
**PRIVILEGES OF THE SPECIAL REGION OF YOGYAKARTA (DIY) IN THE
CONTEXT OF LOCAL GOVERNMENT LAW POLITICS**

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Keywords	Abstract
privileges, special region of Yogyakarta, legal politics, regional autonomy, asymmetric decentralization	The Special Region of Yogyakarta (DIY) has a privileged status based on historical, philosophical, juridical, and socio-psychological aspects that distinguish it from other regions in Indonesia. The legal politics of local governments in Indonesia adheres to an asymmetrical decentralization system that allows for differences in authority for certain regions, including DIY. This study aims to analyze the privileges of DIY in the context of local government legal politics, focusing on the legal basis, implementation, and impact on local government governance. The method used is a juridical-normative approach with descriptive analysis, where data is obtained through a literature study of relevant laws and regulations, such as Law Number 13 of 2012 concerning DIY Privileges, as well as related academic literature. The results of the study show that Yogyakarta has five special authorities, namely in filling the positions of Governor and Deputy Governor, local government institutions, culture, land, and spatial planning. In addition, this privilege is also followed by the provision of special funds to support the implementation of the policy. In conclusion, the uniqueness of DIY is a form of recognition of the history and culture inherent in the region as well as the implementation of asymmetric decentralization in the local government system in Indonesia. This research provides a deeper understanding of how legal politics supports the sustainability of the privileged status of DIY within the framework of the Unitary State of the Republic of Indonesia.

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INTRODUCTION

The Special Region of Yogyakarta has a long history both as a monarchy or a kingdom and after joining the Unitary State of the Republic of Indonesia (Rahmansyah et al., 2022). This long and unique historical aspect makes Yogyakarta different from other provinces in Indonesia. This right of origin and history makes Yogyakarta a special area. Fundamentally, there are several reasons why Yogyakarta holds the title of Special, namely philosophical, historical-political, juridical, socio-psychological, and academic-comparative reasons (Lay, 2008).

Philosophically, Yogyakarta consciously chooses to be part of the Republic of Indonesia by glorifying diversity in diversity as stated in Pancasila and the 1945 Constitution (Asmara, 2020). The historical-political reasons are related to the political choice to join the Republic of Indonesia. The juridical reason is more about the mandate of Sri Paduka Ingkeng Sinuwun Kanjeng Sultan and the mandate of Sri Paduka Kanjeng Gusti Pangeran Adipati Ario Paku Alam. Both mandates can be prescribed as a legal novum that states that the status of Yogyakarta, in the formal juridical realm, has undergone a change from a region *Zelfbesturende Landschappen* or the Swapraja area is a special area within the territory of the Unitary State of the Republic of Indonesia. In this Juridical aspect, it is then regulated by various regulations about these privileges (Robuan, 2022). The socio-psychological reason is more visible because the majority of the community still views and recognizes the Sultanate and Pakualaman as the center of Javanese culture and a symbol of protectors. Comparative academic reasons see more asymmetric arrangements related to legal politics as a policy strategy to maintain *Basic Boundaries* political units of a country and or as an appreciation for the uniqueness of a particular culture (Wiranugraha, 2018).

The reason for asymmetric democracy is a strong foundation when viewed from the legal politics of local government embraced by Indonesia, after the reform that emphasizes the decentralization of authority (Heryansyah, 2016). This means that authority is decentralized to regions, districts/cities by paying attention to certain characteristics so that there are some differences in several regions. For example, there is special autonomy in the Aceh Government, Special Autonomy of Papua and West Papua and there are Special Regions in the Special Capital Region of Jakarta and Special Region of Yogyakarta. The principle of decentralization is carried out differently in certain regions considering the unique characteristics and historical aspects that underlie a region. The recognition of certain characteristics as the implementation of asymmetrical decentralization is taken as the legal politics of local governments in Indonesia (Nurfurqon, 2020).

