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Human Rights Perspective for Prohibition of Land Ownership for Non-Indigenous Citizens Policy

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Abstract

This research aims to provide an analysis and find the background of the policy on the prohibition of land ownership with property rights status for Non-Indigenous Indonesian citizens in Yogyakarta from a human rights perspective. The policy is considered contrary to the spirit of Law No. 5/1960 to unify and guarantee the certainty of agrarian law in Indonesia and it is considered to violate human rights in the 1945 Constitution of the Republic of Indonesia for ethnic discrimination against Non-Indigenous Indonesian citizens. This research uses a normative type of legal research method. This research shows that the policy of land ownership prohibition aimed at Non-Indigenous Indonesians in DIY is based on providing protection guarantees in terms of equal opportunities for Indigenous Indonesians of weak economic groups. The legal basis for the protection of the weak economic class of Indigenous citizens has been accommodated in Article 28H Paragraph (2) of the 1945 Constitution and Article 11 of Law No. 5/1960 Paragraph (2), which provides space to provide special treatment for the weak economic class of Indigenous citizens. The policy of prohibiting land ownership with the status of property rights for Non-Indigenous Indonesians in DIY is a step taken to protect Indigenous Indonesians. Indonesian concept of the rule of law provides a consequence that the State, through the State's Right to protect people with weak economic groups, has access to land rights. This principle does not conflict with human rights. Non-Indigenous Indonesian citizens can still have tenure rights over land in DIY with HGB status for a long time.

Keywords: *Property Rights; Non-Indigenous Citizens; Human Rights.*

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Introduction

The land is one of the primary resources. Land has a strategic function to meet society's increasingly diverse and increasing needs (Zein, 2019). Indonesia's goal is to create a just and prosperous society (Karjoko, Rosidah, et al., 2020). As the most important human need, land plays an important role in the survival of humanity (Karjoko et al., 2019). As the human population continues to grow and the demand for land increases due to development, land can no longer meet human needs. Given the importance of the availability of land for all people, laws are needed that regulate land as a whole to minimize the occurrence of land disputes and maintain a balance between demand and availability of land (Sitorus et al., 2020). The land is one of the means of realizing community welfare (Karjoko, Winarno, et al., 2020). The presence of land is not only limited to fulfilling basic needs in the form of a place to live but also a supporting factor for human life in economic, social, political, and cultural aspects (Ramadhani, 2021). Indonesia is a pluralistic country with a wide range of ethnic and religious groups(Rosidah et al., 2023). Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUDNRI 1945) mandates that the State controls the earth, water, and natural resources contained in the earth, and the benefits are used to achieve the highest prosperity of the people. This concept mandates an authority for the State in the form of the right to control the management and utilization of natural resources in Indonesia, but not as the subject of rights (owner). This right of control is called the State Right of Control.

In 1960, the government promulgated Law No. 5/1960 on the Basic Regulation of Agrarian Principles (Law No. 5/1960)(Fatoni et al., 2023). The enactment of Law No. 5/1960 was to unify and simplify the regulations related to agrarian affairs because, previously, there were still agrarian regulations inherited from Dutch and Japanese colonialism. In addition, Law No. 5/1960 was intended to avoid overlapping legal regulations on agrarian affairs in Indonesia.

In general, a piece of legislation will be fully in force once it is promulgated in all regions in Indonesia. However, there is an anomaly in the implementation of Law No. 5/1960 in Indonesia. Law No. 5/1960 has not been fully enacted in the Special Region of Yogyakarta (DIY). This condition is based on the fact that DIY is recognized as a region with privileges. The legal basis for DIY's privileges is in Law No. 3/1950 on the Establishment of the Special Region of Jogjakarta (Law No. 3/1950). The law was later amended by Law No. 9/1955 on the Amendment of Law No. 3/1950 on the Establishment of the Special Region of Jogjakarta (Law No. 9/1955). DIY's privilege regulations have increased since Law No. 13/2012 was enacted on the Privileges of the Special Region of Yogyakarta (Law No. 13/2012). Agrarian affairs are delegated to be regulated by the DIY Government based on the DIY specialty regulation.

