

The Land Ulayat-Based Environment in Kapau Nagari, Tilotang Kamang Sub-District, Agam Regency – Indonesia

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Abstract: This research was conducted to understand *tanah ulayat*-based. Furthermore, this study will analyze the values that exist in the community about *tanah ulayat* in Kapau Nagari – Agam Regency, analyze the factors that affect the change of ownership, analyze the existence of *tanah ulayat* about environmental sustainability. This research was conducted using qualitative research methods with descriptive types. To get information is done using field observation, document collection and in-depth interviews. The results showed socio-economic and cultural changes have shifted community view of the world, including their orientation and views on Minangkabau social system, modernization touches with capitalist economic styles and changed communal socio-economic orientations towards individuals. In line with the matriline shifted parental form, this shift is however related to the problem of inheritance and ownership of property, usually, the property bequeathed by the mother (uncle) to the niece (sister's daughter) or in the maternal line, with the urgency of economic needs and the changing view of the property, now a father seeks to bequeath property to the child, then the appearance of land disputes becomes biased when viewed from these orientation changes.

Keywords: *Environment, Tanah Ulayat, Pusako, Minangkabau*

1. Introduction

One of the customary rules that still exists and is held firmly by the community of Minangkabau is related to the management of *tanah ulayat*. *Tanah ulayat* is a communal property that cannot and cannot be registered on behalf of one or only one party (Shahyuti, 2006; Yarsina, 2018). Hafidh (2018) add *tanah ulayat* in Minangkabau is a self-identity because the land here serves as a binding relationship between both tribes and tribes as well as evidence of its origin. With the existence of land as a binding relationship between tribes, communities, there will be a social interaction that shows the strong existence of Minangkabau society itself. The function the formation of social relations in the group of relatives and at the same time to determine the lineage. Through the ownership of *tanah ulayat*, Minangkabau

community place the functions and bonds of their group in the system as a whole.

The matrilineal lineage principle determines the lineage of the female party as the ruler in the management of the *tanah ulayat*. The synergy between the mastery and management of *tanah ulayat* results in socio-economic function in maintaining kinship group bonds. Relatives jointly inhabit *rumah gadang*, own and process and consume the produce of *tanah ulayat*. Everything runs in Minangkabau matrilineal kinship system which includes the function and bonding of the *tanah ulayat*-based structure. In Minangkabau, *tanah ulayat* is defined as a piece of heritage land along with natural resources that are on it and in it obtained in descending decreases is the right of indigenous law communitys (Fauzan, 2008). Inheritance belongs to every tribe in a

tribe and has been passed down through generations. This property cannot be traded unless it is held in a mace. This transaction is only allowed after going through a meeting of the community led by the chairman based on four considerations, *maik tabuju ditangah rumah* (corpse in the middle of the house), the cost of maintaining the body. Secondly, *gaduh gadang indak balaki* (grown-up girls don't have husbands) costs the wedding of an unborn adult woman. Third, *rumah gadang ka tirisan*, the cost of repairing *rumah gadang*. Fourth, *mambangkik batang tarandam* (building submerged rods) the cost of urgent needs, such as the cost of education and the appointment of the head (Batuah, 2003).

In the event of a transfer of rights to *tanah ulayat* in Minangkabau, then, that means one major joint of matrilineal customs means has collapsed. In the matrilineal kinship system, the pattern of the relationship of *mamak jo kamanakan* is very important and almost parallel to the parent's relationship with the child. The two relationships complement each other which in the customary expression states "*Anak dipangku, kemenakan dibimbiang. Anak dipangku jo pancarian, kamanakan dibimbiang jo pusako*". The core of the phrase states that the responsibility of a father in Minangkabau is not limited to the core family (son and wife), but also the niece. If the child should be raised with the father's livelihood, then the niece is raised with heirlooms (including *tanah ulayat* that is part of the estate). In the context of *mamak's* responsibility towards the niece, causing the estate to be passed down to the niece who became the regeneration clan (Nurdin, 2015).

