

MODEL OF TRADITIONAL LAND ARRANGEMENT IN SUNGAYANG VILLAGE, TANAH DATAR REGENCY, WEST SUMATRA

Indraddin^{1*}, Azwar², Indah Sari Rahmaini³, Retno Anggraini⁴

^{1,2,3,4} Department of Sociology, Faculty of Social and Political Sciences, Andalas University, Sweet Lime Campus, Padang, Indonesia
Email: indradini@gmail.com

ABSTRACT

The arrangement of customary land in the village is important because it is useful for maintaining the existence of the customary land and can also improve the economy and welfare of the village community itself. So the purpose of this study is to develop a model for arranging customary land in Sungayang Village, Tanah Datar Regency, West Sumatra. This study uses a qualitative approach by adopting qualitative data collection methods and PRA techniques. Anthony Giddens' structuration theory is used as a research guideline. Arrangement of customary land cannot only be done with formal rules for arranging and registering land, but requires the involvement of local wisdom and local institutions. The initial step needs to be taken by conducting socialization to all elements of the village community such as niniak mamak, alim ulama, cadiak pandai, bundo kanduang and village youth. Socialization will build an agreement in land arrangement. After an agreement is established, the determination of the subject, land object, measurement, land registration, HPL management and land arrangement is carried out. Utilization of customary land requires SOP and innovation in increasing harvest yields. Increasing the harvest yield of customary land can be done by issuing HPL, because it can be collaborated with third parties based on the HPL owned. However, utilization to improve community welfare is the main choice to make the community a business partner in utilizing customary land in the village. The role of the village government and the Village Customary Assembly (customary law community) is very much needed to achieve the goal of utilizing customary land in the village.

Keywords: *Arrangement, Customary Land, MHA, Nagari, Utilization*



Jurnal Sosial Terapan (JSTR) is licensed under a [Creative Commons Attribution ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/)

1. INTRODUCTION

The customary land of the nagari is one of the capitals for the nagari in West Sumatra, including in villages that have almost the same characteristics related to the ownership of customary land owned by institutions (customary law communities). Customary land is usually owned by community groups such as clans, tribes in the Minangkabau community, the subject is a person, while the customary land of the nagari is the subject of the institution. Land registration so far in Indonesia regulates ownership by people, not institutions, so it has been known as Complete Systematic Land Registration (PTSL).

The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia has issued ATR Regulation Number 18 of 2019 concerning Procedures for Arranging Customary Land of Customary Law Communities. The area of customary land, although not included in the types of land rights as referred to in Chapter 16 paragraph (1) of the UUPA, includes ownership rights, building use rights, usage rights, lease rights, business use rights, rights to collect forest products, other rights that are not included in the rights mentioned above which will be determined by law and temporary rights as stated in Chapter 53. The customary rights to land referred to are customary rights to land as referred to in Chapter 3 of the UUPA that by considering the provisions in Chapters 1 and 2, the implementation of customary rights and similar rights of customary law communities, as long as in reality they still exist, must be such that they are in accordance with national and state interests, which are based on national unity and must not conflict with higher laws and regulations.

Regarding customary rights to land, its development in customary law communities cannot be separated from land politics in Indonesia that has occurred since the Dutch colonial era to the era of regional autonomy. Customary rights of customary law communities are very familiar with communal values, but in the development of customary rights regulations of customary law communities in Indonesia, there are government efforts to change communal values into individualistic values, this occurs in every law and regulation made by the government, especially sectoral laws and regulations. The customary rights referred to are rights with "the authority that according to customary law is owned by a certain customary law community over a certain area which is the environment of its citizens to utilize natural resources, including land, in that area, for the survival and livelihood of its citizens, which arises from physical and spiritual relationships that are inherited from generation to generation and are not interrupted between the customary law community and the area concerned".

As referred to in Chapter 1 number 1 of the Regulation of the Minister of Agrarian Affairs/Head of the BPN Number 5 of 1999 concerning "Guidelines for the Settlement of Customary Land Rights Problems of Customary Law Communities", which was issued with the consideration that in reality, in many areas, there is still land within the customary law community environment whose management, control and utilization are based on local customary law provisions and are recognized by the relevant customary law community as their customary land.

Land ownership still contains an element of togetherness known as customary land rights, namely joint ownership rights over land of a customary law community, or joint ownership rights over land granted to communities in a certain area whose control is based on the Regulation of the Minister of ATR/Head of BPN No. 10 of 2016 concerning "Procedures for Determining Customary Land Rights of Customary Law Communities and Communities in Certain Areas".

