



## Transformation of Ulayat Land Administration: Collaborative Governance Perspective in West Sumatra

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ARTICLE INFORMATION	A B S T R A C T
Received: October 23, 2023 Revised: December 14, 2023 Available online: January 30, 2024	<p>Customary land administration in West Sumatra has been carried out for a long time. However, many issues have arisen due to the administration of communal land needing to recognise communal rights to land ownership optimally. As mandated in the Basic Agrarian Law, the government is carrying out an administration transformation carried out by the Ministry of ATR/BPN starting in 2021, the customary land administration scheme is carried out with the customary land protection scheme which is granted through the granting of Land Management Rights (HPL) to customary authorities. The transformation of customary land administration is carried out with a Collaborative Governance perspective to optimize the program's success. This study uses descriptive research methods through a qualitative approach with literature studies to analyze the transformation of customary land administration in the concept of collaborative governance in West Sumatra. Research results show that collaboration and partnership in the administration of communal land have represented essential elements in the principle of Collaborative Governance. Research also shows the failure to achieve consensus on the coordination and collaboration process, so the Pilot Project, which was planned in 3 districts, was successfully implemented in 2 districts, namely Tanah Datar District and Lima Puluh Kota District.</p>
KEYWORDS	
Customary Land, Collaborative Governance	
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### INTRODUCTION

At the 15th BRICS Summit in August 2023 in Johannesburg, South Africa, President Joko Widodo said that 'war and conflict have caused a prolonged humanitarian tragedy. The food crisis has pushed tens of millions of people into poverty. If we reflect on the current condition of Indonesia, especially regarding agrarian management, this suggests that agrarian conflict is still a major issue that the Government must handle. Moreover, the Agrarian Reform Consortium (KPA) has successfully captured the eruption of agrarian conflicts throughout Indonesia. The KPA called the agrarian conflict that occurred in Indonesia an 'eruption' of conflict because several agrarian conflicts eventually came to the surface and marginalized indigenous communities, rural communities and urban communities from their land and sources of life. KPA data states that as many as 279 agrarian conflicts occurred in 734,293.3 hectares of Indonesian territory. Of this number, at least 109,042 families in 420 villages were involved. If we look at the sources, 87 cases of agrarian conflict occurred in the plantation sector, followed by 83 cases in the infrastructure sector, 46 cases in the property sector, 24 cases in the mining sector, 26 cases in the forestry, coastal/marine and small islands sectors, which were in contact with the TNI or the military recorded 10 cases. The last was the agricultural sector with 3 cases. Many actors are involved, from the central government, regional governments, private companies, state-owned companies, and the community, which is always a vulnerable group (KPA, 2019).

According to Zakie (2017), agrarian conflict is caused by 1) unequal use of agrarian resources, 2) territorial expansion by a group, 3) the existence of economic activities by some communities that can disturb other communities, and 4) existing land cannot accommodate the increasing population. Zakie (2017) added that agrarian conflicts still cannot be resolved

optimally because of overlapping authority between institutions that have the authority to manage agrarian resources.

Based on the results of the inventory and identification of customary land carried out by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) in 2021, in West Sumatra, there were 352,171.54 Ha of customary land recorded. The types of ulayat land for the Minangkabau Customary Law Community are divided into four in by Article 5 of the West Sumatra Province Regional Regulation Number 6 of 2008 concerning Ulayat Land and its Utilization, namely *Nagari Ulayat Land*, Tribal Ulayat Land, Kaum Ulayat Land and Rajo Ulayat Land. In the Minangkabau Customary Law Community, the Penghulu and Mamak Head Waris have a vital role and position in protecting and managing their people's traditional land. However, the authorities or owners of customary land can give parts of customary land to individuals and it can be registered because it is worked on continuously and is a source of life. Conflicts may occur if there is no legal certainty regarding Ulayat Land. Penghulu and Mamak Head Waris are actors who play a role in controlling ulayat land, and abuse of power gives rise to conflicts that often cannot be resolved through deliberation at the Nagari Traditional Village level. Administration of customary land in West Sumatra is essential as a form of recognition and protection of the rights of the Minangkabau Customary Law Community, regulation of sustainable land use, control of land conflicts, economic and social development, respect for culture and customs, as well as a form of investment and development control.

