

Dispute Resolution Registration of Communal Land in the Complete Systematic Land Registration (PTSL) in West Sumatra

Yulia Mirwati^a, Neneng Oktarina^b, ^{a,b}Faculty of Law, Andalas University, Padang, Indonesia, Email: ^ayuliamirwati@gmail.com, ^bnenengoktarina@rocketmail.com

Article 3 of the UUPA concerning land rights to land is still being discussed, whether or not a guarantee of legal rights to land is still being discussed. With regard to Agrarian Reform in Indonesia, one of its objectives is to provide legal certainty of land rights for the Indonesian people. The legal certainty of land rights must be carried out clearly using the concept of customary law (Article 5 of the UUPA) through Land Registration (Article 19 of the UUPA). Article 19 of the UUPA, states the obligation to register land without mentioning exceptions to communal land. This is then confirmed by the provisions of the implementation of land registration based on PP 24 of 1997, which confirms that the object of land registration (Article 9 PP 24 of 1997) does not include communal land. In the implementation of land registration in West Sumatra that was formerly known as the Minangkabau area, the provisions of PP 24 Year 1997 for communal land caused conflicts that have been prolonged to date. Added to this is the accelerated land registration program through the Complete Systematic Land Registration (PTSL), which also registers land with communal land types. In this case, it needs to be studied and examined in depth concerning the resolution of the dispute. This research was conducted empirically and normatively, then analysed qualitatively, with inductive patterns, which were arranged systematically from empirical and normative data. The results of the study revealed that the concept of adat greatly influenced the resolution of disputes over the registration of ulayat land in West Sumatra, because the existence of an informal justice institution called the "Nagari Adat Density" (KAN) was very influential. KAN was a factor in resolving disputes with the customary patterns of Koto Piliang and Bodi Caniago that have been imprinted with the norm of Adat Basandi Syarak, Syarak Basandi Kitabullah in Minangkabau, even though they are not a formal justice

institution in Indonesia. In litigation dispute resolution, the decision of the customary judicial institution in Minangkabau KAN specifically regarding customary land disputes is very necessary, even there are courts that refuse to try before being settled at the KAN institution.

Key words: 1. *Dispute Resolution*. 2. *Communal Land* 2. *Systematic Land Registration*.

Introduction

Development of all fields carried out in the Republic of Indonesia has caused the need for land to increase. This causes the role and function of the land to continue to experience a very significant development. Through various activities, humans are always associated with the land. Humans are believed to come from the land, live on the ground, develop and carry out all activities on the ground, even after death is buried in the ground.

In this case, the Indonesian nation fought for its homeland through total reform by undermining the colonialist legal system, and starting the life of the Indonesian people with its own legal system. Through independence, the Indonesian people seized their homeland, and ratified the foundation of the 1945 Constitution. In 1960 the Indonesian people managed to regulate their agrarian law through Law Number 5 of 1960 Concerning Basic Agrarian Regulations abbreviated with the UUPA formed on the basis of Customary Law. The UUPA does not only base its legal concept on the 1945 Constitution, but emphasises it by citing Article 33 paragraph (3) as Article 2 paragraph (1) in the UUPA, which states that on the basis of the provisions in Article 33 paragraph (3) of the Constitution and matters as referred to in Article 1, the earth, water and space, including the natural wealth contained therein are at the highest level controlled by the State, as an organisation of power which maintains all people. The UUPA emphasises the basic concept of customary law, and recognises indigenous and tribal peoples, including the rights attached to them, called 'ulayat rights.' Ulayat rights are not individual or collective property but are *communal property*. The concept of customary rights is regulated separately in Article 3 of the UUPA, but it is not followed up with organic provisions, so that in the agrarian journey the figure of customary rights feels marginalised, even though the UUPA makes it a special feature of land rights in Indonesia.

Organic provisions of the UUPA to provide legal certainty of land rights for the Indonesian people (Article 19 UUPA) are implemented with the Land Registration regulated in the Land Registration Regulation Number 24 of 1997 (PP Number 24 of 1997), replacing PP Number 10 of 1961, which does not regulate communal land registration. The implementation of land registration is felt to be slow, the Government is trying to accelerate by establishing certain programs, starting with "Prona", then the acceleration of the Systematic Complete Land Registration (PTSL) program starts with 2015, with technical guidance on the National Agrarian Program, through Minister of Agrarian and Spatial Planning / Head of National Land



Agency No. 4 of 2015 (Permenag No.4 / 2015), then the Minister Regulation ATR / Ka. BPN Number 12 of 2017 as amended by Regulation of the Minister of ATR / Ka. BPN Number: 6 of 2018 concerning the Acceleration of PTSL. PTSL provisions also do not regulate customary land registration. So PTSL in West Sumatra did not work as it should.