The issuance of the Regulation of the Minister of ATR/Head of BPN Number 10 of 2016, with the consideration that in order to guarantee the rights of customary law communities and the rights of communities in certain areas, who control land for a long period of time, it is necessary to provide protection in order to realize the greatest possible prosperity of the people. Customary land rights, joint ownership rights to land of a customary law community, or joint ownership rights to land given to communities in certain areas, who control it together can be registered and the registrant is given proof in the form of a certificate containing physical data and legal data. Legal data according to chapter 1 number 11 of the Regulation of the Minister of ATR/Head of BPN Number 10 of 2016 is information regarding the location, boundaries, and area of land plots and registered apartment units, including information regarding the existence of buildings or parts of buildings on it.

Land registration to ensure legal certainty of land rights as stated in Chapter 16 of the UUPA, customary land rights are not included in land rights as stated in Chapter 16 of the UUPA, unclear location, boundaries, and land boundaries based on physical data, as well as unclear land status and joint ownership of all customary law communities as legal evidence in land rights certificates. This seems to be a vague norm related to the registration of customary land rights.

The rights of indigenous peoples have not been get protection from the state, namely customary rights, rights to natural resources, and intellectual property rights. These three things are not protected not only because there is no legal umbrella that specifically protects indigenous peoples, but even with the existence of this legal umbrella, its enforcement is still weak. This is what causes indigenous peoples to become marginal citizens and do not get their proper rights so that violations of indigenous peoples' rights are often found, including violations of the right to ownership, the right to adequate food and nutrition, the right to a decent living, the right to play a role in cultural life, the right to self-determination, the right to enjoy the highest possible standard of physical and mental health and many more (Jannah et al., 2022) .

When viewed in the determination of customary land rights according to Chapter 4 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 18 of 2019 concerning Procedures for Managing Customary Land of Customary Legal Community Units, it states the following: "The implementation of the Customary Rights of Customary Law Communities as referred to in Chapter 3 does not apply to land plots which at the time of their determination: a. have been owned by individuals or legal entities that have rights to certain land; b. have been obtained or released by government agencies, legal entities, or individuals in accordance with the provisions of laws and regulations."

The land certificate program is part of the Complete Systematic Land Registration (PTSL) program initiated by President Joko Widodo. Complete Systematic Land Registration (PTSL) is the first land

registration process that is carried out simultaneously and covers all land registration objects that have not been registered in a village or sub-district or other name of the same level. Through this program, the government provides a guarantee of legal certainty or land rights owned by the community. The Complete Systematic Land Registration (PTSL) method is a government innovation through the Ministry of ATR/BPN to meet the basic needs of the community, namely clothing, food, and shelter. The program is stated in Ministerial Regulation Number 12 of 2017 concerning PTSL and Presidential Instruction Number 2 of 2018. PTSL, which is popularly known as land certificates, is one form of implementing the government's obligation to guarantee legal certainty and protection of community land ownership. In addition, later the community who have obtained certificates can use the certificates as capital for mentoring efforts that are empowering and effective in improving their welfare.

Based on data submitted by the head of state, before the program, the number of land certificates issued in one year was only 500 thousand certificates. Throughout the country, there are 126 million land certificates that must be certified. In 2015, there were only 46 million certificates, so there is still a shortage of 80 million. If there are only 500 thousand in a year, that means we have to wait 160 years. The President receives too many complaints from the public about land that has not been certified, which can result in many land disputes. Even the public is also reluctant to take care of certificates because the procedure is complicated and takes a very long time.

West Sumatra ranks 2nd lowest in Indonesia in the Complete Systematic Land Registration (PTSL) process. This is due to frequent horizontal conflicts in society that result in lawsuits over land ownership disputes in West Sumatra. It even causes hostility between groups that are still in the same village, thus creating a situation that is not conducive to social interaction between communities.

The arrangement of customary land aims to clarify the status of the land, maintain land security, and increase the utility and economic value of the land. This is because human life cannot be separated from land. So when we talk about human existence, indirectly we are also talking about land. Land issues do not only concern economic and welfare aspects, but also include social, cultural, political, legal, and religious aspects. Therefore, in resolving it, we must not only pay attention to the legal aspects, but also to the welfare, security, and aspirations of humanity.

One of the problems related to land issues is the problem of land located in the environment or territory of customary law communities. On the one hand, there are customary law communities that have customary rights and on the other hand, there is the use of land for development purposes by the government. The clash of authority between customary law communities and the government is often considered to be able to hinder development in the Unitary State of the Republic of Indonesia. With existence policy government for give legality to registration land customary, of course No need There is worry Again for owner customary law for register land customary law on behalf of the people, therefore, it is interesting to study the model of empowerment and management of customary land in the community-based nagari, during This the rules on PTSL have not been recommend registration land owned by institutional, but owned by personal. With by itself utilization land customary law for interest public more freely.

2. METHOD

This study uses a qualitative research approach. The qualitative approach is intended to provide an in-depth, systematic, factual, and accurate description of the facts and relationships between the phenomena studied. This descriptive study attempts to describe and explain in detail the problems studied, namely how the customary land management model is based on local institutions. What is meant by local institutional-based here is utilizing local wisdom and institutions that are still valid in Nagari Sungayang. By using a qualitative approach, the knowledge, understanding, and ideas of informants who have had experience in managing and utilizing their customary land can be explored.

