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in Manggarai Regency, Indonesia**

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THE PATTERNS OF OWNERSHIP AND THE REGISTRATION OF CUSTOMARY LAND IN MANGGARAI REGENCY, INDONESIA

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Abstract

This research analyzes ownership patterns and the process of legalizing customary land in Manggarai Regency. The research method used is qualitative with a descriptive approach and uses secondary data. Normative socio-juridical methods are also used to view and analyze the research data that has been collected. Data was collected through observations and interviews with traditional elders and members of traditional communities. The results showed that the legalization of Ulayat land greatly affected the pattern of land ownership in Manggarai and the change of entities from indigenous land to non-indigenous land that was initially jointly controlled or communal into individual rights due to the legalization or registration of land. Legalization of Ulayat land with a public dimension can only be done by measuring, mapping, and recording it in the land register. Meanwhile, Ulayat land with private dimensions can be issued a land certificate for individuals with a release mechanism from the customary leader to be used as state land. This legalization resulted in the depreciation of Ulayat land and the fading of customary bonds in Manggarai. This research provides insight into land legalization's legal and social impacts on Manggarai, highlighting significant changes in ownership structures and the loss of customary values.

Keywords: *Customary Law Community; Land Registration; Ulayat Land; Manggarai.*



A. Introduction

Top-down development techniques that deplete the natural resources on which customary communities rely marginalize them worldwide. According to the International Labor Organization (ILO), around 374 million individuals globally and approximately 60 million people in Indonesia are battling to gain recognition and protection of their customary rights (Mohd Salim et al., 2023; Nugroho et al., 2023). The national land law of Indonesia recognizes and respects the existence of traditional rights, such as *ulayat* land, that show the existence of a unitary identity of a customary law community unit or something similar, as long as they are accurate and in line with the principles of the Republic of Indonesia's unitary state (Mansur et al., 2020; Norcahyono, 2019). However, since the colonial era, customary rights and *ulayat* land have not been wholly addressed since there are still conflicts of perspective regarding nomenclature, topics, purposes, and land rights connected to them (Sembiring, 2018). Protecting the existence of *ulayat* land is a struggle to maintain this identity. Allowing the transition of the status of *ulayat* land to private land and state land has threatened the existence of *ulayat* land (Taufiq, 2023). The government and regional governments need to take concrete action to administer *ulayat* land to ensure its integration with the land administration system.

The existence of the customary law community and the *ulayat* land requires recognition in the regional regulations (Hutama, 2021). The topic remains unresolved since the discussion solely revolves around acknowledging the existence of *ulayat* land and determining its subject matter. The conversation centers on technical issues. Recognition is a prerequisite for the existence of *ulayat* land, and it is necessary to provide a platform for recognition in the regional rules. Furthermore, the necessity for survival undermines the socio-anthropological dimension of customary law communities.

Furthermore, there is still a lack of comprehensive understanding of the proper categorization of *ulayat* land according to the jurisdiction of the customary law communities. Moreover, it is essential to note the fallacy of assuming that *ulayat* land just pertains to property. In reality, *ulayat* land

encompasses the indigenous community's whole habitat, including the land and everything on it (Sumardjono, 2019; Mutawali, 2022).

Other issues in an attempt to realize the legal certainty of *ulayat* land are a) on whose behalf the subject of *ulayat* land rights is, b) where the object of the right is related to its location, area, and boundaries, and c) what types of rights form the basis of the legal relationship between the subject of the right and the object (Kinanti et al., 2023; Mutakabbir et al., 2023). These three categories are due to the unclear regulation regarding the legal certainty of registering *ulayat* lands owned by customary law communities. According to Harsono, the absence of regulations on *ulayat* land rights means that Law Number 5 of 1960 concerning the Basic Provisions on Agrarian Principles (UUPA) purposefully does not make regulations regarding *ulayat* land and permits the regulation to continue following customary law communities. Regulating *ulayat* land rights will inhibit its natural development, which tends to be weakened (Harsono, 2008; Munib et al., 2022).