The term ulayat rights come from Minangkabau, which are communal property rights that are not divided. Historically the concept of its formation coincided with the development of traditional indigenous peoples, which began with a small group in which the customary fatwa was called *Sabalum Badusun Ado Taratak*, after that *Bakoto*, before *Nagari* was paraded, first ulayat determined. (Before the hamlet there was Taratak, after that there was Koto, before the *nagari* was formed, the *ulayat* was determined first). Ulayat determination is mentioned by *Kalurah baanak aia, kabulik baguliang batu, rumpuik sahalai lah bamintalak, capo sabatang lah bapunyo* (head of the village has a river, the hill is rolling stone, a single blade of ownership, a capo has owned Nagari). The formation of the nagari was preceded by the determination of the area (ulayatnya). The formation of a nagari includes at least four tribes, this can be seen from the customary rules which state: *Inggirih mangarek kuku dikarek jo pisau sirauik, andak mangarek batuang tuo, tuonyo kajadi lantai, exquisite nagari baampek suku, kampuangnyo nan batuo, rumahnyo batungganai, apo cupak dinan tuo, elok dipakai di nagari* (English cut nails, cut with siraut, want to cut old bambu, the old to be used as a floor, both nagari because of four tribes, batuo nan village, batungganai house, what is plural in nan tuo, beautiful in nagari).

The existence of the ulayat has been sustainable until now, so in 2008, the Province of West Sumatra in the West Sumatra Regional Government Regulation (Perda Sumbar) No. 16/2008 on the Use of Ulayat Land has emphasised the type of ulayat land added with the Rajo ulayat. Every village has ulayat land. The number of villages in West Sumatra is 648 villages. Since the enactment of Law Number 22 Year 1999, which has been replaced with Law Number 32 Year 2004 Concerning Regional Government, West Sumatra welcomes by issuing Regional Regulation Number 9 of 2000, which was then replaced by Regional Regulation No. 2 of 2007, Regarding the Principles of Nagari Government. In this Perda it is mentioned that nagari is a customary law community unit in the area of West Sumatra Province, which consists of a group of several tribes, which have boundaries, certain assets, manage their own households and elect the leadership of their government. In Perda No. 7 of 2018, the nagari formulation is increasingly complex. In the Minangkabau customary legal system the certainty of ulayat land is based on lineage (called "ranji"). Ranji descent is made based on maternal lines. Matrilineal families live together in a "*rumah gadang*," in a gadang house only of female offspring, boys are accused of being in the mosque, and after being married a boy goes to his wife's house, or because the marriage in Minangkabau is a "*perkawinan Semenda*," the male as a man comes and manages his wife's heirloom for family life. Over time, many small families have also built their own houses, left the gadang house, but still use the *kekerabatan matrilineal* pattern, so