One of the implications of the DIY specialty is the issuance of Instruction of the Head of the Special Region of Yogyakarta Number K.898/I/A/1975 on the Uniformity of Policy for

Granting Land Rights to a Non-Indigenous Indonesian Citizen on 5 March 1975 (Instruction Number K.898/I/A/1975). The content of the Instruction is a policy taken by the DIY Government that until now it has not been able to grant land tenure rights with property rights to land for Non-Indigenous Indonesian Citizens (WNI). For this reason, Non-Indigenous Indonesian Citizens who have tenure rights with property status over land, or acquire land with property status, are asked to relinquish their rights and apply for rights to the DIY Government which will later be given another right status over the land. As a result, Non-Indigenous Indonesian citizens could not obtain land rights with the status of property rights in DIY Province.

In 1984, Law No. 5/1960 began to be fully enforced in DIY with the issuance of Presidential Decree No. 33/1984 on the Full Enforcement of Law No. 5/1960 on the Basic Agrarian Regulations in the Special Region of Yogyakarta (Presidential Decree No. 33/1984), Minister of Home Affairs Decree No. 33/1984, and Minister of Home Affairs Decree No. 33/1984. 33/1984), Minister of Home Affairs Decree No. 66/1984 on the Full Application of Law No. 5/1960 on Agrarian Principles in the Special Region of Yogyakarta (Permendagri No. 66/1984) and Yogyakarta Special Region Regulation No. 3/1984 on the Full Application of Law No. 5/1960 on Agrarian Principles in the Special Region of Yogyakarta (Perda DIY No. 3/1984).
With Law No. 5/1960 entirely in effect in Yogyakarta, the regulations in the land sector were declared invalid. However, Instruction No. K.898/I/A/1975 was not revoked and remains in force now. Instruction No. K.898/I/A/1975 is considered contrary to the spirit of Law No. 5/1960 to unify and simplify agrarian regulations, eliminate overlapping legal rules, and ensure the certainty of agrarian law in Indonesia. In addition, Instruction No. K.898/I/A/1975 is also considered to violate human rights in the 1945 Constitution because it discriminates ethnically against Non-Indigenous Indonesians.

Given that land and natural resources are interconnected and affect the protection of human rights, it is essential to discuss land and natural resources from a human rights perspective. The United Nations High Commissioner for Human Rights (OCHCR) stated that land is not just a commodity but an essential element to realizing many aspects of human rights. Access to land, use, utilization, and control over land are included in fulfilling human rights (Suntoro et al., 2022). The recognition of human rights entered a new phase in the international world through the Universal Declaration of Human Rights (UDHR). The UDHR recognizes the essential rights of human beings, known as human rights. The UDHR was the beginning of the implementation of subsequent human rights conventions. The recognition of human rights in Indonesia in the constitution is contained in Article 28 of the 1945 Constitution. The concept of human rights in Indonesia contains two crucial aspects—first, individual protection; and second, state protection. Individual protection means that the concept of individual human rights of the Indonesian people must be guaranteed within the framework of the State's responsibility (state obligation) to protect its people. The State is responsible for guaranteeing

individual freedom of action and behavior as a creature of God and a citizen (Hakim & Kurniawan, 2022).