The informants of this research consist of the community and community leaders who have experience in managing land certificates and people involved in managing customary land in Nagari Sungayang. Informants were selected purposively according to the information needs to answer the research objectives. The criteria for informants are people who have lived in the research location for at least 10 years, have experience in managing land certificates, are active in community organizations in the village, and are willing to be interviewed. Data collection techniques are by conducting in-depth interviews, observations, and utilizing PRA techniques, namely *Focus Group Discussion* (FGD). The use of FGD techniques for triangulation

involving figure custom like patriarch, religious scholar, religious leader clever as element three rope cow in public Nagari. Then to include government village, youth and mother container.

The research data analysis used the principles of qualitative research data analysis according to Miles and Hubermans, namely by means of data codification, data reduction, data interpretation and drawing conclusions, then presented according to the theme of the research findings (Afrizal, 2014). The research was conducted in Nagari Sungayang, Sungayang District, Tanah Datar Regency, West Sumatra. This research was conducted for six months, namely from June to November 2024. The steps and stages of research data analysis can be seen in the diagram. Figure 1 below:

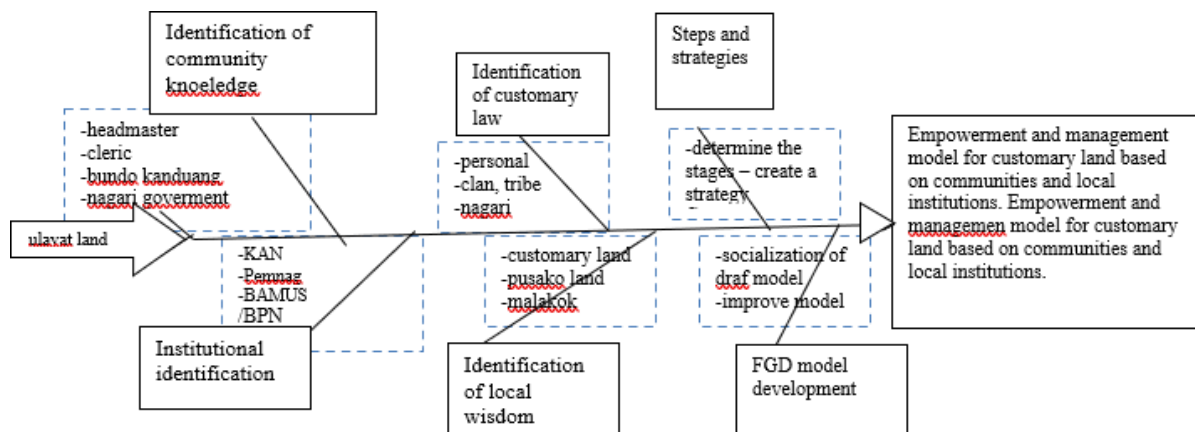


Figure 1. Flowchart of Research Implementation

3. RESULTS AND DISCUSSION

Customary Land Utilization Model Based on Local Institutions in Sungayang Village.

Potential of Customary Land

The customary land of Sungayang village was originally larger than the land that exists now, but some of it has been handed over for the construction of a high school, also handed over for the construction of an elementary school and the construction of other public facilities. With evidence of the handover to the education office with a letter of release of rights, the land is now certified by the education office. With the issuance of the certificate, the ownership of the land is no longer the customary law community represented by the village customary unit (KAN), so that the land has become a state asset (Ministry of Education and Culture). The Sungayang Village Customary Council no longer has a problem with the land as the customary land of Sungayang Village, because it has been handed over to the education office. The village customary council realizes that the allocation of land for the construction of the school is also beneficial for improving the education of children in Sungayang Village and its surroundings.

Currently, the remaining area of customary land in the village is 11.31 hectares. The land consists of fields and rice fields. Almost all agricultural commodities are suitable for planting on village customary land or what is known as kobun nagari (village gardens). Commodities currently planted by farmers cultivating customary land in Sungayang village include corn, rice, cassava, sweet potatoes, chilies, peanuts, eggplants. Some of the land is also planted with cocoa. Secondary crops grow well. Horticultural crops such as cocoa also grow well and bear fruit well. The planting pattern of customary land utilization in Sungayang village is currently more determined by the wishes of each cultivator. There has been no study on the use of customary land that is more effective and profitable, so the results obtained depend on the management method of each customary land manager.

The area of land managed by each village customary land cultivator varies greatly. There has been no study on the appropriate area for a person, both in terms of management ability and the results obtained from land utilization (for agriculture). There are people who manage a little and there are also those who manage quite a lot, this management right is obtained from old habits. If in the past someone managed a lot, then the

next generation will also get wider management. The purpose of utilizing village customary land is to provide opportunities for the Sungayang Community who are less fortunate, or do not have sufficient agricultural land. The community that manages it has not received the same opportunity.