there are *sako* and *pusako* from the *kekerabatan materilinal*. *Sako* and *pusako* are inherited from the maternal line. Switching *sako* and *pusako* is only possible in the inheritance system, *sako* can be done when still alive and also after death, in the customary fatwa called "*kalau iduik bakarelaan, kalau mati batungkek bodi* (meaning inheritance applies when living with voluntary transition, and if it has died done by the appointment of a substitute). The use of *pusako* for community members under the supervision of *mamak* head of inheritance, for use in daily life, is not determined by certain conditions. *Pusako* assets cannot be transferred permanently by buying and selling, but can be pawned through strict requirements, this provision is called "*jua indak dimakan bali gadai indak dimakan sendo*" (sold may not be temporarily pawned while on a very strict condition may). According to Minangkabau customary law *pusako* property is divided into two, namely "low inheritance property in the form of assets with certain rights, such as those obtained from *Manaruko*, or from purchases, or also called" *cancang latiah* "(personal effort), while "*pusako tinggi*" is assets obtained from ancestral descent, based on West Sumatra Regional Regulation No. 13 of 1981, in the bloodline of five and up, while five and down are categorised as "*pusako randah*." This "*harta posaka tinggi*" due to the inheritance of parents is not divided, and continues to the sixth degree of the *matrilineal*, then transformed into a high heirloom, because heirloom is a treasure passed down from generation to generation from ancestors even to the point of unknown origin, this is stated in his fatwa. *Birik-birik tabang ka sasak Dari Sasak turun ka laman Dari niniak turun ka mamak Dari mamak turun kakamanakan* (Birik Birik flew to sasak; from sasak flew to the yard; from ninik down to mamak; from mamak down to nephew). High heirlooms are assets that are already owned by the family, their usage rights are passed down from several generations previously which have been blurred or whose origins are unknown, so that the recipient of the assets is called old property because it is so old. Usually the obscurity of the origin of the heirloom treasure is caused by several things that are so far apart the time between the existence of the property with the party that is working on it, so it can no longer be calculated with years, because it has been mixed with other sources that come later.

Land registration is an attempt by the government to provide legal certainty over land rights. By holding land registration, the parties concerned can easily find out the status or legal status of the land, its location, area, and boundaries; who owns it and what burdens are or are not on it. Land registration as referred to in Article 19 of the UUPA does not only refer to land rights and state land, but also includes customary land, unfortunately customary land is expressly stated not to include land rights that must be registered (both from PP 10 of 1961, and PP 24 of 1997).

The legal guarantee of land registration is carried out by the government as affirmed in Article 19 paragraph (1) of the Basic Agrarian Law on land registration in all regions of the Republic of Indonesia . In accordance with Article 19 of the UUPA jo Article 3 PP Number 24 of 1997, aims to help achieve the main purpose of the registration of the land itself. Therefore it is



deemed necessary to accelerate land registration. One of the ways taken by the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency is through the Comprehensive System of Implementation of the Systematic Land Registration (PTSL). The Complete Systematic Land Registration Program (PTSL) targets all land parcels in Indonesia to be registered in 2025. In West Sumatra, the PTSL in 2017 this year requires 65,000 parcels of land, which are under the auspices of the Regional Office of Agrarian Affairs and Spatial Planning / National Land Agency (National Land Agency) Regional Office ATR / BPN West Sumatra. In the achievement of West Sumatra, BPN occupied the First National Commemoration in completing the PTSL program until December 26, 2018. In terms of achieving 100 percent completion of the PTLs target, West Sumatra Province is ranked 7th. No less fast, the West Sumatra BPN responded to President Jokowi's Nawacita program by collaborating with the Padang Work Training Centre to educate high school / vocational high school graduates to become surveyors of Licensed Cadastral Surveyors (SKB) who assisted the West Sumatra BPN in succeeding the agrarian reform program. The legal guarantee of land registration is carried out by the government as affirmed in Article 19 paragraph (1) of the Basic Agrarian Law on land registration in all regions of the Republic of Indonesia . In accordance with Article 19 of the UUPA jo Article 3 PP Number 24 of 1997, to help achieve what is the main purpose of the registration of the land itself. Therefore it is deemed necessary to accelerate land registration.

The problem in implementing PTSL in West Sumatra concerns the status of customary land. In addition, the tradition of the wandering Minang people also made it difficult to sign the consent of the people to make the rights base, as well as the additional burden of the cost of customary money, a separate obstacle in the completion of the PTSL program. The concern of members of the clan with the issuance of a certificate on behalf of individual members of the clan causes fear that the land can later be transferred permanently, which would violate the basic principle of uncontested communal land ownership intended for child nephews in rotation according to maternal lineage, for the sake of survival a kumunal member of the indigenous people. Utilisation of traditional land in the middle of the Minangkabau customary community is a very urgent situation, for example, for the needs of girls who are already big but not yet married, or the *rumah gadang* has been damaged and needs renovation, in order to hasten the funeral of members of the clan, fill customs and limbago such as the *Batagak Gala* (administration of sako), this condition allows the temporary transfer of the use of customary land, called paw ulayat land. Although the pawning in the UUPA is temporary and has now been removed, except for agricultural land by providing a maximum time limit of 7 years (UUPrP 56 of 1961), but apparently the time requirement does not apply in West Sumatra, so that the pawning of land is carried out for an unlimited period of time, for the PTSL process it is difficult to do between the owner and the recipient of the pawn which causes suspicions of each other to arise. In 2018 BPN in West Sumatra received PTSL allocations of 74,577 plots of land spread across 136 villages and Nagari located in 19 regencies and cities.

