages to kelurahans, it is important for responsible stakeholders to take immediate anticipatory or preventive action to safeguard and protect national and state assets, especially in the form of village treasury land.

Village treasury land can be categorized with the following characteristics:

- a. Village Treasury land is communal or collective, because the village treasury land management system can be carried out by anyone as long as the village community uses a system agreed upon by the village and the manager provided that it can provide benefits for the village;

- b. Can provide advantages, benefits and welfare for villages, village communities, village heads, and village officials. Benefits for the village, the results from village treasury land management are included in the Village APBD which is then used for village government activities and village development. For village communities, the village treasury land management system can be carried out in the form of leasing, building-to-handover and building-handover which can be done by local village communities so that they can increase income for these communities. Village Treasury land can provide welfare for the village head and village officials, so village treasury land in the form of percaton land can increase welfare for the Village Head and village officials. See Minister of Home Affairs Regulation no. 4 of 2007 concerning Guidelines for Village Wealth Management); and
- c. Village Treasury land may not be transferred or used as an object of sale and purchase, gift, exchange or used as collateral for debts with encumbrances or mortgages. Whatever the reason, village treasury land may not be transferred or relinquished its rights unless it is in the public interest. Relinquishment of rights is also carried out on the condition that after receiving compensation that can benefit the village and the results of this compensation, other, better land located in the local village must be purchased, of course by following established procedures. The first thing that must be done is by holding a village meeting, after there is an agreement between the village head, village officials and the BPD, the village head makes a decision and then requests permission in writing from the regent/mayor and governor. (See Article 15 Minister of Home Affairs Regulation no. 4 of 2007)

### **Position of Village Treasury Land after the enactment of the National Land Law**

The introduction of national land law in Indonesia resulted in major and fundamental changes in land regulation. Previously, land law in Indonesia consisted of customary law used by the majority of Indonesian people and Western law applied during the Dutch East Indies period. However, with the adoption of UUPA, the concept of dualism in land law must end.

However, previously existing land rights must still be respected and their existence acknowledged. Customary rights and western rights are adjusted (converted) with land rights as regulated in the UUPA.

How does UUPA place customary rights including Village Treasury Land which is part of customary land? The 1945 Constitution in the Second Amendment (Year 2000) has provided arrangements for customary land, as follows:

*Article 18 B paragraph (2): The State recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated in law.*

*Article 28 I paragraph (3): Cultural identity and rights of traditional communities are respected in line with developments over time and civilization.*

The UUPA itself also emphasizes the existence of customary law, as in the provisions of Article 3 of the UUPA, as follows:

*Bearing in mind the provisions in Articles 1 and 2, the implementation of customary rights and similar rights of customary law communities, as long as in reality they still exist, must be in such a way that it is in accordance with national and state interests, based on national unity and must not conflict with laws and other higher regulations.*

Taking into account the various provisions explained above, in reality, the term "customary land" is formally no longer in accordance with existing provisions, especially in Java and Madura. Slowly, the existence of traditional lands began to disappear, and this was caused by several factors:

- a. Starting to strengthen individual rights, such as permanent gogolan land, UUPA regulates that permanent gogolan land can be converted and become freehold land;
- b. With autonomy, village government was born, so that what was originally communal land which was land shared by customary law communities changed to Village Treasury Land;
- c. Not immediately carrying out conversion of Village Treasury Land as regulated in the provisions of Article VI of the Conversion Provisions, has caused Village Treasury land in several areas to automatically become part of state asset land so that it becomes non-exempt state land.

The existence of Village Treasury Land which was originally customary or communal or ulayat land, after the enactment of the national land law or UUPA, the recognition of which has been determined by the following requirements:

*Recognition of customary rights is carried out as long as in reality they still exist, and are in accordance with national and state interests, which are based on national unity, and do not conflict with laws and other higher regulations, as stipulated in Article 3.[13]*

## 4.2 Efforts for Legal Protection of Village Treasury Land

### Legal Protection Concept

Legal protection is a protection effort carried out through legal means or through protection efforts provided by the legal system. The concept of legal protection in Indonesia is based on the 1945 Constitution, which aims to improve the welfare of all Indonesian people.

In the context of legal protection, law not only aims to maintain order and provide legal certainty, but also to determine direction, shape and strive to realize a vision of society that is in accordance with the state's goals, namely creating a prosperous society.[14] As a form of legal protection of land ownership, proof of ownership of land rights is recognized. This is also evidence of legal certainty over land ownership.[15]

There are two means of legal protection for the people:

a. Means of preventive legal protection.

