

**Sriwedari Mosque Land Dispute, Surakarta Land Law Study**Arvian Putra Ramadhan<sup>1</sup>, Arief Budiono<sup>2</sup>, Robert Lengkong Weku<sup>3</sup>, Jamal Hi Arsad<sup>4</sup>, Faisal<sup>5</sup><sup>1</sup> Fakultas Hukum, Universitas Muhammadiyah Surakarta ([C100190348@Student.Ums.Ac.Id](mailto:C100190348@Student.Ums.Ac.Id))<sup>2</sup> Fakultas Hukum, Universitas Muhammadiyah Surakarta ([ab368@ums.ac.id](mailto:ab368@ums.ac.id))<sup>3</sup> Universitas Khairun Ternate ([robert.lw@gmail.com](mailto:robert.lw@gmail.com))<sup>4</sup> Universitas Khairun Ternate ([jamalros16@gmail.com](mailto:jamalros16@gmail.com))<sup>5</sup> Universitas Khairun Ternate ([faisaldjabid05@gmail.com](mailto:faisaldjabid05@gmail.com))**ABSTRACT**

Legal certainty in the land sector is indeed a necessity that must exist, but researchers have found that there are many individuals taking advantage of the weakening of law enforcement which has resulted in an increase in several land disputes. The aim of this research is to identify the factors causing land disputes at the Sriwedari Mosque in Surakarta. This research is research that uses sociological legal methods with a qualitative descriptive approach which was carried out on Jl. Slamet Riyadi Taman Sriwedari, Surakarta city in March-May 2023 using data collection techniques, namely literature study and interviews. Meanwhile, data analysis techniques utilize comparative studies. Based on the research results, the researchers concluded that the chronology of the Sriwedari land, which is now a problem regarding land disputes, was originally purchased by Paku Buwono (PB) This right to land ownership is what caused the land dispute at the Sriwedari Mosque in Surakarta and the construction of the mosque to stop.

**Keywords:** land, dispute, law

**INTRODUCTION**

Soil is the most important resource for the survival of mankind which comes from nature. Legal certainty in the land sector is a necessity that must exist, considering that the development of humanity means that the need for land is increasing and this will certainly have an impact on land law.<sup>1</sup> Because the enactment of land law aims to mediate if a dispute occurs. We often encounter disputes in everyday life involving legal developments. Disputes are problems that often occur between individuals or groups who still have the same relationship and interest in the ownership of an object. Disputes like this usually give rise to legal cases between one party and two parties.<sup>2</sup>

According to Florionus, legal guarantees in Indonesia for land must be prioritized considering the importance of the use of land in general and individually<sup>3</sup>. Apart from being known as a legal state, Indonesia is also known as an agrarian country, where, as previously explained, land is Indonesia's natural resource, land has the function of improving the economy of indigenous communities. This opinion is also supported in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (abbreviated to the 1945 NRI Constitution). This article states that water, earth and the wealth contained therein are controlled by the State and used for the greatest prosperity of the people.<sup>4</sup> Agrarian law is a foundation that has a big influence on people's lives, this is because agrarian law discusses land which is where people live. The reality of what is happening is that many individuals are taking advantage of the

<sup>1</sup>Suardi dan Istiqamah. (2020). Pengadaan Tanah Untuk Kepentingan Umum. *Alauddin Law Development Journal (ALDEV)*, 2(2), 113-119.

<sup>2</sup>Fitria dan Alfat. (2020). Kedudukan Anak Angkat Sebagai Ahli Waris Dalam Sengketa Hak Atas Tanah. *Jurnal Forum Redaktur Kopertais IV*, 5(2), 1-22

<sup>3</sup>Florianus. (2008). *Tata Cara Mengurus Sertifikat Tanah*. Jakarta:Visi Media

<sup>4</sup>Chomzah. Ali Achmad. (2004). *Hukum Agraria (Pertanahan) Indonesia Jilid 1*. Jakarta: Prestasi Pustaka Raya

weakening of law enforcement which has resulted in an increase in several land disputes. Perhaps this is certainly not in line with work effectiveness which is always echoed where all activities can be measured for effectiveness if they contain the concept of effectiveness which is important to implement.<sup>5</sup>

Regulation of the Head of the Indonesian National Land Agency Number 3 of 2011 explains that land disputes involve individuals and legal entities. In short, land that is in dispute is land whose ownership is disputed by two parties and are competing for ownership of the land. This type of dispute case ranges from fake documents to land boundaries being changed to illegal ones<sup>6</sup>. The current problem with land cases revolves around proof of ownership of rights, which is used as authentic evidence, namely the presence of black on paper as an indication<sup>7</sup>.