Similar studies that have been conducted before include: First, research conducted by Linda Arthaputri Kurniadewi (2014) found that Non-Indigenous Indonesians entered into name borrowing agreements as a means to circumvent the policy of prohibiting property rights for Non-Indigenous Indonesians because formally, the National Land Agency (BPN) will only review the name written on the certificate and in the land book. Second, research conducted by Tihara Sito Sekar Vetri (2016) found that this research explains that the prohibition of land ownership for Non-Indigenous citizens can be categorized as indirect discrimination. Because, at first, the issuance of the policy was not intended to discriminate against citizens. However, what arises from these policy regulations ultimately leads to discriminatory actions. Third, Frans Febrianto (2018) found that Instruction No. K.898/I/A/1975 is not in accordance with or contrary to the Principle of Equal Rights in Law No. 5/1960 because there is discrimination and different treatment for one group and is not in accordance with the Laws and Regulations, and creates agrarian legal uncertainty in DIY. This study differs from the previous research, which departs from the concept of the rule of law adopted by Indonesia, which then gave birth to the protection of human rights by the constitution and the rights of citizens arising from the state rights enshrined in the constitution. Then, the basis of the policy on the prohibition of land ownership with the status of property rights for Non-Indigenous citizens in Yogyakarta and its relation to human rights.

Method

The method used in this research is normative legal research. In this research, the approaches that will be used are the statute and conceptual approaches. The technique of collecting legal materials will be carried out in this research through literature studies. The legal materials used include primary legal materials, which contain authoritative legal materials such as legislation and policy regulations relating to ownership of land rights, and secondary legal materials are publications and scientific works relating to land law, ownership of land rights, and human rights.

Result and Discussion

Land Ownership in Human Rights Perspective

The concept of land rights arises from the Concept of the Rights of the Indonesian Nation in Article 1, paragraph 1 of Law No. 5/1960, which then the Concept of State Controlling Rights is mandated in Article 2 of Law No. 5/1960 (Adhi & Nurwidiatmo, 2020). The ownership of land rights is regulated in Article 9 Paragraph (2) of Law No. 5/1960, which states that every Indonesian citizen has the same opportunity to obtain a land right. Article 21 Paragraph (1) of Law No. 5/1960 states that only Indonesian citizens can have ownership rights (to land). This

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means that every Indonesian citizen has the same position in the eyes of the law to obtain a property right to land. In addition, the guarantee of private property rights is also contained in Article 28H Paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to have individual property rights and is not allowed to be arbitrarily confiscated. Article 2 of Law No. 5/1960 provides that the state, as the organisation of the power of the entire people, has the authority to: regulate and organise the allocation, use, supply and maintenance of the earth, water and space; determine and regulate legal relationships between people and the earth, water and space; determine and regulate legal relationships between people and legal acts concerning the earth, water and space (Wibowo et al., 2022). The authority of the state is sourced in the right to control from the State whose purpose is to achieve the greatest prosperity of the people, in the sense of happiness, welfare and independence in society and an independent, sovereign, just and prosperous Indonesia. The implementation of the State's right of control may be authorized to autonomous regions and customary law communities, as long as necessary and not contrary to the national interest, according to the provisions of Government Regulations. Indonesian Constitutional Court has provided the concept of the State's Right to Control on five matters, namely policy (beleid), management (bestuurdaad), regulation (regelendaad), management (behersdaad), and supervision (toezichthoudensdaad) (Amelia et al., 2019). The meaning of being controlled by the state does not mean that the state itself becomes a business organisation, is engaged in business or grants a land right to the ruler, meaning that it can provide an understanding that the power by the state lies in making these regulations as with the aim of smooth economic channels. These regulations prohibit exploiting people with low economic class by people with more power and middle and upper economic classs (Handayani & Angrayni, 2023). However, there is room for exceptions to this norm, namely in Article 28H paragraph (2) of the 1945 Constitution, which stipulates that everyone has the right to obtain facilities and specialties to obtain equal opportunities and benefits to achieve equality and justice. In addition, Article 11 of Law No. 5/1960 Paragraph (2) provides room for differences for the economically weak to be given as long as they are necessary and not contrary to the national interest. This difference is a debate related to the prohibiting ownership of property rights to land in DIY for Non-Indigenous Indonesian citizens policy, which is said to be an affirmative policy. Based on the theory of the relationship between property rights and justice, there is a close relationship between property rights and justice that cannot be separated. First, property rights must be based on the principle of justice, which prevents excessive control of property rights from exceeding the limits measured by social etiquette, which ultimately causes gaps and injustice between individuals as occurs in the capitalist system. Secondly, justice protects individual interests, and property rights, so they are maintained and not lost, as in the socialist system where property rights over individuals are almost not even recognized (Limuris, 2021). The social function is also accommodated in Law No. 39/1999 on Human Rights (Law No. 39/1999) in Article 36, which states that a. for the sake of development for oneself, family, nation, and society, a person can have property rights either individually or jointly with others as long as it is done without violating the law; b. deprivation of ownership from a person