This preventive legal protection facility is always associated with the principle of "freies ermessen" (discretionnaire bevoegdheid).[16]

Several scholars have provided limitations regarding the meaning of freies ermessen, such as: Utrecht, that "freies ermessen as an action that can give legal consequences in the field of bestuur is called bestuurs (rechts) daad, the actions of state authorities in the field of government are not included in the field of the judiciary and legislative". In contrast to Kuntjoro, who states that freies ermessen can be based on the legislative sector if this takes the form of government action that originates from regelaarsrecht.[16]

As a comparison there is Hans Kelsen's opinion:

*The execution of these administrative laws is according to many legal orders, confined upon so-called administrative authorities, that is, organs, which are not designated as courts because they do not belong to the body of officials conventionally called the judiciary. The administrative authorities alone, are competent to enforce the laws, they alone have to establish who and administrative delicts have been committed, and they alone have to impose the administrative sanctions. This function of the administrative organs is executed the same as the function of the court although the latter is called "judicial" and the former "executive" or "administrative".[17]*

b. Apart from using the Freies Ermessen principle, there are other ways that can be done to change the law that applies in a society, namely by amputation of the law. Legal amputation is a change in the legal system that involves reducing the quality of formal legal values. This occurs when legal regulations are supposed to be implemented by law executors in accordance with their formal objectives, but in practice, law executors do not implement them properly. This is because law enforcers believe that the strict application of formal law can disrupt stability, security and development. Therefore, the law is forced to take a compromise attitude by reducing the quality of the law, provided that development and security stability in its territory are maintained. This is done to prevent disturbances to national stability, which if disturbed, could affect political stability at the national level.[18]

The most striking difference between legal amputation and freies ermessen is that in freies ermessen public policy is only made after an event occurs, for example riots and so on, whereas in legal amputation, policy is made as a preventive action, namely before the riot occurs for reasons or beliefs. If legal amputation is not carried out, things will happen that will disrupt the stability of security and development in the work area of the public policy maker.[18]

Legal protection is carried out by keeping the protected object from being disturbed. In the context of legal protection for village treasury land, this does not only include the establishment of adequate regulations regarding rights to village treasury land. This also includes regulating that village treasury land cannot be

transferred or pledged as collateral for debts by imposing mortgage rights, except for public purposes.

Because village treasury land is an object, in the legal structure it is under the authority of rights holders such as village heads and village officials, and has responsibilities that involve various levels of government, such as the Minister of Home Affairs, Governors, Regional Heads of the National Land Agency, Regents/Mayors, and the Head of the Regency/City National Land Agency, then the law makes adjustments. This is done by not only relying on efforts to protect village treasury land by the village itself, but also by transferring rights related to village treasury land from the private to the public domain. This is done because it is a common need of society, and by providing legal protection that includes aspects of criminal law.[19]

There are two types of legal protection measures that can be taken. First, preventive efforts which involve the necessary actions to prevent violations of rights. Second, corrective efforts, which occur after rights violations have occurred. This effort is no longer preventive in nature, but corrective in nature because the aim is to correct the consequences arising from rights violations. Corrective measures may involve non judicial institutions, such as state administration officials, which are known as nonjudicial corrective measures. In addition, there are corrective efforts involving the judiciary (judicial) institutions, which are part of the law enforcement process.[19]

Certifying Village Treasury Land is an important step in protecting the existence of Village Treasury land from actions that can eliminate or transfer ownership rights to other parties, as has happened in several previous cases. The process of certifying village treasury land, which is part of land with customary rights or ulayat rights, is carried out through the following steps:

- a. Conversion Registration: The first step is to register the conversion in accordance with the provisions regulated in Article VI Conversion Provisions in connection with Article 18 of the Minister of Agrarian Regulation Number 2 of 1960. After that, a Grosse deed will be issued by the Head of the Regency/City Land Registration Office in the area where the land is located. is there. The deed grosse records the conversion into a Right to Use for Village Treasury Land with an unlimited period, as long as the land is used according to its intended purpose.
- b. Registration of Land Rights: The second step is to register land rights so that the original certificate of land rights is replaced with a certificate that corresponds to the new ownership status.

In practice in the field, the certification process does not always involve a conversion step first, but can directly apply for state land rights. In this application, it is requested that former state land be converted into Village Treasury Land. Village Treasury land, even though it is a state asset, automatically becomes part of state land and does not have free ownership status.

In this case, the existence of Village Treasury Land, which was previously part of customary land or ulayat rights, often does not receive adequate recognition in the certification process. Village Treasury land which is included in the realm of state land means that the village does not have full authority in managing it. If needed by the state, the land can be taken back, and this often results in the Village Treasury land being depleted in some areas because it is used for government facilities.