An example of a land dispute that occurred in the city of Surakarta is the Sriwedari mosque. The mosque is located on Jl. Slamet Riyadi and currently still under construction in the exs area of the People's Entertainment Park (THR) in 2017, it turns out construction began during the administration of mayor FX Hadi Rudyatmo. With sources of information coming from the internet, the traffic jam in the mosque construction process, which has reached 85%, is due to what Farid Sunarto, Deputy Secretary for Sriwedari Development, said, that there is a lack of funding considering that the entire construction stage refers to high safety standards so that the funds needed are high, up to IDR 180 billion. whereas previously it was IDR 160 billion. Gibran Rakabuming Raka as Mayor of Solo is ready to help with the process of completing the construction of this mosque if the funds are ready. Then, apart from funding as an important factor, it turns out there is also another obstacle that has been widely discussed since 2018-2022, namely the existence of land disputes that underlie this problem.<sup>8</sup>

Because this case has been going on for so long, many online and offline newspapers have revealed the facts of the land dispute in Sriwedari. The process of building the Taman Sriwedari Mosque is still hampered by funding problems and also the status of the land which is experiencing a dispute between Wiryodoningrat's heirs and the Solo City Government who both claim that they have the rights to the land. The dispute, which arose 40 years ago, heated up again when there was an appeal from the court to vacate the land.

This news emerged from various news circulating, of course the government took part in giving an opinion and had to act immediately. The Greater Solo Ulama Forum and the Solo Madani Indonesia Jaya Community appeal to the Solo City Government and the Waris concerned to immediately resolve this dispute so that the Sriwedari Mosque can immediately continue the construction process. It is hoped that the government of the City of Surakarta and Wiryodoningrat's heirs will be willing to donate the land to be used for Islam. Even though the construction of the mosque can be completed, there are also other benefits if this dispute can be resolved, one of which is that the land in the mosque garden area can be used.

The case of the emergence of a land dispute in the Sriwedari park area which has become the main obstacle to the construction of the Sriwedari mosque has resulted in the Surakarta City government through Gibran Rakabuming Raka as the current mayor requesting an appeal. The cassation request submitted by the Surakarta City Government was finally granted by the Supreme Court Number 2085 K/Pdt/2022 and received a response from the legislators. Apart from that, the PDIP faction also proposed that the budget for the construction of the Sriwedari Mosque be included in the 2023 APBD funds.

<sup>5</sup> Carissa M. dan Is Hardi. (2020). Efektivitas Program CSR Bank Jateng dalam Kebijakan Rehabilitasi Rumah Tidak Layak Huni (RLTH) di Kota Surakarta. *Jurnal Administrasi Publik (JAP)*.

<sup>6</sup> Putu, Diva S. (2022). Hukum Agraria dalam Penyelesaian Sengketa Tanah di Indonesia. *Jurnal Ilmu Hukum Sui Generis*, 2(2), 89-95.

<sup>7</sup> Arief, Joko, dan Dananggana. (2019). *Kajian Dampak Sengketa Tanah Terhadap Hak Atas Pendidikan dari Perspektif Hukum Progresif*. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 8(3). 414-432

<sup>8</sup> Lia. 2014. Masjid Raya di Lahan Sengketa Sriwedari, Pemkot Solo diprotes. *Merdeka.com*. 29 januari 2018. <https://www.merdeka.com/peristiwa/bangun-masjid-raya-di-lahan-sengketa-sriwedari-pemkot-solo-diprotes.html>

Based on the study described previously, the researcher wants to examine land issues in a thesis research entitled "Sriwedari Mosque Land Dispute, Surakarta Land Study". In this research there is one problem formulation, namely a. Factors causing land disputes at the Sriwedari Mosque. With this problem formulation, the aim of this research is to identify the factors causing land disputes at the Sriwedari Mosque in Surakarta. Then in this research there are also benefits that will be used by subsequent researchers and readers as a research reference or used as a source of information related to the Sriwedari Mosque land dispute in Surakarta. There are two benefits in this research. The first benefit is theoretical benefit and practical benefit. Theoretical benefits are used as a contribution to the development of legal science in Indonesia, as a reference in developing civil law science and as a reference for other researchers to complete research examining civil law. Then it has practical benefits as a consideration and reference for certain parties regarding land disputes in the Surakarta city government area, and as input and suggestions for law enforcement officials in carrying out their duties.