cannot be done arbitrarily and against the law; c. property rights owned by a person have a social function. The principle of property rights having a social function means that if a more urgent public interest is to be prioritized, then private interests (property rights) will be put aside. The acquisition of land for development for the public interest is a manifestation of the social function of land rights which is seen as the first step in the implementation of development to improve community welfare (Ayu et al., 2022). The National Goals of the Republic of Indonesia are expressly stated in the 4th paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, "to protect the entire Indonesian nation and all of Indonesia's bloodshed (Kristiawan & Karjoko, 2023).

In Law No. 39/1999, Article 37 Paragraph (1) states that if, for the sake of public interest, property rights to an object will be carried out with fair compensation, and the payment must be completed as soon as possible under the laws and regulations. Paragraph (2) states that the destruction or disposal of an object, either temporarily or permanently, shall be carried out by providing compensation under the laws and regulations or under the provisions and agreements that have been previously agreed upon.

The policy of Prohibition of Land Ownership for Non-Indigenous Citizens in Yogyakarta

Non-Indigenous Indonesians in Yogyakarta emerged after the Second Dutch Military Aggression in 1948. The Ethnic Chinese in Yogyakarta switched sides with the Dutch. Then in 1950, Sri Sultan Hamengkubuwana IX revoked land ownership rights for Ethnic Chinese in Yogyakarta but still allowed Ethnic Chinese to reside in Yogyakarta. On this basis, Sultan Hamengkubuwana IX considered the Ethnic Chinese to have no loyalty to the Republic of Indonesia, so the Ethnic Chinese were considered inconsistent with the Republic of Indonesia. However, Ethnic Chinese were allowed to live in Yogyakarta with a note that they were not entitled to have tenure rights with the status of land ownership rights (Jamil & Wardani, 2021). On 5 March 1975, Sri Paku Alam VIII issued Instruction No K.898/I/A/1975 intending to protect the people of Yogyakarta, who have a weaker position economically, against investors. Instruction No. K.898/I/A/1975 stipulates that if a Non-Indigenous Indonesian citizen buys and sells land with ownership rights, they should relinquish the rights. Then the status of the land becomes state land controlled by the DIY Government. Then the Non-Indigenous Indonesian citizen is asked to apply to the submission of rights to the Governor of DIY to obtain other rights then. According to Muhammad Supraja, UGM Sociologist, the colonialism period and the New Order had quite decisive factors that eventually led to the emergence of the policy. During colonialism, European society divided groups in society. These groups included: The European group, the Foreign East - Chinese - Non-Chinese group, and the Bumi Putera (Pribumi) group. In the vertical structure, the Indigenous Group was placed at the lowest level, the Foreign Eastern Group at the second level, and the European Group at the first or highest level (Benedict, 2022).