Socio-economic and cultural changes have shifted community view of the world, including their orientation and views on Minangkabau social system, modernization touches with capitalist economic style

have changed communal socioeconomic orientation towards individuals, thus affecting land ownership patterns in some areas, especially in urban areas. The changing pattern of land ownership gives individuals space to exploit their land according to the individual's need. What plural happens is that when the land is already an individual asset, the individual is free to trade the land so that the pattern of land utilization can no longer be controlled by the community. Land buyers tend to use the land for economic activities that contribute to the disruption of natural environments such as physical development and settlements (Chadwick *et al*, 1991).

But in other areas of West Sumatra, the pressure from socio-economic changes of the community does not necessarily affect the pattern of land ownership, the community still maintains the position of *tanah ulayat* as a tribal or racial identity. One of them is in *Kapau Nagari* Agam Regency of West Sumatra Province. *Kapau Nagari* with an area of ± 479.39 Ha or only ± 5.78 % of the area of Tilatang Kamang sub-district is the smallest *Nagari* of the six *Nagari* in Tilatang Kamang sub-district in Agam Regency. *Kapau Nagari* consists of twelve villages is Korong Tabik, Koto Panalok, Cubadak, Cingkariang, Dangkek Paninjauan, Pandan Banyak, Padang Laweh, Koto Panjang Hilir, Padang Cantiang, Koto Panjang, Parak Maru and Anduring. With the preservation of *tanah ulayat* maintenance patterns in *Kapau Nagari* certainly has a coalition to the sustainability of the natural environment in the area. Environmental maintenance is a major factor in the sustainability of community well-being.

2. Methods

Researchers focused the research topic on the values that exist in the Minangkabau community in the management of *tanah ulayat*, the behaviour of the community applying these values and related to environmental sustainability in *Kapau Nagari* Agam Regency. The informant selection techniques used in this study vary depending on the type of information researchers want to obtain. For the selection of indigenous practitioners and government officials, the technique used is purposive sampling, which focuses the basis of informant selection on the objectives of the research (Babbie and Mouton, 2001). Indigenous community and government figures are chosen as the main informants, assuming that they know the condition of the *Nagari* thoroughly. Also, it is important to know their views both towards the institutions that house them and against other institutions in the country.

In the selection of informants with ordinary citizen backgrounds, researchers used snowball sampling techniques. This technique is used to identify suitable individuals to be informants, by trying to obtain information about them from other informants, which has been first. Researchers chose ordinary citizens (non-indigenous and non-governmental) as informants, to see how the practice of existing values of *tanah ulayat* at the family and *Nagari* level, and how the community's view of the *tanah ulayat* in the sustainability of linguistics. In addition to these non-indigenous and non-governmental citizens, researchers chose several community leaders to be informants, using snowball sampling techniques. The purpose is to know, how the views of these community leaders on the issues facing the community towards

the *tanah ulayat*, seen from the side that tends to be more neutral.

This data collection is carried out through three stages, i.e 1) conducting observations where researchers come to and observe directly the location and social life of the community related to the application of *tanah ulayat* values; 2) in-depth interviews with designated informants based on interview guidelines that have been compiled based on the formulation of research issues; and 3) documentation studies, in which researchers collect information in the form of documents related to research problems from various sources. The type of data analysis used in this study adopted developed by Milles and Huberman (1984). Qualitative data analysis activities are conducted interactively and continuously. Data analysis is carried out through three i.e 1) data reduction, at this stage researchers, do data sorting to make the collected data more systematic; 2) presentation of data, mandated by researchers presenting organized data so that it will be easy to understand; 3) verification of the data, where the researcher will provide the conclusion of the data that has been obtained. The data verification process is carried out continuously during the research process.