This article was prepared to examine Partnership and Collaboration in the Transformation of The Ulayat Land Administration with a Collaborative Governance Perspective in West Sumatra. Research related to Collaborative Governance has been widely carried out, related to the tourism economy, development of disadvantaged and rural areas, handling Covid-

19, education, social fields: disabilities, forest use, MSME and defence management, Home Industry Food supervision policies (Anthony et al., 2023; Didik Aryadi, 2022; Huang, 2020; Jianyi & Phucharoen, 2023; Keyim, 2018; Koeswara et al., 2020; Mosley & Ethan, 2022; Reswari, 2023; Sedlacek et al., 2020; Wicaksono, 2023; Winara, 2023). Previous research has been carried out on customary land administration after the Complete Systematic Land Registration (PTSL) program. A study conducted by Indraddin et al. (2023) critiques the administration of ulayat land after the PTSL program by prioritizing the involvement of local institutions (Indraddin et al., 2023). The study conducted by Feronika (2019), discusses the implementation and legal studies related to the implementation of customary land registration with loci in Bungus Teluk Kabung District (Feronika et al., 2019). Customary land disputes are reviewed from the law, studies of regional government authority in determining customary land, and resolution of customary land disputes that have been carried out by previous research (Auliya et al., 2023; Putri, 2023; Rahman, 2022; Warman & Andora, 2015; Wijaya, 2020). The transformation of customary land administration will be carried out by the Ministry of ATR/BPN starting in 2021, the administration will be carried out with a customary land protection scheme through the granting of Land Management Rights (HPL) to customary authorities. Collaborative Governance research in customary land administration has never been carried out before, so this article will provide new knowledge from a public sector Collaborative Governance perspective. So the question that arises as the object of this research is What is the concept of Collaborative Governance in administering communal land in West Sumatra?

## METHOD

This research uses descriptive research methods using a qualitative approach with literature studies to analyze the transformation of customary land administration within the Collaborative Governance concept in West Sumatra Province. Literature studies used in research using theoretical studies and several references are an inseparable part of scientific literature (Sugiyono, 2017). Data collection techniques were carried out through the study of various secondary data sources. Secondary data was obtained from various literature studies and previous research such as scientific journal articles, books and research survey reports from the Directorate of Communal Land Regulation, Institutional Relations, and Land Deed Making Officials, Ministry of ATR/BPN. The type of data used in this research is qualitative data such as information in the form of words, sentences, charts, images, graphs, frequency figures and tables.

## RESULTS AND DISCUSSION

### *Administration of Ulayat Land in West Sumatra*

Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) expressly recognizes the existence of ulayat land "as long as the ulayat rights still exist". However, it is also explained in the general explanation of the UUPA that the existence of ulayat land means that local indigenous communities obstruct development or other things related to national interests.

For the Minangkabau indigenous people, customary land is a form of solid bond between the community and its land which has been officially recognized through West Sumatra Province Regional Regulation Number 6 of 2008 concerning Ulayat Land and its Utilization. This regulation clearly states that West

Sumatra Province has land within the customary law community, where its management, control, ownership and use are regulated by the provisions of local customary law. According to this regional regulation, customary land is a plot of inheritance land along with the natural resources on it and which have been acquired from generation to generation, which is the right of the customary law community in West Sumatra Province. The ulayat land itself consists of: *Nagari Ulayat Land* where the ulayat land and the natural resources above and within it constitute the right of control by the ninik mamak Kerapatan Adat Nagari (KAN) and are utilized as much as possible for the benefit of the nagari community, the Government only has the authority to regulate its use. The position of the *Nagari Ulayat Land* is as reserve land for the Nagari traditional community. *Nagari Ulayat Land* can be attached with Cultivation Rights, Use Rights or Management Rights. *Tribal Ulayat Land* is land in the form of property rights to land that is owned collectively by all members of a particular tribe whose authority to regulate control and ownership lies with the tribal leaders. Its position is as reserve land for members of certain tribes in the nagari. *Tribal Ulayat Land* can be attached to the status of Ownership Rights. *Kaum Ulayat Land* is land in the form of property rights to land owned by all members of the clan, where the management and use of it is regulated by the mamak jurai/mamak chief heir. Its position is as cultivated land with the status of ganggam bauntuak pagang bamansiang by members of the clan. As is the case with Tribal Ulayat Land, *Tribal Ulayat Land* can also be attached with Ownership Rights. *Rajo Ulayat Land* is ownership rights to a plot of land whose control and use is regulated by the oldest male from the maternal lineage who is currently still living in some nagari in West Sumatra Province. Its position is as cultivated land with the status of ganggam bauntuak pagang bamansiang by members of the relatives of the Rajo heir. In contrast to the three ulayat lands above, the ownership status of the *Rajo Ulayat Land* is only limited to the Right to Use and the Right to Manage with the permission of the eldest male heir to the Rajo.