In the political context, the Dutch Colonial Government arranged in such a way that the colonized nation could not achieve independence because it was too focused on horizontal

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problems between groups. One of them is that during the colonial period, the Foreign and Far Eastern Groups (mainly Chinese) had the privilege of controlling strategic businesses, tax collection, opium, and trade concessions, while the Bumi Putera (Indigenous) groups were not given these privileges (Pamungkas, 2023). The Chinese community who have long settled in Yogyakarta can accept the Sultan's policy regarding the prohibition of property rights for Non-Indigenous citizens. The community has also understood that the issue is not about property rights. Because the needs of the Chinese community are limited to a place or land to carry out business activities, even at the established level, Chinese communities do not need property rights. Because even with the Hak Guna Bangunan (HGB) so far, the Chinese community in DIY has been able to control the large economy in DIY. For example. For example, several large shopping centers within the Malioboro area and several other businesses in Yogyakarta. Therefore, land ownership is considered a necessity for the lower middle-class Chinese community as an asset (Lestarini, 2018). It cannot be denied that there are still Chinese people who cannot accept and understand the policy. The reason used is that the policy is discrimination against certain ethnicities. It should be noted that the term discriminatory was initially used as a tool used by those who hold liberal principles and those who only view this policy on a micro level and only as far as the normative aspects. There is a misconception that property rights are the culmination of the legal relationship between people and land. According to this understanding, property rights are held so the land can become a commodity for sale. This thinking does not follow the spirit of Law No. 5/1960, which mandates that land must have a social function. So this thinking error is exploited by parties who tend to support capitalism (Lestarini, 2018). In the opinion of Nurhasan Ismail, DIY Province has indeed been given the space to be able to regulate the limits given to Non-Indigenous Citizens related to land ownership as stated in Article 11 of Law No.5/1960, which provides space for differentiating rules for the protection of weak economic groups. Then based on this regulation, the DIY Government followed up with Instruction No. K.898/I/A/1975. The opinion of Boedi Harsono, land tenure rights that have an individual nature in the conception of national land law has an element of togetherness because every land right also originates from state rights, which are communal (Assa et al., 2020). Jimly Asshiddiqie argues that the principle of affirmative action is unique. The reason is that in this principle, discriminatory rules only apply temporarily. This principle is used to encourage and provide opportunities for certain groups of people (in this case, the weak economic class) to be able to do business to catch up so that they can reach the same level as people who have previously achieved a more advanced life. This principle can be given as special treatment for groups that do not fall under the definition of discrimination. An example is a group of people from an alienated tribe or a customary law community with a disadvantaged condition. Meanwhile, some groups of people can be given specificity but are not classified as a discriminatory treatment for women and children (Pamungkas, 2023). This Policy has an orientation to carry out an affirmative action or certain efforts to balance the position of the parties (Karjoko, 2022). As a state of law, Indonesia is not limited to having the role and function to realize justice and legal certainty. As a state of law, Indonesia also has the responsibility to realize and ensure the welfare of its

people. (Wiguna, 2021) Arief Hidayat, through the concept of a religious welfare state, gives an opinion that the destiny and commitment of the Indonesian nation are that the government should organize a fair and prosperous public-political life based on divine values (Hidayat, 2019). National land politics aims to realize the greatest prosperity for the people. Therefore, everyone has the same opportunity to own land rights so that everyone can benefit from the land. Through the State's Right to Control, the State has a role in protecting people with weak economic groups to access land rights. For this reason, Law No. 5/1960 provides space for rules to protect the economically weak. The provisions in Law No. 5/1960 can be the legal basis for forming regulations and policies in the land sector to provide special treatment for people with weak economic groups in terms of obtaining land rights and benefits. The DIY Government's policy regarding the prohibition of land ownership with the status of property rights for Non-Indigenous Indonesian citizens is not a prohibition for Non-Indigenous Indonesian citizens to obtain land tenure rights in DIY. Instead, it is more about reducing and limiting land rights. For this reason, Non-Indigenous Indonesian citizens cannot control land with the status of property rights, which is the highest right to land that can be obtained in Indonesia. Even so, Hak Guna Bangunan (HGB) has a validity period of up to 30 years and can be extended for 20 years. The HGB can then be renewed for a maximum period of 30 years. Holders of Building Rights Title are required to apply for an extension starting two years before the HGB expires.