The lack of conceptual and terminological clarity on *ulayat* land rights has delayed registration (Adinegoro, 2023; Nurdin et al., 2022). The absence of regional *ulayat* land rights legislation exacerbates the issue. East Nusa Tenggara (NTT) encompasses locations where state recognition of the formal legitimacy of customary land is missing. The lack of formal legal recognition of traditional land can lead to conflict between customary law communities and the central government, regional governments, and business enterprises, as seen in *ulayat* land disputes between the Folley customary law community in Raja Ampat and Rempang Island (Chaplin-Krameretal, 2023; Mahfud & Wibawa, 2023; Daud & Akbar, 2020).

Ulayat land in NTT is designated "tribal" land and concentrates on legal matters as customary law communities. Tribal lands are known by various names, such as Rote Island's *Leo* tribe, Sabu Regency's *Udu* tribe, East Dawan's *Kanaf* tribe, Belu Regency's *Fukun* tribe, East Flores' *Wungu* tribe, Ngada Regency's *Woe* tribe, Sumba Island's *Kabisu* tribe, Manggarai's *Lingko* tribe, Alor's *Bapang* tribe, and Sikka Regency's *Ngengngerang* tribe. In NTT, tribal land is legacy land that has belonged to all indigenous family members



or alliances for centuries, with all associated traditional consequences (Andari et al., 2023; Farida et al., 2020).

The debate over the existence of tribal lands for indigenous peoples began at a limited symposium in Kupang in 1972, which concluded that tribal lands were state lands. Then, this status was strengthened by the Regional Regulation of East Nusa Tenggara Province Number 8 of 1974 concerning implementing the Assertion of Land Rights. Article 2 of the regulation states, "The land of the former domination of customary law communities, declared as lands under the control of the Regional Government and Regional Governor". Then Regional Regulation Number 8 of 1974 was repealed by Regional Regulation Number 16 of 2018 because it contradicted Law Number 23 of 2014 concerning Regional Government and many rejections by several customary law community groups in NTT Province. There is no follow-up to the revocation of the regulation, so *de jure* recognition of customary law communities and tribal lands still does not exist. However, in *de facto*, there is an existing recognition within the indigenous peoples' law. Apart from this case, this research will analyze how the pattern of *ulayat* land ownership and the legalization of *ulayat* land is in line with the increasingly intense pressure on *ulayat* land due to the increase in the population of customary law communities, modernization, and the massive provision of land for public interest development and investment purposes (Mujiburohman et al., 2023; Warganegara & Waley, 2022).

Numerous previous researchers have studied the distribution of land ownership and the legalization of *ulayat* land. First, the legalization of *ulayat* land through the conversion mechanism in Kampung Naga Tasikmalaya (Wihardi et al., 2010), the conversion of land rights of *Ganggam Bauntuak* in West Sumatera (Kurnia Warman, 1998), the conversion of *Pauman* land as the Granting of King in Karangasem Regency (Suwitra et al., 2017). The regulation regarding conversion provisions is regulated in the second part concerning conversion provisions in Law No. 5 of 1960 concerning the Basic Provisions of Agrarian Principles (UUPA). Conversion is a change based on the equality of content and authority in the old land rights with the new land rights,

which are adjusted according to the UUPA. Second, research related to the pattern of *ulayat* or customary land ownership in North Maluku, especially in Ternate, shows that the development of land rights control has its ups and downs. This condition is closely related to the political system and constellation prevailing at that time. Customary law communities still exist today. It is marked by customary law communities that, through maintaining and preserving them, have regulations or norms that regulate areas where they earn a living and live their daily lives (Alting, 2011; Farida et al., 2020).

