



Registration Of Land Arriving From King's Ultimate Land In Nagari Kataping

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Abstract

Ulayat rights are recognized by the state as a whole to protect the rights of citizens or customary law communities as outlined in Article 3 of Law Number 5 Year 1960 concerning Basic Agrarian Principles (UUPA). For customary rights in Minangkabau, it is specifically regulated through the West Sumatra Provincial Regulation No. 6 of 2008 concerning Ulayat Land and Its Utilization. Based on the provisions in the UUPA, ulayat land, especially ulayat rajo, can be registered to issue rights. These rights are usage rights and management rights. But in reality in Nagari Ketaping, Kabupaten Padang Pariaman, ulayat rajo land is registered to become private property. The problems examined in this thesis are: 1) How does Rajo Sampono's authority regulate the designation, use and utilization of Rajo's ulayat lands in Nagari Kataping? 2) How is the process of registering land rights originating from the ulayat lands of Rajo Sampono in Nagari Kataping? The approach method used in this research is the empirical juridical method. This research is descriptive in nature. The data used are primary data and secondary data. Sources of data in this study are library research and field research. Data were collected through interviews and document study. The data obtained were processed through editing and coding, then analyzed using qualitative analysis. Furthermore, the data is presented descriptively.

Keywords : Ulayat Land, Land Registration, Land Rights, and Nagari Kataping

Introduction

Land is closely related to people's lives, not only seen as a source of economy, but on the other hand land is seen as a sacred and highly defended object, because land is also seen as a person's level of honor, in terms of control over land rights. assess the social status of a person or group.¹ Land is an object that can provide welfare to the owner or who controls it, because land is an object that has a relative value that increases from year to year. In this case, Nurdin Yakub argues in Zafrizal Nurdin's Dissertation, that the Minangkabau state of mind considers the fall of one's prestige due to not having an immovable object such as land.² In relation to this, Salindeho stated that:

“The need for land is not only known today, but since humans were created by Allah SWT, and placed on this earth. Thus, land is a very important means and necessity for human life. Land is no longer viewed as a mere agrarian problem as long as it is only identified with agriculture, but has developed, both for its benefits and uses, resulting in increasingly complex negative impacts, often causing shocks in society and obstacles to development.”³

¹See A. Suriyaman Mustari Pide, 2014, Past, Present and Future Customary Laws, Prenadamedia Group, Jakarta, p. 135.

²Zefrizal Nurdin, 2017, Arrangement of Utilization of Ulayat Land for Investment as Empowerment of Nagari in West Sumatra, Dissertation, Andalas University, Padang, p. 1.

³J. Salindeho, 1987, Land Issues in Development, Sinar Grafika, Jakarta, p. 23.

There is a problem that is difficult to solve in the land sector, namely that every land as a fixed object will not experience an increase in number on the face of the earth, to keep up with human growth and development which is increasing so rapidly. Therefore, this problem will lead to a struggle for control of land rights by humans, and lead to competition among humans. Thus the recognition of land rights is of particular concern to the government in regulating these rights fairly and wisely, particularly regarding the customary land rights of indigenous peoples, in order to create social welfare.⁴

Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that the State recognizes and respects indigenous peoples 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 regulated in law. From the statement, Zefrizal Nurdin emphasized that, "The state guarantees the existence of the customary rights of indigenous peoples in the constitution, which are their constitutional rights."⁵

Furthermore, customary rights are recognized by the state as a whole to protect the rights of citizens or customary law communities, in line with this Article 3 of Law Number 5 of 1960 concerning Basic Agrarian Principles, hereinafter referred to as UUPA which states that:

Taking into account the provisions in Article 1 and 2 the implementation of customary law communities and similar rights, insofar as they still exist, must be such that they are in accordance with the national and State interests, which are based on national unity and must not conflict with laws and higher regulations.

The state through its regulations contained in Article 3 of the UUPA provides 3 conditions in recognizing the customary rights of customary law communities, namely: as long as they still exist, in accordance with national and state interests, and must not conflict with higher laws and regulations. This has led to criticism among experts, namely as said by Bahar, quoted by Kurnia Warman, giving the opinion that:⁶

This requirement has logical and political weaknesses, where it is impossible for a customary law community built on genealogical and territorial relationships to not exist, unless it is destroyed by a very large disaster and contains suspicion from the government of the customary rights of indigenous peoples. As if the statement of customary rights is not part of nationality, statehood and nationality.

However, the basis for the formation of the LoGA comes from the provisions contained and developed in the midst of customary law communities. In other words, the UUPA was formed based on the spirit of the Indonesian nation, which actually comes from customary law. Therefore, the UUPA is a form of unification or unity of land law which eliminates the fundamental differences between western land law and customary land law, thus making customary law the original law of the formation of the UUPA itself.⁷ Therefore, it is not justified that any legal products that do not respect the existence of customary law rights that develop from the community, as mandated by the MPR Decree No.IX / MPR / 2001 in reviewing all legal products in the agrarian sector and management. natural resources that are not in accordance with the constitution, it is important to be followed up.⁸

Thus, in the context of ulayat rights, it is possible to have ownership rights over land which are privately controlled by the members of the customary law community concerned.⁹ Although in the provisions, control over ulayat rights is only a use right for the communal community, based on the

⁴See Kurnia Warman, 2010, *Agrarian Law in a Pluralistic Society: The Dynamics of Interaction between Customary Law and State Law in West Sumatra*, Huma, Jakarta, p. 1-2.

⁵Zefrizal Nurdin, *Op Cit*, p. 6.

⁶Kurnia Warman, *Op Cit*, p. 40.

⁷See Boedi Harsono, 2008, *History of the Formation of Basic Agrarian Laws, Content and Implementation*, Volume I of the National Land Law, Revised Edition, Printing 12, Djambat, Jakarta, p. 581.

⁸See Kurnia Warman, *Op Cit*, p. 41.

⁹See *Ibid*, p. 182.

conversion provisions contained in the UUPA which aim to ensure the existence of customary rights itself from extinction, which is caused by the transfer of customary community rights to other parties originating from outside the customary law community itself.¹⁰ In such case Article VI of the Conversion Provisions contained in the UUPA, confirms that:

Land rights that give authority as referred to or similar to the rights referred to in Article 41 paragraph (1) as referred to by the name below, which existed at the entry into force of this law, namely: vruchtgebruik rights, gebruik grant controleur, bruikleen, ganggam bauntuak, anggaduh, bengkok, langat, pituwas, and other rights under any name which will be further affirmed by the Minister of Agrarian Affairs, since the enactment of this law it becomes the right to use as stated in Article 41 paragraph (1), which to grant powers and obligations as those possessed by the right holders at the entry into force of this law as long as they do not conflict with the spirit and the provisions of this law.

The established rules regarding customary rights themselves are as contained in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, Article 3 of the UUPA, and Article VI of the Transitional Provisions as well as other statutory regulations regarding the law. adat or ulayat rights of customary law communities have provided a special position in the life of the nation and state in Indonesia so that there has been a conceptual concept of the direction and purpose of customary law customary rights itself. In line with that, Otje Salman emphasized that:

In addition to law in the form of statutory regulations as written law that develops and is institutionalized in the behavior patterns of society. In addition, law is also known in the form of a judge's decision which binds the parties. Therefore, for the purposes of elaborating the areas of customary law that are still valid in Indonesia, it is very necessary to conduct research, especially through court decisions. The choice of court decisions is due to various reasons that develop in the discourse of customary law so that court decisions are important in their function as the establishment of a customary law system.¹¹

Thus Boedi Harsono gives an opinion that the structure and hierarchy of land tenure rights in customary law are as follows:

1. The customary rights of customary law communities, as the highest tenure rights, have the aspect of civil law and public law;
2. The rights of the customary head and the eldest adat, which originate from customary rights and have a public law perspective;
3. Rights to land, as individual rights, are derived directly or indirectly from customary rights and have a civil law aspect.¹²

Thus Boedi Harsono provides an understanding of ulayat land, which is meant by communal land, which is believed to be the gift of an unseen power or legacy of ancestors to a group that is a customary law community, as the main supporting element for the life and livelihood of the group. all the time.¹³

The notions of ulayat land and ulayat rights have different definitions, where the difference is as conveyed by Boedi Harsono, who states that ulayat rights are a series of powers and obligations of a customary law community relating to land located within its territory.¹⁴

Djaren Saragih also has an opinion regarding the definition of customary rights as quoted by Yulia Mirwati, customary rights are in the form of rights and obligations of a legal partnership as a whole over a certain area, namely the area in which they live.¹⁵

¹⁰See Kurnia Warman, 1999, Conversion of Land Rights in Ganggam Bauntuak According to UUPA in West Sumatra, Thesis, Gadjah Mada University, Yogyakarta, p. 237.