## **Law Enforcement**

The loss or change in the function of Village Treasury land is often caused by the inability of the existing system to provide adequate legal certainty. The parties who should be responsible for protecting the existence of Village Treasury land often fail to ensure that the land can be used according to its purpose.

In order to provide adequate legal protection for village treasury land, so that its existence as a village asset is physically and legally guaranteed, steps that can be taken as preventive measures are as follows:

- a. Register the village treasury land, so that the Village Treasury Land Certificate is issued as strong evidence and provide legal certainty guarantees for the village treasury land;
- b. Management of Village Treasury Land is carried out by:
  - 1) for crooked land: it must be managed independently by the village head or village officials concerned, meaning that it must not be managed using a pawn system, profit sharing, etc., causing crooked land to be managed by other people because it will be difficult to monitor or limit the time period ending; and
  - 2) for Village Treasury Land: in the management system as mandated by Minister of Home Affairs Regulation No. 4 of 2007 can be carried out in the form of lease, Utilization Cooperation, Build for Handover and Build for Handover with a clear and firm agreement and must go through the procedures and approvals regulated in PMDN No. 4 of 2007 said.

In several arrangements related to Village Treasury Land, there has been a shift from its initial status as part of customary land or ulayat rights, or communal land. With the enactment of UUPA, the land officially becomes state property, although the village still has autonomous authority to manage and regulate the land. However, when the local government needed the land, the village had to hand it over. This has become a recurring problem in several areas, with some villages even losing their Village Treasury Land and land plots completely because they were used by the local government.

In order to safeguard and maintain the legal status of Village Treasury Land, if analyzed using a responsive approach, it can be concluded that problems rooted in legal culture can be resolved through three methods: deliberative dialogue or mediation, judicial processes, and application of legal sanctions.

## 5. Conclusion

From the various descriptions of the chapters above, the following conclusions can be drawn: The village treasury land originates from the communal land or customary land of the customary law community. According to the form of customary land, it can be divided into bengkok land and village treasury land (village bondho land). So the mother of village treasury land is customary land. Automatically the legal position of Village Treasury Land cannot be separated from communal land. In the National land law system, namely the UUPA, the position of ulayat land is still recognized and regulated, but with the following requirements: (a) as long as the customary law community still exists. (b) ulayat rights and similar rights from customary law communities are still recognized, but as long as the community still exists and must be in accordance with national and state interests. (c) ulayat rights must be based on national unity and must not conflict with laws and other higher regulations. The position of village treasury land in the UUPA and other laws and regulations has indeed been regulated and recognized, but there are still limitations or limitations in the autonomy granted to villages regarding the management of the land. In the process of registering Village Treasury Land, this is evidence that the village no longer has full authority over Village Treasury Land, because it officially belongs to the state (with non-exempt state land status). As a result, much of the village treasury land has changed ownership and is used for local government purposes. Given the origins of village treasury land, regardless of the change in village status, village treasury land must still belong to the village and be utilized for the development and welfare of the village community. The loss or non-functioning of Village Treasury Land often occurs, there are even villages that have lost their Village Treasury Land. This is caused by the government using Village Treasury Land for educational facilities, roads and building construction for the benefit of government agencies without following applicable procedures and provisions. To prevent similar cases from occurring in the future, appropriate legal measures are needed to protect Village Treasury Land or former Village Treasury Land (if the status of the village has changed to sub-district).

There are two ways that can be done in order to provide legal protection for Village Treasury Land. Preventive action needs to be taken to prevent violations of Village Treasury Land. One preventive step that can be taken is to carry out a comprehensive inventory and registration of Village Treasury Land. With this step, we can ensure legal certainty regarding the ownership and physical status of Village Treasury Land, which can then be realized in the form of issuing a Land Rights Certificate. If there is a violation of the Village Treasury Land, the legal steps taken will be corrective. The purpose of this corrective action is to correct the consequences arising from the actions of rights violators. Corrective action can be non-judicial in nature, involving non-judicial institutions such as state administration officials. Apart from that, it can also be in the form of corrective legal remedies involving judicial institutions, which are part of the law enforcement process. (law enforcement). In imposing strict sanctions, there are three forms of sanctions that can be imposed, namely administrative sanctions for the perpetrators, so that they enter the state administrative court; civil sanctions, for the perpetrators are required to pay

compensation or restore the condition of the Village Treasury Land to its original condition and criminal sanctions, because the Village Treasury Land is included in village assets, the perpetrator can be categorized as a criminal act of corruption.

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