

“CONTROL OF CIVIL RIGHTS: STUDY OF CHANGE IN ULAYAT LAND TENURE VALUE IN NAGARIKAYUTANAM - WEST SUMATRA”

Gamal Abdul Nasir¹, Khudzaifah Dimyati², Absori³, Ade Saptomo⁴

¹Universitas Muhammadiyah Surakarta, Indonesia. Email: gamalnasir@gmail.com ²Universitas Muhammadiyah Surakarta, Indonesia. Email: kd255@ums.ac.id ³Universitas Muhammadiyah Surakarta, Indonesia. Email: absorisaroni@ums.ac.id

⁴Universitas Pancasila Jakarta, Indonesia. Email: adesaptomo@yahoo.com

ABSTRACT:

Ownership of ulayat land rights is not known for transfer of rights (transactions), because communally owned communal land cannot be transferred to other parties forever, however, preliminary research in the field shows that there are changes in the control of ulayat rights both evolutive and revolutionary with changing parameters. The six values of customary land tenure are magical religious values, self-defense values, social kinship values, customary values, structural values and socio-economic asset values. This research will answer whether there has been a change in the value of land tenure with customary rights in Nagari Kayu Tanam West Sumatra and provide a concept of customary land tenure based on the values of indigenous peoples. This study uses an empirical research method (socio legal research) with a sociological approach, namely a historical approach (historical approach) and a case approach. The theory used in this research is Eugene Ehrlich's living law theory and positive law theory whether these theories can interact to achieve legal objectives. The results of this study conclude that there have been changes in six land tenure values as evidenced by the issuance of certificates of land rights which change the collective ownership status (communal) to individual ownership status and the interaction between laws, namely the interaction with the corporation into the right concept for communal land tenure for the future.

Keywords:

customary rights, land tenure values, customary law communities.

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INTRODUCTION

The communal land of customary law communities has been recognized and stated firmly in positive law in Indonesia as in Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia and Article 3 of the Basic Agrarian Law Number 5 of 1960. the state relating to land is also regulated in the provisions of Article 33 paragraph (3). Land is part of the earth, therefore land is controlled by the state with the concept of being controlled by the state which means regulating. The state has the authority to manage and regulate land to the greatest possible extent for the prosperity of the people. Recognition and arrangement of customary land as referred to in the following provisions:

Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia;¹

The state recognizes and respects customary law communities and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia as regulated in law.²

¹Republik Indonesia, *Perubahan Kedua Undang-Undang Dasar Negara Republik Indonesia Hasil Sidang Umum MPR RI Tahun 2000*, ditetapkan tanggal 18 Agustus 2000, Sekretariat Jenderal MPR RI, 2000.

²Dominikus Rato, disampaikan dalam *Seminar Nasional tentang Memperkokoh Ekosistensi Masyarakat Adat dan Hak-Hak Tanah dalam Hukum Nasional*, APHA, di Universitas Pancasila, Jakarta, tanggal 16-17 Oktober 2017.

Article 3 of the Basic Agrarian Law Number 5 of 1960;³

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

The actualization of the above constitutional rights also has limitations: (a) in accordance with national and State interests, (b) based on national unity and (c) may not contravene laws and other higher regulations. .

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia;⁴

Land is part of the earth, therefore land is controlled by the state with the concept of being controlled by the state which means regulating. The state has the authority to manage and regulate land to the greatest possible extent for the prosperity of the people.

Land is a treasure that is very valuable to the value of the human life who is the owner of the land. Land not only has economic value alone, but also has religious, socio-cultural and security values. The economic value of land has now become common, namely land used as investment for the development of manufacturing, housing, plantation, agriculture, forestry and tourism industries. The economic value of land has emerged since the Middle Ages after the destruction of feudalism. The industrial revolution changed the way humans perceive land.