Then, for theoretical studies related to this research, two theories are used which will discuss the problems related to the research. The first theory is the theory of legal certainty and justice. Based on the theory in research written by Rayu or Rayi, he revealed that in the National Seminar "Time for Conscience to Speak" legal certainty is the same as the purpose of the law which is used to create justice. The real form of legal certainty itself is the existence of law enforcement for actions that violate the law regardless of the strata of the people involved<sup>9</sup>.

Legal certainty as a just and legitimate interest is actually studied. The doctrine of legal certainty teaches each implementer and law enforcement agency (for managed compliance with citizen participation in maintaining orderly life) according to the same law for the same case. This doctrine teaches every legal expert, especially those who practice as judges, not to use normative references that are not defined as standards of use to punish something. may not be intervened in. Aspects related to other normative sources; such as moral standards, justice, political ideology, personal beliefs, or something else.<sup>10</sup>

The second is the theory of land studies and dispute resolution. Disputes are debates between two parties because there are differences of opinion regarding land ownership and this case is brought to court.<sup>11</sup> In dispute resolution, there are 5 types of theories, namely (1) contending, namely the application of a solution that is preferred by only one party. (2) yielding (give in), namely lowering your goals and being willing to accept the shortcomings of what you really want. Third, problem solving, namely looking for alternative solutions that are pleasing to both parties. Fourth, by withdrawing, namely by choosing to leave the disputed situation, both physically and psychologically. Fifth action (silence), namely not doing anything<sup>12</sup>.

Theory of dispute resolution. There are 5 (five), namely: First, contending, namely trying to implement a solution that is preferred by one party over the other party. Second, yielding, namely lowering one's own aspirations and being willing to accept less than what one really wants. Third, problem solving, namely looking for alternatives that satisfy both parties. Fourth, with drawing (withdrawing), namely choosing to leave the dispute situation, both physically and psychologically. Fifth, in action (silence), namely not doing anything<sup>13</sup>.

---

<sup>9</sup> Prasetyo, Teguh. 2015. Penerapan Diversi Terhadap Tindak Pidana Anak Dalam Sistem Peradilan Pidana Anak. *Jurnal Ilmu Hukum*. Vol 9(1), hlm 1-14.

<sup>10</sup> Prasetyo, Teguh. 2015. Penerapan Diversi Terhadap Tindak Pidana Anak Dalam Sistem Peradilan Pidana Anak. *Jurnal Ilmu Hukum*. Vol 9(1), hlm 1-14.

<sup>11</sup> Sudarsono. (2002). *Kamus Hukum*, Cetakan ke-3, Jakarta : Rineke Cipta, 433.

<sup>12</sup> Pruitt G, Dean & Rubin. 2004. *Teori Konflik Sosial*. Jakarta : Pustaka Pelajar.

<sup>13</sup> Pruitt G, Dean & Rubin. 2004. *Teori Konflik Sosial*. Jakarta : Pustaka Pelajar.

## RESEARCH METHODS

This research is research that uses sociological legal methods. Sociological Normative is a method carried out by examining legal regulations relating to the problem being discussed at that time (the legal issue being faced). Place and time This research was carried out on Jl. Slamet Riyadi Taman Sriwedari, Surakarta city in March-May 2023. The sources obtained are primary data, primary data is the type of data collected directly from the main source such as through interviews, surveys, experiments carried out in the Sriwedari Mosque area, and the second data is secondary data, secondary data is data collected indirectly or is meant from written sources such as internet journals which has existed before<sup>14</sup>. For data collection techniques, namely literature study and interviews. Meanwhile, data analysis techniques utilize comparative studies to find solutions to problems by analyzing written data that already exists in decision documents, land data, or heirs who definitely still have a relationship with this research and also the data is expressed in the form of statements systematically using using deductive methods, namely problems that have special characteristics.