Administration of Ulayat Land has been carried out since 2017 through a land registration program initiated by the government called PTSL (Pendaftaran Tanah Sistematis Lengkap), where ulayat land can be registered or certified after obtaining agreement from clan members through a series of discussions by clan members (Indraddin et al., 2023).

It is difficult to determine who will be the subject or holder of rights to ownership of communal land because it is owned communally (together) by all members of the group concerned, so it is not uncommon for disputes to occur between members of the group in determining whose name will be included in the subject certificate because of the rights in Land registration will have an influence and will determine the ownership of the registered land (Feronika et al., 2019).

PTSL is the government's effort to map and register land plots throughout Indonesia, including customary land in West Sumatra Province, systematically and comprehensively. This involves land surveying and mapping, identification of customary land rights holders, and issuance of land certificates to indigenous communities. A study conducted in Bungus District in 2019 showed that the realization of certifying communal land through PTSL in Bungus Teluk Kabung District of 10,100 plots had not reached the target because only 9.6% could be issued certificates (category 1) and the most were in category 3, namely land plots

whose physical data and juridical data cannot be recorded and certificates issued are 12,859 plots (Feronika et al., 2019).

A study conducted by Dian (2022) shows that the implementation of granting customary land management rights in West Sumatra Province cannot yet be carried out because many customary law communities have yet to receive recognition from the government. On the other hand, there has been cooperation between customary law communities and investors to utilize customary land by involving the authorities and owners of customary land based on the agreement of the customary law community concerned as shareholders, profit sharing, leasing, and in other ways as regulated in time. which has been determined in the agreement even though management rights have not been determined (Cahyaningrum, 2022). However, it is feared that owners or rulers of customary land will lose their customary land because land rights in the form of Cultivation Rights will become state land after the cooperation in using customary land for investment ends. Apart from that, leasing of ulayat land is also not possible because rental rights can only be granted on freehold land, not ulayat land. (Cahyaningrum, 2022).

As also explained by Fatimah & Andora (2014), when indigenous communities have to face investors, what happens is that the ninik mamak have to lose their Nagari Ulayat Land even though of course the Ninik Mamak have gone through a long process to be able to maintain their customary land. This has at least happened in Nagari Tikur V Jorong, Nagari Kinali in West Pasaman Regency, and Nagari Kapalo Hilalang in Padang Pariaman Regency (Fatimah & Andora, 2014).

Previous research has also been carried out to describe customary land disputes that occurred in Agam and Tanah Datar Regencies. It is hoped that the resolution of customary land disputes can be carried out where the Nagari Traditional Village (KAN) is expected to carry out its functions optimally. In this way, customary law communities will trust KAN to resolve customary land disputes by carrying out their functions correctly in accordance with the provisions of Minangkabau customary law so that dispute resolution does not reach the court level (Auliya et al., 2023; Rahman, 2022).

#### *Management originating from Ulayat land in West Sumatra*

Article 33 paragraph (3) of the 1945 Constitution states that "earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". The UUPA needs to mention Management Rights as land rights such as Ownership Rights, Building Use Rights (HGB), Business Use Rights (HGU), Use Rights and other rights in Article 16. However, in the Job Creation Law, the definition of management rights is stated that "Management rights are control rights from the state whose implementation authority is partially delegated to the rights holder." Management rights can be granted to: central government agencies, regional governments, land bank agencies, BUMN/BUMD, state/regional legal entities; or a legal entity appointed by the Central Government to which management rights are granted on state land. The Job Creation Law recognizes Management Rights as a land right with specific terms and conditions regulated therein. On top of the Management Rights themselves, other land rights can also be granted in the form of HGB, HGU or Use Rights with a Land Use Agreement (SPPT). Ownership of the land above the management rights can be transferred and can also be burdened with mortgage rights, of course with the approval of the Management Rights holder.

The customary land administration policy itself is regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 18 of 2019 concerning Procedures for Administration of Customary Law Community Unitary Land. This Ministerial Regulation states that administration is carried out to ensure legal certainty for customary law communities throughout Indonesia, its activities include measuring, mapping and recording in the land register. This Ministerial Regulation was strengthened by the issuance of Government Regulation Number 18 of 2021 (PP 18/2021) concerning Management Rights, Land Rights, Flats and Land Registration, which also regulates the management of communal land through the granting of Management Rights. Article 4 and Article 5 of PP 18/2021, which are the implementing regulations for the Job Creation Law, state that "Management Rights can originate from State Land and Ulayat Land" and "Management Rights originating from Ulayat Land are assigned to customary law communities".