Although some studies discuss the control of *ulayat* land and its registration, this study is still important and relevant. Considering the choice of whether customary law communities *ulayat* land should be registered as the target of the government of all registered land plots by 2025, as a guarantee of protection and legal certainty of indigenous peoples' rights to their land, or be allowed to live naturally, which ultimately tends to be weakened because the pressure on *ulayat* land is increasingly intense. The main objective of this study is to investigate customary land ownership and registration in Manggarai Regency, East Nusa Tenggara Province.

B. Method

This study uses a descriptive qualitative approach (Lesley Eleanor Tomaszewskietal., 2020) to describe the cultural patterns and existence of the Manggarai indigenous people in maintaining their traditional or *ulayat* land. Aside from that, this study explains the registration of customary land, or *ulayat* land, as one of the fulfillments of the Manggarai customary law community's rights. This study employs original data collected directly at the research site through observations and interviews with elders and members of traditional communities as they go about their everyday lives maintaining common land for over a month. Some critical questions posed to the six chosen respondents included how widespread land ownership patterns and customary law community culture are in Manggarai, their traditional land management system, models, and dynamics of customary land usage, and how they safeguard their customary land. Secondary data is also used to



supplement field findings by contacting various parties at the study site to gather documents and seek out journal articles and books that share concepts, are consistent, and agree with the author's research subject (Bryman, 2012).

Because almost all the subdistricts (18 subdistricts) in Manggarai Regency have *lingko* land as a representation of indigenous communities' customary land, except for Reo Subdistrict or Village (the capital of Reok Subdistrict), the author chose two villages that are developing towards modern life as samples: Meler Village in Ruteng District, and Tent Village in Langke Rembong District. As a result, the author chose the samples for this study using a purposive sampling strategy since, in general, they will be able to reflect the features of indigenous groups in Manggarai Regency. The author then used a normative socio-juridical method to look at already collected, chosen, and broken-down research data to find the best ways to protect the lives of indigenous groups in Manggarai Regency and their customary or *ulayat* lands (Creswell, 2016).

C. Result and Discussion

1. Customary Land Ownership Pattern

Customary law originating from the Indonesian people becomes the soul and spirit of agrarian regulations in Indonesia (Puri & Sulastriyono, 2016). Currently, customary law is discussed in the discourse of customary law communities as legal subjects with rights, including customary rights (Sulastriyono & Intaning Pradhani, 2018). These indigenous peoples' rights include, among others, the right not to be discriminated against, the right to land and natural resources and related rights, the right to a healthy environment and the right to give consent, the right to be protected by customary forests (Bosko, 2006), and coastal areas and small islands, collective ownership (Astomo & Asrullah, 2019) rights, the right to participate, and the right to manage natural resources (Buana, 2017). However, in practice, the rights of indigenous peoples to natural resources have not been guaranteed and enforced and have not received formal legal recognition (Muazzin, 2014).

Ulayat rights are the highest land ownership in an indigenous community and are controlled jointly (communally). There are also the rights of individual community members to own part of the object of *ulayat* rights control. He presents that land ownership in Manggarai belongs to the male lineage or patrilineal clan. This category is based on social structure. Men are considered part of the structure, while women are outside the structure because they follow the kinship structure of their husbands. In the Manggarai structure, this concept is called *Wa'u*. Therefore, the basic structure of customary law communities is based on genealogical and territorial factors. The consequence of the elemental composition of the genealogical customary law community is evidenced by the requirement to become a *Tu'a Golo* (traditional leader), who must be the eldest male descendant of the original tribe. Territorial factors are generally formed due to marital ties and specific requirements for members outside the customary law community to own or manage territory within the customary law community. If agreed, the outsider must also comply with the applicable customary law rules, including the obligations to follow the traditional rituals.

