

RECONSTRUCTION OF GRANT SULTAN AND ITS RELEVANCE TO SYSTEM "MODERN LAND"

Rafiqi¹

¹Lecturer, Faculty of Law, Universitas Medan area, Medan, Indonesia,

rafiqi@staff.uma.ac.id¹

Abstract

Grant Sultan Deli is located in East Sumatra, still happen conflict and Grant Sultan sesulit see position and power of Grant Sultan in the Modern era. Formulation problem in Study This is How position Sultan Grant law after its validity Constitution Main Point Agrarian Number 5 of 1960, How relevance and challenges use of Grant Sultan in system Modern land management in Indonesia. Type of research This is Juridical Normative. The data is then analyzed to find solutions to the problems identified. Discussion in study This is position Hum in Grant Sultan dalam Constitution Main Point Agrarian is Conversion. Relevance and challenges usage is difficult track position and reconstruction of the Grant Sultan which has been quite a long time in the modern era. Suggestions for the need Sultan Grant regulations.

Keywords: *Reconstruction, Grant Sultan, Relevance, System, Modern Land.*

1. Introduction

System land in Indonesia has history length that is not let go from influence power traditional, including The Sultanate that once standing in various regions of the archipelago [1]. One of them legacy law past land is Grant Sultan, namely document or letter decree issued by the Sultan as sign giving right on land to individual or group certain [2]. Grant Sultan in general load information about location, boundaries, and rights the holder [3], as well as considered as proof legitimate ownership at the time. However, since its validity Constitution Main Point Agrarian Law (UUPA) Number 5 of 1960 [4], system land in Indonesia is integrated to in One system law national that removes dualism law customs and colonialism. This bring up debate about position and power Sultan Grant law in the modern era.

In many area, Grant Sultan still used as base claim ownership land, especially in former areas Sultanate like Deli Sultanate, Pontianak Sultanate, Ternate Sultanate, and others. However, often the documents the become source dispute Because differences in legal interpretation, problems proof, and overlapping overlap with certificate right on land issued by the National Land Agency (BPN) [5]. Therefore that, is necessary study deep about reconstruction history of Grant Sultan For understand context its publication, function the law in the past, and its relevance to system modern land management [6]. It is anticipated that this study will aid in the knowledge of agricultural law and the resolution of land disputes that have their roots in historical documents [7].

2. Literature Review

The analysis in this study uses the concept of land use based on the principle of legal certainty. Focussing on the status and registration of the land based on the Basic Agrarian Law (UUPA) and how its ownership rights are viewed from the perspective of national law and Islamic law, especially in former sultanate areas like Deli and Yogyakarta. There is a difference of opinion on whether the Grant Sultan certificate is a valid proof of ownership under national law, considered only as a legal basis, while in Islamic law it is considered valid proof of ownership. Literature also discusses the conversion process, affirmation of rights, recognition of

rights, and Grant Sultan land registration strategies to ensure legal certainty. The relevant concept for the research to be conducted, referring to the concept based on legal certainty.

3. Methodology

Data collection techniques can include, among others: library research. Data collection techniques in normative legal studies primarily utilize secondary data. A historical approach is used to understand draft laws, and a historical approach is used through historical studies. The data is then analyzed to find solutions to the problems identified.

4. Result and Discussion

4.1 History and process of issuing Grant Sultan during the Sultanate.

Problem land in East Sumatra began entry company Dutch plantations (*Ordeneming*). At first people did not need letter , because expanse land wide spread out and the population the amount a little bit [8]. After coming companies plantations, which require large and demanding land certainty regarding the boundaries of the land , which is handed over to they arise something factor new in mastery land, that is, people do not Again can free adventuring, moving around in a way free work on land as you wish his heart . Habit moving around start reduced and taken place by desire settled on a plot land certain simultaneously with That the desire also arises, so that right on land That get confession from ruler namely Deli Sultanate [9].

In 1889 the Dutch *Government* implemented something deed . Deed This called with The term “Grant” is an English word , which is taken from over from land the Malay Peninsula [10]. However in Malay term That written with Arabic Malay كَرَان read Geran. One of the right owned by customs is lands with Grant status . The Grant applies in East Sumatra, namely in the territory of the Deli Sultanate. The right to land in the form of Grant in East Sumatra, is proof right on land, namely based on a gift from the Datuk or Sultan to his subjects .