From the description above, it can be concluded that the implementation of customary land registration is carried out through the administration of customary land and/or the granting of Management Rights (HPL) while it can still be managed or utilized by granting rights to other land (Cultivation Rights, Building Use Rights and Use Rights ) above HPL. This will protect the customary law community as the owner of customary law rights, because when the Management Rights over a customary land are lost (or deleted), the customary land will return to the control of the customary law community. It is different when customary land is given rights in the form of Cultivation Rights, then when the rights are removed the land will be controlled by the state. Granting management rights to customary land is a form of recognition of customary law communities. This means that the Minangkabau Customary Law Community in West Sumatra has the opportunity to become the holder of Management Rights over the Ulayat Land they have owned so far and this customary land can still be utilized economically without having to fear losing their rights.

The implementation of land registration on customary land objects in West Sumatra Province is divided into 2 types of applications, namely direct individual applications at the land office and through the PTSL Program. Land registration on these customary land objects provides different juridical requirements. Submission of an application for a certificate for Customary Land belonging to individual members of the clan must be accompanied by a Letter of Physical Control of the Land Plot signed by the person making the statement and several parties, including: 1) approved by the Mamak Head of Waris, hereinafter referred to as MKW, 2) acknowledged by the head of the Wali Nagari/Kelurahan, 3) confirmed by the Head of the Nagari Traditional Meeting, hereinafter referred to as KAN. 4) witnessed by two witnesses, 5) for the application for a certificate of customary land belonging to the tribe which is signed by the MKW, then approved by the tribal leader, known to be the head of the Wali Nagari/Kelurahan, confirmed by the Chair of the KAN and witnessed by two witnesses. Then complete with a Letter of Agreement from all members of the customary land owners and the approval of the Chairman of KAN by attaching a copy of the Lineage of Descendants/Ranji Kaum which has been legalized. (Chandra, 2022).

At the beginning of administration with PTSL, from a study conducted in Bungus Regency it was concluded that the obstacles in administering customary land in West Sumatra

Province were due to a) the difficulty of determining the subject of land registration b) the absence of approval from the Mamak Chief Waris (MKW) and members of their clan c ) KAN is not involved (Feronika et al., 2019). Another study conducted by Chandra (2022) shows that obstacles to the implementation of PTSL include a) the domination of ownership of ulayat land by individuals b) Ulayat Kaum Land where control of land objects is not controlled by Members of the Allotment of Kaum c) the boundaries of Ulayat Kaum Land are not clear d) not yet there is an understanding between Ninik Mamak and the land office. e) human resources at the land office (Chandra, 2022).

**Collaborative Governance**

Collaborative Governance, as explained by Ansell and Gash (2008) in their work entitled "Collaborative Governance in Theory and Practice" is an approach to decision making and resource management that involves various stakeholders in the decision making process and policy implementation. (Ansell & Gash, 2008). This approach aims to achieve better solutions through collaboration between various parties who have different interests and authority in a particular issue or problem. A governance arrangement in which one or more government agencies directly engage non-state stakeholders in a formal, consensus-oriented, and well-thought-out collective decision-making process aimed at creating or implementing public policy or managing public programs or assets.

Ansell and Gash (2008) in the context of Collaborative Governance outline six critical criteria as follows:

First, the Forum is initiated by a public agency or institution: This means that the collaborative forum is initiated or initiated by parties representing the government or public institutions. These parties invite or open opportunities for non-state actors to participate in decision making.

Second, participants in the forum include non-state actors: Collaborative forums involve various parties, including non-state actors such as civil society organizations, the private sector, or individuals not affiliated with the government. This creates an opportunity to include diverse perspectives and interests in the decision-making process.

Third, Participants are directly involved in decision-making and are not simply "consulted" by public institutions: the critical difference is that participants in collaborative forums have an active role in the decision-making process. They are not only recipients of information or input, but also actively participate in formulating solutions and policies.