¹¹Otje Salman, 2001, Reconceptualization of Contemporary Customary Law, PT Alumni, Bandung, p. 149-150.

¹²Boedi Harsono, Op Cit, p. 183-184.

¹³Ibid, p. 550.

¹⁴Ibid, p. 162.

As formulated in Article 1 point (6) West Sumatra Regional Regulation Number 6 of 2008 concerning Ulayat Land and Its Utilization, that the Ulayat Right is the right to control and ownership rights over a plot of land and the natural resources on it and therein is controlled collectively by indigenous peoples in West Sumatra Province.

Therefore, Yulia Mirwati argues that the Regional Regulation clearly states that:

The customary rights are collective tenure and property rights of customary law communities. Thus it can be said that customary rights are private with communal / collectivity characteristics. Judging from the various legal systems, collective ownership is called collective property which can be shared.¹⁶

From the above definition, it can be seen that the religious character or religious element in the legal relationship between members of the customary law community and their customary land. In principle, the customary land under his control is managed and regulated in terms of its use both for the common interest and for the benefit of its individual citizens by the Customary Head and Customary Elders.¹⁷ Ulayat rights or collective rights are not property rights in a juridical sense, but rather are collective property rights (communal property rights).

In the management of ulayat rights, it is known as in and out, based on the terminology in and out of it is defined as control over the ulayat rights itself.¹⁸ A. Suriyaman Mustari Pide argues that, the intentions of entering and leaving are:

1. Inward nature is the control and management of land and all forms of material and non-material natural wealth are controlled by the indigenous peoples concerned without interference from outside parties.
2. Outwardly, there is the possibility for the outside community to manage and use the communal land with manners and ethics adhered to in the customary law community, namely in the form of recognition or income, before the management takes forest products and gives recognition money as a token of gratitude after collecting the results the forest functions as a means to restore "magical balance".¹⁹

For the Minangkabau area, a matrilineal kinship system applies, which is based on maternal lineage, so ulayat rights are assets that are always maintained by indigenous peoples based on customary rights that have been judged by certain people.²⁰ Women in Minangkabau are the owners of these customary property rights, and the man known as the Mamak Kepala Waris is the person who has the authority to manage these customary rights. In Minangkabau, there are 4 types of ulayat land based on Regional Regulation of West Sumatra Province Number 6 of 2008 concerning Ulayat Rights and Their Utilization, namely: I. Tanah Ulayat Nagari, II. Tribe Ulayat Land, III. Tanah Ulayat Kaum, and IV. Rajo Ulayat Land. Control over the ulayat land above cannot be transferred to another party or third party, because the ulayat assets become a unitary customary rights of a customary law community that has been passed down from generation to generation from mamak to kemenakan.²¹

Along with the above, the management of customary rights that occurs, especially in the pasie (coastal) area of Padang Pariaman Regency, namely Nagari Ketaping, known as the rantau nan barajo area (the rantau area that has a king), has a different customary rights management system. with other

¹⁵ Yulia Mirwati, 2016, Ulayat Land Waqf in the Dynamics of Indonesian Law, Rajawali Pers, Jakarta, p. 138.

¹⁶Ibid, p. 139.

¹⁷See Boedi Harsono, Op Cit, p. 181.

¹⁸See A. Suriyaman Mustari Pide, Op Cit, p. 141.

¹⁹ Ibid, p. 141-142.

²⁰See Chairil Anwar, 1997, Minangkabau Customary Law, Rieneka Cipta, Jakarta, p. 1

²¹See AA Navis, 1984, Alam Takambang Becomes a Teacher: Traditional Minangkabau Culture, Grafiti Press, Jakarta, p. 160.

areas in Minangkabau in general, where customary rights are owned and controlled by the customary chief, namely the rajo.

This is the basis of this research, where there are legal imbalances between the customary laws in force in Nagari Ketaping with Minangkabau customary law, and the National Law. Where the control of customary land rights, designation and utilization until land registration is carried out by the cultivator, it must go through a KAN meeting to decide this. However, what happened in Nagari Ketaping Rajo Sampono decided unilaterally regarding this matter. Thus, there are many double certificates, over laps of control of land rights, and so on. As a result of the bad management of adat, there are many legal imbalances in Nagari Kataping.

Result and Discussion

A. Rajo Sampono's Authority Regulates the Allocation, Use and Utilization of Rajo's Ulayat Land in Nagari Kataping

In uncovering a history, it is necessary to have historical evidence and sites that show the historical data itself in a concrete way. Regarding the history in Nagari Kataping there is no accuracy and certainty in the formation of a nagari known as Nagari Nan Barajo, due to the lack of historical sites and the oldest Nagari who only know history from generation to generation. This makes it difficult for the writer to find and reveal the truth of the history of Nagari Kataping. It's just that, from the lack of information that the authors get during the research that the author did, the authors conclude that the history of Nagari Kataping is as follows.

The formation of Nagari Kataping cannot be separated from the history of Nagari Ulakan, because Nagari Kataping is a derivative of Nagari Ulakan. Judging from its history, Rangkayo Rajo Sampono actually came from Nagari Ulakan. The oldest tribe that is considered to be a tribe that has cleared forests in Nagari Ulakan and its surroundings originated from the Panyalai and Koto tribes, who were assigned by Basa Ampek Balai to manaruko / malaco (clearing forests) in Nagari Ulakan, known as urang tuo nan barampek (parents of four), namely Rangkayo Rajo Bandaro, Rangkayo Rajo Sulaiman, Rangkayo Rajo Dihulu, and Rangkayo Rajo Mangkuto who have ulayat in Nagari Ulakan and who have enormous influence over overseas areas.²²

Of the four rajos with the tribes they carry, evolve (divide) into four other tribes, namely: the Sikumbang tribe, the Tanjung tribe who fills in the customs of the Koto and Jambak tribes, while the Guci tribe is part of the Panyalai tribe.²³ Based on this, the development of overseas communities has developed very rapidly.

Rangkayo Rajo Sampono itself a descendant of the Panyalai tribe that exists and develops in Nagari Ulakan. Initially Nagari Kataping was a wilderness where no one could clear the forest in Nagari Kataping, because there were wild animals.

The rantau area centered on Nagari Ulakan, known as nagari nan barajo has 10 kings which are divided into 3 regions of rantau nan barajo, namely in Ulakan divided into Rangkayo Rajo Bandaro, Rangkayo Rajo Sulaiman, Rangkayo Rajo Dihulu, and Rangkayo Rajo M Transporto. In Tapakis, namely Rangkayo Rajo Malakewi, Rangkayo Rajo Tan Basa, Rangkayo Rajo Majo Basa, Rangkayo Rajo Malako, and Rangkayo Rajo Datuak Batuah. And the last one in Nagari Kataping who is the sole rajo who manages the ulayat in Nagari Kataping is Rangkayo Rajo Panyinggahan (Rangkayo Rajo Sampono).²⁴

At first, Rajo Sampono, before being sent to Nagari Kataping, had the title Rangkayo Rajo Panyinggahan, because at that time Rangkayo Rajo Panyinggahan for his envoy to clear a forest

²²See Duski Samad, Syekh Burhanuddin and the Islamization of Minangkabau: syarak mandaki adat manurun, The Minangkabau Foundation, Jakarta, 2002, p. 65.