Grant Sultan Deli only for the Autonomous Region. The script used in the Sultan Deli Grant is in Dutch and Malay Arabic [11]. for the City of Maksum. In 1915 with letter Latin, only for Medan and other residences .

Autonomous Region regulation related about land made by the Government Self-governing and partly by the Dutch. The Deli Sultanate was areas that have something government alone about land use law land Self- governing Law existing land The Deli Sultanate uses regulation land in East Sumatra. The Deli Sultanate is one of the regional areas Swapraja which has laws and regulations land separate which is not found in other areas. Swapraja Land is overall regulation about special land valid in the area Self-governance .

Grant Sultan Deli in the region kingdom original Malay under power directly sultan Grant Sultan issued for the Self-Reliant Citizens only signed , stamped and given duty stamp directly by the sultan. Real kingdom Malay the covering “Tuan River , Percut , Bedagai and Padang (now the term High Cliff) .

In the beginning There is Head failed (Datuk Hamparan Perak, Datuk Sukapiring and Vocational Patumbak) issued letter For hermitage house called "Surat Kampung" (Grant Datuk) which was signed by the Head cancel Then sent to the Sultan of Deli to signed , but in areas ruled by the Sultan of Deli such as around Medan, Maskum City , Brayan Island, Mabar, Titi Papan , Glugur , Labuhan Grant Sultan Deli directly signed by the Sultan with the title Geran Membangun Hak Keboen. Grant returned by Deli Maskapai 1902 in the village city Infallible for the Palace, Mosque and the Sultan's family , entitled Rahim Limpah Kurnia.

In 1890 the Sultan of Deli issued a Certificate handover land to somebody . As “Kurnia” is written hand with use Arabic letters . Letters information added the decree , that rights granted

will aborted , if land No used with good and must have the permission of Sultan Grant Sultan Deli is determine Garden Rights. Urban village people Matsum Medan Sultan provides right on land No For determine garden as "The Graceful Womb ". In second form This that is For determine whether the rights to the Garden and Rahim Limpah Kurnia are included condition about delete it right if No attempted and about handover with the permission of the Sultan

Grant Sultan Deli who first of all This listed words property that can be give the meaning of try land have property (*eigendom*) over land [12]. That which is meant is not property (*eigendom*) it turns out from grants which then " rights control land This Can return surrender with permission "Your Highness, Your Majesty the Sultan".

Grant Sultan Deli is letter information about rights on land that can owned by residents indigenous on permission, granting, and Sultan's recognition of rights on the land given to his subjects in the region Swaparaja . The territory of the Deli Sultanate includes the areas of Maksum City, Percut, Sungai Ape, part in region Deli Old And Playing together .

In the beginning with No existence something provision non- indigenous people's laws This considered submit under Sultan's law , then with existence contract political position law they regulated and all non- natives , even those who live in the area Swapraja , made subordinate direct darp government Indies Dutch and start arise difficulties in get right occupied land . For Businessman agriculture through Government Decree (*Gouvernementsbesluit*) 27 January 1877 Number 4 (*Bijblad* 3381) which was made example for contracts agriculture , which will provided by the Government East Coast Autonomy . In 1889 This stopped with Government Decree The Dutch East Indies which established a model deed For licensing use land For house . Deed This called with "Grant" Words from English .

In 1918 the Deli Kingdom announced the villages around Medan, which had not yet been established have Grant for manage and own Grant [13]. In 1920, to be precise through decision Number 42 dated 23 November 1920, the Deli Sultanate confirmed its sovereign territory , for and in part arranged as a strategy for prevent rights owned by upper Sultan 's subjects land No diverted or handed over to subjects government (*Government*). Through decision said , the Deli Sultanate covers the following areas:

- (1) The governed area directly by the Sultan of Deli, namely Matsum Village, Maimun City, Sukarame , Brayan Island, Glugur , Tanjung Mulia, Kampung Besar, Labuhan , Belawan , Titi Papan, Martubung and Tanah Enam Ratus,
- (2) Four Undo or tribe , namely Serbanyaman , Ten Dua Kuta, Sukapiring and Senembah (Regional area colonies),
- (3) Percut Area with part Sungai Tuan District (area directly) and
- (4) Padang Bedagai region (conquered territory).

Grant Sultan Deli who No direct published by the Sultan, but executed and issued by Heads cancel . cancel is One the area which is part from the Sultan 's territory , which was inhabited by the Kaula Swapraja community arranged ethnic group Malay . Head cancel is as leader for the non- Malay Kaula Swapraja community , which in general Batak tribe , especially those who live in under sovereignty and power of the sultan.

