



Misuse of Kalurahan Land in Yogyakarta: Administrative Governance and Corruption Risks (A Corruption Case Study Involving Kalurahan Land as the Object)

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Abstract

Background: Misuse of *kalurahan* land in the Special Region of Yogyakarta raises legal and governance concerns because a public asset governed by the region's special land regime may be utilized before the required authorization has been obtained, creating risks under administrative and anti-corruption law.

Objective: This study analyzes the legal framework governing *kalurahan* land and examines how weaknesses in authorization procedures, supervision, and third-party conduct may facilitate misuse that may implicate anti-corruption law.

Methods: The study employs a socio-legal research design that combines statutory and case analysis with limited field evidence from an interview with a Corruption Court judge. Statutes, implementing regulations, and selected decisions of the Yogyakarta Corruption Court are analyzed through legal interpretation and an examination of judicial reasoning.

Results: The governing framework consists of the *Undang-Undang Keistimewaan Daerah Istimewa Yogyakarta* (DIY Special Status Law) and its implementing land regulations. Across the cases examined, misuse was associated with activities undertaken before the Governor's authorization had been obtained, inadequate preventive supervision, and administrative conduct that enabled third parties to proceed despite incomplete authorization.

Conclusion: The cases indicate that the central legal issue is not the absence of regulations but the gap between the specialized authorization regime and its implementation. The study contributes by connecting the special-region land law of DIY with anti-corruption analysis and by identifying preventive governance measures for *kalurahan* assets.

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INTRODUCTION

Kalurahan land in the Special Region of Yogyakarta presents a governance problem because land held for public and community purposes may be occupied, developed, or financially exploited before the required authorization process has been completed (Baru & Nasution, 2023; Hartanto et al., 2025; Luthfi, 2024; Ortiz, 2020; Widiyasno et al., 2020). When administrative controls fail, the same conduct may also raise issues under anti-corruption law, particularly where public assets, unlawful benefits, abuse of authority, or state financial losses are alleged (Antón, 2020; Barafi et al., 2022; Paterson et al., 2019; Wicaksono & Saputra, 2021).

The provisions contained in the Preamble to the Constitution constitute both the foundation and the purpose of the establishment of the Indonesian state. They serve as the constitutional foundation guiding government officials in realizing these objectives across all areas of public life. Indonesia's fundamental law recognizes both customary rights of origin and the distinctive governance status accorded to particular regions in managing their internal affairs (Triwahyuningsih et al., 2025). The Special Region of Yogyakarta, or DIY, is one of the regions that, based on its historical origins, holds special status (Andika Bayangkara et al., 2024; Lestari, 2025; Tritayasa, 2024). This status was formalized through Law Number 13 of 2012 concerning the Special Status of the Special Region of Yogyakarta, hereinafter referred to as the Special Status Law or *UUK*. Under Article 7(1) of the *UUK*, the scope of DIY's autonomous authority encompasses both the general regional governmental competencies prescribed by the legislation governing regional government and the distinctive affairs expressly enumerated in the *UUK*. Article 7(2) subsequently delineates the specific domains within DIY's special competence, namely: (a) the mechanisms governing the appointment, status, duties, and powers of the Governor and Deputy Governor; (b) the organizational structure of DIY's regional administration; (c) culture; (d) land affairs; and (e) spatial planning. Pursuant to the mandate of the *UUK*, implementing regulations were subsequently formulated, including Special Regional Regulations (*Perdais*) and Governor Regulations of the Special Region of Yogyakarta. Among these Special Regional Regulations, *Perdais* Number 1 of 2017 specifically addresses the management and utilization of Sultanate Land and Duchy Land (Mu'adz & Sundara, 2019). Subordinate to the *Perdais*, additional regulatory instruments take the form of Governor Regulations of DIY (*Pergub DIY*). DIY's special status has direct legal consequences for *Kalurahan* land because land affairs fall within the region's special authority. Its management is therefore governed not only by general rules concerning village assets but also by the *UUK* and its implementing regional instruments, creating a layered authorization structure in which competence, supervision, and compliance must be assessed under the special legal regime.

From a temporal perspective, the regulations applicable specifically to DIY, ranging from statutes to technical regulations, are relatively recent. They inevitably have consequences for governance and other sectors that will shape the future historical development of the Special Region of Yogyakarta.

Over the last five years, legal problems in the land sector have frequently emerged in this culturally renowned region, particularly in relation to village land or *Kalurahan* land (Hapsari, 2005; Thea, 2024; Wajongkere Heppy, 2025). Several cases have involved civil servants, *Lurah*, and/or *Kalurahan* officials in the administration and utilization of village or *Kalurahan* land, with alleged connections to corrupt practices. Some of these cases have resulted in court judgments, while others remain in legal proceedings. This normative study examines cases in Caturtunggal *Kalurahan* involving civil servants, the *Lurah*, and private parties; cases in Maguwoharjo *Kalurahan* involving the *Lurah* and several *Kalurahan* officials; and cases involving *Lurah* and private parties. Rather than inferring a province-wide trend from unsupported aggregate figures, this study uses the two adjudicated cases selected in the manuscript as case-based evidence of recurring governance vulnerabilities: premature land use, delayed or incomplete authorization, and weak preventive controls. These cases establish the empirical basis for the legal analysis without claiming to represent the total incidence of *Kalurahan*-land misuse in DIY.

The researchers attempt to trace the relationship between the Special Status Law and its implementing regulations and the laws governing corruption crimes applicable in the Republic of Indonesia. As is widely understood, legal development, particularly the formulation of criminal-law instruments against corruption through legislative policy, has been undertaken since 1971, beginning with Law Number 3 of 1971 and continuing through Law Number 31 of 1999, as amended by Law Number 20 of 2001, concerning the Eradication of Corruption Crimes. These laws contain provisions, norms, and criminal sanctions intended to support the eradication of corruption. Nevertheless, the aspiration to establish governance free from corruption, collusion, and nepotism remains largely unfulfilled, and the situation has become increasingly concerning. The emergence of corruption cases in Yogyakarta involving village land or *Kalurahan* land

therefore adds to public concern. This condition is important to observe, examine, and analyze in order to understand why such cases occur. The novelty of this study lies in examining the intersection between DIY's special land-law regime and corruption law: the study asks how an administrative breach within a special authorization system becomes legally relevant to the elements of a corruption offense, rather than treating land administration and criminal liability as separate fields.