There are also no clear guidelines on who has the right and who does not have the right to utilize customary land, so that some heads of families who are around customary land have not received the opportunity to utilize customary land. With the absence of standard provisions on who has the right and who does not have the right to utilize, some people feel that they do not get the opportunity to utilize village customary land. They feel that they need it because they do not have sufficient agricultural land, and the economic level of the family is classified as a poor family. Referring to the Regional Regulation of West Sumatra Number 6 of 2008 concerning customary land, Chapter 7 paragraph 1 states that the regulation of the use of customary land is carried out by the Nagari Customary Council (KAN) as a customary law community. Of course, how to use customary land that is right on target and effective can be carried out by the Nagari Customary Council (KA).

Based on the results of the study (Hutama, 2021) entitled "Existence of Customary Rights after the Enactment of the Minister of Agrarian Affairs Regulation Number 18 of 2019" explains that the characteristics of customary rights of customary law communities, customary rights to land are controlled by customary law communities, namely communities that live in groups, inherited from generation to generation based on ties of origin/ancestors or the same place of residence, have the same culture, live in a certain area, have customary property that is jointly owned, have customary institutions, contain sanctions as long as they are still alive according to developments and do not conflict with national law. Furthermore, based on the results of the study (Amira et al., 2024) on "The Reality of Customary Land Owners: Reviewed from the Perspective of Customary Law Communities" explains that the need for control of customary land from the perspective of customary law communities is very high. This can be seen from the findings which show the stage of acceptance of customary law communities towards customary land owners is driven by customary and identity factors, culture, social, economic and empowerment.

However, aspects related to empowerment are considered to have little influence on the agreement of customary law communities regarding ownership of customary land. The results of the latest research by the Expertise Research Center of the Secretary General of the Indonesian House of Representatives, 2022 in (Cahyaningrum et al., nd) which explains that in order to find out the regulation and implementation of management rights originating from customary land for investment purposes. This paper has management rights originating from customary land that have been determined and must be registered. Customary land that already has management rights can be collaborated with investors and customary law communities continue to control their customary land after the collaboration ends. This is different from customary land for which management rights have not been determined. The customary land can be collaborated with investors, but becomes state land after the rights to the land end.

Renting is also not possible for customary land. Management rights can only be transferred to customary law communities whose existence has been recognized. Therefore, local governments should have good intentions and actively strive to provide recognition to customary law communities in their areas. Mapping and recording of customary land needs to be carried out continuously. To strengthen customary rights, the draft law on the protection of customary law community rights also needs to be passed immediately.

With the issuance of ATR Regulation Number 18 of 2019 with the consideration that Indonesian national land law recognizes and respects the existence of customary rights of customary law community units or the like, as long as in reality they still exist and are in accordance with the development of society and the principles of the unitary state of the Republic of Indonesia. "In reality, there are still customary lands of customary law community units whose management, control, and utilization are based on local customary law provisions and recognized by the citizens of the customary law community units concerned."

If customary land rights are registered, so that there is legal certainty, but the ATR Ministerial Regulation does not explain the arrangement of land. Land arrangement is intended to guarantee legal certainty, the Government organizes customary land arrangement. Land arrangement is intended to guarantee legal certainty, the Government organizes customary land arrangement. The arrangement of customary land of the Customary Law Community Unit is carried out based on the determination of recognition and protection of the Customary Law Community Unit, as in Chapter 3 of the ATR Ministerial Regulation Number 18 of 2019. This means that the arrangement of customary land rights is based on the determination of recognition, as the basis for control of customary rights over the land to obtain legal protection.

Customary rights to land controlled by a customary law community unit in its implementation do not apply to land plots that at the time of its determination are already controlled by individuals or legal entities holding certain land rights; or that have been obtained or released by government agencies, legal entities, or individuals in accordance with the provisions of laws and regulations, as referred to in Chapter 4 of the Regulation of the Minister of ATR Number 18 of 2019. This provision shows that customary rights are only granted to customary law community units that based on the determination of recognition are only limited to land plots that have not been controlled by individuals or legal entities holding certain land rights; or that have not been obtained or released by government agencies, legal entities, or individuals.

Application for arrangement of customary land of customary law community unit is submitted to the Head of the local Land Office. Arrangement of customary land of customary law community unit, includes measurement conducted on the boundaries of customary land of customary law community unit in the land registration map, recording in the land register book. Customary land of customary law community unit is given a Land Plot Identification Number with the Regency/City area unit, as referred to in Chapter 5 and Chapter 6 of ATR Regulation Number 18 of 2019.