Conclusion

The policy on the prohibition of land ownership with the status of property rights for Non-Indigenous Indonesians in DIY is a step taken to protect Indigenous Indonesians. The concept of the Indonesian Legal State provides a consequence that the State, through the State's Right of Control, has a role in protecting people with weak economic groups to have access to land rights. This principle does not conflict with the principle of human rights. Non-Indigenous Indonesian citizens can still have tenure rights over land with Building Rights Title (HGB) for an extended period. This policy was formed because it protects the human rights of people with weak economic groups to avoid exploiting agrarian resources for large capital owners in DIY.

References

Adhi, D. Y. H., & Nurwidiatmo. (2020). Politik Hukum Larangan Kepemilikan Hak Atas Tanah di Daerah Istimewa Yogyakarta Oleh Warga Negara Indonesia Keturunan Tionghoa Dan Dampak Terhadap Komparisi Akta Jual Beli. *Jurnal Nuansa Kenotariatan Volume 6 Nomor 1*, *6*(1). https://doi.org/10.31479/jnk.v6i1.190

Amelia, N., Sari, N., Tambunan, E., Felany, P. I., & Nugraha, X. (2019). *IMPLIKASI PENAFSIRAN HAK MENGUASAI NEGARA OLEH MAHKAMAH KONSTITUSI TERHADAP POLITIK HUKUM AGRARIA PADA PULAU-PULAU KECIL DI INDONESIA*. *XIX*(2), 170–202.

Assa, M. N., Mawuntu, J. R., & Waha, C. J. J. (2020). *KAJIAN TENTANG HAK ATAS KEPEMILIKAN TANAH TERHADAP ETNIS TIONGHOA MENURUT PERSPEKTIF HAK ASASI MANUSIA*.

VIII(3), 39–51.

Ayu, I. G., Harry, K., Ayu, I. G., Rachmi, K., & Karjoko, L. (2022). *Validity Of Assessment Policy On Land Acquisition For Development In The Public Interest*. 270–275.

Benedict, J. C. (2022). Pembatasan Hak Masyarakat Tionghoa di Daerah Istimewa Yogyakarta: Bias Kelas Demokrasi Agraria? *Jurnal Pemikiran Sosiologi*, *8*(2), 185. https://doi.org/10.22146/jps.v8i2.68305

Fatoni, Y., Sulistiyono, A., & Karjoko, L. (2023). *RIGHTS AND THE TRANSFER OF LAND RIGHTS FOR THE*.

Hakim, L., & Kurniawan, N. (2022). Membangun Paradigma Hukum HAM Indonesia Berbasis Kewajiban Asasi Manusia. *Jurnal Konstitusi*, *18*(4), 869. https://doi.org/10.31078/jk1847

Handayani, F., & Angrayni, L. (2023). Hak Menguasai Negara Dalam Pengaturan Sumber Energi Baru dan Terbarukan. *Eksekusi: Journal Of Law*, *5*(1).

Hidayat, A. (2019). *Perlindungan Hak Sosial Ekonomi Dalam Konstitusi BerKetuhanan*.

Jamil, M., & Wardani, W. I. (2021). PELARANGAN PEMBERIAN HAK MILIK ATAS TANAH KEPADA WARGA NEGARA INDONESIA SUKU TIONGHOA DI DAERAH ISTIMEWA YOGYAKARTA. *Notary Law Research*, *2*(2), 32. https://doi.org/10.56444/nlr.v2i2.2566

Karjoko, L. (2022). *EXONERATION CLAUSE IN BUS TRANSPORTATION AGREEMENTS : LEGAL PROTECTION ORIENTATION FOR SERVICE USERS IN AN*. *1*(1), 237–252.

Karjoko, L., Rosidah, Z. N., & Handayani, I. G. A. K. (2020). Refleksi Paradigma Ilmu Pengetahuan Bagi Pembangunan Hukum Pengadaan Tanah. *Jurnal Bestuur*, *8*(2), 129–138.