The human perspective on land always changes, that is, at the beginning, land was seen as having

or containing religious-magical value. In this perspective, the earth and the earth are the mother who has a womb and from her womb man is born. This point of view is shared by Naturalists.⁵

With the birth of the industrial revolution, the view that who controlled the land was controlling the world changed. The change is that whoever controls capital / capital / money is the one who controls the world. That was the birth of the capitalists referred to by Marx in his book "Das Capital".⁶The change in the view of land which contains religious magical value determines social status and is now an investment instrument criticized by Marx. Marx saw that the capital, which was also Feudalists, namely the materialists, had exploited fellow human beings, especially the workers or the proletariat. The capitalist, by relying on the power of money, controls the workers and thus exploits their labor. Because in the view of the feudalists, it was the farm workers who needed food, clothing and houses which were now being controlled by the landowners / landlords. With the conversion of land to money, the owners of money were not much different from the landowners in feudal times. It's just that in the era of the proletariat are agricultural workers, then in the age of industrialization the proletariat is industrial workers.

The land issue is a sensitive issue for humans in general and the people of West Sumatra / Minangkabau in particular, because land in Minangkabau is one of the elements in the matrilineal organization. Besides that, for the Minangkabau people, land is considered as one of the criteria that determines a person's dignity in the life of the village. A person who owns customary land is considered a native person in the nagari who has more right to greatness in the nagari.⁷

³Republik Indonesia, Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, LN Nomor 104 Tahun 1960, diundangkan 24 September 1960,

⁴Republik Indonesia, *Naskah Asli Undang-Undang Dasar Negara Republik Indonesia*, disahkan pada tanggal 18 Agustus 1945 oleh Panitia Persiapan Kemerdekaan Indonesia (PPKI).

⁵Dominikus Rato, *Hukum Benda dan Harta Kekayaan Adat*, Laks Bang PRESS Indo, Yogyakarta, 2016, hal.80.

⁶ Ibid.

⁷ Amir Syarifudin, *Pelaksanaan Hukum Kewarisan Islam dalam Lingkup Hukum Adat Minangkabau*, Gunung Agung, Jakarta, 1984. Hal.

Customary land according to Hazairin, as quoted by Sunaryati Hartono, states that the ulayat land of a community (Law) is customary (rechtsgemeenschap), namely the right to the entire territory of the customary law community concerned, which can never be isolated from other people or community groups, or revoked from the community. the customary law concerned, but from generation to generation it will remain the collective right of the customary law community to land as well as law.⁸

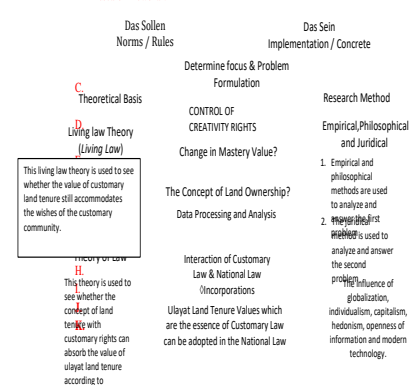
The author suspects that at this time there has been a change in the control of customary land to the value of control over communal land, which according to SaptanaSurpriyati and Yana Supriyatna quoted by Iswantoro⁹In substance, communal land is not known for any transfer of rights (transactions), because communally owned communal land may not be transferred to another party forever.

However, based on preliminary research or pre research in the field, it shows that there is a transition from communal land tenure to private ownership. Some of these changes follow an evolutive process and a relatively revolutionary process. An evolutive change is when the ulayatnagari land through customary deliberations is divided into tribal ulayat, then the tribal ulayat land through customary deliberation is divided into ulayat clan, then ulayat clan through customary deliberation which is usually at the demands of the community members who have the right to distribute the land. This evolutionary process appears to be in line with the natural development of the population so that the need for land for life has increased so rapidly. Furthermore, there is economic openness and cultural openness of the nomadic and immigrant communities, many lands that were once customary lands after being divided are certified.

Changes in the value of customary land tenure, whether it can answer the formulation of the problem in this research and the arrangement of customary land law in the future must pay attention to and contain a nuance of life or social functions of ulayat land that still pay attention to the values of customary land tenure that apply in it. local customary communities, especially in the distribution of communal lands (ulayat lands) and individual or individual lands. The distribution of rights or the arrangement of rights over customary land rights must show that there is an effort to curb the use of the ulayat land itself based on the values of land tenure that the community has believed so far so as to guarantee justice and legal certainty.