The research problem is framed more directly as follows: how does the layered governance of *Kalurahan* land create points at which third-party conduct, administrative authorization, and supervisory failure can facilitate misuse, and under what legal conditions can those failures become relevant to corruption liability? This formulation focuses the analysis on the mechanism connecting governance weaknesses with the cases examined.

Based on the background and formulation of the problems, the objectives of this study are: 1) to identify the regulations governing the management of *Kalurahan* land in the Special Region of Yogyakarta; and 2) to identify and analyze the factors contributing to the misuse of *Kalurahan* land management that results in corruption in the Special Region of Yogyakarta.

METHOD

This study employed a socio-legal research design. The doctrinal component examines legislation, regulations governing the special status of the Special Region of Yogyakarta (DIY), and decisions of the Yogyakarta Corruption Court, while the limited empirical component consists of an in-depth interview with one Corruption Court judge selected purposively based on adjudicative expertise relevant to the cases analyzed.

This study draws upon two categories of data: primary and secondary. Primary data comprise the judicial interview, which was conducted to clarify the legal context and judicial reasoning relevant to the selected cases. Secondary data consist of legislation, court decisions, books, journal articles, and other relevant legal materials. The interview evidence was triangulated against the text of the judgments and governing regulations and was not used to replace the formal reasoning contained in the decisions.

The materials were analyzed qualitatively through statutory interpretation, legal construction, and examination of the ratio decidendi of the selected court decisions. Interview information was used solely as contextual support and was cross-checked against the documentary legal materials before conclusions were drawn.

Data reduction encompassed the systematic processes of selecting, focusing, condensing, abstracting, and transforming unprocessed data derived from documented field observations and interview transcripts. At this stage, the data were simplified by determining which information was relevant to the research and which was not. The selected data were then organized for presentation in the subsequent stage.

The data assembled in this study were presented through quantitative tabulations and descriptive narrative exposition. The presented data were then interpreted, and conclusions were subsequently drawn.

Based on these stages, after the data were obtained from the field through observation, interviews, and a literature review, they were reduced with reference to the research questions and objectives. The reduced data, aligned with the main issues and supported by applicable statutory regulations, were then reconstructed through a qualitative approach into a coherent descriptive narrative, from which conclusions were ultimately drawn.

RESULTS AND DISCUSSION

Results

Regulation of the Management and Utilization of Village or *Kalurahan* Land in the Special Region of Yogyakarta

The governance of village/*Kalurahan* land within DIY possesses distinctive characteristics attributable to the region's special status. At the national level, the principal statutory foundations are Law Number 6 of 2014 concerning Villages, which establishes overarching norms for the stewardship of village assets, and Law Number 13 of 2012 concerning the Special Status of the

Special Region of Yogyakarta (UUK), which confers upon DIY special authority to regulate agrarian affairs. The Special Region of Yogyakarta, hereafter designated as DIY, constitutes a province-level territory endowed with a distinctive governance status within the constitutional structure of the Unitary State of the Republic of Indonesia. This special status denotes the unique juridical standing that DIY holds, rooted in its historical trajectory and ancestral rights as recognized by the 1945 Constitution, thereby authorizing the region to exercise and manage its distinctive governance powers. The concept of special authority encompasses supplementary competencies held by DIY that extend beyond the standard powers conferred under general regional governance legislation.

DIY's authority as an autonomous region includes the authority to administer regional government affairs in DIY as referred to in the law on regional government and the special affairs stipulated in the UUK. The special affairs cover: a) the procedures for appointing and determining the status, duties, and powers of the Governor and Deputy Governor; b) the organizational structure of DIY's regional administration; c) cultural preservation; d) land affairs; and e) spatial planning. In exercising authority over land affairs as referred to in Article 7 paragraph (2) letter d, the Sultanate and the Duchy are declared by the UUK to be legal entities. As a corporate legal subject, the Sultanate holds proprietary rights over *Tanah Kasultanan*, while the Duchy, similarly constituted as a legal entity, possesses ownership rights over *Tanah Kadipaten*. Further provisions concerning the management and utilization of *Tanah Kasultanan* and *Tanah Kadipaten*, as well as the spatial planning of such lands, are regulated in a Special Regional Regulation or *Perdais*, formulated by referring to applicable laws and regulations. As a follow-up, the management and utilization of *Tanah Kasultanan* and *Tanah Kadipaten* are governed by Special Regional Regulation Number 1 of 2017. *Tanah Kasultanan* is land owned by the Sultanate, consisting of *Tanah Keprabon* and *Tanah Non-Keprabon* or *Dede Keprabon* located in regencies/cities within the DIY region. *Tanah Kadipaten* is land owned by the Duchy, consisting of *Tanah Keprabon* and *Tanah Non-Keprabon* or *Dede Keprabon* located in regencies/cities within the DIY region. The layered regime also creates a jurisdictional coordination problem: the *Kalurahan* administers land at the local level, the DIY Government exercises special regulatory and authorization functions, and holders of original rights retain legally recognized interests. The risk of misuse increases when these roles are not synchronized through a single verification and monitoring process.

The acknowledgment of proprietary land rights vested in the Ngayogyakarta Hadiningrat Sultanate and the Pakualaman Duchy forms an inseparable juridical element of DIY's Special Status, grounded in historical precedent and constitutional recognition under the 1945 Constitution. The historically and legally acknowledged existence of the Ngayogyakarta Hadiningrat Sultanate and the Pakualaman Duchy, predating the founding of the Republic of Indonesia by a considerable period, as well as the political choice and decision of Sultan Hamengku Buwono IX, as Sultan of the Ngayogyakarta Hadiningrat Sultanate, and Paku Alam VIII, as Duke of Pakualaman, to join the Republic of Indonesia, strengthened by the Position Charter issued by Soekarno, as President of the Republic of Indonesia, in 1945, became the principal basis for recognizing ownership rights over *Tanah Kasultanan* and *Tanah Kadipaten* located within the administrative territory of the Special Region of Yogyakarta (Purnomo, 2022; Putra, 2025).