Formulation of the problem

In this case, the problem is the formulation of the issue of how to settle disputes over the registration of customary land through Complete Systematic Land Registration (PTSL) in the West Sumatra Region.

Literature review

a. Dispute.

Customary law is used by community members to settle disputes with different terms, in Minangkabau known as "consensus agreement" which is essentially the same as negotiating, mediating and arbitration. It involves settlement of problems through consultation with the head of the village / village / traditional leaders.

Understanding disputes is the existence of a discrepancy between the parties who are in a relationship. A dispute is a conflict between two or more parties that have different interests for one or several objects. Settlement of legal disputes depends on the nature / problem raised so that the process will require certain stages before a decision is obtained.

b. Types of disputes.

Disputes can be categorised into several types, namely: a. Technical disputes are disputes that occur due to existing technical fields. B. Administrative disputes are disputes that occur due to administrative problems. c. Legal disputes are disputes that occur due to legal issues. In dispute resolution issues, the ability to behave in a cooperative manner is required. The team must put in place an effective mechanism for solving the problem, hence the need for solving the problem and the ability to negotiate, and for processes and policies that pay attention to quality in determining the right decision for the problem.

2. Tanah Ulayat.

The customary rights in Article 3 of the UUPA emphasised that keeping in mind the provisions in Articles 1 and 2 the implementation of customary rights and similar rights of indigenous peoples, as long as in reality they still exist, must be such that they are in accordance with national interests and the State, ... from the formulation it appears that customary rights are a special type of Indonesian rights in addition to national property rights (Article 1 of the UUPA) and the Right to Control in the form of state authority (Article 2 of the UUPA). Customary rights contain both properties but are not the same as individual rights and collective rights of the determination of rights by the state on the surface of the earth.



In Regulation Number 5 of 1999, Article 1 point 1 is customary rights and similar ... is the authority according to customary law owned by certain customary law communities over certain areas which are the environment of their citizens to take advantage of natural resources, including land, in that region, for its survival and life, arising from outward and inward relations between generations and the uninterrupted relationship between the customary law community and the area concerned.

Whereas the Ulayat Land as affirmed in Article 1 point (2) of Law Number 5 of 1999, describes land parcels on which there are customary rights of a particular customary community and Article 1 paragraph (3) of customary law community is a group of people bound by the order customary law as a joint citizen of a legal alliance because of the similarity of residence or on the basis of descent. In particular, customary rights are rights owned by customary law communities to use land and its contents in the jurisdiction.

In West Sumatra since 1983 it has been formulated in PERDA No. 13 of 1983 concerning nagari as a customary law community unit in the West Sumatra Province in Article 1 letter h stating that customary land is land in the nagari that is controlled and regulated by customary law.

The principle of ulayat land is the horizontal separation between the land and everything contained above it as separated. The logical consequence of the adoption of the separate horizontal principle of customary land in Minangkabau is that customary rights as the highest rights must not be relinquished to other parties, as customary fatwa: *jua indak dimakan bali gada indak dimakan sendo* (meaning sold not eaten and eaten, pawned by the hostage). This fatwa means that customary land should not be released to other parties, while members of the clan have only the right to use it.

Ulayat land in Minangkabau, besides adhering to the separate principle of horizontal, also adheres to the principle specifically according to Minangkabau customary law, which is as follows: 1. *Communal principle* is that communal land is owned jointly according to the communal sphere in Minangkabau. 2. The principle of *kemenakan bertaki darah* (blood roped according to maternal line) gets top priority in inheriting communal land compared to other traditional roped nephews. As a fatwa; *sako turun manurun, pusako jawek manjawek, nan salingka cupak adat, nan sapayung sapataga*, Communal welcome, those who surround customary rules, those with customary umbrella, those with one-step umbrella). *Biriak-biriak turun kasamak, dari samak tabang kahalaman, hinggok ditanah bato, dari niniak turun ka mamak, dari mamak turun ka kamanakan, pusako tetap baitu juo*, (whispers down into the bush flying into the yard, perched on a brick ground, from grandmother to mamak, from mamak down to nephew, heirloom remains so nevertheless). 3. Unilateral principle that ulayat land can only be inherited, and inherited according to only one lineage, namely maternal lineage

(matrilineal), meaning that those entitled to receive inheritance on customary land are maternal descendants and women, while male descendants are guardians, responsible and leaders of customary land in his / her tribe.