²³ Ibid.

²⁴ Ibid, p. 68-69.

called samparonokanlah iko forest (make this forest a habitable place), this is which became the basis for changing the title Rangkayo Rajo Panyinggahan to Rangkayo Rajo Sampono.²⁵

Rajo Sampono The first to clear a forest in Nagari Kataping named Santi is a woman known as basusu ampo nan badarah putiah in other words a woman who has a flat chest and has extraordinary magical powers. Because of his courage, he was sent to Malaco / Manaruko in the Kataping area which was formerly known as Nagari Paluungan.²⁶

Around 1700 or in the 18th century Rajo Panyinggahan, who was named Rajo Sampono, lived in the area together with his ambassador named Nan Kodo Togok, and then Rajo Sampono ordered the Dubalang to look for laborers from Pulau Batu or Nias Island to work / cultivate the wilderness to be made into a village. Nagari Kataping, originally its name was Paluungan, because there was found a flat area and not overgrown by forest. Because there are many Katapiang trees growing there whose branches are hard and very dense and the fruit is delicious to eat, Rangkayo Rajo Sampono changed the name of the village from Paluungan to Katapiang.²⁷

By Rangkayo Rajo Sampono saw the condition of the area he leads in the form of a large forest. So people from other areas were brought in, such as the Sarik River, Cubadak Aia, Aia Pampan, Kurai Taji to cultivate the forest into a village. It turned out that those who were brought in were unable to work on the village as a whole because food sources were very difficult to find, especially in the area where there are many wild animals such as snakes, pigs and others. For this reason, the Nias people were picked up to Batu Island to manaruko / design training into a village area.

These people are able to cut down the forest because they have no trouble spreading food, with the obligation to be filled, limbago is poured on Rangkayo Rajo Sampono when the land has been cut or wants to transfer rights to someone else. When the jungle or forest area has been cut down and it is suitable to become a location for farming and a village, outsiders will come to pay for the cost of cultivation or owning the land.

In this way, the area gradually became a settlement area inhabited by various tribes, so that 4 (four) tribes were complete as a condition for the validity of a nagari, namely;

1. The Panyalai tribe
2. Tanjung tribe
3. Koto tribe
4. Sikumbang tribe

Then 2 (tribes) joined again so that the Kataping village was inhabited by 6 (six) tribes, the tribes that came to join later were:

1. The Guci tribe
2. Jambak tribe

Judging from the Ranji descendants of Rangkayo Rajo Sampono who were made, updated and perfected on May 25, 1991, there were 7 people who were appointed as Rajo Sampono, namely as follows:

1. Santi
2. Taraju
3. Midun
4. Sidi Ibrahim

²⁵ Interview with Bahrul Hikmah Rangkayo Rajo Sampono, as the Head of the Ketaping Nagari Traditional Government, on Thursday, February 27, 2020.

²⁶ Interview with Bahrul Hikmah Rangkayo Rajo Sampono, as the Head of the Ketaping Nagari Traditional Government, on Thursday, February 27, 2020.

²⁷ Interview with Bahrul Hikmah Rangkayo Rajo Sampono, as the Head of the Ketaping Nagari Traditional Government, on Thursday, February 27, 2020.

5. Mek Fetus
6. Majoari
7. Bahrul

Then each tribe was appointed a leader to head the tribes with the title datuak, the appointment of the datuak-datuak was the absolute right of Rangkayo Rajo Sampono. Because there was already a leader of each tribe, it was agreed to build a hall, mosque and but a place where life was like a long beach, so it was perfect to become a nagari.

From there, Rajo Sampono started giving a piece of land that he controlled to residents who came and lived in Nagari Ketaping. Based on this, Rajo implemented a rule that has been applied in the village to date, namely that anyone who wants to clear forest land in Nagari Ketaping must ask permission from Rajo Sampono and Rajo's words are considered absolute in the village.

Based on the issuance of Law Number 5 of 1960 concerning UUPA, which eliminates the old dualism of land law, namely based on European land law and customary land law into National land law based on customary law in Indonesia²⁸ and obliging every person who controls a plot of land to report and register his land nationally.²⁹

Therefore, the basis for Rajo Sampono to give freedom to his people to make the land he had cultivated and worked on for so long could become private property, by registering it with the National Land Agency with the conditions set by Rajo Sampono in Nagari Ketaping, namely, it must be based on a letter The Garap Permit known to Rajo Sampono, the Siliat Jahiah Letter is a letter where the community must fulfill their obligations by giving 1/3 (one third) of the land they cultivate to the adat or with an amount of money known as Adaik filled, Limbago poured. Initially this regulation was enforced absolutely, but what is happening now is that this regulation applies relatively in accordance with the conditions of the land owner.³⁰

Furthermore, the requirements for registering land in Nagari Ketaping, namely, must be known by the Head of Nagari Ketaping Adat, which is chaired by Rajo Sampono with the issuance of Sapucuak surek siliat Jahiah from Rangkayo Rajo Sampono, Physical Tenure Letter of Land, Nagari Wali Certificate, Applicant Identity Card. / cultivator and a Land Ownership and Ownership Statement which is an absolute requirement in carrying out the granting of land rights originating from Ulayat Rajo Sampono and carrying out the certificate management at the National Land Agency Office of Padang Pariaman Regency.³¹

In carrying out the wheels of Nagari Kataping customary government, of course, there are customary government institutions that are mutually sustainable from one another, both in managing indigenous peoples, ulayat, and the village as a whole. The institutions are as follows:³²

Table 1.
Nagari Kataping Adat Government Institution

NO	TRADITIONAL NAME / DEGREE	POSITION
1	B. Rangkayo Rajo Sampono	A traditional custom
2	Yuni Helmi Sampono Dirajo	Panungkek
3	Wira Satria	Secretary
4	Palito Sampono Basa	Advisor / Palito
5	Palito Rajo Endah	Advisor / Palito

²⁸See Aminuddin Salle, Teaching Materials: Agrarian Law, AS Publishing, Makassar, 2010, p. 38.

²⁹*Ibid*, p. 70.

³⁰Interview with Bahrul Hikmah Rangkayo Rajo Sampono, as the Head of the Ketaping Nagari Traditional Government, on Thursday, February 27, 2020.

³¹Interview with Fuadil Hulim, as Head of the Section for Land Law Relations at the Agrarian and Spatial Planning Office / National Land Agency of Padang Pariaman Regency, on Friday, February 28, 2020.

³²Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

6	Palito Majolelo	Advisor / Palito
7	Ardi Dt. Bagaga	Leader of the Panyalai Tribe
8	R. Dt. Majolelo	Tanjung Tribe Leader
9	AF. Dt. Rajo Labiah	Chief of the Koto Tribe
10	E. Dt. Rajo Alam	The leader of the Sikumbang tribe
11	S. Dt. Luanso	Pengsulu Tribe of Guci
12	Mansur Dt. Malintang Alam	Jambak tribe leader
13	Toma	Nias tribe leader

In running the customary government in Nagari Kataping, Rajo Sampono has the panungkek as Rajo Sampono's accomplice, also known as the representative of Rajo Sampono. Thus the panungkek is the oldest nephew of Rajo Sampono, who will later become the successor to the next baton of Rajo Sampono. Rajo Sampono also has several palito (advisors) rajo as people who oversee the running of the adat government in Nagari Kataping. Those who are at the forefront of Rajo Sampono are Dubalang and Pam Puncak, as initial stages in resolving the Nagari problem. And as for the tribal leaders who are Rajo's trust in taking care of the tribes in Nagari Kataping. Thus the institution was appointed and dismissed by Rajo Sampono, through the alek nagari.³³

In customary government Nagari Kataping has a government term that is used and used in everyday life, both for the top of the traditional customs, for the nagari community or for the immigrant community, namely:³⁴

