

SETTLEMENT OF LAND DISPUTES OWNED BY KAUM THAT HAVE BEEN REGISTERED IN PARIAMAN CITY

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Abstract: Land disputes are disputes between individuals, legal entities, or institutions that do not have a wide impact. Land disputes are a fundamental problem in West Sumatera, this is due to the strong recognition of communal land in West Sumatera, it's not uncommon for land issues to end in disputes in court. Land disputes are dominated by property rights conflicts, ulayat/kaum rights conflicts and agreement disputes over the transfer of rights to ulayat/kaum lands, thus demanding settlement efforts. In the case of the Pusako Tinggi/Kaum land dispute that occurred in Dusun Pasar Hilalang, Desa Taluk, South Pariaman District, Pariaman City, where there was an objection by the Nasrul Party to the land that was to be issued a certificate by the Syahrial to the City National Land Agency (BPN) Office Pariaman, where the land is lands pusako tinggi/kaum property belonging to the Nasrul.

Key Words: Settlement, Dispute, Land Kaum.

1. INTRODUCTION:

Ownership of clan ulayat land must be proven by the clan rank known to the Density of Adat Nagari (KAN) which proves who is entitled to the land. Based on Article 8 letter c Regional Regulation of West Sumatra Province No. 6 of 2008, the subjects holding certificates of customary land rights are members of the clan and mamak heads of heirs with ownership rights. So, formally the land is owned, but materially the land still belongs to the people because it is registered in the name of the people concerned.

The resolution of this customary land registration dispute began with an objection/rebuttal from the party who felt aggrieved to the local Land Office. Every land dispute submitted to the Land Office was first mediated through deliberation for consensus. This is regulated in Article 39 paragraph (4) Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 3 of 2011 concerning Management of the Study and Handling of Land Cases.

2. THEORITICAL FRAMEWORK:

a. Legal Certainty Theory

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is enforced, that those entitled by law can obtain their rights and that decisions can be enforced.[1]

b. Dispute Resolution Theory

In resolving disputes, there are several dispute resolution mechanisms, namely litigation and non-litigation.

3. LITERATURE REVIEW:

Efforts to avoid problems or disputes over land rights can actually be carried out preventively when the application for the granting of rights is processed. This preventive action is actually more effective than efforts to resolve disputes if the problem has become a case (repressive) without ruling out other technical efforts in the form of fostering existing regulations and provisions.

In its development, with reference to the Regional Regulation of West Sumatra Province No. 9 of 2000 concerning Basic Provisions for Nagari Governance, KAN, is called the Nagari Traditional Institution with the same function as KAN. Settlement of sako and pusako disputes is in the form of a Peace Decision (Article 19). In 2007,

the Regional Regulation (Perda) of West Sumatra Province No. 2/2007 on Principles of Nagari Governance. This Perda reaffirms the existence of KAN and its functions.[2]

4. METHOD:

The method used in this study is an empirical juridical approach, namely an approach based on field research methods, namely examining applicable legal provisions and what is happening in people's lives.[3]

5. DISCUSSION:

In principle, every land dispute can be resolved with the norms and regulations that apply. The Land Office can mediate land disputes if they are complained to the Land Office first. At the time of carrying out the mediation, it must also be recorded in the minutes and minutes of the results of the mediation. If in resolving disputes through mediation a peace agreement is found, then a peace agreement is made which is binding on the parties. Based on Article 44 paragraph (5) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning Settlement of Land Cases in which the peace agreement is registered with the Registrar's Office of the District Court. However, if efforts to resolve through mediation cannot be reached by conciliation efforts, then based on statutory regulations the parties must seek a settlement through further channels through litigation.

6. ANALYSIS:

A. Causes of Land Disputes Owned by People Who Have Been Registered in Kota Pariaman Disputes

Involving land objects are of course caused by various causal factors or triggers. Since ancient times, land has been a source of dispute or conflict, as a social phenomenon, agrarian (land) disputes or conflicts are a process of interaction between two (or more) people or groups who each fight for their interests over the same object, namely land and objects. -other objects related to land.[4]

B. Settlement of Land Disputes Owned by People Who Have Been Registered in Kota Pariaman

The mediation was held by the Pariaman City National Land Office (BPN) by inviting Nasrul and members of the clan with the results stated in the minutes of the mediation title Appellant Number: 04/BAGM/I/2021. In the process or stages of land dispute settlement outside the court (non-litigation) through mediation at the Pariaman City National Land Agency (BPN) Office, where the Pariaman City Land Office acts as a Mediator, namely Muhimah, S.ST, Head of Head of Land Problem Handling and Control, and Edwar's position Head of Sub-Division for Handling Conflicts and Cases.

C. Implications of the Results of Land Disputes Settlement Owned by Certified People to the Land Administration

Regarding the implementation of the results of land settlement for the disputed land parcels, the Office of the National Land Agency (BPN) Kota Pariaman refers to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 21 of 2020, that the results of the settlement of the dispute are reported to the Regional Office of the Land Agency National/Regional National Land Agency.

7. CONCLUSION :

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

- 1) The emergence of a land dispute stems from an objection/rebuttal from a party who feels aggrieved to the local Land Office containing objections and demands for land rights regarding land status, priority and ownership in the hope of obtaining an administrative settlement in accordance with the provisions of the regulations. apply.
- 2) Whereas the settlement of land disputes belonging to people who have been registered in Kota Pariaman can be carried out through non-litigation methods by means of mediation, negotiation and consensus deliberation by third parties. licensed mediator to mediate land disputes.

- 3) Implications of the results of the settlement of clan land disputes on land administration, land rights which are high inheritance/the deceased Minah clan, Koto tribe Based on the court decision 56/Pdt.G/2017/PN.Pmn that the object of the case is with SHM Certificate Number 47 with Measurement Letter Number 00030/Padang Cakur/2017 located in Padang Cakur Village, South Pariaman District, Pariaman City, West Sumatra Province.

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