3. Land Registration for Land Ulayat.

According to A.P. Parlindungan, Registration of land derived from the word "Cadastré" in Dutch is a technical term for something that indicates the area, value and ownership (or other rights) for a parcel of land. While the word "Cadastré" comes from the Latin "Capitastrum," which means a register or capita or unit that is made for the Roman land tax (Capotatio Terrens). The definition of land registration according to Article 1 number 1 Government Regulation Number 24 of 1997 (PP No. 24 1997) replaces Government Regulation Number 10 of 1961 (PP No. 10 of 1961), which is a series of activities carried out by the Government continuously and regularly, including the collection, processing, bookkeeping, and presentation and maintenance of physical and juridical data, in the form of maps and lists, regarding plots of land and units of flats, including the granting of certificates of proof of rights for plots of land that already have rights and ownership rights to the units of flats and certain rights that burden them.

Article 3 of PP 24 of 1997 explains the legal certainty in question, including certainty regarding the subject, certainty regarding the object and certainty regarding the status of land rights. In addition to ensuring legal certainty, the purpose of holding land registration is to provide legal protection and also aims to provide information so that the administration of land is organised. The purpose of land registration is: (a) the issuance of a certificate of land rights to the owner gives legal certainty and legal protection; (b) as information meaning that the Land Office must properly maintain any land information, the information is open to the public (c) so that the orderly administration of the land is made something natural. In land registration, there are several principles that form the basis as mentioned in Article 2 PP. Number 24 of 1997, consisting of (1) Simple principles (2) Safe principles (3) Affordable principles (4) Current principles (5) Open principles. The land registration that is carried out consists of the first time land registration and registration for the maintenance of land data for Complete Systematic Land Registration.

4. Registration (PTSL).

In the context of accelerating land registration, it is necessary to conduct mass land registration for the first time, which is carried out through the Acceleration of the Implementation of Systematic Complete Land Registration (PTSL). This PTSL is regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 35 of 2016 concerning the Acceleration of PTSL Implementation. Technical guidelines on the National Agrarian Program, through Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 12 of 2017 as

amended by Minister of ATR / Ka Regulation. BPN Number: 6 of 2018 concerning the acceleration of PTSL, Number 2 of 2018 concerning the acceleration of PTSL, which is held on the initiative of the government which is carried out based on a long-term and annual work plan and implemented in areas that have been determined by the State Minister of Agrarian Affairs or BPN. The stages of the process of accelerating the implementation of PTSL activities include: preparation; preparatory activities including socialisation. All ministries of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency provide information on the implementation of a Complete Systematic Land Registration to the public directly or through the media. Regarding Determination of Location and Number of Sectors, the location is determined by taking into account the availability of the work map, the availability and optimal ability of the Committee, and the task force. Planning for the committee staff and the Juridical Task Force: the Head of the Regional Office of the Provincial National Land Agency conducts an inventory of the number of employees that can be assigned as committee and juridical task forces. The establishment of the Acceleration Adjudication Committee was carried out at the Regional Office of the National Land Agency, with training to prepare for the smooth implementation of the PTSL tasks. The results of an inventory of juridical data are grouped into 4 (four) clusters, namely 1. Land parcels whose juridical data meet the requirements to be issued with certificates of land rights, 2. Plots of land for which juridical data meet the requirements for certificate issuance, but there are cases in the Court as intended in Article 13 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 35 of 2016. The Adjudication Committee carries out the following steps: 1. The Acceleration Adjudication Committee can book the rights by clearing the name of the right holder. 2. The Acceleration Adjudication Committee issues certificates of land rights after a court decision has permanent legal force, and the verdict states that one party has the right. 3. Plots of land for which juridical data cannot be recorded and certificates cannot be issued, because, for Foreign Citizens, Private Legal Entities, and Subjects unknown, subjects are not willing to participate in complete systematic land registration, in addition, if the object is P3MB, Prk 5, House Group III, Objects of Nationalization, Ulayat Land, Absente Land. The results of the land inspection for 14 days, with the aim of being known to the public and giving an opportunity to the parties concerned to raise objections if there are objections, is then ratified in the Minutes of the Results of the announcement by the Adjudication Committee for the Acceleration of Issuance of Decree on Establishing Rights and Decree on Confirmation / Recognition of Rights based on the Minutes of the Results of the Adjudication Committee Announcement.