Starting from the background described above, the researcher is interested in conducting research on the control of ulayat rights over ulayatland, which indicates that there is a change in the value of customary land tenure and is correlated with the concept of customary land ownership which so far does not recognize individual ownership with the title: Tenure of Rights Ulayat: Study of Changes in the Value of Land Ownership for Ulayat in NagariKayuTanam, West Sumatra.

Table 1
Research Flowchart



Pengaruh
Globalisasi dan
Teknologi Modern

⁸Sunaryati Hartono, *Pengaturan Ulayat dalam UUPA Yang Baru*, Jurnal Hukum Bisnis, Yayasan Pengembangan Hukum Bisnis, Jakarta, 1999.

⁹Iswantoro, *Eksistensi Tanah Ulayat Masyarakat Adat Dalam Hukum Agraria Nasional*, Jurnal Sosio-Religia, Vo.10, No. 1, Feb 2012.

RESEARCH METHODS

This research uses empirical research method (socio legal research) which aims to find theories about the process of the occurrence and operation of law in society. Empirical research on law will produce a theory about the existence, change and function of law in society due to changes in people's behavior that lead to changes in law.

The use of this method is intended to be a basis for highlighting problems based on the prevailing legal aspects and examining or tracing the behavior and attitudes of society towards the applicable law which will be used to answer and analyze these problems.

The approach to be used in this research is a historical approach and a case approach. The historical approach is carried out by exploring and gathering information about the origin of the existence of customary land lands that apply in the community, while the case approach is a study that explores a problem in the community with limitations on the problem to be researched and carried out by collecting data and information from the community. regarding the value of control over communal land, especially the value of control over ulayat lands.

DISCUSSION

Study and Discussion on Changes in Land Ownership Value

Changes in the value of customary land tenure can be stated in the results of the research based on the data that has been obtained in the form of evidence of land tenure rights in the research location and from the results of interviews with customary chief sources at the research location as follows:

a. Religious Magical

That based on an interview with Datuk Ahmad Umar Dt. Sinaro, the current condition in the village of Timber Planting for Magical Religious Values has faded and the people in the area do not fully believe in beliefs about supernatural things,

this is because there have been changes in several generations which are now more realistic.¹⁰

Changes in Magical Religious Values occur based on two parameters of change, namely evidence of land tenure rights and results of interviews from the leader / Datuk, chief of the tribe.

Based on evidence of land tenure rights consisting of Tanah Ulayat of the Sikumbang tribe (Ranji H. Sainu Dt. Rangkayo) and Certificate of Ownership of Free Land Rights, only Ranji H. Sainu Dt. It is only Rangkayo who states that it has not changed, whereas from the certificate of right ownership, it can be concluded that it has changed.

The magical religious values that exist in ulayat land are a set of values attached by a custom to ulayat land, this is related to the customary rules and rituals that a custom has. In ancient times, indigenous peoples usually performed ceremonies, made offerings, and paid homage to their ancestors or their trusted spirit.

b. Self –istence or Self - Esteem

Land for indigenous peoples in the KayuTanam village area is still the highest form of honor in the group and has a very high prestigious value as well. And according to DatukSinaro that the value of Self-Existence or Self-Esteem is still firmly upheld by the community and the community is very consistent when there is a conflict over this customary land issue, because they really believe it is about the issue of Self-Existence or Self-Esteem which must be defended with all their souls and body.¹¹

Change in Self-Existence Value or Self-Esteem occurs based on two parameters of change, namely proof of land tenure rights and the results of interviews from the leader / Datuk of the tribal head, there is a change in SHM, while for Ulayat land of the Sikumbang tribe there is no change if

¹⁰Wawancara dengan beberapa Datuk yang diwakilileh Datuk Ahmad Umar Dt. Sinaro, di Nagari KayuTanam pada tanggal 1 dan 7 April 2018.