However, this study focuses on *Tanah Kasultanan* historically used as an arena for village or *Kalurahan* government activities in the Special Region of Yogyakarta. The governance and utilization of *Tanah Kasultanan* and *Tanah Kadipaten* rest upon the foundational principles of: a) acknowledgment of ancestral rights; b) administrative effectiveness; and c) the utilization of local wisdom. Their objectives are: a) cultural development; b) social interests; and/or c) community welfare. *Tanah Kasultanan* and *Tanah Kadipaten* consist of: a) *Tanah Keprabon*; and b) *Tanah Non-Keprabon* or *Dede Keprabon*, located throughout regencies/cities within DIY. *Tanah Non-Keprabon* or *Dede Keprabon*, as referred to in Article 6 letter b of the UUK, consists of: a) village land originating from the Sultanate and the Duchy with *Hak Anggaduh*; b) land already used by communities/institutions and already covered by *Serat Kekancingan*; c) land already used by communities/institutions but not yet covered by *Serat Kekancingan*; and d) unused land.

Oversight of *Tanah Kasultanan* falls within the Sultanate's prerogative, whereas oversight

of *Tanah Kadipaten* is vested in the Duchy. Such supervision includes: a) monitoring; and b) enforcement. Monitoring is conducted periodically to identify the actual condition of land utilization by communities/institutions. Enforcement is carried out to ensure legal certainty and administrative order. The utilization of *Tanah Kasultanan* and *Tanah Kadipaten* is intended for cultural advancement, communal interests, and public welfare. The utilization of *Tanah Kasultanan* and *Tanah Kadipaten* is effectuated through three modalities: a) safeguarding; b) active use; and c) relinquishment. Protection of *Tanah Kasultanan* is the authority of the Sultanate, and protection of *Tanah Kadipaten* is the authority of the Duchy. Protection refers to preventive and/or corrective efforts against damage, loss, and use that is inconsistent with the permission granted by the Sultanate or the Duchy. The cases examined suggest that the critical issue is implementation rather than the absence of supervisory norms. Where land use or construction proceeds before final authorization, delayed enforcement allows an administrative irregularity to develop into a more serious public-asset governance problem. The legal analysis therefore distinguishes regulatory design from supervisory failure in practice.

Tanah Kasultanan and *Tanah Kadipaten* may be used by communities/institutions for cultural development, social interests, and community welfare. Land use by communities/institutions must obtain written permission from the Sultanate for *Tanah Kasultanan* and written permission from the Duchy for *Tanah Kadipaten*. This written permission is granted in the form of *Serat Kekancingan*. The form, type, and content of *Serat Kekancingan* are further regulated by the Sultanate or the Duchy. According to DIY Gubernatorial Regulation Number 34 of 2017 concerning the Utilization of Village Land, Article 6 states that the types of Village Land consist of: a) Village Treasury Land; b) *Pelungguh*; c) *Pengarem-arem*; and d) land for public interest.

Village Land [read: *Tanah Kalurahan*] as referred to in Article 6 constitutes land owned by the Sultanate or the Duchy whose utilization is entrusted to the Village Government, provided that written permission from the Sultanate or the Duchy is obtained and granted in the form of *Serat Kekancingan* as *Hak Anggaduh*.

Furthermore, *Serat Kekancingan* as *Hak Anggaduh* is granted as a single, integrated instrument to each village. Based on the *Serat Kekancingan*, the Village Government, together with the Village Consultative Body [read: *Badan Permusyawaratan Kalurahan* (BPKal)], establishes Village-level Regulatory Instruments governing the productive use of Village Land.

The ensuing description outlines the procedural steps required at the provincial level within DIY for third-party applications seeking authorization to utilize Village Treasury Land:

1. Submission of the Permit Application to the Governor of DIY: The Village Head, together with supporting documents, submits an application for authorization to use Village Treasury Land addressed to the Governor through the Regent/Head of the Subdistrict. The documents generally include a proposal, recommendations, verification minutes, village regulations, and a utilization plan.

2. Assessment and Appraisal Procedure Conducted by the Provincial Administration: The Provincial Government, through the Land and Spatial Planning Agency, evaluates the application, including its conformity with the spatial plan and other requirements. Approval from the Sultanate/Duchy may also be involved, depending on the origin of the land rights.

3. Issuance of the Village Treasury Land Utilization Permit: If all requirements are fulfilled, the Governor issues a permit for the utilization of Village Treasury Land. The permit must clearly state the purpose, location, area, term, and utilization provisions.

The subsequent process for implementing utilization is as follows:

1. Implementation of Field Activities: The utilization or leasing of Village Treasury Land proceeds in conformity with the terms of the authorization issued, for example, for agriculture, tourism, or public facilities. Note: this permit is mandatory when Village Treasury Land is to be used or leased to another party. It includes permission from the Governor of DIY through the prescribed channel (through the Regent/Head of the Subdistrict) and generally also requires approval from the Sultanate or Duchy in accordance with DIY's customary and special-status legal provisions.

2. Oversight Mechanisms for the Utilization of Village Treasury Land: Supervision is

conducted by the village, the subdistrict, and the regional government in accordance with standard operating procedures to prevent misuse.

3. Activity Reporting and Accountability: Accountability reports documenting the utilization and revenue generated from Village Treasury Land are filed with the Village Government and the BPKal, with corresponding entries recorded in the village's administrative system. Income generated from Village Treasury Land becomes part of the Village Budget (*Anggaran Pendapatan dan Belanja Desa* or APBDes).

Factors Causing the Misuse of Village or *Kalurahan* Land Allegedly Involving Corruption in the Special Region of Yogyakarta

This section describes the factors causing the misuse of village or *Kalurahan* land in two cases that occurred in Caturtunggal *Kalurahan* and Maguwoharjo *Kalurahan*, Depok District, Sleman Regency, Special Region of Yogyakarta.