The approach used in this research is a qualitative descriptive method, where in this research method the results will be read, observed, researched and recorded.<sup>15</sup> This method will be described in fact and linked to accurate data so that it can be understood clearly by the reader. The description method aims to describe something in the existing data, regarding various facts and phenomena by paying attention to a systematic arrangement. Apart from explaining the data according to the facts found at the Sriwedari Mosque, the description is in line with opinions According to (Sugiyono, 2009, p. 3) "the data analysis carried out is inductive based on the facts found and can then be constructed into a hypothesis or theory"<sup>16</sup>. This research also describes the legal decision regarding the Sriwedari Mosque land dispute case. Through this qualitative approach, it can easily help researchers to search for and dig deeper into information related to a research topic, so that the information obtained will later be used to determine the objectives of this research. And through this qualitative method, a deep understanding of meaning, reality and relevant facts has been obtained.

## RESULTS AND DISCUSSION

### Factors that cause land disputes at the Sriwedari Mosque Surakarta

This research discusses the factors causing land disputes at the Sriwedari Mosque and Surakarta and the legal certainty regarding land disputes at the Sriwedari Mosque in Surakarta, which will be explained as follows.

Based on sources met at the Surakarta palace, the chronology of the Sriwedari land which is now an issue is land disputes, which were originally purchased by Paku Buwono (PB) As for the chronology, the Sriwedari land which is now a dispute between Wirjodiningrat's heirs and the Solo City Government was purchased by Pakubuwana (PB) Wirjodiningrat used to be an assistant to Paku Buwono X. In this way, Paku Buwono Several parties own the land of the Sriwedari Mosque, the first being the palace, and there are also individuals who have rights to the land. At the beginning of the construction of the mosque there was support from the Indonesian Ulema Council (MUI) Central Java. The Chairman of the Assembly hopes that the disputed land can be donated for a mosque so that it can benefit the people of Solo or people outside Solo.

Another thing was also emphasized by the General Chair of Muhammadiyah Youth, Suyanto, Suyanto said that the Sriwedari Mosque was missed by the community because it was located in the middle of the city. That the mosque was built to foster an Islamic society. At that time, Friday (9/2/2018) the Surakarta City Government and the heirs of RMT Widyodiningrat were able to communicate well so

<sup>14</sup> Sudaryanto. (2015). *Metode dan Aneka Teknik Analisis Bahasa*. Yogyakarta: Sanata

<sup>15</sup> Baswori & Suwandi. (2008). *Memahami Kualitatif*. Jakarta: Rineke Cipta

<sup>16</sup> Sugiyono.2017. *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*. Bandung. Alfabeta.Cv.Hlm 60

that there would be a bright spot for donating land to Muslims. Construction of the mosque in the Sriwedari area at that time stalled. With a lack of funds, the committee found it difficult to collect donations to finance construction. The reason is that the Solo City Government and Widyodiningrat's heirs both have rights to the land. The Sriwedari land dispute has been going on for a very long time, approximately 40 years ago, but the problem has escalated recently, when the court ordered the land to be vacated.

The case in the Sriwedari Mosque land dispute in Surakarta covers an area of 12,000 hectares. All problems originate from BPN (National Land Agency). This is also in line with what the government has conveyed regarding land mafia elements, the four land mafia elements are BPN, Subdistrict Head, PPAT, and Lawyers. In Mohammad Toha's decision it is related to Supreme Court decision No. 3000-K/Sip/1980 dated 17 March 1983 which has been executed in the sense of "The city government pays land rent to the heirs". In this decision, according to Anwar, in legal terms it is called a declator's decision or a statement decision This does not belong to the Surakarta City Government, so a certificate of use rights Numbers 11 and 15 were issued, which have the same area as the heir's eigindom land.

The Sriwedari land dispute began when Indonesia became independent, at that time the land belonging to the Kasunanan Surakarta palace was taken over by the Indonesian government, but for Sriwedari it became an asset of the Sunan Ground (Yogyakarta Palace) and the management of the Surakarta City Government. With the appearance of black on white, Sriwedari land is written to belong to wirjodiningrat. And this land is recognized by the Wirjodiningrat breed. Wirjodiningrat was a person who was once trusted by the king. A total of 11 Trah Wirjodiningrat registered a civil lawsuit on September 24 1970 at the Solo District Court. And at that time the Supreme Court rejected the appeal submitted by the Solo City Government. This is what made the Surakarta district court decide that the 9.9 hectare Sriwedari land belonged to Wirjodiningrat's heirs.