Banana Sikalek-kalek forest
Banana Batu Nan Bagatah
Koto Piliang inyo isn't it
Caniago Inyo's body is halfway
But tapakai kaduonyo

The term is defined as a form of community multiplication in Nagari Kataping, the customary governance system of Nagari Koto Piliang and Bodi Caniago, which are compatible. The Koto Piliang legal system is used, for example in determining titles, positions, ranks, or in determining tribal leaders. This was done and decided by Rajo Sampono without any deliberation and consensus between Niniak Mamak, Panungkek or so on. And the Bodi Caniago system is usually used in granting customary land rights to land cultivators. In this case, there is a deliberation between rajo and the cultivating community in determining the point of their cultivated land. However, the decision to designate ulayat land remains in Rajo Sampono's decision.³⁵

As with other customs, Nagari Kataping does not only consist of indigenous people, there are also immigrants who work in Nagari Kataping by means of malakok to Rajo Sampono. Thus, in line with the internal and external forces in Nagari Kataping, in terms of the designation and utilization of Rajo Sampono's customary land rights in Nagari Kataping.

a. Regulations for Nagari Kataping indigenous people

Prior to the 1980s, to be precise before the enactment of the Village Law based on Law Number 5 of 1979 concerning Village Administration in Nagari Kataping, none of the ulayat lands in Nagari Kataping had land title certificates. His ulayat lands are always cultivated as well as possible by the cultivators, so that the implementation of customary law is easy to implement

³³Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

³⁴Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

³⁵Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

and Rajo Sampono as the customary leader is easier to supervise cultivated lands originating from his ulayat lands. So that the customary land of Rajo Sampono is still preserved.³⁶

After the enactment of the above village law, Nagari Kataping consisted of 3 villages, namely North Kataping Village, South Kataping Village and Central Kataping Village. Each of these villages is led by a Village Head. And at that time, then there is an obligation for the land cultivators to certify their cultivated land. Rajo Sampono did not recognize the certificate of land rights by the tenants. At that time, the village head's discretion reduced the ulayat of Rajo Sampono. Supposedly every land to be given rights to the cultivator must be filled. Limbago is poured, that is, 1/3 of the cultivated land must be returned to the ulayat based on the customary rules of Nagari Kataping. However, this was not done by the cultivators to Rajo Sampono, because the correspondence process was all done only at the Village Hall, together with the Village Head.³⁷

The existence of Rajo Sampono's authority was weakened due to the promulgation of the village law, due to government interference in regulating Rajo Sampono's ulayat through the Village Head at that time. Incidents like this happened for 20 years, until 2000 until finally the Village Law was abolished for Nagari Kataping, and changed back to Nagari rules.³⁸

In the 2000s, Rajo Sampono, who was held by B. Rang kayo Rajo Sampono, began to strengthen the management of customary land, especially in the allocation of land rights for tenants. Every cultivator who wants to certify his land must go through the Nagari Kataping customary apparatus, and Rajo Sampono must know.³⁹

Nagari Kataping is a Nagari consisting of 8 korong, namely, Korong Talao Mundam, Korong Batang Sariak, Korong Olo Bangau, Korong Pauh, Korong Simpang, Korong Pilubang, Korong Tabek, and Korong Marantih. Of the eight Korong, it is divided into State Erfpacht Verponding 180, 184, and 189 which are all in Korong Talao Mundam. Apart from the Korong Talao Mundam all of them are ulayat of Rajo Sampono.⁴⁰

The total area of Nagari Kataping with a total area of ± 64.25 square kilometers or if the total area of Nagari Kataping is counted is 6,425 hectares (ha), a small part of the area consists of 180, 184 and 189 State Erfpacht Verponding land. The country's land area is around 10% (percent), which is ± 642.5 hectares (ha), and the rest with an area of 5,782.5 hectares (ha) is Rajo Sampono's customary land.⁴¹

The rights of Ulayat Rajo Sampono can be given to anyone, both those who live in Nagari Kataping, and those who live outside Nagari Kataping as long as every customary land given the right is used properly, and is not neglected. Because the purpose of granting rights to Rajo Sampono's customary land is to provide welfare for its right holders.

In the designation of ulayat land in theory, the right to cultivate is given to the Customary Law Community only, thus the community in Nagari Kataping can always manage and utilize the communal land, because of the rights of the customary law community in Nagari

³⁶Interview with Hardimus, as the Secretary of the Nagari Ketaping density for the period 2004-2019, on Saturday, April 25, 2020.

³⁷Interview with Hardimus, as the Secretary of the Nagari Ketaping density for the period 2004-2019, on Saturday, April 25, 2020.

³⁸Interview with Hardimus, as the Secretary of the Nagari Ketaping density for the period 2004-2019, on Saturday, April 25, 2020.

³⁹Interview with Hardimus, as the Secretary of the Nagari Ketaping density for the period 2004-2019, on Saturday, April 25, 2020.

⁴⁰Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁴¹Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

Kataping, despite the appropriation arrangement by Rajo Sampono regarding this matter, because to avoid disputes and disputes among the Nagari Kataping people.⁴²

The allotment of Rajo Sampono's ulayat lands was carried out to provide benefits to the indigenous people who had been malakok to Rajo Sampono. As for the designation, some are used as rice fields, corn fields, oil palm plantations, watermelon plantations, and so on by the community. In the case of the ulayat land designation, initially the cultivator asked Rajo for permission to cultivate the land according to the use that the cultivator had conveyed to Rajo. In this permit, Rajo Sampono will issue a Garap Permit, with the customary rules that after the land he cultivates has produced, the cultivator is obliged to give 1/3 of the land he cultivates back to the Rajo Sampono ulayat. So that 1/3 of the arable land that has been handed over can be used by other cultivators, or people appointed by Rajo to work on it.⁴³

In accordance with the customary rules of Nagari Kataping, after 5 years the land that has been granted a working permit has not been cultivated, then Rajo Sampono has the right to replace his rights to work with other cultivators. When the cultivated land has been cultivated, Rajo Sampono does not give a period of cultivation, as long as the land is still used and can produce for the cultivator.⁴⁴

The period of time given by Rajo Sampono in terms of cultivated land, has never been cultivated again for 5 years, which eventually changed the right to cultivate based on a new work permit, often arising land disputes between old and new cultivators, so that Rajo Sampono had to resolve the dispute. without one of the parties being aggrieved, usually Rajo Sampono divides the cultivated land into three, 1/3 for old cultivators, 1/3 for new cultivators and 1/3 returning to adat. If the cultivator does not want the result of the decision, and still sticks with his opinion, then Rajo Sampono has the authority to expel the cultivator out of Nagari Kataping, if the customary land is not certified. For certified land rights originating from ulayat Rajo Sampono, the next settlement will be made through a lawsuit to the District Court.⁴⁵

b. Arrangements for outsiders of the Nagari Kataping community

The principle of departure is that people from outside the legal partnership are not allowed to work on or take advantage of the ulayat rights object of the customary law community without the permission of the customary law community.⁴⁶ The purpose of this effective power is none other than to guarantee the recognition and protection of the customary law community's use rights over the object of their ulayat rights, and to protect the existence of customary law communities' ulayat land and its natural resources.

Nagari Kataping as one of the nagari has a small part of its customary law community, compared to the large number of immigrants from outside the area who live in Nagari Kataping. Making Nagari Kataping consist of multicultural communities, not only Minangkabau people who live in Nagari Kataping, people of Nias, Java, and so on, also reside and own land based on the granting of rights over customary land of Rajo Sampono.⁴⁷

The Nagari Kataping community because they come from outside and inhabit Nagari Kataping by means of malakok to Rajo Sampono, then this has different life and cultural backgrounds, so that the Nagari Kataping people live in groups, like the one in Korong Talao Mundam, the majority of the population. the majority are from Pesisir Selatan, Korong Simpang and Korong Tabek, the majority of the population is Ulakan and Tapakis, Korong Marantih and Korong Pilubang, the majority of which are from the Pilubang area, Sungai Limau and some

⁴²See Boedi Harsono, Op Cit, p. 186-187.