Yogyakarta as one of the regions that was recognized for its privilege through Law Number 12 of 2013 concerning the Privileges of the Special Region of Yogyakarta with great difficulty and late finally has a privileged status (Peng, 2023). It is said to be too late because it should have been launched since the beginning of the reform in 1999. Law No. 32 of 2004 concerning local government Article 225 explains that there are regions that have a special status so that they are given the authority to carry out special autonomy. The law also explains the provisions of regions with special autonomy, namely Nanggroe Aceh Darussalam Province, Special Region of Yogyakarta, Papua and DKI Jakarta. The DIY specialty was only approved after 12 years later (Alivia, 2019).

This research will review the privileges of DIY in the context of local government law politics taken by Indonesia in accommodating various characteristics of very diverse regions in Indonesia. In order to provide a guarantee of good decentralization, the decision to grant special or special autonomy is the beginning of recognition of regions that do have characteristics that are not the same as other regions.

RESEARCH METHODS

This study uses a juridical-normative approach, which is research that focuses on the study of applicable legal norms (Zainuddin & Karina, 2023), as well as its application in the context of the privileges of the Special Region of Yogyakarta (DIY). The research design used is descriptive-analytical, which aims to describe and analyze asymmetric decentralization policies in the local government system and its impact on the governance of DIY governance.

The data used in this study consists of:

1. Primary data, in the form of relevant laws and regulations, such as Law Number 13 of 2012 concerning DIY Privileges, as well as other regulations related to asymmetric decentralization and regional autonomy policies.
2. Secondary data, which includes scientific literature, books, legal journals, and the results of previous research that discusses the concept of asymmetric decentralization and its implementation in the local government system.

Data collection is carried out through the library research method, by examining various legal documents and academic literature related to the research topic.

Data analysis is carried out by juridical-qualitative analysis method, which is to systematically review and interpret legal materials to understand the relationship between legal norms and their application. In this case, the research focuses on normative analysis, namely examining laws and regulations as well as the legal principles underlying the asymmetric decentralization policy in Yogyakarta. In addition, this study also analyzes the implications of the policy on legal and political aspects in local government. The results of the analysis are then compiled in a descriptive manner to provide a comprehensive understanding of the problems studied.

RESULTS AND DISCUSSION

To see the privileges of DIY in the context of government law politics, it is necessary to look at the concept of government law politics in Indonesia, which is related to the centralized system in the Unitary State of the Republic of Indonesia. This understanding will be continued with the privileges obtained by DIY as part of a special area, what are the privileges.

Decentralization System of the Unitary State of the Republic of Indonesia

Indonesia is a Unitary State, where a country that places the central or national government as the holder of the highest position or authority that has full power in daily government (Susanto, 2019). This means that almost no field of affairs in government activities is handed over by the constitution to smaller units of government (in this case, regions or provinces). Unitary State, in which case the central government can give or delegate duties and authorities to regions (provinces, districts/cities) or even local governments through laws passed by parliament together with the central government, not in the 1945 Constitution (Setiawan, 2018). The delegation of authority can be withdrawn at any time according to needs or if violations are found that require action to be taken. The central government has the authority to hand over part of its power to the regions based on the right to autonomy known as decentralization. However, the highest power remains with the central government, so that the sovereignty of the state both inside and out remains with the central government

(Simandjuntak, 2015). The essence of a unitary state is that it is not divided and limited, although the regions have the authority to regulate their own territory, it does not mean that the local government has its own sovereignty (Hamid, 2018).

Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "The State of Indonesia is divided into provincial areas and the provincial area is divided into districts and cities, where each province, district and city has a regional government, which is regulated by law". Meanwhile, Article 18 of the 1945 Constitution paragraph (2) as the ground norm of local government expressly states: "Provincial, city/district governments, regulate, and manage their own government affairs according to the principle of autonomy and assistance duties." The implementation of local government is then carried out based on the principle of autonomy as widely as possible, except for government affairs that are determined by law as the affairs of the Central Government".

