

GANGGAM BAUNTUAK LAND DELIVERY FROM ULAYAT TRIBE AND ITS CERTIFICATION IN NAGARI KINALI, PASAMAN BARAT REGENCY

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Abstract: *Ganggam bauntuak in Nagari Kinali is a method of distributing land in a tribal ulayat which has been controlled by women, as a right to use, not only that to communal property rights, that the current phenomenon of land registration originating from ganggam bauntuak is registered rights. of land to the land office as individual property rights, of course this will weaken the function of the use of ulayat land, especially those that have been given the distribution of Ganggam bauntuak to women's groups.*

Key Words: *Submission, Ganggam Bauntuak tribal ulayat, certification.*

1. INTRODUCTION:

Most of the population in West Sumatra work in the agrarian sector, and there are also several companies engaged in the agricultural sector, so that land is a strategic factor for the sustainability of people's lives in West Sumatra. Until now, the existence of customary law communities in West Sumatra is still strong, with land tenure in the form of ulayat land. At the present time, where the Minang-Kabau Customs must follow legal provisions in accordance with State Provisions, of course there are shifts in the cultural order, including the use of land. These shifts have a lot to do with the existence of ulayat land, especially ulayat land which has been handed over through *ganggam bauntuak* to tribal members. This fact is evidenced by the many occurrences of land registration on *ganggam bauntuak lands* which have been ulayati by members of the tribe, even by members outside the tribe, under the pretext that for the sake of legal certainty over the land they own, land registration is carried out on the ulayat lands under their control, so that potentially destroying indigenous peoples.

2. THEORITICAL FRAMEWORK

a. Theory *Living Law*

In a society that has a culture, has a goal, of course, the community has rules that it guides in carrying out the goals of the community group, and between one community group and another community group.

b. Agreement Theory

Agreement is an absolute element of a cooperation agreement, an agreement can be made in various ways, but the most important thing is that there is an offer and acceptance of the offer.[1]

3. LITERATURE REVIEW:

Looking back at the history of the Minangkabau journey in the context of character building, surrender is also known as *Levering*, where one of the means to obtain property rights is due to the transfer of property rights and someone who has the right to transfer it to another person who has the right to obtain property rights, in this case is the surrender of objects. immovable in the form of land.

Minangkabau custom is closely related to ulayat land, according to Minangkabau custom "all land and forest from a single tree, a single stone to a blade of grass, whose height reaches into the sky and its depth reaches the bowels of the earth is ulayat,"[2] this is the existence of Minangkabau customs to protect and utilize their territory so that no land is not owned within the Minangkabau customary territory.

5. METHOD: The method used in this research is an empirical juridical approach or in other words is a type of sociological legal research and also known as field research, which examines the applicable legal provisions and what happens in reality in society.[3]

6. DISCUSSION:

The registration of tribal ulayat land that is mostly carried out in West Sumatra is land that is controlled or utilized by individuals or companies, ulayat lands that have been controlled or utilized through the handing over of *ganggam bauntuak*, obtained from generation to generation or through *Adaik filled with limbago poured*. The acquisition of ulayat land from generation to generation is an inheritance received by tribal members from generation to generation according to matrilineal lineage, to ulayat land in one area of the tribal ulayat land. Nagari Kinali is unique in the arrangement of its customary provisions, namely the *Babingkah Tanah Adat*, meaning that the territory of a tribe is determined by certain boundaries and the use of adat must be within the territory of its tribe, including in the control of ulayat land, ulayat land in Nagari Kinali is owned by each tribe belonging to the same tribe. led by *Ninik Mamak*.

7. ANALYSIS:

A. Handing *Ganggam Bauntuak* Derived from Tribal Ulayats to be Used as Property for Tribal Members in Nagari Kinali, West Pasaman Regency

Looking at the Salingka Nagari Customs and As a unit of customary law community, Nagari Kinali as an overseas area from Luhak Agam has its own characteristics in its customary form namely *Adaik Babingkah Tanah* (customary lumps of land), where one *Ninik Mamak* has its own territorial area which is determined by an area with certain clear boundaries with other *Ninik Mamak* territories. In this regard, the power of *Ninik mamak* is determined based on the territorial area, not based on the residence of the tribal members, so that when the administration of anything concerning adat must be within the territory of the tribe.

B. The process of registering the land of *Ganggam Bauntuak* from the tribal community in Nagari Kinali, Kinali District, West Pasaman Regency

The entirety of the issued Hak Pedestrians is registered for a certificate issuance application at the West Pasaman Regency Land Office, this happens because, most people still think that the right/sporadic pedestal has become a strong force for the ownership of the land they control because of a statement from *Ninik Mamak* as the owner. ulayat land, especially tribal ulayat, they no longer feel the need for supporting letters because they have been owned and recognized by the adat community and have been assigned to someone. Another factor that causes the number of sporadic applications issued but not registered for the issuance of Property Rights as a form of Land Registration at the Land Office is the current trend of the community to use sporadic/hak rights as collateral for loans to financial institutions in the form of banks and non-banks.

8. CONCLUSION :

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) The handover of the *Ganggam Bauntuak* Land from the Tribal Ulayat in Nagari Kinali was given by *Ninik Mamak* as a leader in the tribe to the grandson of *Kemenakan sainduak* (seibu) to be used continuously according to the mother's lineage, owned jointly.
- 2) Land registration certificate at the Land Office of Pasaman Barat Regency on ulayat land does not distinguish or identify from which ulayat the land is being applied for, but only implies in general that the applicant who is applying for land from Nagari Kinali is required to have proof of a statement of transfer of ownership rights over ulayat land, a letter A statement of physical possession of individual land parcels and a certificate of ex-customary land from the Wali Nagari Office.

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