⁴³Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁴⁴Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁴⁵Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁴⁶See Boedi Harsono, Op Cit, p. 190.

⁴⁷ Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

from the population of Ulakan, Korong Batang Sariak, Pauh and Olo Bangau. originating from Kampung Dalam, Sungai Limau, Korong Batang Sariak, the majority of the population comes from Ulakan and some people of Nias descent.⁴⁸

Of the many residents of Nagari Kataping and other immigrants, the utilization made of Rajo Sampono's customary land is different, for example the existence of a shrimp breeding place (pond) located on the coastal part of Kataping, where most of the shrimp farms are owned. and managed by migrants from other areas such as Pasaman, Padang, Painan, and some descendants of ethnic Chinese.⁴⁹

This is the basis that the utilization of Rajo Sampono's ulayat land in Kataping has been divided. For example, communal land which is used as plantations, rice fields and fields is generally managed by the Kataping community and several families of descendants of Rajo Sampono. There are houses that stand on the customary land of Rajo Sampono, which were built by housing developers.⁵⁰

The arrangements for outsiders of the Nagari Kataping community do not have specific rules, but the rules are largely the same as those aimed at the Nagari Kataping community. Bahrul Hikmah Rangkayo Rajo Sampono said that, "everyone who is in Nagari Kataping, whether people who have lived in Nagari Kataping for a long time, people who have just settled in Nagari Kataping or those who only run their business in Nagari Kataping are Rajo Sampono's nephews". In that sense, there is no distinction between one community and another in Nagari Kataping, which is the same.

For people outside Nagari Kataping, who want to work on the land originating from the ulayat of Rajo Sampono, they must replace the previous cultivators with an amount of money, known as silih Jahiah, according to the agreement between the cultivators and newcomers. Because, at this time in Nagari Kataping there is not a single piece of land that is not cultivated. All of Rajo Sampono's ulayat lands have cultivators. Therefore, the silih Jahiah becomes a legal act between old and new cultivators as immigrants, not between newcomers and Rajo Sampono. However, Rajo Sampono must be aware of the transfer of rights to the new cultivators, by signing the Silih Jahiah Letter between the old and new cultivators.⁵¹

From this provision, it can be said, that no legal act, both civil and public, can occur without the interference of the customary law community, and although customary rights are the rights of indigenous peoples, they still open up opportunities for outsiders to make use of the object of customary rights under various conditions, including in this case the ulayat land as the object.

Utilization of the customary land of Rajo Sampono, in several areas of an economic nature, is generally widely used by outsiders, or non-residents of Nagari Kataping, such as shrimp breeding (ponds), housing, and so on. These outsiders, only take advantage of what is on the communal land, do not maintain the integrity of the communal land and do not empower the Nagari Kataping community and there are no contributions given by the managers or those who utilize the ulayat land to adat, apart from the provisions to obtain The customary land rights are based on the provisions that they are filled, limbago is poured.⁵²

However, for newcomers who have a business on the ulayat lands of Rajo Sampono, such as those in Korong Simpang, namely shrimp ponds, any shrimp ponds there even though the customary land has been converted into ownership rights over land, the owners of these ponds

⁴⁸Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁴⁹Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁵⁰Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁵¹ Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁵²Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

still have to issue customary allowance (customary retribution) of Rp. 500,000 per month, and there are donations for the benefit of the people, such as donations for the construction of mosques / surau, social activities, cultural activities and so on that must be issued by the owner of the pond.⁵³ The provisions above are a manifestation of the principle of Daya validity of customary rights, where the validity of customary rights is applicable to the outside.⁵⁴

A customary law community and the authority to stipulate these customary rights, according to a theory put forward by Boedi Harsono, which states that there are 3 conditions for customary rights over customary communities to be recognized, as follows:⁵⁵

"First, there is still a group of people who are the customary law community, second, there is still land which is the territory of the customary law community, and third, there are still customary chiefs and the eldest adat who in fact and are recognized by their citizens for carry out daily activities as the duty bearer of the authority of the customary law community in managing, regulating the designation, control, use and utilization of their ulayat lands. "

The existence of a customary land in Nagari Kataping is also seen in the system of granting rights by Rajo Sampono, both to the Nagari Kataping indigenous people who can freely take forest, sea, river and so on to be used for their families, so as to provide prosperity for the Nagari Kataping community itself, even though every land designation and use originating from Ulayat Rajo Sampono still has to obtain permission from the customary shoots of custom.⁵⁶ Likewise for the outsiders / immigrants, not the Nagari Kataping community, where the existence of customary laws that are regulatory and compelling, obliging immigrants / outsiders who want to work on Rajo Sampono's ulayat lands, in the current context, none of Rajo Sampono's ulayat lands. who do not have the cultivators, so that when the outside community wants to work there must be a transfer of rights to work from old cultivators to new cultivators, by making the Siliah Jariah Letter known to Rajo Sampono, and it must obtain permission from Rajo Sampono beforehand and the provisions are properly filled, limbago is poured, given an amount of money to the adat as much as 10% of the value of the land being cultivated. Therefore,⁵⁷

In the perspective of customary law, basically the law is not written down, but rather lives in the community and is obeyed together with the awareness of each member of the community. In relation to ulayat (land) rights in Minangkabau basically cannot be certified. The certification of ulayat lands has basically left behind and eroded the essence of the customary values themselves. The author says that because the essence of custom is a habit.

The Minangkabau Adat system refers to ulayat rights (ulayat land) as high pusako property. High pusako assets are inherited assets in the form of land owned communally, either by a nagari, a tribe, a clan or a rajo. High pusako property is a hereditary legacy passed down through the matrilineal kinship system. In the Minangkabau custom, the high pusako property is known as the doctrine of "never eat for, pawn of indak eaten by sando" (selling is not eaten and bought, pawn is not eaten by hostages). However, in certain circumstances, adat also adjusts to the conditions and needs of the community, so that only in 4 (four) conditions can high pusako assets be sold or pawned. The 4 (four) conditions are:

1. *Rumah gadang katirisan* (Rumah Gadang is damaged). Rumah gadang occupies a very important position for the Minangkabau people. On the one hand, the rumah gadang in the building has a philosophy that describes how the community is expressed in social life. On the other hand, the rumah gadang functions as a center for family gatherings, such as traditional events and family events. In addition, it also functions as a place for family

⁵³Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

⁵⁴See Boedi Harsono, Op Cit, p. 190.

⁵⁵Ibid, p. 192-193.

⁵⁶See Ibid, p. 186-188.

⁵⁷See Ibid, p. 190.

discussion. The Minangkabau expression says "rumah gadang basa batuah, banamo kato essence, pintunyo banamo figurative argument, banduanyo sambah-manyambah, bajanjang up batango down, dindiangnyo panutuik embarrassed, biliaknyo aluang bunian". This expression implies that the function of the rumah gadang has a scope of functions from all parts of life and daily life of the Minangkabau people.