Matters related to the arrangement of customary land above are intended to guarantee the certainty of the existence of customary law community members or other people whose existence has been permitted by the leader of the legal unit. The community is given the right to collect or utilize wild lands in their area of authority, and the community is prohibited from converting the land whose benefits are taken. The guarantee of legal certainty given to the community holding customary rights to the land is related to obtaining legal certainty.

This means that customary rights provide the right to the customary law community as the subject of the customary rights holder to the land to utilize the land that they control that is not theirs, so that the holder of customary rights to the land does not have an obligation to register their rights. Customary rights as joint ownership rights to guarantee legal certainty, land arrangement is carried out which includes measuring the boundaries of the customary land that has been determined. Mapping of land plots in the land registration map. Measurement and mapping are carried out in accordance with the rules for measuring and mapping land plots.

Based on the description and discussion as mentioned above regarding the characteristics of customary rights of customary law communities after the issuance of the Regulation of the Minister of ATR Number 18 of 2019 concerning the procedures for arranging customary land of customary law communities, it can be explained that customary rights to land that have been issued before the enactment of this ministerial regulation are declared to remain valid, as in Chapter 7 of the Regulation of the Minister of ATR Number 18 of 2019, although the Regulation of the Minister of ATR Number 10 of 2016 has been revoked through the Regulation of the Minister of ATR Number 18 of 2019, however, customary rights to land, both the subject, object and legal certainty regarding the registration of customary rights to land are different from customary rights to land as regulated in the Regulation of the Minister of ATR Number 18 of 2019, legal revocation does not actually affect the existence of customary rights to land.

Authority of Customary Heads over Customary Rights of Customary Law Communities Customary Rights of Customary Law Communities. The basis for the application of customary law is regulated in Chapter 18B paragraph (2) of the 1945 Constitution which states that "The State recognizes and respects customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia which are regulated by law". The State only recognizes customary law as long as it is still alive and in accordance with the development of society and is regulated by statutory regulations.

Discussing the authority of the customary chief cannot be separated from the understanding of custom, customary law and then the authority of the customary chief in leading and resolving problems or disputes in the local customary law community. The word custom comes from the Arabic word "adah" which means habit, which is something that is often repeated. As for custom in the sense of custom, it is actually a normative habit that has manifested the rules of behavior that apply in society and is maintained by the community itself. Custom as a habit means something that is usually done or occurs in the environment of the customary community.

If the habit is felt as something good, then the act can become a habit or an act that is repeated in the same form. Repetition of an act is a sign that the act is liked, so at this level a pattern of behavior begins to be recognized and recognized, because deviations from it will result in criticism. If the habit is only considered as a way of behaving, then it will be accepted as a rule that regulates, then the habit becomes order. Behavior that

is eternal and its integrity with the behavior patterns of society can increase its binding power so that it becomes customs, which are rules that are not only known, recognized and respected but also obeyed, and have binding power and are coercive and have sanctions (laws), so that they have legal consequences, this complex is what is called Customary Law.

Customary law is "customs that are accepted and must be implemented in the community concerned. To ensure that the implementation of customary law does not result in deviations or violations, then among the community members there are those who are given the task of supervising it. Thus, gradually the customary official becomes the Customary Head".

Customary law as described above shows that between custom and customary law is a unity that cannot be separated, therefore it is right if Tolib Setiady, states that custom and customary law historically-philosophically are considered as manifestations or reflections of the personality of a nation and are the incarnation of the soul of the nation (*volkgeist*) of a society of the country concerned from time to time. Therefore, every nation in the world has its own customs (habits) which are not the same as one another. "With these differences, we can see that customs (habits) are the most important element and provide identity to the nation concerned besides other nations in the world.

The level of civilization and modern way of life apparently cannot or are not able to simply eliminate customs (habits) that live in the lives of society, even if there are, at most what is seen in the process of progress of the times is that these customs (habits) can always accept and adapt to the conditions and desires of the times, so that these customs (habits) remain sustainable and remain fresh in their condition and existence.

In the life of Indonesian society, the customs owned by ethnic groups are different from one another even though the basis and essence are one, namely Indonesianness. And the customs of the Indonesian nation, Bhinneka Tunggal Ika, are not dead (static) but are always developing and always moving based on the necessity of evolutionary demands following the process of development of civilization of nations in the world. The customs (habits) that are alive and developing are a very admirable source for our customary law as the original law of the Indonesian people and nation wherever and whenever.

Disputes over the use of customary land of customary law communities are customary land located within the territory of customary law communities that in reality still exist, perhaps because customary rights also apply to outsiders, namely people who are not members of the association. If an outsider wants to enter the association, they must first obtain permission from the leader of the association and before their application is granted, they must first give something to the association. If a problem occurs, the customary head has the authority to resolve the customary rights dispute of the customary law community, through the customary court institution.