Research methods

Bandung: the type of research used is the descriptive research type, which describes something in a certain area and at a certain time. The research approach used is sociological juridical (Socio-legal research), an approach looking at a legal reality in the community. If law as an

empirical social phenomenon is assessed as an independent variable, it will have an effect on various aspects of social life. This empirical law research starts from primary data, that is data obtained directly from the community through field research. The research location was taken purposively based on the provisions of the location that PTSL has determined for West Sumatra. The research sample was land registrants in PTSL in West Sumatra Province. Sampling technique: sampling is carried out using non-probability sampling. The form of non-probability sampling: the non-probability sampling used is purposive sampling, in which the researcher uses his own judgment with sufficient knowledge to choose the sample. The sample collection tool used observation and observation instruments. Data processing is carried out by editing and coding of data that has been collected, that aims to examine deficiencies that might be found and fix them. Then analysed qualitative assessment of the data is carried out using relevant theory and conclusions are drawn to be informed.

Results and Discussion

With the acceleration of PTSL in accordance with the provisions of Land registration (PP24 of 1997), a difference in the time period is very simplified and the collection of physical data and juridical data is also simplified because the goal is to register land throughout Indonesia. PTSL is the first land registration activity carried out simultaneously for PTSL objects throughout Indonesia, by collecting physical and juridical data accuracy to accelerate land registration, the object is ownership rights, business use rights, building rights and use rights in Article 16 of the UUPA, and State land, which is not customary land, is not a waqf, and is not state / Regional / BUMN / BUMD / Village property.

PTSL with state funding simplifies the registration of land that has been regulated in PP 24 of 1997, first on the basis of land rights, with the priority of physical control over the land, and the announcement process is only 14 working days and the work is done by cluster, which is direct evidence of rights, given in the form of a certificate, the subject of the rights being emptied because there is no court decision on who has the right, or just registered, almost the same as the registration of state land by PP 24 of 1997.

PTSL in West Sumatra, does not exclude PTSL objects in the form of customary land, but with the priority of land tenure and the establishment of proof of land ownership, the PTSL stipulates that PTSL objects are ownership rights, business use rights, building rights, and use rights, the same as the object PP Land Registration 24 of 1997, which did not mention including customary rights. So by including the customary rights, especially the customary rights of the people with the use of ganggam bauntuak, but in PTSL with the type of property rights, and / or to the land that is being held holding a pawn can also be used as PTSL objects. In West Sumatra in 2018 it was recorded as a successful PTSL implementer, but it was acknowledged by BPN itself that the obstacles faced were PTSL originating from Ulayat land. One of the



breakthroughs made by West Sumatra BPN to succeed the President Jokowi's Nawacita program in collaboration with Padang BLK (Balai vocational training) is to educate high school / vocational high school graduates to become surveyors for Licensed Cadastral Surveyors (SKB) who will assist the West Sumatra BPN in the success of the agrarian reform program.