## CONCLUSION AND SUGGESTION

### Conclusion

So based on the results of the research, the researcher concludes that the chronology of the Sriwedari land which is now a problem regarding land disputes, was originally purchased by Paku Buwono (PB) Pakubuwana (PB) All the problems originate from BPN (National Land Agency). This is also in line with what the government has conveyed regarding land mafia elements, the four land mafia elements are BPN, Subdistrict Head, PPAT, and Lawyers. He asked a trusted person, RMT Wiryodiningrat, to buy the land Wirjodiningrat was previously an assistant to Paku Buwono X. In this way, Paku Buwono Islam.

Construction of the mosque in the Sriwedari area at that time stalled. With a lack of funds, the committee found it difficult to collect donations to finance construction. The reason is that the Solo City Government and Widyodiningrat's heirs both have rights to the land. The Sriwedari land dispute has been going on for a very long time, approximately 40 years ago, but the problem has escalated recently, when the court ordered the land to be vacated.

### Suggestion

With regard to requests for reconsideration based on the granting decision cassation request from the Solo City Government by the Supreme Court MA (Supreme Court). stuck in the decision of the Semarang High Court (PT) No. 468/PDT/2021/PTSMG dated 8 December 2021 Junco decision of the Solo District Court (PN) No 247/PDt.G/2022/PN SKT Dated 9 June 2021. In this decision the Supreme Court declared epepsis from opponents I,II,IV,VI,VII,X (heirs) cannot be accepted. From this Supreme Court decision Both parties, the city government and the palace, should have held a deliberation consensus to continue the construction of the Sriwedari Mosque so that it can be utilized by local communities. Apart from that, it is hoped that this consensus deliberation will resolve the case land dispute in Sriwedari.

## REFERENCES

1. Suardi dan Istiqamah. (2020). Pengadaan Tanah Untuk Kepentingan Umum. *Alauddin Law Development Journal (ALDEV)*, 2(2), 113-119.
2. Fitria dan Alfath. (2020). Kedudukan Anak Angkat Sebagai Ahli Waris Dalam Sengketa Hak Atas Tanah. *Jurnal Forum Redaktur Kopertais IV*, 5(2), 1-22
3. Florianus. (2008). *Tata Cara Mengurus Sertifikat Tanah*. Jakarta:Visi Media.
4. Chomzah. Ali Achmad. (2004). *Hukum Agraria ( Pertanahan ) Indonesia Jilid 1*. Jakarta: Prestasi Pustaka Raya
5. Carissa M. dan Is Hardi. (2020). Efektivitas Program CSR Bank Jateng dalam Kebijakan Rehabilitasi Rumah Tidak Layak Huni (RLTH) di Kota Surakarta. *Jurnal Administrasi Publik (JAP)*.
6. Putu, Diva S. (2022). Hukum Agraria dalam Penyelesaian Sengketa Tanah di Indonesia. *Jurnal Ilmu Hukum Sui Generis*, 2(2), 89-95.
7. Arief, Joko, dan Dananggana. (2019). *Kajian Dampak Sengketa Tanah Terhadap Hak Atas Pendidikan dari Perspektif Hukum Progresif*. Jurnal Magister Hukum Udayana (Udayana Master Law Journal), 8(3). 414-432
8. Lia. 2014. Masjid Raya di Lahan Sengketa Sriwedari, Pemkot Solo diprotes. Merdeka.com. 29 Januari 2018. <https://www.merdeka.com/peristiwa/bangun-masjid-raya-di-lahan-sengketa-sriwedari-pemkot-solo-diprotes.html>
9. Kharisma, Rayi R. (2020). Tinjauan Yuridis Penguasaan Tanah Sriwedari pasca Putusan Nomor. 3000-K/Sip/1981. Skripsi. Semarang: Universitas Negeri Semarang.
10. Prasetyo, Teguh. 2015. Penerapan Diversi Terhadap Tindak Pidana Anak Dalam Sistem Peradilan Pidana Anak. *Jurnal Ilmu Hukum*. Vol 9(1), hlm 1-14.
11. Sudarsono. (2002). *Kamus Hukum*, Cetakan ke-3, Jakarta : Rineke Cipta, 433.
12. Pruitt G, Dean & Rubin. 2004. *Teori Konflik Sosial*. Jakarta : Pustaka Pelajar.
13. Baswori & Suwandi. (2008). *Memahami Kualitatif*. Jakarta: Rineke Cipta
14. Sudaryanto. (2015). *Metode dan Aneka Teknik Analisis Bahasa*. Yogyakarta: Sanata
15. Sugiyono. 2017. *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*. Bandung. Alfabeta. Cv.Hlm 60.