2. *Gadih gadang indak balaki* (daughter does not have a husband). The matrilineal kinship system adopted by the Minangkabau people has placed the position of women in a place that is glorified and highly guarded by men in their society. The matrilineal system adopts the reduction of high property assets to women. Meanwhile, men according to their respective positions (from rajo, panghulu, dubalang, mamak and so on) are in charge of regulating the ulayat designation and managing it for his nephews. The importance of finding husbands for unmarried Minang women is because Minang women are the heirs of high pusako property and heirs of the rumah gadang. The essence of it all is an effort to continue to maintain the sustainability and continuity of the Minangkabau Adat existence itself.
3. *Mayik tabujua ateh house* (Corpse lying on top of the house) Is a death incident that occurs in a customary law community. In shari'ah, organizing corpses is mandatory. If the corpse is not taken care of, all Muslims will sin in the area, on the other hand, if only one person organizes the corpse, the debt of all Muslims in the area will be paid. In organizing these corpses, of course, requires a lot of money. If the family affected by the death accident does not have the money to carry the corpse, then the communal land may be sold or pawned.
4. *Batagak panghulu*. In Minangkabau the term customary leadership is called "Pengkulu". Customary leaders are leaders of certain indigenous peoples. He knows his people as a large family, he is the leader of the social life in the community of his clan. The duties of the Penghulu are as follows:
 - a. Responsible outside and within the tribe and / or village in leading nephews.
 - b. Because kato pengulu kato pusako tagak at the door of bana, the ruler is tasked with punishing adia bakato bana;
 - c. Move to condition and consult all matters to be made to all tribal and / or village apparatuses;
 - d. Authorized to designate the apparatus in carrying out the main duties and functions;
 - e. *Manuruik labuah nan pasa, maikuik kato nan bana, mamaliharo kamanakan, and manjago harato pusako.*

If one of the 4 (four) conditions above occurs, then ulayat (ulayat land) can be pawned or sold. However, in order to maintain legal certainty for the people who manage, of course, the rights to a land must be proven in writing.

Basically, Minangkabau Customary Law does not oppose the recognition of rights to parcels of land cultivated by the community. However, Minangkabau Adat law in accordance with the principle of ulayat rights itself does not give the community ownership of private names over ulayat land. The rights given are only use rights or management rights. The process of granting usufructuary rights or management rights must go through a predetermined procedure, both according to customary provisions and according to the provisions of national legislation in force in the field of land.

Based on the provisions of customary law, the granting of use rights and management rights over communal land parcels must go through a customary meeting whose output is a customary decision to grant permission to the community to obtain a use or management permit. Besides that, there is also an agreement from Kerapatan Adat Nagari as a customary institution in the nagari. Both processes must be carried out so that the permit granted does not cause problems in the future.

From the perspective of national land law, the regulation of registration of rights over a land parcel has been regulated since Law No. 5 of 1960 concerning Basic Agrarian Principles issued. Article 9 paragraph (2) of the UUPA states: that Indonesian citizens, both men and

women have the same opportunity to obtain rights to land and to get benefits and results, both for themselves and their families.

In particular, the regulation of customary rights in Minangkabau has been regulated in the West Sumatra Provincial Regulation No. 16 of 2008 concerning Ulayat Land and Its Utilization (Perda Tanah Ulayat). Article 8 letter d clearly states that: the ulayat rajo land can be registered, as the subject of the right holder is a member of the clan and a third party, it is known by the oldest male heir of the rajo with the status of use rights and management rights. The provision of Article 8 letter d limits the extent to which the customary rights of rajo cannot be granted other rights other than use rights and management rights.

Utilization of ulayat land by members of the customary community is carried out with the knowledge and consent of the ulayat ruler concerned in accordance with the provisions of the applicable customary law procedures. Utilization of ulayat land for public interest is carried out by means of hand over the land by the ruler and owner of the ulayat based on the agreement of the members of the customary community concerned, in accordance with the applicable provisions. Utilization of customary land for the benefit of legal entities and / or individuals is carried out based on a concession and management agreement between the ruler and owner based on an agreement between the customary community and legal entities and / or individuals for a certain period of time in other forms agreed upon based on masyawarah and consensus in KAN, known to the government. nagari.

Based on the provisions of customary law and national law regarding the registration of customary rights above, it can be concluded that the granting of property rights by Rajo Sampono violates the provisions of customary law and applicable national law. As explained above, ulayat rajo rights can only be given use rights and management rights, but Rajo Sampono even gives freedom to the community to register the ulayat rajo land that they manage into their personal property.

At the customary level, the granting of this permit was carried out unilaterally by Rajo Sampono, namely only through the Garap Permit which was known by Rajo Sampono, and the granting of silih Jariah without going through customary deliberations / customary decisions and the approval of Kerapatan Adat Nagari.

B. The process of registering land originating from customary land of Rajo in Nagari Kataping

In this study, the object of research is a nagari nan barajo, namely Nagari Kataping. There is a term which states that, luhak bapanghulu, rantau barajo (luhak penghulu, rantau beraja), which means that every rantau area or west coast area of West Sumatra which is dominated by Minangkabau customary conditions and influence is an area that is cultivated or the result of the manaruko of kings. which was sent directly from the Minangkabau government center at the Pagaruyung Palace through the Basa Ampek Balai meeting. So, each rantau area was led by the king, and had its ulayat-ulayat, including the ulayat of the king in Nagari Kataping.

In the case of ulayat lands in Nagari Kataping, the land in the nagari is controlled by a king named Rajo Sampono. He is a head of customary government in Nagari Ketaping since the 18th century until now, where the king's throne has been passed from generation to generation from mamak to nephew.⁵⁸

The customary government system in Nagari Ketaping is what is different from other nagari in West Sumatra, namely in the case of a customary institution called Kerapatan Adat Nagari, hereinafter referred to as KAN which is regulated in West Sumatra Regional Regulation Number 22

⁵⁸Interview with Bahrul Hikmah Rangkyo Rajo Sampono, as the Head of the Ketaping Nagari Traditional Government, on Thursday, February 27, 2020.

of 2007 concerning the Principles The Nagari government, where the KAN institution in Nagari Ketaping is absolutely chaired by Rajo Sampono and secretariat by Rajo's nephews or the people he appoints.

The government system in Nagari Ketaping affects the multicultural life of the community, the nagari is not only inhabited by the Minangkabau people but also inhabited by the Nias people on the southern coast of Nagari Ketaping and there are also some Javanese people. All customary regulations there must and must be followed by the community in the village without exception, including in the provision of communal land under their control without having to conduct deliberation and consensus with other KAN members, because Rajo Sampono was given the authority to determine for himself anything that includes an area or territory. ulayat.

At first, the granting of land with a permit to cultivate land in Nagari Ketaping by Rajo sampono was aimed at providing the welfare of the local community, in which a plot of land that has a working permit must be cultivated by the cultivator and his family. In general, cultivators initially cleared forest land into agricultural or plantation land, not infrequently in the existing land a residence was also built which was inhabited by the cultivator and his family.⁵⁹

Registration of ownership rights to Rajo Sampono's ulayat lands in Nagari Ketaping is largely sporadic, over land rights which Rajo Sampono has granted control of the customary communities or immigrants. Land registration carried out before the enactment of Government Regulation Number 24 of 1997 concerning Land Registration, registration of rights is based on the conversion of land rights. This is based on Government Regulation Number 10 of 1961 concerning Land Registration, in conjunction with Regulation of the Minister of Agriculture and Agraria Number 2 of 1962 concerning Confirmation of Conversion and Registration of Former Indonesian Rights to Land and as a follow-up based on the Decree of the Minister of Home Affairs Number SK.26 / DDA / 1970.⁶⁰

After the enactment of Government Regulation 24 of 1997 concerning Land Registration and its implementing regulations are based on the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 3 of 1997, abolishing this regulation. There is a difference in the status of land rights on the ulayat land of Rajo Sampono, which is in the form of granting rights to land, because in general there are differences in principle between these regulations, namely the mechanism of land conversion and registration is carried out without going through a title acknowledgment of rights.⁶¹ This is also strengthened based on Article 24 PP 24 of 1997 concerning Land Registration, as follows:

- (1) For the purposes of registration of rights, land rights originating from the conversion of old rights are proven by means of evidence regarding the existence of these rights in the form of written evidence, information which is correct by the Adjudication Committee in systematic land registration or by the Head of the Land Office in sporadic land registration is deemed sufficient to register the rights, rights holders and rights of other parties that burden them.
- (2) (2) In the event that the proof of evidence as referred to in paragraph (1) is not completely or no longer available, proof of rights can be carried out based on the fact that the physical control over the land parcel concerned has been held for 20 (twenty) years or more consecutively by the registration applicant and preliminaries, provided that:
 - a. The control is exercised in good faith and openly by the person concerned as entitled to the land, and is strengthened by the testimony of a reliable person;
 - b. The control, both before and during the announcement as referred to in Article 26, is not subject to issue by the customary law community or the village / kelurahan concerned or other parties.