3. Results

History and ownership system of land in Minangkabau

Understanding and knowing the structure of land ownership in Indonesia today is inseparable from colonial influences that date back several centuries, ranging from British colonial, Dutch colonial and Japanese colonial. Bosma (2007) each colonial country has different strategies and objectives in shaping the ownership structure of the land. During

the very brief British colonial period (1811-1816) under Stamford Raffles tried to establish a land ownership structure (cadastral). Similarly, the Dutch colonials after 1816 continued Raffles's policy of land rights. Gradually in 1830, the Dutch colonials began to use their power in introducing a system of forced planting (*cultuurstelsel*). Governor Van den Bosch who started the policy of forced planting system in Indonesia during the Dutch colonial era. Broadly, the background of this policy is to develop an economic system of money by investing capital to profit in the agricultural sector. It is very appropriate to be developed on land in Indonesia that is considered fertile especially in Java island and Bali. Economic money and the interests of the Dutch colonial government to sell the produce of trade crops such as coffee, chocolate, tea and spices. Our farmers feel that with the forced planting system, they are no longer free to use the field of land. Farmers are also forced to give away some of their land and energy to cultivate the above trade crops (Drakeley, 2005).

Curry (2016) explains in his paper the Dutch colonial forced planting system (*cultuurstelsel*) led to the use of obscure land or land in producing exportable agricultural commodities. Consequently, some of the lands on the islands of Indonesia were controlled by the Dutch colonials to be planted agricultural commodities especially spices and others. The plantations found in some areas of Indonesia today, except palm oil plantations, are a relic of Dutch colonialism in forcing Indonesians to grow crops in export commodities. Not only was the land seized by the Dutch colonials, but some ethnic Indonesians were also forced to be employed on the plantation. Especially ethnic Javanese who were employed by the Dutch colonials in areas outside Java island. Unlike Japan's colonial era, land ownership patterns were not

their main focus. Japan's colonial concern is the production of crops that have been harvested by the population, such as rice, coffee, chocolate confiscated by force. The Japanese occupation of Indonesia only took place in 1942-1945. It was not so much done by the Japanese colonials in exploiting various sectors in Indonesia. Thus in colonial Japan, the land ownership structure was not touched at all. So that in this day and age the population that was born was forcibly taken by the Dutch colonial government through agrarian law began to be added again. Unfavourable conditions by farmers who lack land, especially in Java and Bali, cause them to lose their land yield.

Changes in land ownership structure in Indonesia such as the description above occurred more during the Dutch colonial period. During colonial times the British as the basis of the land ownership structure were laid out to get a tax on the land. While in colonial Japan there was no touch to the pattern of land ownership, but more emphasis on the land yield struck by the population. The fastest target for land ownership changes island or land that is considered fertile in Java and Bali. And the process involves public figures both formal and informal and accompanied by the issue of agrarian rules or laws. The land or land that is located outside the two islands, the structure of land ownership, the changes occur unevenly. Consequently, the majority of land on both islands is still communal (Azwar, 2005).

From the aforementioned thinking, some writers argue that in essence, all land is communal property, but some other experts argue that the communal land ownership system arose as a result of changes in the land ownership system carried out by the kings and the colonial government. Another opinion is that the two forms of ownership are original forms that have existed long ago. Van Vollenhoven in

(Tjondronegoro, 1984) tries to give an opinion on this issue that: “the oldest land rights are rights based on the *ulayat* rights of tribes/villages/unions/villages. The changes that occurred were mainly caused by the kings, especially in their territory, and these changes were strengthened and disseminated throughout the island of Java by the Dutch colonial government. In West Sumatra, *tanah ulayat* is considered the most valuable treasure because *tanah ulayat* has symbolic values for community amid society called by heirlooms. The property ownership system in Minangkabau is divided into two categories, i.e property and livelihood. The heirlooms in Minangkabau can be divided into two i.e:

a) 3.1. Harato pusako tinggi (high heritage)