¹¹Wawancara dengan beberapa Datuk yang diwakilileh Datuk Ahmad Umar Dt. Sinaro, di Nagari KayuTanam pada tanggal 1 dan 7 April 2018

it is based on the basis of the change, which is evidence of land tenure rights, Meanwhile, when seen from the interview results, several Datuk all stated that they had not changed and stated that the value of self-existence or self-esteem was still maintained until now. However, based on the author's view, it is more based on evidence of land tenure, namely that the value of self-existence or self-esteem has changed with the emergence of a certificate of ownership of SHM rights which has transferred to private or individual ownership originating from communal ownership.

The change in society about existence slowly changes with the entry of industrialization. The expansion of modern concept companies into a new reality that slowly changes the view of the dignity of an indigenous people in Minangkabau. This has resulted in social changes to indigenous peoples as well as in their land rights. Customary communities cannot be separated from their customary or ulayat lands.

Changes in land value lead to individual ownership supported by the certification of ulayat lands being abused. There are a number of findings that prove that there has been a change in the social function of land ownership rights¹². The change is towards an individual function, so that land ownership among community members is no longer oriented towards a social function.

Juridically, the regulation regarding the recognition of the existence of customary law communities is contained in Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The substance of this article has many weaknesses including the potential for multiple interpretations and conflict of norms. The formulation of Article 18 B of the 1945 Constitution of the Republic of Indonesia is also contrary to the basic law principles which must be obvious, objective, do not contain multiple interpretations, must be applicable and must not make certain groups difficult. or no luck. This situation makes the recognition and respect

that is required of the Customary Law Community very difficult to implement. The weakness of the recognition of customary law communities is also found in the Elucidation of Article 3 of the UUPA which explicitly eliminates the right of indigenous peoples to refuse if their territory is to be the object of cultivation rights.

c. Social Kinship

Tanah Ulayat creates close relationships because of its communal ownership, thus creating mutual cooperation in the kinship system. Because of this very strong kinship system, if the ulayat land is disturbed, the children of the nephews will work hand in hand with each other.

The social kinship system seems clear that individuality or individual interests are inferior to common or communal interests, they prioritize general rights over individual rights.

With ulayat land that is communal in nature, the transfer of ulayat land cannot be carried out by anyone. Communal rights are the rights of all communities to them and to lands for public interest which are jointly controlled by the community concerned. Land with communal rights is the common property of a community that can be utilized by every member of the community, serves to provide resource reserves and / or areas for kinship social activities, cannot be transferred and the control is presented to local community functionaries.¹³

Likewise, the results of the interview with DatukSinaro were admitted by him that in the Timber Planting village there had been a process of certifying customary land rights, but the percentage was still low and this was due to the problem of the cost of making a certificate of

¹² Yusriyadi, *Industrialisasi dan Perubahan Fungsi Sosial Hak Milik Atas Tanah*, Yogyakarta : Genta Publishing, 2010

¹³ Beberapa studi membuktikan bahwa tanah-tanah dengan hak komunal, kolektif dan individual ini terdapat di masyarakat minangkabau. Warman, Hutan adat di persimpangan jalan: Kedudukan Hutan adat di Sumatera Barat pada era desentralisasi, dalam Myrna A. Safitri dan Tristram Moeliono, *Hukum agraria dan masyarakat di Indonesia: Studi tentang tanah, kekayaan alam dan ruang di masa colonial dan desentralisasi*, hlm.75, Jakarta HuMa, Van Vollenhoven Institute, Jakarta

customary land which he considered still a burden on the community.¹⁴

The industrialization process is a phenomenon that cannot be denied its existence in a development. The more rapid the development, the more the need for land increases. In fact, the availability of state land that can be used to support the continuity of development itself is very limited.

