

SETTLEMENT OF THE BAKO AND ANAK PISANG DISPUTE ON LANDPUSAKO TINGGI THROUGH THE STATE COURT IN PASAMAN REGENCY

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Abstract: Land disputes are land disputes bet ween individuals, legal entities, or institutions that do not have a wide impact. Land disputes become a crucial problem,if not resolved immediately. There was no settlement of the pusako tinggi dispute between the bako and the anak pisang through the Nagari Adat Density (KAN) so that the dispute entered the litigation process through the district court.

Key Words: Settlement Of The Dispute On Land Pusako Tinggi, Bako, AnakPisang.

1. INTRODUCTION:

From the dispute between the *bako* and the *banana child* land *high pusako* that was tried at the Lubuk Attitude Court, although in the lawsuit the object of the dispute was the high heirloom property of the *bako*, but there was also a court decision in favor of the *banana child*. And against the decision of the Lubuk Attitude District Court, there are those who lose, who accept the decision directly without submitting legal remedies. In fact, in practice for civil disputes that are resolved through the Lubuk Attitude Court, usually the parties submit maximum legal remedies.

As part of the territory of West Sumatra Province, Pasaman Regency is part of or included in the Minangkabau traditional territory. The territory of Pasaman Regency, if it is related to the division of Minangkabau customary territory, is not a *darek* and also is not an *overseas* or in terms called *ikua darek Kapalo Rantau*. As the tip of West Sumatra Province which is bordered by Mandailing Natal Regency, North Sumatra Province which adheres to a patrilineal kinship system, namely the kinship system according to male lineage (Father), in Pasaman Regency there are several tribes that inhabit, namely most of the Minangkabau, Mandailing and Tapanuli. . Of course, the things mentioned above can also affect the existing customary law system, especially regarding the inheritance system of the high inheritance of the *bako* to *banana children* in Pasaman Regency.

2. THEORITICAL FRAMEWORK:

a. Theory of Justice

According to Aristotle, justice is an action that lies between giving too much and too little which can be interpreted as giving something to everyone according to what is their due. [1]

b. Legal Certainty Theory

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is carried out, that those entitled by law can obtain their rights and that decisions can be implemented.[2]

c. Dispute Resolution Theory

Defines *adisputeas* a public statement regarding *aninconsistent claim*for something of value.[3]

3. LITERATURE REVIEW:

According to Rusmadi Murad, land disputes, namely the emergence of legal disputes, originate from complaints from a party (person/body) containing objections and claims for land rights, both on land status, priority, and ownership, in the hope of obtaining administrative settlements. in accordance with the provisions of the applicable regulations.[4]

In the Indonesian legal system, there are 2 (two) dispute resolution methods that are applied to handle and resolve legal disputes, namely through courts and out of court or better known as alternative dispute resolution.

According to Muhammad Jamil, families in Minangkabau are equipped with *bako* and *banana children*. *Bako* is a family from his father's side. The biological family from the father's side is called *induk bako* and the family from the father who is of the same ethnic group is called *bako*. For the father, the wife's family is called *the banana child*. [5]

The high inheritance usually comes from the results of cultivation or what is also called "cancang latiah from the ancestors" which is inherited from generation to generation from *niniak/angku* to *mamak*, from *mamak* down to nephews in a people, so that the high inheritance remains the high inheritance of the people.[6]

4. METHOD:

The method used in this study is a sociological juridical approach, namely research on legal issues carried out sociologically or paying attention to other aspects and social institutions.[7]

5. DISCUSSION:

One of the civil lawsuits between *bako* and *banana children* to high heirloom assets which was disputed in the Lubuk Attitude Court was the Civil Case Lawsuit Number 9/Pdt.G/2018/PN.Lbs between Bahtizar as Plaintiff I, Rosna as Plaintiff II and Fajri Jr as Plaintiff II against Zulnasri Alias Zulnafi as Defendant I and Afdol Rahmat as Defendant II.

The main issue in the case is that the Plaintiff argues that he has a high inheritance in the form of a plot of plantation land with an area of ± 1 (One) Ha or ± 31 Pantak (Unit in the Plaintiff's area) which is located on the expanse of Basuang Ronda Batu Batindih Jorong IV Salibawan Nagari Sundata, Lubuk Attitude District, Pasaman Regency with borders on the west side with Suarni land, on the east side with Kalasiah land, on the north side with Asmawati land, on the south side with Yurini land, where the Plaintiff's property can be inherited from generation to generation as Zulkarnaini's nephew since the 1970s, the son of Jaliah's son, Sabidah's grandson and Tiomin's great-grandson. The object of the case is cultivated land which has been processed starting from the cultivating forest, cultivated and planted by Plaintiff II since around the 1970s. The object of the case was processed by Plaintiff II with her husband and planted with rubber, petai and jengkol plants.

6. ANALYSIS:

A. Implementation of the Giving of Part of the *High Pusako* by *Bako* to *Banana Children* according to Customary Law in Pasaman Regency.

Regarding inheritance of high inheritance land in the Pasaman Regency area, it is generally the same as other Minangkabau natural customary areas, which adhere to the matrilineal system. Inheritance of high inheritance in the form of land, rice fields, fields is inherited by women and *sako* is passed on to nephews and not to sons.

B. Why There Was A Dispute Between *Bako* And *Banana Anak* Over The Land Of *Pusako Tinggi* In Pasaman Regency

The cause of the dispute between the *bako* and *the banana child* over the object of the dispute is the unclear status of the disputed land, namely the land previously cultivated or controlled by the *mamak* (uncle) or father of *the banana child*. *Mamak* during his life never explained either to his nephew's son or to his son (*banana child*) about the status of the land he was working on, plus whether or not there was an authentic deed as the basis for the rights to the land he was working on, giving rise to different understandings between *the nephew's* and *the banana child* over the object of the dispute.

C. Settlement of the *Pusako Tinggi* Between *Bako* and *Anak Pisang* Through the District Court in Pasaman Regency.

The dispute resolution process carried out through the courts or what is often referred to as "litigation", which is a dispute resolution carried out by proceedings in court where the authority to regulate and decide is exercised by the judge.

7. CONCLUSION :

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

- 1) Implementation of giving part of the *high pusako* by *bako* to *banana children* according to customary law in Pasaman Regency, especially in Lubuk Attitude District, one of which is based on *bali bamintak* which was carried out by his father.
- 2) The causes of the dispute between the *bako* and the *banana child* over the Pusako Tinggi land in Pasaman Regency are as follows:
 - a. Unclear status of the object of the disputed land.
 - b. Certificate of High Heritage Land by *Mamak* on behalf of personal without the knowledge and consent of all members of the tribe.
 - c. the disputed land has a high economic value.
- 3) The settlement of the *bako* and *banana child* land *high pusako* through the Lubuk Attitude Court in Pasaman Regency has not been satisfactory for the disputing parties, but through the judge's decision, the District Court has provided legal certainty over the status of the disputed land.

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