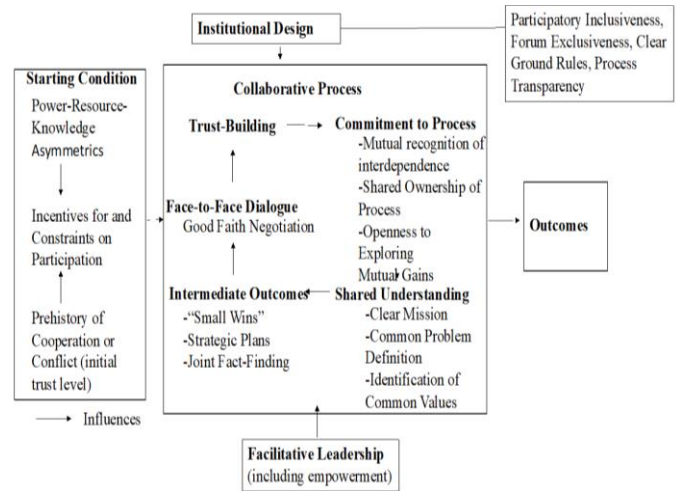
Fourth, the forum is formally organized and meets collectively: Collaborative forums are formally organized entities, with clear rules and structures. Participants gather regularly in collective meetings to discuss relevant issues.

Fifth, the forum aims to make decisions by consensus (although consensus may not be achieved in practice): The main goal of a collaborative forum is to achieve agreement or consensus among participants. Although consensus is only sometimes achieved, this approach emphasizes the importance of seeking mutual agreement rather than majority decisions or domination by one party.

Sixth, the focus of the collaboration is on public policy or public management: Collaborative forums have a clear focus on issues related to public policy or public asset management. They aim to formulate policies or manage public resources by involving various stakeholders.

Collaborative Governance is a government arrangement in which one or more public institutions directly involve non-

government stakeholders in a formal, consensus-oriented, deliberative collective decision-making process aimed at creating and implementing public policies and managing public programs or assets (Syamsurizaldi et al., 2019).



Picture 1. Collaborative Governance Model (Source: Ansell & Gash (2008))

There are several conditions that become obstacles in the collaboration process, including: 1) the worrying problem of power imbalance when important stakeholders do not have the organizational infrastructure needed to be represented effectively in collaborative governance procedures; 2) some stakeholders may lack the expertise and skills needed to engage in discussions about highly technical issues; 3) Stakeholders may not have the time, energy, or freedom necessary to commit to a time-consuming collaborative process.

Ansell & Gash (2008) have provided guidance in overcoming the challenges that arise in the Collaborative Governance process, namely when there is a significant imbalance of power or resources between stakeholders, so that essential stakeholders cannot participate meaningfully, the success of Collaborative Governance requires a commitment to positive strategies to empower and represent stakeholders who are weaker or disadvantaged in terms of power. Collaborative Governance can only be successful if stakeholders feel themselves to be highly interdependent. Stakeholders must be willing to proactively engage alternative forums (such as the courts, legislature, and executive) to recognize and respect the outcomes of the collaborative process.

In cases where there is a history of hostility among stakeholders, Collaborative Governance success is unlikely to be achieved unless (a) there is a high level of interdependence among stakeholders or (b) positive steps are taken to address low levels of trust and social capital in the community. between stakeholders.

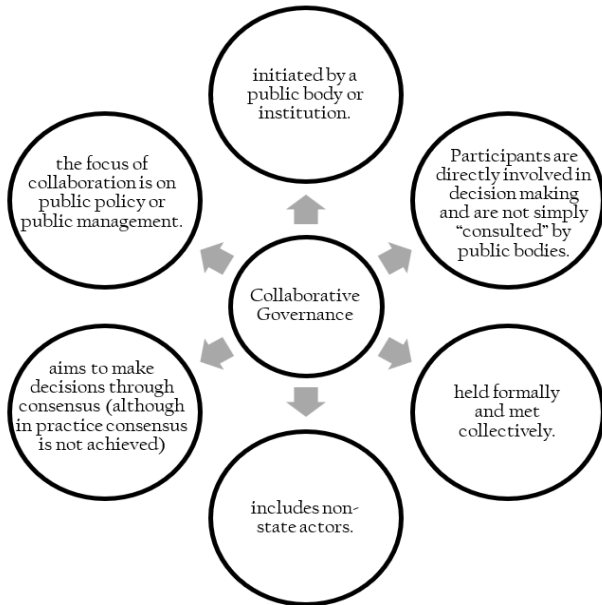
In situations where conflict is intense, trust is lacking, and the distribution of power is relatively balanced, Collaborative Governance can succeed by relying on impartial mediators or "honest brokers" who are trusted by all stakeholders.