Harato pusako tinggi is a joint property of a community who have blood links and are inherited through generations from moyoang's former grandmother and this property is in the under the management of *mamak kepala wariah* (the oldest man in the community). In Minangkabau custom do not know the term selling for the high heritage that can only be, high *Tanah Pusako*, for example, the pawn can only be done on the agreement of members of the community as the owner of the high *tanah pusako* in question. Tall heirloom land can only be mortgaged for the following reasons: 1) *Rumah gadang katirisan*. *rumah gadang* can be pawned for the repair of damaged *rumah gadang*; 2) *Gadiah gadang indak balaki*. *Pusako tinggi* can be pawned for the cost of marrying a niece, filling customs and for parties prewedding; 3) *Maik tabujua ditangah rumah* (longitudinal corpse in the middle of the house). *Pusako tinggi* can be pawned to cover the cost of death, such as burial and burial; 3) *Mambangkik batang tarandam*. *Pusako tinggi* can be pawned in his community the title of *pusako* has long been sunset

because to fill the custom is not enough as the cost for the *batagak penghulu* ceremony (Batuah, 2003).

Other than the four are not justified by custom. Because it belongs communally then the clearness for it as described above must be with the agreement of all members of the community. This means that the use of high inheritance is essential for the common good in community. Communal property ownership is related to agrarians who rely their livelihoods on agricultural produce with simple community life. Besides the above, there is another *tanah ulayat* that belongs to high heritage. According to Van Vollenhoven's thinking in (Syahmunir, 2011) asserts that *tanah ulayat* as a high heritage, which should not be transferred forever sting related to the functioning of the land for the survival of Minangkabau community and *tanah ulayat* in Minangkabau can be classified into 1) The land of the community, under the supervision of the: *Tanah ulayat* the community were lands managed by the community together. The community are a combination of the lungs (mother`s) that comes from one grandmother. *Tanah ulayat* is a high heritage that is used for the welfare of children, nieces, especially to fulfil its economy. *Tanah ulayat* of the community owned communally is *ganggam ba untuak*, given the right to the members of the community to collect the results, while the property rights of the community. *Harta ganggam ba untuak* this if pawned must be approved from the community and all members of his community; and 2) *Tanah ulayat* tribe, hold on to the tribal rulers: *Tanah ulayat* tribe is land managed by tribal members. The tribe is a combination of several tribes, where the blood connection that binds the tribe is the blood relation according to the mother line. To use the *tanah ulayat* of the tribe members in its implementation is supervised by the head of the tribe

and he also oversees several *rumah gadang* belonging to the community or *jurai*. Given the importance of a ruler's duties as a leader in a tribe, not all men in his tribe can be appointed tribal leaders but rather a broadly knowledgeable adult male, both in the indigenous knowledge and general science, fair, wise and wise and patient. Every tribe, tribe and *Nagari* in Minangkabau has a heritage that is kept through generations from one generation to the next. The heirlooms of some of the materials are called *sako* are in the form of land, houses and other valuables. Also, there is an immaterial treasure in the form of the title of tribal greatness that is derived from the mother's mother to the niece (son of the sister).

b) 3.2. Tanah ulayat Nagari, under the supervision of the rulers, who are in the group of Nagari

Tanah ulayat Nagari belongs to the common community in the *Nagari*. *Tanah ulayat Nagari* can be forests, shrubs and lands that are within the scope and management of *Nagari*. *Nagari* is a combination of several *koto*, which have tribes and occupy a certain territory. In general, there are at least four tribes in the *Nagari*. A *Nagari* led by a *Nagari* head. The use of *tanah ulayat Nagari*, used for public purposes, such as the construction of mosques, the creation of indigenous halls, and for markets or other interests that can be utilized for the common good. Ownership of *tanah ulayat Nagari* cannot be changed, except by the agreement of all the representatives of the tribes or tribes in the *Nagari*. Because of the development of the niece and niece of the habit of *tanah ulayat Nagari* was lowered into *tanah ulayat* tribe or *tanah ulayat* of the community.

c) 3.3. Harato pusako randah (low heritage)

Harato pusako randah is a legacy that was left by someone in the first generation because the heir is still a little bit that his status is still viewed as inferior. They can do a joint deal to take advantage of it, either sold or divided between them. Low inheritance means the livelihood of the husband and wife in the household. Or in other words, all the livelihoods of the father and the mother (husband and wife) while still alive in the bonds of marriage, coupled with the giving of *mamak* and *tungganai* from the livelihood of *mamak* and *tungganai* itself. Most of them have been given to their children, and when the parents die, they are the heirs. But if all heirs keep their wholeness without being sold or divided, then in time it is passed down to the next generation continuously so that it is difficult to trace it, then it turns into a high inheritance.