From the description above, it can be explained that the customary head acts as a leader or father of the community and also as a judge in resolving disputes that occur in the customary law community. The customary head as a customary court judge has the duty and authority to correct customary law that has been violated by the community, restore the image of customary law, so that its integrity can be upheld, decide and determine customary law regulations as the basis for community life. The purpose of this decision is for the community to always obey customary law regulations when carrying out actions so that customary law can continue to be maintained and upheld in society.

From the perspective of Anthony Giddens' structuration theory, it can be seen that structure has more influence on actors in taking action. The Village Customary Assembly (KAN) as an actor actually has the authority to manage village customary land, because of the many rules, both formal and customary rules, regarding the use of customary land. Government regulations and regional regulations mandate that regulations be made in the use of customary land. However, on the other hand, the prevailing customs actually become *obstacles* for the Village Customary Assembly (KAN) itself. The community involved in the use of customary land, as well as what is planted on the land, and the extent of land control, are still based on old customs. Although members of the Village Customary Assembly realize the importance of making changes to governance, this is difficult to do because of reluctance.

Customary Land Arrangement Model

In the utilization of village customary land, it is necessary to conduct a study and prepare the steps and models for its utilization. Based on the existing conditions of management and utilization of village customary land, steps are needed in its utilization. First, it is necessary to organize customary land based on area. It is

necessary to conduct a feasibility analysis of an area that is in accordance with the needs of one managing family. The area is matched with the production results of each plot of land based on agricultural production data so far. For example, if planted with corn, how much area is in accordance with the income of one farming family, whether planted with rice, secondary crops, or horticultural crops. Currently, the area cultivated by a farmer is based on the dry field (tumpak).

The dry field area is based on the existing rice field plot, meaning it is still guided by the plot area determined by topography (land contour). In the past, people were not accustomed to determining the area using a meter measuring tool, but only determining the dry field. The current reality is that there is one person who manages one plot of land, but there are also those who manage two to three plots. This condition causes social jealousy among residents around the land, because there are families who need agricultural land more, but have not had the opportunity to work on the village's customary land.

Second, arrangement based on commodities. In addition to the study of land area, it is also necessary to study the results of agricultural commodities that have been planted. Thus, guidance and assistance are needed for the commodities planted. If corn, for example, has a higher production yield than sweet potatoes, then the land should be recommended to be planted with corn. Likewise, if rice is a more suitable plant, then it should be recommended to be planted with rice and so on. If it is only handed over to farmers (cooperative partners), then the production results will not be optimal, it will be detrimental to income from the use of customary land.

The habit so far of cultivating customary land in the village is to plant corn, chilies, sweet potatoes, and taro. In addition to planting secondary crops, horticultural plants are actually also suitable for planting on customary land. Ornamental plants such as flowers and orchids are very suitable to be planted because in addition to the fertile soil, the air temperature there is also cool, suitable for ornamental plants. So far, there has never been a diversification of plant types other than secondary crops. There is also land planted with cocoa (plantation crops). Chocolate also grows well on customary land, but as a plantation crop, it certainly requires a larger area. The price of cocoa beans ranges from 50,000-150,000 per kilogram. If this commodity is planted, it is actually profitable, but requires wider management and involves farmer managers.

Third, Mapping of Communities in need of land is mapped based on geographical proximity to the land of families in need who are entitled and who are not entitled. One of the objectives of customary land is to improve the welfare of the community, of course the welfare of the people of Sungayang Village. Based on information from informants, the surrounding community has not felt that they have received equal access to the use of customary land. Several families who are next to the customary land admitted that they had never had the opportunity to use the customary land. They are farmers, seen from their economic conditions including underprivileged families. According to them, the current conditions require land that will be used for farming. What is happening now is that those who use the customary land are people who have been accustomed to working the land since long ago. So that the fields they manage are in accordance with past habits, so that some work one and then some get more than one opportunity.

That is why it is necessary to organize village customary land. By organizing it, of course it will provide opportunities for people in need. The priority scale should be given to people who are in great need, the basis for decision making is the indicators that are arranged so that it will provide opportunities for the community. To provide opportunities for a more professional society, good steps must be taken, including preparing standard operating procedures (SOP).

Fourth, prepare standard operating procedures (SOP) in land utilization. Village customary land is different from community customary land or customary customary land. Community customary land, only community members have the right to utilize it, customary customary land, only community members have the right to utilize it. Unlike village customary land, the goal is to improve the welfare of village communities, meaning that all village communities have the right to utilize the land. If the rights are owned by everyone, it is not right if the utilization is only by a handful of people. Information from KAN seems to be rather difficult to transfer land use rights because of the reluctance of the niniak mamak in implementing the arrangement. If feelings are an obstacle, there will be other people who are dissatisfied, there will be social jealousy towards the utilization of village customary land.

Standard operating procedures and regulations are needed in land utilization. The village customary council (KAN) is actually the one authorized to prepare standard operating procedures and regulations, and can even be stipulated as village regulations (pernag). If there are no clear handling guidelines, it will be

difficult for the village customary council to organize the utilization of village customary land. For this reason, it is necessary to prepare standards and operational procedures.