In the beginning Head The person concerned is not give letter required information give letter information desired by the undertaking land called Grant Datuk or village letter . According to Mahadi, the function of the village head is :

- a) The village head as the representative of the association law that has right customary law.
- b) Village head as advanced from the king who has right customary law.

Grant Sultan Deli only for the Autonomous Region. The script used in the Sultan Deli Grant is in Dutch and Malay Arabic. for the City of Maksum . In 1915 with letter Latin , only for Medan and residential areas other. Grant given by the Sultan to his subjects , are embodiment determination rights indigenous on land . This right can converted become Ownership Rights, Business Use Rights or Building Use Rights, as appropriate with subject rights and their allocation . In the Grant it is stated sentence a plot land within the territory of the Deli Kingdom which was granted to somebody For become right his .

“ Alleln bestemed for Zelbestuursonderhoorigen , niet gebruikelijk Voo Bataks in het Heuvelend . Oorspronkelijk after als belonging = eigendom . Grant Model 1890 Vastgesteld , weinig verschillend voor de oeroengs . Naam “grant” overgenomen uit Malaka. Hier gegeven transcript en vertaling van tegenwoorgig model. Wijze van overschrijving . Capital for Maasoem City . New van model 1915 in lijsche characters Allen for Medan en andere nederzettingen , hier gegeven met vertaling .”

"Only for subjects Self-governing , no for the Batak people in the land hill . Originally handover as *eigendom* - owned . Meted Grant is determined around 1890 no Lots different For failed . The name “Grant” was taken from Malacca Transcript and translation of the current model . How to record . Model for Masoem City . New model from in 1915 with letter Latin , only for Medan and residential areas other , here given with translation .”

Autonomous Region the regulation related about land made by the Government Self-governing and partly by the Dutch. The Deli Sultanate was areas that have something government alone about land with use law land Self- governing Law existing land The Deli Sultanate uses regulation land in East Sumatra. The Deli Sultanate is one of the regional areas Swapraja which has laws and regulations land separate which is not found in other areas. Swapraja Land is overall regulation about special land valid in the area Self-governance .

Grant Sultan Deli in the region kingdom original Malay under power directly Sultan Grant Sultan issued for Kuala Swaparaja only signed and given duty stamp directly by the sultan. Real kingdom Malay the includes "Tuan River, Percut , Bedagai and Padang (now the term Tebing Tinggi). Sultan Deli divided land For family Deli Sultanate called Rahim Limpah Kurnia in Maksum City and Medan Maimun.

Another form of Grant Sultan Deli is determining plantation rights. Urban village residents Matsum Medan Sultan provides right on land No For determine garden as "The Graceful Womb ". Grant Sultan Deli who second issued For determine whether the rights to the Garden and Rahim Limpah Kurnia are included condition about delete it right if No cultivated and neglected for 3 years , then can diverted with the permission of the Sultan

4.2 Position Sultan Grant law after its validity Constitution Main Point Agrarian Number 5 of 1960.

Status Grant Sultan Deli in The National Agrarian Law System is regulated in the UUPA in Article 3, 5 and Article 56 of the UUPA, recognition rights previously from the owner worthy returned to attitude originally. Lands Self-governing as suat land right customary law from something public the law recognized by Article 3 of the UUPA [14]. of course in return dignity law customs in the regions provision from Article 5 of the UUPA which has been give right customs position more Honorable National Agrarian Law . Swapraja Land as something land

right customary law from something public law customs recognized by Article 3 of the UUPA. Grant Sultan Deli converted become Ownership Rights. Customary Law Format This according to BF Sihombing, the law land contemporary customs that is right own and control a plot land in the post-modern era independence 1945 to now [15], with proof authentic in the form of girik , petuk tax , pipil , rights *agrarian property* , property , property , rights on druwe village, here , Grant Sultan Deli, *landerijenbezitrecht* , *altijddurende erpacht* , rights business on land used private , fatwa ahi waris .

Rights on the land given to subject rights , persons or legal entities that are equal with people namely rights mastery on land that is civil law as arranged in Article 16 of the UUP , namely : " Rights on land as intended in Article 4 paragraph (1) is ; (1) Ownership Rights, (2) Business Use Rights, (3) Building Use Rights , (4) Building Use Rights use , (5) right to rent, (6) right to open land , (7) rights collect Forest products , (8) other rights and rights of a nature temporary . Rights that are of a temporary namely Mortgage Rights, Profit Sharing Business Rights , Right to Hire and Agricultural Land Lease Rights.