The status of land in the province of West Sumatra is dominated by communal ownership or joint ownership, added to by the tradition of wandering Minang people, which also makes it difficult to sign the consent of the people, as well as the additional burden of the cost of customary money in the making of a very expensive base of rights, a separate obstacle in the completion of the PTSL program in West Sumatra. The concern of members of the clan with the issuance of a certificate on behalf of individual members of the clan, causes fear that the land will later be transferred without the consent of the clans. Another obstacle is that a lot of people's land has been pawned for an unlimited period of time. This condition also makes it difficult for West Sumatra BPN in measuring and registering their rights, because there is mutual suspicion between the owner and the recipient of the pawn. The West Sumatra Regional Office is also involved in active participation and support from the regional government, community leaders, religious leaders, Nagari Indigenous Density (KAN), KKN students, NGOs, Babinsa and Babinkamtibmas, (Memorandum of Understanding) with the BLK of the Ministry of Manpower in Padang in order to recruit and print staff measure, cooperation with STPN in empowering cadets of PTSL activities in addition to conducting monitoring and evaluation (Monev) which is very strict for the Land Office by utilising Information Technology video conferencing and so on. For lands that do not have proof of written rights in West Sumatra, the BPN creates the land registration document with the Decree of the West Sumatra BPN Regional Office Number 500/88 / BPN-2007 dated February 8, 2007 with five categories, namely: Form A for registration of communal communal land, Forms B, C, D, and E for other land registrations. This shows that customary land is registered in West Sumatra using the provisions of Individual Land Registration (PP 24 of 1997, jo PTSL provisions, the provisions of the form of registration of ulayat land by the West Sumatra BPN, it can be seen that the West Sumatra BPN registers the ulayat land for privately owned land, this is contrary to the concept of customary land rights which are not collective or individual rights but are communally shared property. The legal construction of communal property is not specified in the provisions on the registration of communal land. This seems simple but in the end can eliminate the concept, values and norms of customary rights that have been affirmed in Article 3 of the Loga. In the case of the registration of ulayat land, the model or pattern that is shown and initiated by the West Sumatra BPN does not guarantee legal certainty of customary rights, even destroying the existence of customary rights which is affirmed in Article 3 of the Loga. The registration of customary land into ownership can lead to disputes / conflicts both horizontally and vertically. Horizontally, disputes can arise within Minangkabau groups and / or matrilineal groups. While vertical is a contradiction with the concept of the rights of the National Ulayat (Article 3 of the UUPA). In the event of a communal land dispute, this party



either originates from the community itself or outside the community at the time the implementation process of the ulayat land registration takes place, then the BPN can only seek a settlement by means of mediation between the parties to the dispute and if this method does not produce results and does not reconcile the disputing parties, the process of implementing the registration of the ulayat land of the community cannot be continued, so this dispute needs to be resolved first by the parties concerned, starting from the clan, tribal level, up to the Nagari Indigenous Density Institution (KAN). The form of dispute resolution using the ABSSBK customary legal system can be with the Koto Piliang custom pattern or with the Bodi Caniago Adat pattern, both by using the musyawarah system. KAN's role is to provide resolution of disputes that cannot be resolved by ninik mamak, in dispute resolution at KAN, then KAN issuing decisions is usually peaceful. As for those who are entitled to settle the customary land / tribal land disputes at the community level, ninik mamak elders are consulted. Ninik mamak are the elders who are the oldest descendants of mothers. Ninik mamak summon members of his clan to co-resolve the customary land disputes of the people that occurred in his community by way of deliberation to find a way together at KAN, this does not rule out the possibility for the parties to proceed to the District Court which can be submitted within 3 months after the peace decision is made by KAN. This is due to the dissatisfaction of one of the parties in dispute with the outcome of the peace and because the KAN verdict is resolving. Decisions of the KAN assembly session can be divided into 2 forms: a. Decisions are kusuik manyalal, meaning that the case can be resolved properly or by peaceful means, where there is an agreement of the parties to settle this case well. In this case there is no party that wins and the party who loses, in the settlement of this peace, emphasises the peaceful settlement in accordance with the prevailing customary law norms so that later there will be a sense of satisfaction between the parties to the dispute. Furthermore, the Decision can be accompanied by the obligation to pay customary fines / money by certain parties, meaning that the party proven guilty / defeated, will be subject to fines / paying customary money to KAN. This is useful, among other reasons, for erasing mistakes and shame on the village. Here we see a losing party and a winning party in the final settlement of the case. KAN's decision as a non-formal institution does not have executor power like the Court's decision, but KAN's decision can be taken into consideration by the Court Judge in resolving customary land disputes in Minangkabau.

Conclusions

1. Registration of customary land through the PTSL in West Sumatra causes deep conflict, because it affects the concept, values and norms, if done with the provisions not individual and collective land registration as determined by PP 24 of 1997, besides that it also causes disputes / conflicts horizontally between members of the clan, and mamak in the Minangkabau traditional law community.



2. Settlement of customary land registration disputes with PTSL is carried out by formal justice in the Minangkabau customary institution called KAN, but it does not rule out the resolution of disputes / conflicts carried out through judicial institutions or litigation.



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