The steps for preparing SOPs should involve elements of the community itself from the start. Utilization of customary land requires planning. Good planning is equipped with SOPs, so that anyone who manages and is responsible for customary land is guided by the SOP that has been prepared and determined. What is regulated in the SOP is who has the right to manage it, the time given to utilize the village customary land. If there are already criteria, then the rules of the game need to be determined, for example because the area is limited, then there is a rotating principle in its utilization. In addition to the method of utilization, the pattern of utilization is also regulated. Is the land only used for agriculture, can it be used for livestock, or can it be used as a tourism business. All of that can be realized if there is an SOP that is used as a guideline. After the SOP is prepared, a discussion needs to be held involving the community. After the SOP is prepared, it needs to be socialized to the community. The SOP should also contain sanctions if there is a violation of utilization (utilization of village customary land).

Socialization in the implementation of customary land management based on local institutions in Nagari Sungayang is very necessary because without socialization there will be no coordination between related institutions such as the Government, Village Customary Council (KAN), Bundo Kanduang, ATR/BPN and Universities. After socialization is carried out and decisions are made in determining boundaries. In determining this boundary, it is assisted by the village, Village Customary Council (KAN), assistants and Sepadan. After the boundary determination is carried out, measurements will be carried out.

Measurements are carried out by the Land Office of the National Land Agency accompanied by the village customary council, Sepadan. After the measurements are carried out, it is continued with the transfer of Land Management Rights (HPL). With the existence of HPL, customary land managers, both villages and village customary councils, can utilize village customary land, either managed independently or in collaboration with third parties. At this stage, a paradigm of local community empowerment is needed, where if there is potential to empower the local community, do not invite outsiders to utilize it first. Arrangement of the land of the Ulayat Village can be seen in Figure 2.

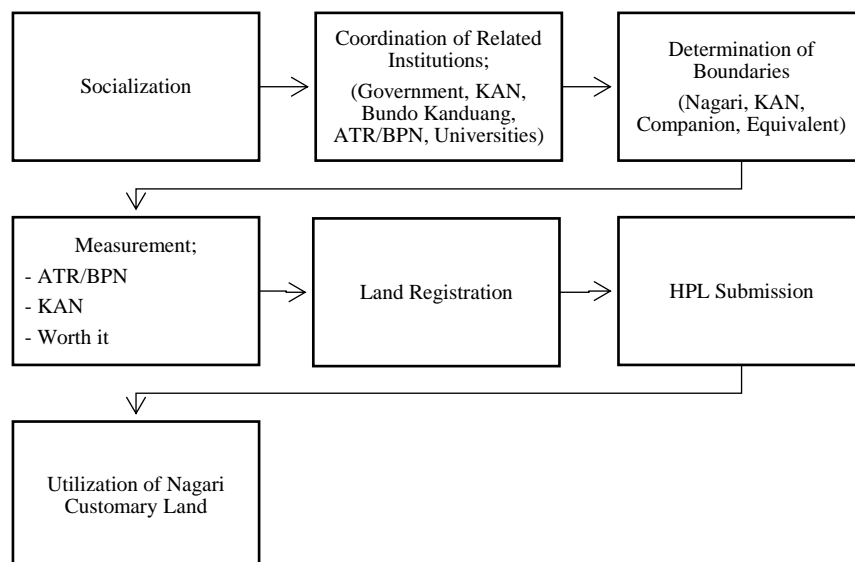


Figure 2. Arrangement of the land of the Ulayat Village

This model will eliminate conflicts that occur in society in utilization land customary law Nagari, because, *first*, done socialization moreover before, so that happen internalization and equality perception between element public customs in the country. Second, Coordination done to element institutions that exist in Nagari, so that in arrangement land No Again happen obstacles. Third, with existence legitimacy regarding land status customary land Can used as development capital business for improvement program welfare public village.

4. CONCLUSION

The customary land utilization model in Nagari based on local institutions in Nagari Sungayang requires analysis and preparation of customary land management steps in Nagari. Community involvement in the management must pay attention to local wisdom about customary land, because there are rules that apply in the community, including customary law communities. In addition, there are formal laws regarding land ownership and its use, both state laws at the national level and government regulations at the regional level to the village level. For this reason, the customary land management model in Nagari cannot be carried out unilaterally, either by external parties or by internal parties.

The management steps to build an agreement at the beginning (socialization), determine the subject of the land, determine the object of the land are carried out by involving elements in the community. Following the standard procedures that apply in the government in land registration will not solve the problems in the management of customary land in Nagari, but rather a combination of customary law community rules based on local wisdom with land regulations in force in the country is needed. Need done study advanced about change understanding about existence land customary law village at the level Village Customary Council (KAN), as land status oner customary law village.