Case Number: 8/Pid.Sus-TPK/2023/PN Yyk — Defendant: Robinson Saalino bin Martin Saalino

The data obtained may be described as follows:

During the trial, several facts were revealed that encouraged violations of the applicable provisions. PT Deztama Putri Sentosa was initially established by witness Denizar Rahman Pratama, who also served as Director, pursuant to Limited Liability Company Establishment Deed Number 46, executed on 10 December 2015 before notary A. Yossi Aribowo, S.T., S.H., M.Kn., and subsequently ratified through Ministerial Decree of the Ministry of Law and Human Rights of the Republic of Indonesia, registered under Number AHU-2471631.AH.01.01 of 2015 concerning the Approval of the Establishment of PT Deztama Putri Sentosa, dated 12 December 2015. Denizar Rahman Pratama, as Director of PT Deztama Putri Sentosa, submitted a proposal to lease Village Treasury Land of Caturtunggal in *Padukuhan* Nologaten, Parcel 1 Class DL III, covering 5,000 m² for a 20-year lease period, for the development of a Green Stopover Area based on an ecological and environmentally friendly concept called "Eco-Lodge." The proposed facilities included a strategic area supported by public facilities such as a hydroponic garden, green area with productive plants, independent waste-treatment system, sports area, healthy culinary area, and organic vegetable trading area.

According to the site plan and location plan of the Green Stopover Area "Eco-Lodge," the 5,000 m² land was planned to contain 48 Green Lodges consisting of: Lodge A, 100 m²: 6 units; Lodge B, 48 m²: 22 units; Lodge C, 35 m²: 20 units; operator house, 100 m²; cafeteria, 130 m²; 14 car parking spaces; and 54 scooter parking spaces. Following the socialization of the proposal, the Caturtunggal Village Consultative Body issued Decree Number 14/Kep.BPD/XII/2015 dated 28 December 2015 concerning approval to follow up the results of the socialization. On that basis, Village Head Agus Santosa, S.Psi., issued Village Head Decree Number 58/KPTS/XII/2015 dated 28 December 2015 concerning the lease of village land by PT Deztama Putri Sentosa for a Green Stopover Area. On 29 December 2015, witness Agus Santoso, S.Psi., M.M., prepared and submitted Letter Number 143/515 addressed to the Governor of DIY through the Head of Depok Subdistrict and the Regent of Sleman regarding the lease application submitted by PT Deztama Putri Sentosa concerning village land. The Head of Depok Subdistrict, witness Drs. Budiharjo, issued a recommendation on 11 January 2016 through Letter Number 143/012 addressed to the Regent of Sleman, followed by a recommendation from the Regent of Sleman on 23 June 2016, essentially stating no objection to the application of the Caturtunggal Village Government. The application letter and recommendations were then transmitted to the Governor of DIY.

Based on the application and recommendations, on 7 October 2016 the Governor of the Special Region of Yogyakarta issued Decree Number 43/IZ/2016 concerning the granting of permission to the Government of Caturtunggal Village, Depok District, Sleman Regency, to lease Village Treasury Land to PT Deztama Putri Sentosa for the development of a Green Stopover Area. On 6 January 2017, a Village Treasury Land Lease Agreement, Number 01/STKD/CT/I/2017, was entered into by the Caturtunggal Village Administration and PT Deztama Putri Sentosa for the construction of a Green Stopover Area.

At the end of 2017, witness Denizar Rahman Pratama transferred his share ownership to

the Defendant before notary A. Yossi Aribowo under Deed Number 244 dated 29 December 2017 concerning the recorded resolutions adopted at the Extraordinary General Meeting of Shareholders of PT Deztama Putri Sentosa, due to financial difficulties. This was followed by changes to the Board of Directors, in which the Defendant became Director, replacing witness Denizar Rahman Pratama.

a. In his capacity as Director of PT Deztama Putri Sentosa, the Defendant was factually the controlling person of PT Deztama Putri Sentosa;

b. After becoming Director, the Defendant changed the site plan. To realize this change, the Defendant occupied and controlled another part of the Caturtunggal Village Treasury Land measuring 11,215 m², still within the same Village Treasury Land area, without first obtaining a permit and without entering into a legal agreement with Caturtunggal *Kalurahan*, so that the total Village Treasury Land controlled and utilized by the Defendant reached 16,215 m²;

c. The Defendant began controlling and utilizing the 11,215 m² of Village Treasury Land in 2018 by installing sheet-metal fencing around the Caturtunggal Village Treasury Land. Legally, the significance of this fact lies in the sequence of conduct: use of the public asset preceded completion of the required authorization. The analysis therefore asks whether the administrative breach satisfies the element of unlawfulness or abuse of authority alleged under the applicable anti-corruption provision, and whether the judgment separately establishes unlawful benefit and state financial loss;

d. Around mid-2020, the Sleman Regency Land and Spatial Planning Agency (Dispertaru) carried out an on-site survey at the Green Stopover Area construction site, Jogja Green Ambarukmo, in *Padukuhan* Nologaten, Caturtunggal Village, Depok District, Sleman Regency, and found spatial utilization inconsistent with the BKPRD recommendation and the Governor's permit, as well as the absence of building permits;

e. The construction of houses/residential units was carried out extensively from the end of 2020 until mid-2022;

f. Dispertaru of Sleman Regency followed up the findings by issuing a warning letter to PT Deztama Putri Sentosa through Letter Number 650/0588 dated 24 July 2020, constituting the first warning, essentially ordering the company to ensure spatial utilization in accordance with the BKPRD recommendation and the Governor's permit and to complete the permit process for the 5,000 m² land area;

g. Dispertaru of Sleman Regency issued a second warning on 12 November 2020 because the Defendant failed to comply with the first warning letter;

h. On 1 October 2020, PT Deztama Putri Sentosa filed a subsequent request to lease Village Treasury Land addressed to the Head of Caturtunggal, signed by Robinson Saalino, S.E., President Director of PT Deztama Putri Sentosa, for an area of 11,215 m² (Parcel I, Class D.II). This was followed by presentations, socialization to residents, approval from BPKal, and a decree of the Head of Caturtunggal concerning the application for a Village Treasury Land lease permit by PT Deztama Putri Sentosa covering 11,215 m² for the development of the Ambarukmo Green Hills Green Stopover Area, dated 16 December 2020.