Thus it can be conveyed that the social value of kinship in terms of controlling ulayat land has changed to individual ownership which is also supported by the government in the form of Regional Regulation No. 18 of 2008 concerning Ulayat Land and Its Utilization (TUP) which allows the issuance of a certificate of ulayat land in the village of Timber Planting.

d. Cultural Roots / Customs

One of the customary regulations in the Minang community is about the inheritance system, this is related to the successor of ulayat land owned by an indigenous community. The problem that occurs is when the change in the value of customary land starts to change into an economic commodity, this will affect the inheritance regulations of customary land. The inheritance system, which should pay attention to the customary lineage in a family, or clan or in the village, slowly fades and leads to individual ownership. This individual ownership is the impact of industrialization and globalization in the Minang indigenous people.

Basically, the Minangkabau Adat provisions prohibit the transfer of the ulayat lands of the people, except in urgent circumstances. If the transfer must occur, it must be in the common interest and obtain the approval of all members of the clan and permission from the head of the heir. According to the customary provisions to address the collective needs of the members of the clan, firstly it is resolved with the results of the

communal land, if the result is that the communal land of the clan is unable to meet the need while the situation is urgent, then the customary provisions apply, no gold bungkal sharpened, not tiered wood. diced (no gold bungkal sharpened, no tiered wood cut) that is to divert the ulayat lands of the people themselves.

If a clan is close to extinction, and the members of the people who live last want to transfer the communal land of their clan, then this is permitted by customary law to the people in one tribe or nagari without any other party having the right to prevent it, but in reality this transfer does not occur because economic considerations, where the extinct people prefer to move to other parties outside the clan, tribe or nagari in order to get a bigger reward.¹⁵ It is extinct if in a family there can no longer be shown the heir with the blood, or if the only male remains in that family. However, if the extinct person does not wish to transfer the ulayat land of his clan or their inheritance, then the provisions of the communal land of the clan will return to their tribes.

e. Structural

The historical changes in the structural values that occurred in the Minang community were due to Dutch colonial politics not only introducing the money economy to the Minangkabau people, but also giving new stratification to the ruler, some who had certificates and some who did not. A ruler would receive a certificate if he was able to secure colonial government policies, either in the form of forced cultivation or in the mobilization of labor (corrosive labor).

Customary institutions in general have existed since the first time customary law communities were formed, their existence is usually based on the decrees of local customary elders. Although at first the existence of customary institutions was not regulated in statutory regulations as it is today.

¹⁴ Wawancara dengan beberapa Datuk yang diwakili oleh Datuk Ahmad Umar Dt. Sinaro, di Nagari Kayu Tanam pada tanggal 1 dan 7 April 2018

¹⁵ Wawancara dengan beberapa Datuk yang diwakili oleh Datuk Ahmad Umar Dt. Sinaro, di Nagari Kayu Tanam pada tanggal 1 dan 7 April 2018

The uniqueness of customary law communities is not only in the pattern of life but also in their legal system. Indigenous and tribal peoples have a regular structure or organization. Customary law communities have a customary head who has the authority to regulate all aspects of the life of the customary law community concerned. The authority of the customary head includes authority in the agrarian sector.

In the area of land law, the customary institution NinikMamak has complete data on the owner, area, boundaries and location of ulayat land in its territory. An accurate inventory of customary land data makes it easier for interested parties to obtain information on the land they need. It is also thanks to this inventory that the obligation of land owners to pay taxes to the Government as a source of local revenue can run properly. This is what is rarely found in other customary institutions.

The authority of the structure or customary head in the agrarian sector is actually almost the same as the authority of the state in the context of national law, namely first, regulating the designation, use and supply of land, second, regulating legal relations relating to land and third, regulating legal relations and legal actions relating to land as contained in Article 2 paragraph (2) UUPA.

If the authority to control the state is implemented in the lebensraum or the territory of the customary law community, there is a potential for conflict between the two. In particular the conflict between the authority of the customary law structure or the customary head and the authority of the state. In such a condition, it is important to analyze the suitability of authority between the right to control the state and protection of the ulayat lands of the customary law community and the policies that should be formulated by the government in relation to the customary law community.

In the perspective of law or regulations regarding ulayat land, article 3 of the UUPA includes the article placing subordinate ulayat land from the right to control the state. It explicitly eliminates

the right of the customary law community to refuse if their territory is to be the object of cultivation rights. Neglect of the communal land of customary law communities can also occur if the forest is cleared for the sake of agriculture or transmigration¹⁶.