Ownership Rights According to Article 20 paragraph (1) UUPA, the definition right owned by is as following : rights hereditary , strongest and fullest that can be owned by the upper class land with remember provision in Article 6. Based on provision the that properties right owned by differentiate with rights others . Property rights is right hereditary, strongest and fullest that can be owned by the upper class land . Giving characteristic This No means that right That is absolute rights , no limited and not can disturbed . Hereditary words means that right owned by on land No only ongoing during life holder rights , will but if happen incident law that is with death holder right can continued by experts his heir . The strongest word means that right owned by on land can burdened right on land others, for example burdened with Building Use Rights, rights use , and rights others [16]. Property rights on land This must registered . While the fullest word means that right owned by on land has give broad authority to holder right in matter use the land.

Grant Sultan is a term that refers to a gift right or land by the ruler local (Sultan) during the reign kingdom or sultanates in the archipelago, which are documented in form letter or charter official . Instrument This own mark historical, legal, and cultural, all at once become proof existence system land before Dutch colonialism changed structure law agrarian . This article try :

- a. Revising (reconstructing) the history of Grant Sultan based on source archives , documents and records customs.
- b. Analyze his position in system land moment this , in particular in framework UUPA 1960 and the system registration modern land.

1) Origin:

- a. Grant Sultan usually issued by the Sultan or officials who received mandate For give a plot land to individual , group , or institution religious / customary;
- b. Generally used For interest
 - a) Award services (grant of honor);
 - b) Support activity economy;
 - c) Maintenance of mosques, madrasas, or land waqf.

2) General Characteristics

- a. Personal or communal;

- b. Own legitimacy customs and considered tie in a way law at the time of its validity;
 - c. Document often shaped charter stamped kingdom , using Language Malay / Jawi / Arabic.
- 3) Changes in the Colonial Period
- a. Government Dutch colonialism began enter the lands of Grant Sultan in administration agrarian they , often cause dispute Because difference draft right owned by;
 - b. A number of changed become *eigendom* , *erfpacht* , or *gebruikrecht* .

Reconstruction Grant Sultan's history requires approach :

- 1) Archival Studies: Checking the collection archives Sultanate , National Archives of the Republic of Indonesia, and archives colonial in the Netherlands;
- 2) Philological Studies: Translate text original written grant letter in script Ox or Arabic Pegon;
- 3) Legal Approach: Compare term right land in Grant Sultan with draft right modern land;
- 4) Interviews & Oral Traditions: Dig memory collective public recipient or expert inheritance.

Relevance to System Modern Land:

- a. Recognition of Old Rights : UUPA 1960 Article II Rules Transition confess old rights that still exist There is before UUPA came into effect , during No contradictory with characteristic right new:
- b. Conversion of Rights: Grant Sultan can converted become right property , rights use , or right other after verified;
- c. Dispute Land: Many conflicts modern land that is rooted in the Sultan's Grant claim because :
 - 1) Document damaged or is lost;
 - 2) Difference land boundary interpretation;
 - 3) Transition right without recording official .
- d. Cultural and Archival Values: Grant Sultan is not only document land , but also inheritance necessary culture preserved.
- e. Land Digitization & Registration: Modern systems such as Electronic Land Registration (e-Land) can integrate Grant Sultan document results reconstruction as proof supporters legality.

Challenges and Opportunities Challenge Absence map or coordinate clear geographic . Document original fragile and difficult read . Conflict between proof customs and laws positive . Opportunity Confession as part from *cultural heritage* . Historical database land For study geospatial . Integration with Agrarian Reform policy.

Reconstruction history of Grant Sultan no just preserve document old , but also become bridge important between inheritance law customs with system land modern national . With approach historical , philological , and legal, Grant Sultan can functioning as proof beginning right land , prevent disputes , and strengthen identity cultural public

5. Conclusion

Grant Sultan Deli only for the Autonomous Region. The script used in the Sultan Deli Grant is in Dutch and Malay Arabic. for the City of Maksum . In 1915 with letter Latin , only for Medan and other residences. Challenges and Opportunities Challenge Absence map or coordinate clear geographic . Document original fragile and difficult read . Conflict between proof customs and laws positive . Opportunity Confession as part from *cultural heritage* . Historical database land For study geospatial . Integration with Agrarian Reform policy .

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