

# COMMUNALIZATION OF PEKULEN LAND AND DISTRIBUTION OF ITS UTILIZATION AS A MECHANISM FOR REALIZING AGRARIAN JUSTICE

*Widhiana H Puri*

Lecture in National Land Academy, Yogyakarta, Indonesia

**Purpose:** The purpose of this study is to describe the tradition of communalization of pekulen land and the distribution of its use.

**Methodology:** This research conducted with empirical legal research those locations in Pituruh Subdistrict, Purworejo Regency, Central Java with the socio-legal approach.

**Results:** This research found that the communal mechanism for pekulen land was first developed by the Dutch colonial government by utilizing local customary law to guarantee the availability of labor and agricultural land for land taxes and cultuurstelsel. This model now transformed and has many benefits such distribute the right of land use, protecting the rights of landholders, guaranteeing the protection of land functions, maintaining the integrity of village communities, and so on. The implementation of communalization of pekulen land and distribution of its use is a mechanism of local wisdom that grows and develops by transforming the values of customary law in land regulation.

**Implications:** This paper provides a new way of understanding the practice of communalization of land that initiated by the citizens. Pekulen land is a form of land rights originating from customary law which is owned by the village community who are given the right of use to members of the village community to be used for their personal interests. Thus, Land communalization is an alternative policy model that is applied to regulate land ownership in a more organized manner with a strong collectivity bond in a community.

---

## References

1. Aass, S. (2008). Relevansi Teori Makro Chayanov untuk Kasus Pulau Jawa. In S. M. P. T. d. G. Wiradi (Ed.), *Dua Abad Penguasaan Tanah: Pola Penguasaan Tanah Pertanian di Jawa dari Masa ke Masa* (Revisi ed., pp. 521). Jakarta: Yayasan Obor Indonesia.
2. Aditjondro, G. J. (2002). Aksi Petani, Represi Militer, dan Sosialisme Marga: Memperluas Wacana Permasalahan Tanah di Indonesia. In A. L. d. R. Y. Zakaria (Ed.), *Berebut Tanah: Beberapa Kajian Berprespektif Kampus dan Kampung* (pp. 411). Yogyakarta: Insist Press.
3. Cahyati, Devy Dhian, (2014). *Konflik Agraria di Urutsewu; Pendekatan Ekologi Politik*. Yogyakarta: STPN Press.
4. Kristianto, D. (2016). *Land Reform Menata Ruang-ruang Komunal*. Jakarta: Epistema.
5. Onghokham. (2008). Perubahan Sosial di Madiun Selama Abad XIX: Pajak dan Pengaruhnya terhadap Penguasaan Tanah. In S. M. P. T. d. G. Wiradi (Ed.), *Dua Abad Penguasaan Tanah: Pola Penguasaan Tanah Pertanian di Jawa dari Masa ke Masa* (pp. 521). Jakarta: Yayasan Obor Indonesia.
6. Puri, Widhiana H. dan Sulastriyono. (2016). Tanah Pekulen dalam Struktur Hukum Agraria di Jawa. *Mimbar Hukum*, 28, 466-481. <https://doi.org/10.22146/jmh.16673>
7. Shohibudin, M, dan A.N. Luthfi. (2010). *Land Reform Lokal Ala Ngandagan: Inovasi Sistem Tenurial Adat di Sebuah Desa Jawa, 1947-1965* (O. Sitorus Ed. 1 ed.). Yogyakarta: STPN



Press dan Sajogyo Institute.

8. Suhartono. (1991). *Apanage dan Bekel*. Yogyakarta: Tiara Wacana Yogya.
9. Soekanto, S dan Soleman B. Taneko. (2002). *Hukum Adat Indonesia* (5 ed. Vol. 5). Jakarta: Raja Grafindo Persada.
10. Subekti. (1990). *Hukum Adat Indonesia Dalam Yurisprudensi Mahkamah Agung*. Bandung: Alumni.
11. Sudjito. (2013). *Hukum dalam Pelangi Kehidupan* (Sudjito Ed.). Yogyakarta: Tugujogja Pustaka.
12. Sumaryanto, M. I. d. (2007). Strategi Pengendalian Alih Fungsi Lahan Pertanian Bertumpu Pada Partisipasi Masyarakat. *Analisis Kebijakan Pertanian*, 5 No. 2, 167-182.
13. Winarno, B. (2007). *Kebijakan Publik: Teori dan Proses* (A. Yogaswara Ed.). Yogyakarta: Media Pressindo.
14. Wiradi, G. (2000). *Reforma Agraria, Perjalanan Yang Belum Berakhir* (N. Fauzi Ed). Yogyakarta: Insist Press, KPA & Pustaka Pelajar.