REFERENCES

- Afrizal. (2014). *Qualitative Research Methods*. Jakarta: PT Raja Grafindo Persada.
- Ali, Ahmad. (2008). *Revealing the Law's Abir*. 2nd printing. Bogor: Ghalia Indonesia
- Arianedy, Ridho. (2023). *Legal Certainty of the Customary Land of the Minangkabau Community in West Sumatra*. Supreme Court of the Republic of Indonesia.
- Ardiansyah. (2012). *Development Recognition and Protection of Customary Rights of Customary Law Communities in the Era of Regional Autonomy'* (Islamic University of Indonesia 2012).
- Amira, N., Wahab, A., & Manaf, AA. (2024). *Reality Communal Land Ownership* 94 (2), 313–330.
- Bungin, Burhan. (2003). *Qualitative Research Methodology*. Rajawali Press: Jakarta
- Chambers, R. (1985). *Rural Development: Putting the Last First*. London: New York.
- Cayaray, Sarliaji. (2014). *Special School Library Service Model*. Indonesian University of Education.
- Djaren Saragih. (1996). *Introduction to Indonesian Customary Law*. Tarsito: Bandung.
- Erwin. (2011). *Utilization of Customary Land that is Beneficial to the Community*. *Society, Culture and Politics*, 24 (2), 98–108.
- Friedman, John. (1992). *The Political Empowerment of Alternative Development*. Blackwell Publisher. Cambridge, USA.
- Government Regulation Number 24. (1997), concerning Land Registration.
- Horton, Paul B. and Chester L. Hunt. (1984). *Sociology, eighth edition*. Michigan: McGraw-Hill.
- Hutama, WR (2021). *The Existence of Customary Rights After the Enactment Regulation of the Minister of Agrarian Affairs Number 18 of 2019*. *Notary English*: 4 (3), 489.<https://doi.org/10.20473/ntr.v4i3.28036>
- Ife, Jim. (2006). *Community Development: Alternative Community Development in the Era of Globalization (Translator)*. Pustaka Pelajar: Yogyakarta
- Indraddin & Gusmini. (2017). *The Role of Local Institutions in Realizing Independent Villages in Food for Poverty Alleviation*. Vol 7, No. 2, 2017.
- Indraddin & et al. (2019). *Local Community Institutional Empowerment Model Facing Mandeh as a Culinary Tourism Village*. Faculty of Social and Political Sciences. Andalas University. Padang.
- Ida Nurlinda , *Principles of Renewal of Agrarian Law Perspective* (1999), Jakarta: Rajawali Press

Jannah, W., Salim, MN, & Mujiburohman, DA (2022). Existence of Customary Law Communities and Dynamics of Customary Land in East Manggarai *Journal Knowledge Social and Humanities*, 11 (2), 213–232. <https://doi.org/10.23887/jish.v11i2.41006>

Law Number 5 of 1960 concerning Basic Agrarian Regulations.

Moeleong, Lexy. (2004). *Qualitative Research Methodology Revised Edition*. Bandung: PT Remaja Rosdakarya:

Margaret M. Poloma. *Contemporary sociology*. (1984), CV. Jakarta: Rajawali

Murtadha, Murthahhri. (2012). *Society and History*. Yogyakarta: Rausyanfikir Institute

Mahrita. A. Lakburlawal. (2013). *Customary Land and Its Utilization for the Development of Capital Investment of Customary Law Communities*, Faculty of Law, Pattimura University.

Pariaman, P., Oktavia, AM. (2021). *Land Utilization Arrangement Pattern Model*.

Regulation of the Minister of Agrarian Affairs/Head of the Land Agency Number 5 of 1999 concerning Guidelines for Settlement of Land Disputes Regarding Customary Land Rights of Customary Law Communities.

Regional Regulation of West Sumatra Province Number 16 of 2008 concerning Customary Land and its Utilization.

Suharto, E. (2005). *Building Society Empowering People. Study of Social Development Strategy and Social Work*. Bandung: PT Refika Aditama.

Sulfan, S. (2018). The Concept of Society According to Murtadha Muthahhari. *Aqidah-Ta: Journal of Aqidah Science*, 4 (2), 269–284. <http://journal.uin-alauddin.ac.id/index.php/aqidah-ta/chapter/view/6012>

Sari, WM, Mardiana, R., & Yulian, BE. (2024). Modernization and Wisdom Local in System Agriculture: The Case of the Samin Indigenous Community in Baturejo Village, Pati Regency, Central Java. *Sodality: Journal of Sociology of Rural Affairs*, 12 (1), 66–85. <https://doi.org/10.22500/1220245149> .

Tolib, Setiady. (2009). *Summary of Indonesian Customary Law in Literature Review*. Alfabeta: Bandung.

Wilson, Terry. (1996). *The Empowerment Manual*. London: Grower Publishing Company.