**Analysis of Collaborative Governance Criteria for West Sumatra Ulayat Land Administration**

Efforts to administer customary land in West Sumatra Province have been initiated by the Ministry of ATR/BPN by collaborating with academics through inventory and identification activities carried out since 2021. Specifically for

West Sumatra Province, the inventory and identification were assisted by Andalas University through surveys in 18 districts/cities in the Province of West Sumatra (except Mentawai Regency) against 533 KAN. The result is that there are 329 indicative parcels of nagari customary land spread across 219 KAN with an estimated area of 352,171.54 Ha or around 8.38% of the total area of the province. The identified customary land is land controlled by customary institutions, not land controlled communally.

Ansell and Gash (2008) emphasize six critical criteria in Collaborative Governance.



Picture 2. Six Collaborative Governance criteria  
Source: Ansel and Gash 2018

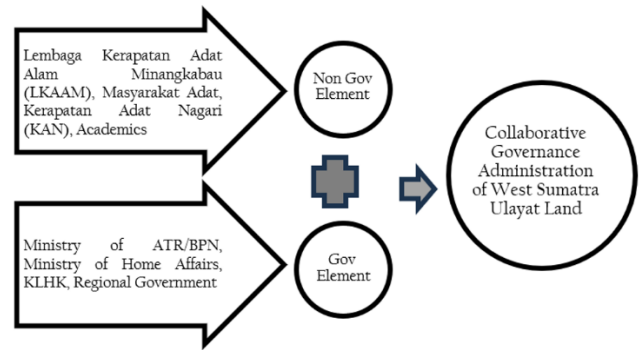
The results of the analysis in the implementation of Collaborative Governance in the administration of Ulayat Land in West Sumatra Province show that the criteria mentioned above have been identified and well reflected in the collaborative efforts carried out.

**The Collaborative Governance Forum was initiated by a public body or institution**

The Ministry of ATR/BPN formed the Directorate of Communal Land Regulation, Institutional Relations and PPAT to resolve problems and disputes as well as administer and administer the customary land of customary law communities as mandated in Article 18 of the 1945 Constitution where customary law communities are given recognition by the state. West Sumatra Province was used as a pilot project for administering communal land after the issuance of the Job Creation Law. The mechanism and scheme for protecting the Ulayat Land of the Minangkabau Indigenous Community is to grant Management Rights to the customary authority, in this case the recognized institution is the KAN institution. Investors or entrepreneurs can manage customary land after having an agreement with the customary authority. The land management mechanism is carried out by issuing term certificates in the form of HGB, HGU or Use Rights over Management Rights. In this way, the Minangkabau Indigenous People will not lose their Ulayat Land even if their existing rights to the Management Rights land end. The land will not become state land, the land will remain the property of the Minangkabau Indigenous Community.

**The Collaborative Governance Forum includes non-state actors**

Collaborative Governance in the administration of customary land in West Sumatra Province involves many actors from both government and non-government elements. The actors involved from government elements include the Ministry of ATR/BPN, Ministry of Home Affairs, Ministry of Environment and Forestry, Provincial Government and Regency/City Government. From the non-governmental elements, the involvement of the Minangkabau Natural Traditional Council (LKAAM), in representing the interests of indigenous communities, is the Nagari Customary Council (KAN) and the academics involved, namely Andalas University, North Sumatra University, Gadjah Mada University, Hasanuddin University, and Cendrawasih University.



Picture 3. Actors in Collaborative Governance Administration of West Sumatra Ulayat Land  
Source: Ministry of ATR/BPN Presentation Materials 2023, processed

KAN's role in administering customary land is vital because they are the voice of indigenous communities at the nagari level and have a deep understanding of the cultural and customary values attached to their customary land. Through effective collaboration with related institutions, KAN can contribute to collaborative efforts that ensure the recognition and protection of customary land rights as well as the sustainability of customary land management in West Sumatra Province. KAN is a traditional institution that represents traditional communities at the nagari (village) level in the context of West Sumatra Province. KAN's role in collaborative efforts to administer customary land in West Sumatra Province includes:

Table 1. The Role of KAN and its Collaborative Efforts (Source : from various sources, processed)

The role of KAN	Collaborative Efforts
Representation of Indigenous Peoples	KAN acts as the primary representative of Indigenous communities at the nagari level. They have a responsibility to protect and fight for the customary land rights of communities in their territories. As an elected or appointed representative, KAN plays a role in voicing the interests of indigenous communities in the process of administering customary land
Customary Land Data Collection	KAN collaborates with the National Land Agency (BPN) or related institutions in carrying out data collection and mapping of customary land in their villages. They assist in identifying customary land rights holders, maintaining data integrity, and