Customary land values and environmental sustainability

The implementation of development affects and is influenced by environmental conditions. Like a system, the two cannot be separated from one another. In general, development aims to improve the quality of life of the community and better meet community basic needs (human needs). To improve the quality of community life as the goal of development, the ability of the environment to support life at a higher level should be preserved from damage. Efforts are made to protect the environment to prevent the extinction of life. In other words, if there is damage or deterioration in the ecosystem where humans live, then in the future human life will experience many difficulties. Thus, it can be said that environmentally sustainable does not occur.

Several things should be considered in the implementation of development that takes into

account environmental sustainability, i.e as follows 1) Future generations must still inherit a nature that is still full of sources of prosperity to be able to give life to them; 2) There is still a dynamic balance between the elements that exist in nature; 3) In the excavation of natural resources, the existence of natural preservation must be guaranteed, meaning that the harvesting of the results does not destroy the auto regeneration of these natural resources; and 4) Planning for human life should be consistent with the environment and create satisfaction both physically, economically, socially and spiritually (Rosana, 2018).

In *Kapau Nagari*-Agam Regency, a development that pays attention to the sustainability of this environment remains a concern of community and *Nagari* government. The natural environment is still very well maintained from development pressures although *Kapau Nagari* itself is directly bordered by Bukittinggi City as a tourist and trade city. The social structure of the community influenced by strong customary bonds creates good environmental sustainability. For the community of *Kapau Nagari* land of settlement is an asset that must be maintained and utilized for the welfare of children and descendants. Until now, the community of *Kapau Nagari* were not allowed to relinquish their land ownership status to the community who are not descendants of *Kapau Nagari*. This is the goal to maintain environmental sustainability and ensure the welfare of children. As conveyed by Wali *Kapau Nagari* (Masriedi). "*Sajak dahulu, nenek moyang awak sepakat untuk indak manjua tanah di Kapau Nagari kapado urang lua. Iko adolah adaik tanah Ulayat yang alah ado sajak dulunyo. Aturan adaik iko tujuannyo adolah untuk manjago harato Pusako Nagari nan ketek iko. Dek ado aturan nan sarupo iko sakaligus tajago juo Nagari awak dari masuaknyo*

urang lua atau investor yang mungkin akan ikuik marusak ka lingkungan alam Kapau Nagari". "Since time immemorial, our ancestors agreed not to sell the land in *Kapau Nagari* to outsiders. This is a custom of *tanah ulayat* that has existed since time immemorial. This customary rule of purpose is to preserve this small *Nagari* heritage. Because of this kind of rule at the same time maintaining our *Nagari* from the influx of outsiders or investors who may be damaging our natural 5 processes".

The contribution of *tanah ulayat* management to environmental sustainability is demonstrated by the maintained natural environment of *Kapau Nagari* so that there is not much damage to natural environment due to the insistence of physical development. With the preserved natural environment in *Kapau Nagari*, it is shown by the lack of ecological disasters that occur in *Kapau Nagari*. The existence of *tanah ulayat* like the community of *Kapau Nagari* has important value. The values contained in *tanah ulayat* are the values of togetherness, economic values, racial identity and spirit to realize environmental sustainability. Maintaining this pattern of soil maintenance means it will provide guarantees for the welfare of future off spring and maintain the environmental sustainability. As conveyed by Murtiara's mother, i.e "*Bagai kami tanah Ulayat itu bukan hanyo sekedar tanah tampek tingga jo tampek bahuah. Tinggi mukasuik yang tasimpan dalam tanah ulayat ko supayo tatap dijago. Tanah Ulayat iko adolah hargo diri kaum, makaonyo jiko ado kamankan nan nio manjua tanah, nan buruak namonyo adolah namo kaum tarutamo niniak Mamak nyo. Artinyo ado kebesamaan disitu untuk manjago harato Pusako*". "For us, the land is not just a land of settlement and a place to try. The height of the intent stored in the *tanah ulayat* to be kept

guarded. This *tanah ulayat* is the self-esteem of the community, then if there is a niece who wants to spell the land, the bad name is the name of the community especially *niniak mamak*. It means there is a togetherness there to preserve the heirlooms".