⁵⁹Interview with Bahrul Hikmah Rangkayo Rajo Sampono, as the Head of the Ketaping Nagari Traditional Government, on Thursday, February 27, 2020.

⁶⁰See Kurniawarman, 2006, *Ganggam Bauntuak Becomes Freehold*, Andalas University Press, Padang, p. 80.

⁶¹See Ibid, p. 84-85.

Similar to what happened in Nagari Ketaping, especially in the ulayat land of Rajo Sampono, after several years the land was cultivated by the cultivators and had provided benefits for the cultivators, the land rights could be transferred from the customary land of Rajo Sampono to private ownership of land. how to apply to Rajo Sampono based on the Permit to Work on a previously granted permit. After the request was granted by Rajo Sampono, the cultivators had to fulfill several things, namely:⁶²

1. Application for a Work Permit to become the basis of rights to Pucuk Adat (Rajo Sampono) on behalf of the KAN Nagari Ketaping institution;
2. Statement Letter of Granting Ulayat Rajo Sampono Land Rights in Nagari Kataping, namely a letter stating that the cultivator has returned one third or ten percent of the land he was cultivating or in accordance with the condition of the cultivator at that time to the customary government, known as Adaik filled, Limbago poured.
3. Certificate of Physical Control over a plot of Land;
4. Certificate from Walinagari.

As for the absolute requirements for registering Rajo Sampono's ulayat lands at BPN Kabupaten Padang Pariaman, what distinguishes other land registrations is Alas Hak from Rajo and Certificate of Silih Jahiah. If the applicant does not fulfill these requirements, the application cannot be processed.⁶³

After these requirements are met by the cultivator as an applicant, the applicant can register the land he has worked on to the BPN of Padang Pariaman Regency in accordance with Government Regulation Number 24 of 1997 concerning Land Registration. Based on this Government Regulation and Regulation of the Minister of Agrarian Affairs and Spatial Planning / National Land Agency Number 3 of 1997, it is stated that customary lands whose control is under 1997 must be subject to conversion of land rights which are the basis for the certificate issued, and the land under the control. above in 1997 was granted as the granting of rights as the basis for the issuance of a certificate of land rights.

In essence, land registration has benefits for rights holders to provide a sense of security and legal certainty, for the government to realize orderly administration in the land sector in accordance with the mandate of the LoGA and for prospective buyers or creditors if the land is to be transferred back by land rights holders or used as collateral for a debt.⁶⁴ The requirements for registering land originating from the ulayat lands of Rajo Sampono in Kataping, are as follows:⁶⁵

1. Application letter and power of attorney, if the application is authorized;
2. Statement of ownership and control of land rights;
3. Boundary Sign Installation Statement Letter;
4. Identity of the applicant or his attorney (photocopy of valid Identity Card);
5. Statement Letter of Granting Rights to Land originating from Tanah Ulayat Rajo Sampono issued by KAN Nagari Kataping;
6. Wali Nagari Certificate;
7. Written evidence proving the existence of the rights in question or the Sharia Jahiah, if the land rights have been transferred to immigrant cultivators.
8. Photocopy of the latest year's Land and Building Tax Payable Tax Return (SPPT PBB).

The procedures carried out to issue a certificate of ownership rights to the ulayat land of Rajo Sampono are as follows:

1. The applicant or his attorney (if empowered) applies for the land he cultivates to BPN Padang Pariaman to issue a certificate of ownership sporadically.

⁶²Interview with Bahrul Hikmah Rangkyo Rajo Sampono, as the Head of the Ketaping Nagari Traditional Government, on Thursday, February 27, 2020.

⁶³Interview with Fuadil Hulum, as Head of the Section for Land Law Relations at the Agrarian and Spatial Planning Office / National Land Agency of Padang Pariaman Regency, on Friday, February 28, 2020.

⁶⁴Urip Santoso, Registration and Transition, Op Cit. p. 21.

⁶⁵Law No. 5/1960 on UUPA jo. Government Regulation Number 24 of 1997 concerning Land Registration.

2. Registration and data validation were carried out by the Padang Pariaman BPN officer. If complete, a Deposit Order Letter from BPN Padang Pariaman is issued.
3. The applicant or his proxy can pay the Non-Tax State Revenue (PNBP) for the cost of measuring the land to the Bank;
4. After that the land being applied for can be measured by a measuring officer from BPN Padang Pariaman and will issue a map of the area containing an overview of the area of the land according to the facts in the field;
5. After the drawing of the applicant's land has been printed, and has been approved by the Head of the Sub-Section of Measurement and Mapping of Land and the Head of the Section for Measurement and Mapping of Land, the file is submitted to the Head of the Sub-Section of Land Registration with an official report stating the land being applied for does not contain a certificate. others published on it;
6. After that, a certificate and assignment letter for the committee for checking the land in fact and juridically is issued based on the PNBP of the Committee previously paid by the applicant;
7. After a factual and juridical check is carried out in the field, then the requested land will be announced manually by BPN Padang Pariaman for 60 (sixty) days, to ensure whether or not there is a claim on the land being requested from another party;
8. After 60 days, if there are no claims and objections from other parties, then after that the applicant returns to pay PNBP for the issuance of a Certificate of Ownership on the ulayat land of Rajo Sampono that he requested;
9. After the applicant has paid the said PNBP, a Certificate can be drawn up and a certificate of ownership rights to Rajo Sampono's ulayat land can be issued provided that the title is the grant of rights to the land certificate.⁶⁶

In this case the realization of the achievement of the goal in laying the basis for providing legal certainty regarding land rights for the people as a whole as referred to in articles 19, 23, 32 and 38 of the UUPA, the government has implemented implementing regulations regarding land registration in the form of Government Regulation Number 24 of the Year 1997 as a substitute for Government Regulation No. 10 of 1961 with various other regulations under it. Based on these provisions, there is an opportunity for all Indonesian people to register their land rights.

The implementation of land registration applies to all areas in Indonesia, including land that is regulated according to the provisions of customary law owned by indigenous peoples, who are a form of diverse community unity and live and develop in the midst of society. So that it can provide legal certainty to the community through legal products in the form of land certificates as proof of strong rights regarding the physical and juridical data contained therein. Likewise, the land certificate issued by BPN Kabupaten Padang Pariaman through the granting of ownership rights to Rajo Sampono's ulayat lands.⁶⁷

Based on the description above, land originating from Ulayat Rajo Sampono land is generally registered sporadically by the cultivators, namely land registration for the first time regarding one or several objects of land registration within the territory or part of a village / kelurahan area individually or in mass. as stated in Article 1 point 11 of Government Regulation Number 24 of 1997.

Land registration will give birth to new land rights on the land, the registration of the land is not only part of the surface, which includes one unit of land rights, there are also any objects on it, including plants, houses, buildings and others, such as one of the rights to land, which is stated in Article 20 of the UUPA. However, in giving birth to new land rights on the land there are grounds for issuing registered land rights, such as based on assertion of rights, recognition of rights, conversion of land rights, and granting of rights.

⁶⁶Interview with Fuadil Hulim, as Head of the Section for Land Law Relations at the Agrarian and Spatial Planning Office / National Land Agency of Padang Pariaman Regency, on Friday, February 28, 2020.

⁶⁷Interview with Fuadil Hulim, as Head of the Section for Land Law Relations at the Agrarian and Spatial Planning Office / National Land Agency of Padang Pariaman Regency, on Friday, February 28, 2020.

Recognition and affirmation of land rights is part of the conversion of land rights or proving old rights, it's just that the object is customary land where registration of land rights is based on evidence of customary ownership and is based on written history. However, for parties who cannot physically show evidence of their customary rights, then the land can be granted rights based on the period of tenure of the land rights by the owner or cultivator of the land by controlling the land continuously,⁶⁸ which is based on a Certificate of Physical Mastery of Land Sibidang, known to the Wali Nagari, Lurah, or Village and Sub-district Heads, which contains the identity of the applicant and the boundaries of the land equivalent.