The role of KAN	Collaborative Efforts
	ensuring that the data collection process is fair and accurate
Preparation of Customary Regulations	KAN also plays a role in drafting customary regulations or nagari regulations related to the management of customary land. This may include land governance, traditional use rights, and dispute resolution procedures. These regulations reflect the cultural values and customs of local communities
Agrarian Conflict Resolution	KAN can play an essential role in resolving agrarian conflicts that arise related to customary land. They can mediate between the various parties involved in the conflict and find a fair and sustainable solution
Community Assistance and Capacitation	KAN can provide technical assistance and capacitation to indigenous communities in managing their customary land. This includes an understanding of customary land rights, related regulations, as well as sustainable ways to manage land resources
Promotion of Environmental Sustainability	KAN has a role in promoting sustainable management of communal land. They can help in efforts to preserve forests, sustainable agricultural land, and protect the natural environment of their nagari
Collaboration with External Parties	KAN can also collaborate with external parties such as the government, non-governmental organizations and non-profit organizations in efforts to administer customary land. This collaboration can help strengthen the recognition and protection of customary land rights

*Participants are directly involved in decision making and are not simply “consulted” by public bodies.*

All actors involved carry out a series of processes together and recommend decisions as the output of the discussion. All elements involved participate actively and continuously and provide active input in the decision-making process, not only the consultation process by the originator, in this case the Ministry of ATR/BPN, with other government and non-government elements. In Collaborative Governance, all elements not only provide input or opinions, but are also actively involved in the decision-making process starting from formulating policies, discussing alternatives, and jointly reaching consensus or agreement. Involvement throughout the process is carried out from the initial stages of consultation, planning, implementation, and evaluation of the policy or program. The partnership concept is built on an equal footing, where participants directly involved are given equal access and there is no dominance in the partnership that occurs. LKAAM and KAN as non-government elements are recognized for their local knowledge and experience so that their insights help formulate more effective policies.

*The Collaborative Governance Forum is held formally and meets collectively*

A formal structure is established to organize and facilitate the collaborative process, as well as hold regular meetings that include all parties involved in decision-making. The collaborative forum was held formally with the formation of the Pilot Project

Implementation Team. All stakeholders are invited and have the opportunity to meet collectively in a Forum Group Discussion (FGD) involving all elements.

The Collaborative Governance Forum aims to make decisions through consensus (although in practice consensus is not achieved)

The parties involved in the collaborative process agree with the decisions or steps to be taken. This aims to ensure that all stakeholders feel involved and accept the results of the decision. In collaborative efforts, consensus is obtained after going through a process of active dialogue and negotiation. The results of the consensus are documented in the form of signing the Coordination Minutes, field inspections, socialization of activities and socialization of the installation of boundary signs. Where in this case the consensus results in the form of approval for each stage to be carried out are communicated by the nagari guardian to the customary law community.

The Ministry of ATR/BPN carried out identification and inventory of data on customary land parcels in West Sumatra Province, then carried out a screening process to see clean and clear Ulayat Land. Screening continues to determine the areas that will be the priority for the pilot project with criteria based on the forest area map and land registration map, where the areas to be selected are areas that are clear and clean, meaning they are not included in the forest area, have not had a certificate issued on them, and do not have any land problems or disputes. From these various considerations, coupled with considerations of support from Regency/City regional governments, the ones that will be used as pilot projects for the transformation of customary land administration are Limapuluh Kota Regency, Agam Regency and Tanah Datar Regency.

The pilot project will be implemented starting in 2023 with stages:



Picture 4. Stages of the Pilot Project for Customary Land Administration in West Sumatra

Source: Internal data from the Ministry of ATR/BPN, processed

The Ministry of ATR/BPN always coordinates with elements of regional government and KAN from the preparation stage to the following stages. During the field visit, the Ministry of ATR/BPN together with the Ministry of Home Affairs held a dialogue with the Regent of Tanah Datar, the Regent of Agam and the Regent of Limapuluh Kota to discuss the mechanism for field inspections of KAN locations that would be administered. At the meeting that was held, the point was that Tanah Datar Regency and the Limapuluh Kota Regency agreed to continue with joint socialization with KAN and traditional apparatus at KAN locations. A different agreement was reached in Agam Regency, before carrying out socialization, Wali Nagari will hold discussions again with the customary law community before deciding on the next step in the field review stage. In Agam Regency, Wali Nagari does not represent the wishes of indigenous peoples. As of this writing, of the three districts planned to be the location for the pilot project for customary land administration, only two districts, namely Tanah Datar District and Limapuluh Kota District, have carried out the measurement process and are being prioritized to become pilot models. This proves that with the same process and actors, the consensus results are sometimes different.