Community behaviour in applying the values of *tanah ulayat*

In this study showed that the community of *Kapau Nagari* in applying the values of *tanah ulayat* is consistent in applying the customary values contained in the management of *tanah ulayat*. The community guard each other against the influx of outsiders who want to change the status of land ownership. This contingency is also driven by the strong traditional structural factors that have been in the community for a long time. In the customary rules of the *Kapau Nagari*, the land in the *Kapau Nagari* is *tanah ulayat*, should not be used as private property and is not allowed to be traded to outside *Kapau Nagari*. If this rule is violated then there will be a disclaimer that is struck by the customary law of *Kapau Nagari* related to the inauguration of the customary law. Here is an excerpt of *Kapau Nagari* – customary law related to the maintenance of *tanah ulayat*. About Pagang pawn and land purchase According to *Kapau Nagari* customary law.

- Regarding the prohibition on selling land, pawn, give, bequeath to non-natives of *Kapau Nagari*, anyone violating this law is subject to the customary sanction stipulated in *Kapau Nagari*, with the following provisions: a) Land and rice fields are high or low *pusako* assets that have been sold to the one who has, then the person involved in this matter, be it pawn or buy and sell rice fields and the land will be subject to the customary law sanction stipulated in *Kapau Nagari*, as the saying "*Barek indak dipikua, ringan*

indak sajinjaing, bakampuang ba Nagari" Sanction is given until the land, rice fields are sold back to the other one; b) Before the land and rice fields and fields are resold to the one who has, the filling of customs to *Nagari* is not acceptable to the *niniak mamak VI* tribe and filling the custom to *Kapau Nagari*, then imposed a fine of ten red gold. If *niniak mamak* is involved in the problem of pawnbrokers and rice paddies, then it is penalized by the law that applies in *Kapau Nagari*, i.e *pusako niniak mamak is runtuah* by itself, and imposed the same customary punishment as his niece who did so; and c) For the *Kapau Nagari* community who married community who are not *Kapau* natives and then he bought land and rice fields to the indigenous community of *Kapau* and his son lived in *Kapau Nagari*, his son and wife are not allowed to be heirs of the purchase property. And it is not allowed to receive a grant from Mr. or husband before his wife's child enters into one of the *sapasakuan* that is in *Kapau Nagari* and fills the custom *basuku, bakampuang ba Nagari* in *Kapau Nagari*, as the saying goes, "*lompek alun basitumpu, cancang alun balandakan*".

About buying and selling with *Kapau* public related to hearing about buying and selling rice fields and land a) Must be known by *niniak mamak kapalo kaum* and *mamak kapalo wariah*; b) There must be two witnesses, the person of which has no connection or connection to the seller and the buyer; c) Must be known by an heir of the owner's licensee then hold the pawn or buy and sell the land illegally according to the *Kapau Nagari* customary law; d) Measure the term of the mortgage for approximately two years, after two years can be redeemed; e) If the land or rice paddies sold are *pusako tinggi* property, then it must be approved by all who are entitled to the land; f) Must be known by the person of the four *jihats* (north,