Based on the recommendation from Caturtunggal *Kalurahan*, the application was then forwarded to the Head of Depok Subdistrict and subsequently to the Sleman Regency Government.

a. The application for permission to lease 11,215 m² of Village Treasury Land to PT Deztama Putri Sentosa submitted by Caturtunggal *Kalurahan* was ultimately returned by the Sleman Regency Government;

b. On the 11,215 m² of Village Treasury Land, buildings in the form of houses/residential units had been constructed and were in fact leased and used by most tenants as residences;

c. The proceeds from the utilization of the 11,215 m² of Village Treasury Land were enjoyed by the Defendant and used for project operations on that land and other lands, as well as to meet the financial needs of witnesses Agus Santoso and Andi Sofyan;

d. The use and utilization of the 5,000 m² of Village Treasury Land deviated from its original purpose as a Green Stopover Area and became residential houses actually occupied by consumers;

e. The control, use, and utilization of the 11,215 m² of Village Treasury Land were carried

out by the Defendant through PT Deztama Putri Sentosa without a permit from the Governor of DIY.

Primary Indictment

The Defendant was charged with committing acts as regulated and punishable under Article 2 paragraph (1), read together with Article 18, of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code.

The statutory relevance of Article 2 paragraph (1) must be assessed through its elements as applied by the court: an act contrary to law, self-enrichment or the enrichment of another person or corporation, and detriment to the state finances or the national economy. The article's application in the selected judgment is therefore analyzed through the court's reasoning on each element rather than inferred solely from the underlying permit violation.

Subsidiary Indictment

The Defendant was charged with committing acts as regulated and punishable under Article 3 in conjunction with Article 18 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code.

Judgment

Declares that the Defendant, Robinson Saalino Bin Martin Saalino, has been legally and convincingly proven to have committed corruption jointly, as set forth in the Primary Indictment;

Sentences the Defendant to imprisonment for 8 (eight) years and a fine of Rp400,000,000.00 (four hundred million rupiah), with the provision that if the fine is not paid, it shall be substituted with 4 (four) months' confinement;

Imposes an additional penalty requiring the Defendant to pay replacement money totaling Rp16,073,060,900.00 (sixteen billion seventy-three million sixty thousand nine hundred rupiah). Should the convicted individual fail to pay the replacement money within one month after the judgment has obtained binding legal force, the Prosecutor is authorized to confiscate and auction the convict's property to satisfy the obligation. In the event that the convict's assets prove insufficient, an additional custodial sentence of five years shall be imposed;

Directs that the duration of pretrial detention already undergone by the Defendant be credited in full against the sentence imposed;

Orders that the Defendant remain in detention;

Directs the return of all evidentiary items bearing serial numbers 1 through 27, comprising 251 categories of evidence as previously enumerated, to the Public Prosecutor for use as evidence in a separate proceeding against Agus Santoso, S.Psi., M.M.;

Directs the Defendant to bear judicial costs amounting to Rp5,000.00 (five thousand rupiah).

Legal expert Andi Hamzah clearly defines sentencing [punishment] as follows: "The term punishment originates from the word law and can accordingly be interpreted as the act of establishing or adjudicating legal consequences (*berechten*).²" The sentencing framework comprises the totality of statutory provisions governing criminal penalties and their imposition.

The sentence imposed through the judge's decision against Defendant Robinson Saalino bin Martin Saalino constitutes a form of sentencing under the Corruption Crime Law, which may depart from the standard provisions of the Criminal Code by virtue of the doctrine of *lex specialis derogat legi generali*. This departure is justified by the classification of corruption as an exceptional criminal offense that must also be addressed through extraordinary criminal sanctions and sentencing, particularly in the form of an additional penalty requiring the return of state funds proven to have been corrupted by the Defendant.

Case Number 3/Pid.Sus-TPK/2024/PN Yyk with Defendant Kasidi, Head of Maguwoharjo Village

On 27 October 2021, witness Robinson Saalino, as Director of PT Indonesia Internasional Capital, submitted a utilization proposal concerning Village Land addressed to the Head of Maguwoharjo *Kalurahan*, Depok District, Sleman Regency, through Letter Number 01/IIC/27/2021 dated 27 October 2021 regarding an application to lease Village Land of Maguwoharjo *Kalurahan*, Depok District, Sleman Regency, covering 39,595 m² located in *Padukuhan* Pugeran, Maguwoharjo *Kalurahan*, namely:

- a. Part of Parcel 183, Class DL VI, covering 16,300 m² of a total area of 20,150 m²;
- b. Part of Parcel 184, Class DL, covering 15,189 m² of a total area of 26,750 m²;
- c. Part of Parcel 185, Class SL.II, covering 8,106 m² of a total area of 16,550 m², for the development of a Recreation Park consisting of a multipurpose building, lantern park, mosque, café, restaurant/culinary center, swimming pool, villas, outbound facilities, mini water park, parking area, and toilets. The land requested for the Recreation Park development was to be leased for 20 (twenty) years.

On 2 November 2021 at the Maguwoharjo *Kalurahan* Office, PT Indonesia Internasional Capital, represented by witness Agus Suwarsono alias Juska, made a presentation before the Maguwoharjo *Kalurahan* Consultative Body (BPKal). On the same date, BPKal Maguwoharjo held a deliberation and agreed to support and approve the lease application submitted by PT Indonesia Internasional Capital. BPKal issued Decree of the Maguwoharjo *Kalurahan* Consultative Body Number 06/Kep.Bpkal/TAHUN 2021 dated 3 November 2021 concerning approval of the utilization of Maguwoharjo *Kalurahan* Village Land. Thereafter, Ag. Aris Widyantara, S.Sos., as Acting Head of Maguwoharjo, signed Decree of the Head of Maguwoharjo Number 13/Kep.LURAH/XI/2021 dated 3 November 2021 regarding the productive use of Village Land within the jurisdiction of Maguwoharjo *Kalurahan*.

On 2 March 2022, the Regional Spatial Planning Coordination Team (TKPRD) of the Sleman Regency Government issued Recommendation Number 68/650/Rekom/TKPRD/2022 at coordinates -7.766850, 110.416157, covering approximately 39,595 m² for the Recreation Park and its supporting facilities, signed by H. Harda Kiswaya, S.E., M.Si., as Chair of TKPRD of Sleman Regency.