In the issuance of a certificate of land rights through recognition and affirmation of rights, prior to the issuance of the Decree of the Head of the local Land Agency, an announcement for 60 calendar days is made in advance at the local Land Agency, at the Lurah, Desa or Wali Nagari offices based on Article 24 paragraph (1) jo . Article 26 Government Regulation Number 24 Year 1997 regarding Land Registration.

Conversion of land rights, is a term used to prove old rights originating from customary land to give recognition and appreciation to traditional rights over land which are subject to Customary Law. In line with this, the conversion of land rights of AP Parlindungan provides a meaning, are:

The regulation of land rights that existed prior to the enactment of the UUPA to be included in the system of the UUPA, namely to adjust old rights into new rights known in the LoGA, both private and public, owned by individuals, private legal entities or public legal entities.⁶⁹

The conversion of land rights does not only apply to customary land, but also to lands derived from western rights, such as eigendom, erfpacht and so on.⁷⁰ However, in the case that the registration process is the same as the recognition and affirmation of land rights, which are contained in Article 24 (1) and paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration, where the announcement is also fixed for 60 calendar days based on Article 15-28 UUPA.

The granting of land rights, as stipulated in Article 22 paragraph (2), Article 31 and Article 37 of the UUPA, which states that the occurrence of land rights is one of which is through Government Determination. Based on Article 23 of Government Regulation 24 of 1997, granting of land rights is included in the category of proving new rights. The land objects which, through the granting of this right, generally originate from State lands. The right of the State land can be granted to the person who controls the land provided that there is a basis for rights and there is a basis for control over said land and the existence of a legal relationship with the land, proving that no one has any objections to it. Land registration through the granting of this right does not require announcements such as conversions, recognition and confirmation of land rights.

The granting of this right also applies to land originating from Nagari ulayat, as recognized by the Regional Office of the National Land Agency of West Sumatra Province that the position of Nagari ulayat land is the same as State land, so the registration is based on granting of rights.⁷¹ This is in line with the provisions for registering land originating from the ulayat lands of Rajo Sampono in Nagari Kataping.

The results of the author's interview with Fuadil Hulum, as the Head of the Land Law Relations Section of the Agrarian and Spatial Planning Office / National Land Agency of Padang Pariaman Regency, stated that the registration of land originating from the ulayat land of Rajo Sampono will give an SK granting rights to the certificate of rights over the land, due to the position of the ulayat lands of Rajo Sampono with the ulayat lands of Nagari are the same. It's just that in the process of issuing the certificate of land rights, based on the policy of the Head of the National Land

⁶⁸Look at the AP. Parlindungan, 1993, Comments on the Basic Agrarian Law, Mandar Maju, Bandung, p. 218.

⁶⁹AP. Parlindungan, 1994, Conversion of Rights to Land, Mandar Maju, Bandung, p. 1.

⁷⁰See Boedi Harson, Op Cit, p. 492-493.

⁷¹See Kurniawarman, Ganggam Bauntuak, Op Cit, p. 63.

Agency of Padang Pariaman Regency specifically for ulayat land of Rajo Sampono, it is registered through the granting of land rights, but there are still manual announcements such as recognition, affirmation and conversion of land rights. previously described for 60 days,

In the case of the issuance of a land title certificate originating from the ulayat land of Rajo Sampono, there is indeed a difference or not in accordance with the provisions of the positive laws and regulations in Indonesia, which are based on the UUPA and the regulations regarding land registration itself. This is actually due to the absence of specific regulations regarding the procedures for registering land originating from the ulayat lands of Rajo Sampono itself, due to the mandate of the UUPA and regulations regarding land registration, whereby every land owner and land tenant must register their rights with the Agency. National Land according to the procedures that have been determined so as to create the purpose of land registration itself,

Conclusion

Based on the research conducted by the author, the following conclusions can be drawn:

1. The assertion of Rajo Sampono's authority still exists, as evidenced by the following, among others:
 - a. There are still indigenous peoples in Nagari Kataping;
 - b. There is still an area as a place for people to live and a place for the implementation of customary law in Nagari Kataping, covering an area of 6,425 hectares (ha) consisting of 8 korong, namely, Korong Talao Mundam, Korong Batang Sariak, Korong Olo Bangau, Korong Pauh, Korong Simpang, Korong Pilubang, Korong Tabek, and Korong Marantih.
 - c. Rajo Sampono still has the authority to regulate the designation, use and utilization of the ulayat lands he controls in Nagari Kataping;
 - d. There are still ulayat lands controlled by Rajo Sampono in Nagari Kataping;

Judging from the evidence above, therefore, the ulayat position that exists in Nagari Kataping is still there and still exists both in the midst of society and from the recognition of the community regarding the authority that Rajo Sampono has as a customary shoot in Nagari Kataping. So that the regulation regarding the designation, use and utilization of the communal land can be controlled accordingly as a customary sovereignty.
2. Rajo Sampono as Rajo for the Nagari Kataping Customary Law community, so the use and utilization of customary land is the authority of Rajo Sampono. In this case, Rajo Sampono was able to give and share the ulayat lands he controlled in Nagari Kataping based on the principle of "adat is filled, limbago is poured". Therefore, there arose a legal relationship between Rajo Sampono and the Nagari Kataping community or pnggarap of his ulayat lands, where there are 3 forms of legal relations, namely: civil law relations, public legal relations, and administrative law relationships. So that from this legal relationship, there is legal certainty for the cultivator, responsibility for the land they cultivate,
3. The land registration system originating from the customary land of Rajo Sampono in Nagari Kataping is generally registered through the sporadic land registration system. Land registration carried out before the enactment of Government Regulation Number 24 of 1997 concerning Land Registration, registration of rights is based on the conversion of land rights. This is based on Government Regulation Number 10 of 1961 concerning Land Registration, in conjunction with Regulation of the Minister of Agriculture and Agraria Number 2 of 1962 concerning Confirmation of Conversion and Registration of Former Indonesian Rights to Land and as a follow-up based on the Decree of the Minister of Home Affairs Number SK.26 / DDA / 1970. After the enactment of Government Regulation 24 of 1997 concerning Land Registration and its implementing regulations are based on the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 3 of 1997, abolishing this regulation. There is a difference in the status of land rights in the customary land of Rajo Sampono, which is in the form of granting rights to land, because in general there are differences in principle between these regulations, namely the mechanism for land conversion and registration is carried out without going through a decision to recognize rights. Therefore, cultivated land above 1997 was issued as a grant of rights, and cultivated land under 1997 was granted as conversion of land rights. namely in the form of granting of rights over land, because in general there are differences in principle

between these regulations, namely the mechanism for land conversion and registration is carried out without going through a title acknowledgment letter. Therefore, cultivated land above 1997 was issued as a grant of rights, and cultivated land under 1997 was granted as conversion of land rights. namely in the form of granting of rights to land, because in general there are differences in principle between these regulations, namely the mechanism for land conversion and registration is carried out without going through a decree recognizing rights. Therefore, cultivated land above 1997 was issued as a grant of rights, and cultivated land under 1997 was granted as conversion of land rights.

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2. Interview

- Interview with Bahrul Hikmah Rangkayo Rajo Sampono, as the Head of the Ketaping Nagari Traditional Government, on Thursday, February 27, 2020.
- Interview with Fuadil Hulum, as Head of the Section for Land Law Relations at the Agrarian and Spatial Planning Office / National Land Agency of Padang Pariaman Regency, on Friday, February 28, 2020.
- Interview with Hardimus, as the Secretary of the Nagari Ketaping density for the period 2004-2019, on Saturday, April 25, 2020.
- Interview with Wirasatria, as Secretary of Nagari Ketaping Density, on Wednesday, March 4, 2020.

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