south, west and liner). Land and rice fields located outside *Kapau Nagari* can be traded. By the record, the land and rice fields located in *Kapau Nagari* neighbourhood are the one that corresponds to the map of *Kapau Nagari*. with a map set by the *Kapau Nagari* government; g) Settlement of correspondence must be completed in *Kapau Nagari* and for Kapau public who violates the above provisions are subject to the customary law that applies in *Kapau Nagari*; and h) Outsiders who have purchased land or rice fields in *Kapau Nagari*, must be called by *niniak mamak VI Suku* to be followed up. The prohibition of *Kapau Nagari* public to understand land, rice fields, fields, high *pusako* property and low *pusako* property to notaries and governments. *Kapau Nagari* public is not allowed to understand the land, rice fields, fields located in *Kapau Nagari*. *Kapau Nagari* public is not allowed to use or wasteland, rice fields, fields as collateral for credit to banks throughout West Sumatra. The land that is sold, viewed and reviewed to the contract of sale. And for overseas living in *Kapau Nagari* is not allowed to buy and intern rice fields, the land in *Kapau Nagari*. If the heir son is not a resident of *Kapau Nagari*, if the land purchased will be sold at a later date, must sell it to the public of *Kapau Nagari* and not be allowed to sell the land to other than the public of *Kapau Nagari*. And for the public of *Kapau Nagari* who violate the provisions of the above laws and g may be subject to customary sanctions or penalties that apply in *Kapau Nagari* with the note: the public of *Kapau Nagari* are 1) Consisting of the community of *Kapau Nagari* original; 2) The migrants who have entered into one of the *sapasukuan* that is in *Kapau Nagari* and have filled the customs of entry, *bakampuang* and *baNagari* in Kapau. *Niniak mamak* head of the tribe, *niniak mamak VI suku*, Head of *Kapau Nagari* should

not sign trade letters, Pagang pawn of rice fields and land to other than the Indigenous Kapau community, and if *niniak mamak* participates in the settlement of rice field trade with community who are not public of *Kapau Nagari*, then the *pusako niniak mamak* collapses by itself. And it is subject to the customary law that applies in *Kapau Nagari*. Violation of this provision or decision is subject to the customary punishment stipulated in *Kapau Nagari*. With the development by the government requiring land in *Kapau Nagari* must be approved by *niniak mamak kapalo kaum* and *mamak kapalo wariah* and known by *niniak mamak VI keNagarian* Kapau tribe (Batuah, 2003). In addition to the traditional rule of factor in writing that has existed in the *Kapau Nagari* implementation of the values of *tanah ulayat* has also been internalized in the *Kapau Nagari* community. I.e the spirit of togetherness to maintain environmental sustainability through the benefit and preservation of the status of *tanah ulayat*.

Community bargaining position on land ownership

The community of *Kapau Nagari* through *ninik mamak* have a strong bargaining position in maintaining *tanah ulayat*. Outsiders or private parties who will do business in *Kapau Nagari* are welcome but not allowed to change the status of land ownership. If in the public interest the public is willing to give up its land by the customary procedures that apply in *Kapau Nagari* and get approval from *niniak mamak* head of the community and *mamak kapalo wariah* and known by *niniak mamak VI keNagarian* Kapau tribe. The consistency of *Kapau Nagari* community in maintaining the status of this *tanah ulayat* as reported by Mudril Muis: "*Masyarakat diKapau ko ndak akan barani untuk*

manjua tanah nyo ka urang lua, karano untuk manjua tanah tu harus dapek izin dari ninik-ninik Mamak sampai ka wali Nagari. Kalau indak ado alasan nan ampek itu, ninik Mamak dan wali Nagari indak akan mangaluaan surek. Tamasuka sertifikat tanah, di Kapau ko indak ado tahan nan basertifikatkan". "The community in Kapau will not dare sell their land to the laur community, because to sell the land it must be able to permit from ninik mamak to the regent. If there is no reason that four, ninik mamak and wali Nagari will not issue a letter. Including land certificates, there is no certified land in this area".

4. Conclusion

The land in Minangkabau is a self-identity because the land here serves as a binding relationship between both tribes and tribes as well as evidence of its origin. With the existence of land as a binding relationship between tribes, communitys, there will be a social interaction that shows the strong existence of Minangkabau society itself. In *Kapau Nagari* - Agam Regency, the management of *tanah ulayat* still applies the prevailing customary rules. The lands of the community in *Kapau Nagari* have the status of *tanah ulayat*. The community is not allowed to sell and pawn their land except in the condition of urgency and meet four conditions that have been stipulated in the customary law of *Kapau Nagari* i.e first, *maik tabujua tengah house*, the cost of maintaining the body. Secondly, *gadiah gadang balaki* costs the wedding of an unborn adult woman. Third, *rumah gadang katirisan*, the cost of repairing *rumah gadang*. Fourth, *mambangkik batang tarandam* costs urgent needs, such as the cost of education and the appointment of the head. If any community violates