Various structural frictions within the customary community due to changes in views on land values that have changed from agrarian to economic have led to conflicts within the nagari. On the one hand, economic development does not always result in progress and increase in social welfare. Sometimes economic development has even had a negative impact on people's lives. One of the impacts is an increase in the intensity of social conflict.

The structural relationship between customary community institutions and government institutions occurred in conflict which directly led to the government's domination of customary institutions in Minangkabau. Ninikmamak, in this case, as the party who fully carries out the preservation of the Minang tradition, does not have a bargaining position because the existence of adat is inevitably separated from social ties.

Changes in Structural Value occur based on two parameters of change, namely evidence of land tenure rights and the results of interviews from the leader / Datuk of the tribal chiefs that based on evidence of land tenure rights and interviews with Datuk, Structural Nillai has undergone changes where the authority to regulate control of ulayat land can no longer be maximally exercised. Considering the entry of national laws regarding the regulation of customary lands which has strengthened the State's dominance in controlling land with customary rights, this is clearly reflected in the table, namely the issuance of a certificate of land tenure rights indicated in SHM, whose ownership becomes individual ownership and no longer requires the permission of the tribal chief or Penghulu and is a Structural Value that is no

¹⁶Diah Pawestri Maharani, *Pembatasan Hak Menguasai Negara oleh Masyarakat Adat dalam Pengelolaan Sumber Daya Air*, Jurnal Arena Hukum Vol. 9 No. 1 April 2016.

longer adhered to, although based on the results of interviews with several Datuk, it was stated that the structural value in terms of granting a certificate permit has not changed, that is, it must be through the permission of the Ad Chair. at, Penghulu or Datuk in the area of the land.

f. Socio - Economic Assets

In the initial condition that Ulayat land became a common source of prosperity for the common interest of a customary unit which was carried out from generation to generation, this could be done by using the same Ulayat land alternately to be used by several tribes, the customary leader / pengulu would regulate its use in rotation with make provisions, for example by collecting the harvest that can be enjoyed in turn for each harvest period so that the customary land will become a socio-economic asset forever and obeyed by all members of the customary community.

Utilization of Ulayat Land as a socio-economic asset is currently no longer practiced in the village of Timber Planting as previously done by their ancestors or ancestors by using it alternately or alternately, currently preferring to divide parts of the communal land to those who are entitled according to the Ranji letter. facilitated by the customary head or the pengulu.¹⁷

Changes in the value of customary land tenure for socio-economic assets can occur based on two parameters of change, namely evidence of land tenure rights and the results of interviews from the leader / chief of the tribe, it is conveyed that based on evidence of land tenure rights and interviews with Datuk, the value of socio-economic assets has changed, this has happened because it is not widely found in practice, for example in the case of the use of the same ulayat land in turn for several tribes. Currently, they prefer that their ulayat lands are divided and managed by the respective holders of tenure rights as recorded in

the table above for freehold certificate of land whose ownership becomes individual ownership. The changes in the six values of customary land tenure that have been conveyed from the results of the above research, the author can still convey again that there has been a change in the value of control over customary land rights in the timber plantation based on evidence of tenure as in the following table:

¹⁷ Wawancara dengan beberapa Datuk yang diwakili oleh Datuk Ahmad Umar Dt. Sinaro, di Nagari Kayu Tanam pada tanggal 1 dan 7 April 2018

Evidence of tenure of rightsissui ng date	Did change happen?						Conclusi on
	Religiou s- Magical	Self- Existenc e/ Pride	Socio- Kinsh ip	Custom s/ Cultura l	Structur al	Socio- Econom ic Asset	
y Land of g Tribe (H. Rankayo)	March 6 th , 1987	x	x	x	x	x	Did not change
KX/Nagari Panam n of Rights ary Land	March 17 th , 2008	v	v	v	v	v	Changed
KX/Nagari Panam sal for Control of ary Land	May 5 th , 2008	v	v	v	v	v	Changed
IM gariKayuT am l for the Systematic ication for d Control	September 8 th , 2017	v	v	v	v	v	Changed
IM gariKayuT am l for the Systematic ication for d Control	September 8 th , 2017	v	v	v	v	v	Changed
IM gariKayuT am n of Rights ary Land	July 8 th , 2011	x	x	x	x	x	Did not change