On 18 March 2022, Defendant Kasidi, S.E., followed up by sending Letter Number 143/52 dated 3 November 2021 regarding the application for a permit to lease Village Treasury Land and *Pelungguh* by PT Indonesia Internasional Capital, along with the required documents, to the Governor of D.I. Yogyakarta through the Regent of Sleman.

In April 2022, construction had already begun at the location requested for lease by PT Indonesia Internasional Capital. On 11 July 2022, the Land and Spatial Planning Agency (Dispertaru) of Sleman Regency conducted a site inspection and found that houses/residential units had already been built. This sequence exposes a preventive-control failure: construction could progress before the final authorization was complete. The governance problem is therefore systemic as well as individual, because an effective control architecture should allow the responsible authorities to detect, share, and act on permit status before substantial physical or financial commitments are made.

Subsequently, on 10 August 2022, a coordination meeting on village land utilization was held at Dispertaru of Sleman Regency, resulting in Minutes of the Coordination Meeting on Village Land Utilization Number 590/600/BA/Dinpertaru/2022 dated 10 August 2022, which stated:

The on-site survey findings revealed that PT Indonesia Internasional Capital had undertaken construction works that deviated from the terms set forth in its application. Based on the joint coordination results, several agreements were reached as follows: 1) All construction activities carried out by PT Indonesia Internasional Capital were to be stopped. 2) The utilization application filed on behalf of PT Indonesia Internasional Capital for an area of approximately 39,595 m² was returned to the Maguwoharjo *Kalurahan* Administration. 3) PT Indonesia Internasional Capital was directed to expeditiously obtain all requisite authorizations in conformity with the prevailing statutory and regulatory framework.

Subsequently, on 29 August 2022, the application file for the utilization of

Maguwoharjo *Kalurahan* Village Land by PT Indonesia Internasional Capital was returned to the Government of Maguwoharjo *Kalurahan* by Letter of the Head of Sleman Regency's Agency for Land and Spatial Development Number 143/0705 dated 29 August 2022 regarding the Return of Files, and was received by the Government of Maguwoharjo *Kalurahan* on 1 September 2022.

Considering that Defendant Kasidi, S.E., again submitted an application for the lease of Village Treasury Land by preparing Letter Number 143/115 dated 26 September 2022 regarding the Application for Permission to Lease Village Treasury Land by PT Indonesia Internasional Capital, signed by the Head of Maguwoharjo, Kasidi, S.E., but later withdrew it through Letter Number 141/098 dated 8 May 2023 concerning the Withdrawal of the File for the Village Land Utilization Permit by PT Indonesia Internasional Capital, signed by the Head of Maguwoharjo, Kasidi, S.E. This was followed up by the Land and Spatial Planning Agency of Sleman Regency through Letter Number 143/0546 dated 9 May 2023 concerning the Return of Files (Village Land Utilization by PT Indonesia Internasional Capital), signed by the Secretary of the Head of the Land and Spatial Planning Agency of Sleman Regency, Ir. Rin Andrijani, M.T., addressed to the Head of Maguwoharjo and accompanied by supporting letters, including the application letter for the lease of Maguwoharjo *Kalurahan* Village Land from PT Indonesia Internasional Capital, the proposal, the notarial deed of establishment of PT Indonesia Internasional Capital, letters from the Head of Maguwoharjo and BPKal concerning the utilization of Maguwoharjo *Kalurahan* Village Treasury Land through lease by PT Indonesia Internasional Capital, statements from the Acting Head of Maguwoharjo, and a statement from Robinson Saalino, S.E.

Considering that, in addition to the land in Parcels 183, 184, and 185, witness Robinson Saalino also utilized land in Parcels 165 and 166 located in *Padukuhan* Pugeran, Maguwoharjo *Kalurahan*, Depok District, Sleman Regency, without permission from the Governor of D.I. Yogyakarta. The land was Village Land originating from the Sultanate or the Duchy and granted with *Hak Anggaduh*.

Considering that witness Robinson Saalino began the utilization of Maguwoharjo *Kalurahan*'s Village Treasury Land and *Pelungguh* by conducting land leveling, followed by the construction of Kandara Village Housing consisting of 5 (five) blocks and houses of various types and sizes. Robinson Saalino, as Director of PT Indonesia Internasional Capital, had leased the constructed houses to tenants (investors), resulting in income/revenue for PT Indonesia Internasional Capital.

Considering that the legal facts at trial proved that during the period from 2022 to 2023, the Defendant obtained revenue derived from the unauthorized exploitation of village assets, specifically *Pelungguh* village land, totaling Rp110,000,000.00 (one hundred ten million rupiah), which was subsequently appropriated for the Defendant's private purposes.

Considering that the evidentiary record established at trial, particularly Evidence Number 84 (a Bank Sleman deposit/transfer receipt in the sum of Rp100,000,000.00, remitter Kasidi, S.E.), demonstrates that on 24 May 2023 the Defendant transferred Rp100,000,000.00 to the village treasury account. Meanwhile, the amount of Rp10,000,000.00 had been seized by the Prosecutor's investigators.

Drawing upon the foregoing evidentiary findings, the Panel of Judges determined that the Defendant had restituted to the state the entirety of the funds acquired in the course of the criminal conduct; consequently, no supplementary obligation to pay replacement money was imposed.

Furthermore, when determining the Defendant's sentence, the Panel of Judges relied upon Supreme Court Regulation of the Republic of Indonesia Number 1 of 2020, which provides Sentencing Guidelines for the Application of Articles 2 and 3 of the Anti-Corruption Law and establishes benchmarks for assessing the severity of punishment based on the amount of state financial loss or loss to the state economy, the degree of fault, the impact, and the benefit obtained by the Defendant, by considering the following sequential stages: 1) the classification of pecuniary harm to the state treasury or national economy, yielding severity tiers ranging from most severe, severe, moderate, light, to very light (for Article 3). 2) the gradation of culpability, consequential impact, and accrued benefit, ranked as high, moderate, or low. 3) the applicable sentencing band. 4) aggravating and mitigating factors. 5) determination of the penalty. 6) ancillary sentencing

provisions.