Based on the mandate of the 1945 NRI Constitution, local governments are authorized to regulate and manage their own government affairs according to the principle of autonomy and assistance duties. This is intended that regions that are given broad autonomy can direct to accelerate the realization of community welfare through improving services, empowerment and community participation in accordance with the conditions and characteristics of their regions. Regions are also expected to be able to compete while still paying attention to the principles of democracy, justice, equity, potential, diversity as well as specificity and privilege within the framework of the Unitary State of the Republic of Indonesia. The efforts of a unitary state like Indonesia to always hold control over its territory or its region are absolute, although there is authority given to the region, but it is very limited, still under the control of the government (Huda, 2014).

C.F. Strong's opinion quoted by Miriam Budiardjo states that there are 2 absolute characteristics inherent in a unitary state, namely: first, the supremacy of the central people's representative council, and second, the absence of other sovereign bodies. This means that the supremacy or supreme power is in the House of Representatives which is formed from the results of the election which is a representation of the people's vote. Meanwhile, the only sovereignty belongs to the state or the central government (Muhtar et al., 2023, 2024; Riskiyono, 2022).

Privileges of the Special Region of Yogyakarta

Yogyakarta has privileges that have been regulated in the Law on Local Government and as a recognition of the principle of asymmetrical decentralization. 2013 was the first year of DIY implementing the Privileges Law. Various adjustments in the areas of privilege were immediately made at the DIY level, namely by the declaration of Special Regional Regulation Number 12 of 2013 concerning Authority in Special Privileges of Yogyakarta. The privileges of DIY or the main authority in the affairs of DIY Privileges include the procedures for filling positions, positions, duties, and authorities of the Governor and Deputy Governor; the institution of the Yogyakarta Regional Government; culture; Land; and spatial planning. With the enactment of Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta, DIY has special authority in addition to other authorities as stipulated in the Law on Regional Government.

1. Procedures for filling positions, positions, duties, and authorities of the Governor and Deputy Governor

The filling of the positions of Governor and Deputy Governor in the Special Region of Yogyakarta is carried out through a procedural determination by the Regional People's Representative Council, and this process still upholds democratic principles in the context of national and state life. The Special Region of Yogyakarta has a government structure that has been regulated in accordance with Article 18B of the 1945 Constitution, so the regulation must consider the rights and origins of the special region. Related to this, the regulation regarding the Privileges of DIY in the laws and regulations since the establishment of the Unitary State of the Republic of Indonesia has remained consistent in providing recognition of the existence of special regions. However, although it has been recognized, the consistency of recognition of such privileged status has not been followed by comprehensive arrangements related to its various areas of privilege.

With the enactment of Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta, the process of filling the positions of Governor and Deputy Governor of Yogyakarta has been determined through a mechanism of determination every five years for Sultan Hamengku Buwono and Adipati Paku Alam who have been enthroned as Governor and Deputy Governor since the inauguration, without any attachment to the provisions of periodization of the term of office. Therefore, in Yogyakarta there is no election for governors and deputy governors as in general.

2. DIY Local Government Institutions

The Privileges Law in Articles 8 and 9 stipulates that DIY has a special form and structure of government. The Yogyakarta Regional Government consists of the Yogyakarta Regional Government and the Yogyakarta Regional Government. The Yogyakarta Regional Government is led by the Governor who is assisted by the deputy governor in carrying out his duties and authorities. The institution of the DIY Regional Government is one of the special affairs regulated in Perdais, so that to accommodate the provisions of Article 30 of Law Number 13 of 2012 concerning DIY Privileges, that institutional authority is organized to achieve the effectiveness and efficiency of the implementation of government and community services based on the principles of responsibility, accountability, transparency and participation by paying attention to the original form of government.