Table XIV

Table of Changes based on Evidence of Tenure of Rights

Note: v= changed; x= did not change

In the table above, it can be stated that for proof of right number 1, namely Tanah Ulayat of the Sikumbang tribe (Ranji H. Sainu Dt. Rangkayo) there has been no change and for proof of rights number 2 to 5 have lost their ownership from communal land to individual land, while number 6 namely SHM 00140 there has been a dialectic between customary law and national law with the interaction between incooperative law as will be further elaborated in the concept of land tenure with customary rights based on the value of land tenure with customary rights.

Changes in the economic system in the Minangkabau community since the early 20th century resulted in fundamental socio-cultural changes in society. According to Schrieke¹⁸ the socio-cultural changes that occur are the result of intensive meetings between the pro-capitalist

Minangkabau community and the Western capitalist society. Initially, the Minangkabau community's agricultural system was subsistence (agricultural business aims to meet family needs), with rice as the main crop. In the development of Dutch colonial politics, the people forced to plant crops needed by the colonial government, such as: coffee, cloves, tea, cassiavera, rubber and other market-oriented crops.

The existence of compulsion to plant cash crops (plants that can produce money, or also known as trade commodity crops which are needed to produce cash such as: coffee, tea, pineapple, pepper, cinnamon, cotton, sugar cane and so on), has an effect on attitudes and the economic behavior of the Minangkabau people, as stated by Naim¹⁹ namely: The agricultural revolution has

¹⁸Bagir Manan, *Pertumbuhan dan Perkembangan Konstitusi Suatu Negara*, Mandar Maju, Bandung, 1995

¹⁹Erwin. 2006. *Tanah Komunal :Memudarnya Solidaritas Sosial Pada Masyarakat Matrilineal Minangkabau*. Padang: Andalas University Press, 2006, hlm : 3-4

clearly created a new attitude in people's economic behavior.

As for the eroded value, the authors conclude from the six values that only one that tends not to change is the existence of self / self-esteem, while the five values of land tenure are completely eroded and if possible, the author ranks the erosion of the value of land tenure in succession from starting from The scouring is deep to the least scouring, namely social kinship values, structural values, cultural root values / customs, magical religious values and socio-economic asset values. The deepest eroded social value of kinship is clearly evident in terms of land tenure ownership, which was based on communal social kinship values, nowadays many have shifted heads of individual land ownership / control, which is marked by the issuance of certificates as a sign of ownership of individual land rights. Structural values are closely related to customary structures and authority, which are eroded by the integrity of customary stakeholders / leaders who are unable to maintain this value to protect ulayat land in their territory. The value of cultural roots / customs is related to customary law in the Minang community or the inheritance system, the inheritance system sometimes does not pay attention to the customary lineage in one family which prohibits the transfer of customary land rights, but it can still happen. Magical religious values are clearly eroded by the progress of education and globalization of information among members of indigenous peoples (Maselena et al., 2019). The concept of implementing the value of socio-economic assets is currently not implemented in several villages, such as in the village for planting timber in the author's research location.

CONCLUSION

Changes in customary land tenure values have occurred in the KayuTanamnagari, Pariaman Regency based on the results of a study of six customary land tenure values. Changes in the value of customary land tenure occur because of

erosion by economic forces, the fading of socio-economic functions, the integrity of the customary head (pengulu), the push of national regulations into the customary law structure, globalization and technological advances. This change in value can be seen from the results of the analysis of land rights certificates in the form of certificates of ownership rights through applications, recognition or confirmation of customary land rights, where there has been a dialectic between customary law and national law, causing changes in the communal ownership system to conditional individual or individual ownership.

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