Considering that the state financial loss caused by the criminal act committed by the Defendant amounted to Rp981,393,333.00 (nine hundred eighty-one million three hundred ninety-three thousand three hundred thirty-three rupiah). In accordance with Article 6 paragraph (1) letter c of Supreme Court Regulation Number 1 of 2020, the state's pecuniary loss is classified under the light category, given that it falls within the bracket exceeding Rp200,000,000.00 (two hundred million rupiah) but not exceeding Rp1,000,000,000.00 (one billion rupiah).

Principal Charge

Contravention of Article 2 paragraph (1), read with Article 18, of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code.

Upon deliberation of the Public Prosecutor's charges, the depositions of witnesses, the Defendant's defense submissions, and the factual findings adduced during trial proceedings, and by taking into account Article 2 paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code, Law Number 46 of 2009 concerning the Corruption Court, Law Number 8 of 1981 concerning Criminal Procedure Law, and other relevant laws and regulations, the Panel of Judges rendered its VERDICT as follows: 1) Declares that Defendant Kasidi, S.E., as identified above, has been legally and convincingly proven guilty of committing corruption jointly, as stated in the Primary Indictment. 2) Sentences the Defendant to imprisonment for 6 (six) years and a fine of Rp300,000,000.00 (three hundred million rupiah), with the provision that if the fine is not paid, it shall be commuted to three months' confinement. 3) Directs that the pretrial detention already undergone by the Defendant be credited in full against the sentence pronounced. 4) Orders that the Defendant remain in detention. 5) Directs that all 208 evidentiary items be transmitted in their entirety to the Public Prosecutor for use in a related proceeding.

Faisal et al. (2024) states that: "Indonesian criminal law basically recognizes only two types of criminal sanctions, namely principal penalties and additional penalties." 3].

The principal sanctions enumerated in the Criminal Code comprise capital punishment, imprisonment, custodial confinement, and monetary fines. The Corruption Crime Law also regulates this matter, but the distinguishing feature in corruption cases is that imprisonment and fines may be imposed cumulatively. Another matter concerns additional penalties, which in corruption cases include the return of state funds proven to have been corrupted.

Data Analysis

Based on the facts revealed at trial, supported by sufficient witness testimony and evidence, the Panel of Judges adjudicated the cases in conformity with the prevailing statutory and regulatory framework. Observing the chronology of the cases, it is evident that the main factor causing the misappropriation of Village Treasury Land within Caturtunggal *Kalurahan*, Depok District, was the Defendant's violation of the permit issued by the Governor of DIY. The 5,000 m² parcel should have been used for the development of a Green Stopover Area but was instead converted into residential houses or dwellings for consumers.

Meanwhile, for the 11,215 m² of Village/*Kalurahan* Treasury Land, the Defendant had already conducted construction activities by erecting buildings in the form of houses/residential units to be leased to consumers without any Village/*Kalurahan* Treasury Land Use Authorization issued by the Governor of DIY.

The Defendant's acts gave rise to problems indicating violations of provisions at the statutory level, encompassing the Village Law and DIY's Special Status Law, alongside the implementing technical regulations at the provincial level, namely Special Regional Regulation Number 1 of 2017 and its implementing regulation, DIY Gubernatorial Regulation Number 34 of 2017.

In the *a quo* case, the permit for the utilization of Maguwoharjo *Kalurahan* land was not

granted because the land had been developed into permanent residential houses, and the construction did not conform to the submitted application or the recommendation of the Land and Spatial Planning Agency of Sleman Regency. Therefore, the Public Prosecutor used Article 59(c) of DIY Gubernatorial Regulation Number 34 of 2017 concerning the Utilization of Village Land, which stipulates that "No user of village land may employ such land for residential purposes," and letter e, which states that "No user of village land may deploy such land in a manner that deviates from the approved spatial plan," as the normative foundation for prosecuting the conduct of the Defendant and witness Robinson Saalino. These provisions appear to have been used as the legal basis for establishing the primary element of the Defendant's fault, requiring him to be held legally accountable. Grounded in the trial evidence and corroborated by witness testimony, the Panel of Judges issued its ruling as elaborated hereafter.

A similar situation occurred in the case in Maguwoharjo *Kalurahan*, where a third party carried out development activities on *Kalurahan* Treasury Land without permission from the Governor of the Special Region of Yogyakarta. With respect to Defendant Kasidi, no element of fault was actually found in the process from the beginning until the application was halted. However, the Panel of Judges referred to Supreme Court Regulation Number 1 of 2020 concerning Sentencing Guidelines and held that in this case Defendant Kasidi's role caused state losses of Rp981,393,333.00 (nine hundred eighty-one million three hundred ninety-three thousand three hundred thirty-three rupiah). Pursuant to Article 6 paragraph (1) letter c of Supreme Court Regulation Number 1 of 2020, this state financial loss falls into the light category because it is within the range of more than Rp200,000,000.00 up to Rp1,000,000,000.00.

It should also be noted that in the Maguwoharjo case there was a dissenting opinion from one member of the Panel of Judges, who held that the Defendant did not commit a criminal act causing state financial loss.

The decisions of the Yogyakarta Corruption Court are presented in the table below. The table is used to compare the legally relevant features of the selected decisions—authorization status, conduct involving the *Kalurahan* asset, the corruption provision applied, and the court's findings—rather than to reproduce the chronology of each judgment.

Table 1

Source from the Yogyakarta Corruption Court

No.	Decision Number	Indictment Article	Role of Perpetrator	Judgment
1	Decision: 8/Pid.Sus-TPK/2023/PN Yyk; Defendant Robinson Saalino	Article 2 paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999, as amended and supplemented by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code.	Applicant for the use of Village Treasury Land [private party]	Imprisonment for 8 (eight) years and a fine of Rp400,000,000.00; if unpaid, substituted by confinement for 4 (four) months; additional penalty requiring the Defendant to pay replacement money of Rp16,073,060,900.00.
2	Case Number 3/Pid.Sus-TPK/2024/PN Yyk with Defendant Kasidi, Head of Maguwoharjo Village.	Article 2 paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999, as amended and supplemented by Law Number 20 of 2001 concerning the	Head of Maguwoharjo Village	Imprisonment for 6 (six) years and a fine of Rp300 million; if unpaid, substituted by confinement for 3 (three) months.