*The focus of collaboration is on public policy or public management*

The collaborative efforts carried out focus on efforts to resolve joint problems by producing better and more relevant policy formulations so that the policies formulated are guaranteed to achieve common goals by paying attention to various aspects and implications that will arise.

The success of Collaborative Governance efforts carried out by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) in administering customary land in West Sumatra Province can be seen through the issuance of Land Management Rights (HPL) certificates in Nagari Sungai Kamuyang and Nagari Tanjung Haro Sikabu-kabu Padang Panjang in Limapuluh Kota Regency, and Nagari Sungayang in Tanah Datar Regency as in the following table:

Table 2. Issuance of Land Management Rights (HPL) certificates in West Sumatra Province.

Regency/City	KAN	Area (m <sup>2</sup> )
Lima Puluh Kota Regency	Sungai Kamuyang	371.095
	Tanjung Haro Sikabu-	550.900
	Kabu	394.900
Tanah Datar Regency	Sungayang	55.941
		16.926
		34.847

Source: Internal data from the Ministry of ATR/BPN, processed

**CONCLUSION**

In registering customary land, recognition of customary land by the Regional Government is an essential thing that must be owned by customary law communities as owners of customary land. This recognition is a formal legal requirement to confirm the existence of ulayat land. Tanah Ulayat Nagari in West Sumatra Province was chosen as a pilot project for administering communal land because there is a local regional regulation as a form of recognition of the existence of Tanah Ulayat Nagari so that its customary territory, customary law community, and also applicable customary community law can be appropriately identified. Then the government was present to provide legal protection for the rights to Nagari Ulayat Land by granting Management Rights to customary law communities in the name of the KAN Institution. Investors or entrepreneurs can manage customary land after having an agreement with the KAN Institution as a customary authority. The management and utilization mechanism can be carried out by granting rights with a certain period of time such as HGU, HGB or Right to Use to investors or other parties who wish to utilize Nagari Ulayat Land. In this way, the Nagari Ulayat Land can be used for common interests or higher interests as mandated by the UUPA without fear that the Nagari Ulayat Land will become state land after the existing rights above the Management Rights expire.

Collaborative efforts are conducted involving all elements from both government and non-government. With the principles of Collaborative Governance, efforts to transform customary land administration have reached the process of measuring priority land plots in Tanah Datar Regency and Limapuluh Kota Regency. Collaborative efforts to find obstacles and barriers to the coordination process produced different consensuses in Agam Regency. The field inspection stage, as a further process of the coordination process carried out by all stakeholders, cannot be carried out before the Wali Nagari socializes the results of the coordination with all customary law communities. The same

patterns and processes in three districts do not produce the same output, in this case one of the policy actors needs to play an optimal role in representing the decisions of those being represented.. The inhibiting factors are different coordination and communication patterns as well as different characteristics. The author suggests that we analyze the success factors of collaborative governance in Tanah Datar Regency and Limapuluh Kota Regency, as well as the factors that hinder the success of collaborative governance from the perspective of policy actors..

The issuance of Land Management Rights (HPL) certificates in Nagari Sungai Kamuyang and Nagari Tanjung Haro Sikabu-kabu Padang Panjang in Limapuluh Kota Regency, and Nagari Sungayang in Tanah Datar Regency shows significant progress in accommodating the interests of indigenous communities and ensuring legal certainty regarding ownership and management customary land. Close collaboration between the central government, regional governments and indigenous communities in the decision-making process and policy implementation has created a solid foundation for improving the welfare of local communities and preserving the environment. This success emphasizes the importance of an inclusive and participatory approach in order to achieve sustainable agreements in the management of natural resources, as well as paving the way towards increasing socio-economic stability and preserving local culture in the West Sumatra region.

This research is still limited to certain geographic areas, and research findings or results may only be able to be implemented indirectly in various contexts of customary land conflicts. This research can be developed to provide a more holistic understanding regarding the handling of customary land nationally because the procedures and approaches to resolving conflicts will differ in each region taking into account the geographical characteristics, ethnicity and customs that apply.

Apart from that, research can also be developed to explore the potential for inter-community learning in the context of collaborative governance as well as mitigating risks from challenges that may arise in the process of resolving customary land conflicts.

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