Karjoko, L., Santosa, J., & Rachmi Handayani, I. G. A. K. (2019). Disfungsi Peraturan Perundang-Undangan Tanggung Jawab Sosial dan Lingkungan di Indonesia. *Jurnal Hukum Ius Quia Iustum*, *26*(2), 305–325. https://doi.org/10.20885/iustum.vol26.iss2.art5

Karjoko, L., Winarno, D. W., Rosidah, Z. N., & Handayani, I. G. A. K. R. (2020). Spatial planning dysfunction in East Kalimantan to support green economy. *International Journal of Innovation, Creativity and Change*, *11*(8), 259–269.

Kristiawan, S. E., & Karjoko, L. (2023). The Principle of Legal Certainty in Dismissal of Civil Servants who have Reached the Retirement Age Limit and are Undergoing the Corruption Criminal Court Process. *International Journal of Law and Politics Studies*, *5*(4), 07–14. https://doi.org/10.32996/ijlps.2023.5.4.2

Lestarini, R. (2018). Kebijakan Pertanahan Bagi WNI Keturunan Tionghoa Di Yogyakarta: Diskriminasi atau Diskriminasi Positif. *Jurnal Hukum & Pembangunan*, *48*(1).

Limuris, F. C. (2021). Affirmative Policy Sebagai Bentuk Diskriminasi Positif dalam Perolehan Hak Milik Atas Tanah Bagi Warga Negara Indonesia Keturunan Nonpribumi Di Daerah Istimewa Yogyakarta. *"Dharmasisya" Jurnal Program Magister Hukum FHUI*, *1*(4).

Pamungkas, A. P. (2023). *AFFIRMATIVE ACTION DALAM PEMBERIAN HAK ATAS TANAH BAGI WNI NON PRIBUMI DI DAERAH ISTIMEWA YOGYAKARTA (Analisis terhadap Instruksi Kepala Daerah DIY Nomor K.898/I/A/1975)*.

Ramadhani, R. (2021). Pendaftaran Tanah Sebagai Langkah Untuk Mendapatkan Kepastian Hukum Terhadap Hak Atas Tanah. *SOSEK: Jurnal Sosial Dan Ekonomi Volume 2 Nomor 1*, *2*(1). https://doi.org/https://doi.org/10.55357/sosek.v2i1.119

Rosidah, Z. N., Karjoko, L., & Palil, M. R. (2023). The Government's Role in Interfaith Marriage Rights Protection: A Case Study of Adjustment and Social Integration. *Journal of Human Rights, Culture and Legal System*, *3*(2), 265–287. https://doi.org/10.53955/jhcls.v3i2.105

Sitorus, D. P., Ayu, I. G., Rachmi, K., & Karjoko, L. (2020). *Development Of The Implementation Of The Principle Of Contradiction Delimitation In The Process Of Complete Systematic Land Registration (PTSL)*. *10*, 566–573.

Suntoro, A., Utomo, N. A., & Hermanto, M. A. (2022). Reformulation of Agrarian Regulations Within a Human Rights Framework. *Journal of Southeast Asian Human Rights*, *6*(2), 131–152. https://doi.org/10.19184/jseahr.v6i2.27776

Wibowo, M. P., Karjoko, L., & Fields, P. (2022). *Sragen Regency Government Concerning the Policy of Designating Protected Paddy Land in the Perspective of the Rule of Law*. *21*(01), 363–375.

Wiguna, M. O. C. (2021). Pemikiran Hukum Progresif untuk Perlindungan Hukum dan Kesejahteraan Masyarakat Hukum Adat. *Jurnal Konstitusi*, *18*(1), 112–137. https://doi.org/10.31078/jk1816

Zein, S. (2019). Reformasi Agraria Dari Dulu Hingga Sekarang Di Indonesia. *Jurnal Ilmiah Hukum Dirgantara Fakultas Hukum Universitas Dirgantara Marsekal Suryadarma Volume 9 Nomor 2*, *9*(2). https://doi.org/https://doi.org/10.35968/jh.v9i2.357