3. Culture

Yogyakarta has a distinctive cultural heritage, full of high values. These values are the philosophical basis for Sultan Hamengku Buwono I in the development of Nagari Ngayogyakarta Hadiningrat as a government, community, and independent areas. Noble values such as Hamemayu Hayuning Bawana, Mangasah Mingising Budi, Memasuh Malaning Bumi, Golong Gilig, and satriya traits such as Sawiji, Greget, Sengguh, Ora Mingkuh, have been reflected in the life of the community and the spatial planning of the region which is now known as DIY. These noble values, considered as local wisdom, are not only valid in Yogyakarta, but can also be identified as national or national cultural values. Therefore, the privileges of DIY can be understood within the framework of the Unitary State of the Republic of Indonesia (Djunaedi, 2015).

Yogyakarta culture is interpreted as pure values that are manifested in works and creations, becoming the core identity of the people of Yogyakarta. Since its inception, Yogyakarta Culture has been developed and enriched by various sources, including the noble values of the Islamic Kingdom of Mataram in Kotagede, the urban planning design of Prince Mangkubumi with the concept of associative *saujana* that refers to two main natural forces, namely Segara Kidul in the south and Mount Merapi in the north, as well as the influence of foreign cultures such as Colonial, Indis, and Chinese. The culture of the Sultanate and Duchy is the main source that enriches the culture of Yogyakarta from the past to the present.

4. Land

Article 18 of the 1945 Constitution of the Republic of Indonesia before it was amended recognized the existence of special regions. In Article 18, it is stated that the division of Indonesian regions, both large and small, along with the composition of government, will be determined through a law by considering the basis of consultation in the state government system and the rights of origin in special regions. The term "rights of origin in special areas" does not only refer to areas that were previously specialized, but these privileges continue after Indonesia's independence until now. Through the amendment process after the reform, the 1945 Constitution of the Republic of Indonesia further strengthens the existence of special and special regions, manifested in the State's obligation to recognize and respect the existence of special or special local government units, as mandated by Article 18B paragraph (1) of the Constitution.

5. Spatial layout

The preparation of the provisions of the Spatial Plan for Sultanate Land and Duchy Land in the Special Region Regulation is the implementation of one of the authorities in terms of DIY Privileges in accordance with the provisions of Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta. According to Article 34 paragraph (1) of the Law, the regulation regarding the Spatial Plan in the Special Region Regulation is limited to the management and utilization of Sultanate Land and Duchy Land. However, in spatial planning, considering the characteristics of Sultanate Land and Duchy Land consisting of fields that do not form one Region, the preparation of the Spatial Plan for Sultanate Land and Duchy Land applies the norms of the Region together with other spatial units.

Thus, in addition to other rights regulated in the Regional Government Law, DIY as a special region has the additional 5 rights mentioned above which are different from other regions. As a consequence of these rights, the central government also provides special fund support to exercise these rights, as well as special autonomy funds such as Aceh and Papua.

CONCLUSION

Based on the results and discussion of the research, it is concluded that the politics of local government law is a choice of the political system taken by Indonesia to regulate the relationship between the central and regional governments in the context of the unitary state of the Republic of Indonesia. As a unitary state, the central government has unlimited and absolute sovereignty. However, to accelerate the realization of community welfare at large, the local

government system taken is asymmetrical decentralization. This system allows the central government to give authority to regions to manage their own government affairs according to the authority given, as well as recognize the existence of special regional characteristics (Aceh, Papua and West Papua) and special (DKI Jakarta and DIY).

The privileges of the Special Region of Yogyakarta are granted through the ratification of Law Number 12 of 2013 concerning the Privileges of Yogyakarta by granting 5 privileges in filling the positions, positions, duties, and authorities of the Governor and Deputy Governor; institutions of the Yogyakarta Regional Government; culture; land; and spatial planning. With the granting of these privileges, DIY in addition to getting local government rights through the Local Government Law like other regions, also gets the right to special funds as stated in the Privilege Law.

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