Eradication of
Corruption Crimes, in
conjunction with Article
55 paragraph (1) point
1 of the Criminal Code.

Discussion

Based on the legal facts revealed during the trials of the two cases, the main factors causing the misuse of village treasury land can be grouped into three dimensions. First, there was a planned deviation from the intended use. In Case No. 8/2023, Defendant Robinson Saalino framed the proposal as an eco-lodge area to obtain the Governor of DIY's permit, but after the permit was issued, he changed the site plan and constructed permanent residential units for commercial lease. The Defendant also controlled an additional 11,215 m² without any permit, bringing the total area of misused land to 16,215 m². A similar pattern occurred in Case No. 3/2024, in which Robinson Saalino, through PT Indonesia Internasional Capital, submitted a recreation park proposal to Maguwoharjo *Kalurahan* but had already developed housing (Kandara Village, five blocks) before the Governor's permit was issued. Conceptually, the three dimensions can be organized into a governance-risk model: (1) premature third-party action before authorization; (2) fragmented or delayed administrative supervision; and (3) conduct by local officials that weakens control over public assets. The model links the point of regulatory failure to the corresponding preventive control required.

Second, there was a failure of administrative and institutional supervision. The Land and Spatial Planning Agency of Sleman Regency issued two warning letters to PT Deztama Putri Sentosa in July and November 2020, but these were not accompanied by effective enforcement measures to stop the construction, allowing the development to continue until 2022. The approval process at the village level in the Maguwoharjo case took place in only one day and did not include verification of the applicant's track record, indicating weak institutional screening at the *Kalurahan* level. The absence of an integrated cross-agency information system enabled an actor already involved in legal proceedings in one *Kalurahan* to submit a similar application in another *Kalurahan*. Third, there was a moral hazard among public officials. The fact that profits from illegal land utilization flowed to certain officials, including the Head of Caturtunggal Village and members of the BPD, and that Head Kasidi received Rp110,000,000 from the proceeds of *Pelungguh* land utilization, confirms that the integrity of village officials is a determining factor in the occurrence of misuse. A concrete implication is the need for an integrated authorization and monitoring information system linking *Kalurahan* administrations with the competent DIY and regency/city authorities. Such a system should record application status, applicant history, land-use approvals, warnings, and enforcement actions so that land utilization cannot proceed on the basis of fragmented information.

From the perspective of criminal liability, both cases were prosecuted under Article 2(1), read in conjunction with Article 18, of Law Number 31 of 1999, as amended by Law Number 20 of 2001, concerning the Eradication of Corruption Offenses. The unlawfulness element was predicated on violations of Article 59 letters c and e of DIY Gubernatorial Regulation Number 34 of 2017, which prohibit the residential use of village land and its utilization in a manner inconsistent with the spatial plan. The Panel of Judges treated these technical provisions as the substantive basis for establishing the element of unlawfulness in the indictment, an approach that integrates regional land-use regulations into the corruption-law framework.

Sentencing in both cases applied the principle of *lex specialis derogat legi generali*, under which the special provisions of the Corruption Crime Law take precedence over the general provisions of the Penal Code. Accordingly, imprisonment and fines were imposed cumulatively as provided under the Corruption Crime Law, in contrast to the standard Penal Code provisions, which are alternative rather than cumulative in character. As emphasized by Andi Hamzah, corruption, classified as an exceptional offense, necessitates an extraordinary punitive response, including supplementary sanctions requiring the restitution of misappropriated state funds. The Panel of Judges invoked Supreme Court Regulation Number 1 of 2020 to calibrate the severity of

the sentence according to the magnitude of the state losses, the level of culpability, and the benefit accrued by the defendant.

The difference in sentences between the two defendants, as presented in Table 1, reflects the categorization of state losses: Rp16.07 billion (severe category) versus Rp981 million (light category under Article 6 paragraph (1) letter c of Supreme Court Regulation Number 1 of 2020), as well as the responsive action of Defendant Kasidi in returning all of the money before the judgment was rendered, resulting in no payment of replacement money being imposed. It is also important to note the dissenting opinion of one member of the Panel of Judges in the Maguwoharjo case, which raises questions concerning the limits of criminal liability for village officials acting in an administrative capacity. This issue requires clearer jurisprudence in the future to avoid legal uncertainty for village officials.

The findings of this study show that the layered village-land regulatory framework in DIY (UUK, *Perdais*, and Gubernatorial Regulation) has, in fact, established a comprehensive protection system, yet it has failed to operate optimally because it is not supported by proportionate supervision. Strengthening governance in the future requires three priority measures: (1) an integrated information system for verifying applicants' track records across *Kalurahan*; (2) an active post-permit supervision mechanism with immediate and binding authority to halt violations; and (3) effective administrative sanctions before problems escalate into the criminal-law domain. Integration between Sultanate customary-law supervision, gubernatorial and regency administrative supervision, and criminal-law enforcement is a prerequisite for realizing the normative purposes of village treasury land: cultural development, social interests, and community welfare.

CONCLUSION

The study concludes that *Kalurahan* land in DIY is governed by a layered special-status framework that is legally compatible with the general Village Law but requires coordinated authorization and supervision. In the cases examined, misuse did not arise from the absence of regulation; rather, it arose from premature third-party activity, weak preventive supervision, and administrative conduct occurring before completion of the Governor's authorization. Corruption liability must nevertheless be determined from the statutory elements and the court's reasoning, not from the permit violation alone.

The academic contribution of this study is to connect special-region land administration with anti-corruption law through a governance-risk perspective that distinguishes regulatory design, supervisory implementation, and criminal-law elements. Practically, the findings support integrated permit-status information, earlier cross-agency intervention, and traceable supervision of *Kalurahan* assets to reduce opportunities for similar misuse.

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AUTHOR CONTRIBUTION STATEMENT

Rendradi Suprihandoko was responsible for conceptual development, research methodology design, legal analysis, data interpretation, and manuscript drafting. Takariadinda Diana Ethika undertook the literature survey, regulatory review, data verification, and substantive revision of the manuscript. Sigit Herman Binaji performed data gathering, case-based analysis, manuscript evaluation, and enhancement of the discussion section. All authors contributed to reviewing and approving the final version of the manuscript.

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