the stipulated provisions, there is still a customary punishment that has been agreed for generations and has been poured into the customary law of *Kapau Nagari*. The consistency of *tanah ulayat* management implementation in *Kapau Nagari* contributes to environmental sustainability in *Kapau Nagari*. More interesting when this condition can be maintained amid the influence of development pressures where *Kapau Nagari* is directly bordered by Bukittinggi City as a city of trade and tourism. The contribution of *tanah ulayat* management to environmental sustainability is demonstrated by the maintained natural environment of *Kapau Nagari* so that there is not much damage to natural environment due to the insistence of physical development. With the preserved natural environment in *Kapau Nagari*, it is shown by the lack of ecological disasters that occur in *Kapau Nagari*.

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References

- [1]. Azwar 2005. Existence of Ulayat Kaum Land and the Dynamics of Social Relations of Minangkabau Community in the Suburbs. Padang: FISIP UNAND Sociology.
- [2]. Babbie E and Mouton J 2001. The practice of social research: South African edition. Cape Town: Oxford University Press Southern Africa.

- [3]. Chadwick RJ 1991. Matrilineal inheritance and migration in a Minangkabau community. *Indonesia*, 51: 47-81.
- [4]. Curry MS 2016. Enabling Conditions for Structures of Domination: Javas Colonial Era “Cultivation System” and Indonesias Palm Oil Plantation System in Comparative Analysis. *Asian International Studies Review*, 17(2): 55-77.
- [5]. Drakeley S 2005. The history of Indonesia. ABC-CLIO.
- [6]. Fauzan E. 2004. Pemanfaatan Tanah Ulayat Nagari Dalam Sistem Kembali ke Pemerintahan Nagari (Studi Kecamatan Matur Kabupaten Agam Provinsi Sumatera Barat). PhD. Dissertation, Unpublished. Semarang: Universitas Diponegoro.
- [7]. Hafidh A. 2018. Akses Masyarakat Adat Terhadap Tanah Ulayat (Studi Kasus Pada Masyarakat Adat Minangkabau di Nagari Bawan, Kabupaten Agam, Provinsi Sumatera Barat). PhD. Dissertation, Unpublished, Yogyakarta: Universitas Gadjah Mada.
- [8]. M.Dt. Batuah 2003. The Composition of the Customary Law Applicable in Kapau Nagari. Kapau Nagari.
- [9]. Milles MB and Huberman AM 1984. *Qualitative Data Analysis*, Beverly Hill. Bosma, U. (2007). The cultivation system (1830–1870) and its private entrepreneurs on colonial Java. *Journal of Southeast Asian Studies*, 38(2): 275-291.
- [10]. Nurdin Z. 2015. Tanah Ulayat Utilization Dilemma for Investment in West Sumatra on Norms and Implementation. *Journal of Legal Media*.
- [11]. Shahyuti, N. 2006. Wisdom Values on The Concept of Land Ownership According to Customary Law in Indonesia. *Agro Economic Research Forum*, 24(1): 14.
- [12]. Syahmunir. 2011. Status of Women In Tanah ulayat Ownership in Minangkabau. This paper was presented at the Minangkabau Women in Modern Society Seminar.
- [13]. Tjondronegoro S. 1984. Two Centuries of Land Mastery Agricultural Land Mastery Pattern in Java from Time to Time. Jakarta: PT. Gramedia Jakarta.
- [14]. Yarsina N. 2018. Perlindungan Hukum Terhadap Tanah Ulayat Yang Telah Bersertifikat Di Kota Bukittinggi. *JCH (Jurnal Cendekia Hukum)*, 3(2): 166-177.
- [15]. Rosana, M. 2018. Environmentally Minded Sustainable Development Policy in Indonesia. *Social Journal*, 1(1).