The existence of customary law communities and *ulayat* rights in Manggarai regency is known as *Béo* or *Golo*, which is territorial. Every *Béo* has a village leader called *Tu'a Béo* or *Tu'a Golo*. Traditionally, the Manggarai community divides the natural environment around *Béo* into five categories as follows: *Lingko* (agricultural land), *Oka* (place for cattle grazing), *Puar* (forest), *Satar Napat* (hunting ground), and *Boa* (land for burial) (Bosko, 1995). From the five categories, *lingko* is the center of *Béo* ownership with private dimensions. Meanwhile, *Oka*, *Puar*, *Satar Napat*, and *Boa* are public dimensions. The division of *lingko* into circles is called the *lodok* system. *Lodok* is the central point of the circle. Meanwhile, *moso* is a measure of land area based on the fingers, where the smallest is the little finger and the largest is the thumb or several fingers (Mboi, 2011). The *Lodok* system represents justice within *Béo*, where the land division is adjusted according to the number of pangas (patrilineal clans) and social status in *Béo* or *Golo*.

The *ulayat* land of customary law communities is called *lingko*, a land whose control is carried out based on customary land distribution. *Lingko* is a



garden in one location owned by some people shaped like a spider's web with a distribution system, and *Tu'a Teno* carries out the arrangement. First, the pattern of land ownership consists of *lingko* land as land rights jointly owned by the customary law community alliance to control and use the land in their territory, led by *Tu'a Golo* and *Tu'a Teno*, who are responsible for all events on the land. Individual land ownership is carried out with private land rights and contains the nature of togetherness. Second, individual rights are granted by *Tu'a Golo* or *Tu'a Teno* to tribal members based on the section (*moso*) of *lingko* that is opened jointly and individually and has the right to control and use separately with personal rights (Kamelus et al., 2001).

Legal actions related to land in the customary law communities of Manggarai: first, in the Manggarai community, it is known as pawning agricultural land, and the due depends on the agreement of both parties. After the deal is reached, there will be a contract. This agreement is generally done verbally in the presence of *Tu'a Golo* or *Tu'a Teno*. This pledge agreement will continue until the loan is returned. Second, the profit-sharing deal is usually made for paddy fields with a ratio of one share for the owner and two shares for the cultivator. This agreement is generally done in the presence of *Tu'a Golo* or *Tu'a Teno*. Third, borrow-use (*celong-lease*), in this connection, applies to dry land or dry fields where the landowner lends his land to people who need it to manage. The party who borrows land to work on will reward the landowner, whose amount depends on the borrower's ability. In practice, the borrower will plant perennials or long-lived plants in return for services to the landowner.

Lingko land tends to weaken due to various factors, both internal and external. The internal factor is strengthening individual rights to the *lingko* land they own. It is due to the split within the customary law community in fighting over land due to the high use value of the land and the loosening of the bonds that unite customary law communities to remain intact as a legal alliance, which is the subject of customary rights. In addition, the high population growth resulted in *lingko* being divided into individually controlled lands. It means that the object of *ulayat* rights is

decreasing every day. It can be seen in Ruteng (the capital of Manggarai regency) and the surrounding area, where almost all land is controlled permanently with individual rights.

On the other hand, the customary structure still exists, but only at the village level, while at the sub-district and district levels, the structure is not developed. This lack of development of customary structures at the sub-district and district levels occurred due to the fading of traditional structures due to the development of modernization. Customary law communities are also open to outsiders who wish to join as tribe members. Trading and marriages with other tribes are characteristics of this. With the inclusion of outsiders as members of the tribe, their rights and obligations as members of the tribe must be fulfilled, as in the traditional *penti* ritual (customary law communities of Manggarai traditional ceremony for the harvest).

Meanwhile, due to external factors, several things affect the disappearance of traditional institutions in Manggarai Regency. First, there are external influences, such as conflicts between tribes. Conflicts between tribes may arise due to the high land use value resulting from the community's strong capital influence and rapid population growth (Jehamat & Keha Si, 2018). In 2017, it was recorded that the Manggarai regency had 371 (three hundred and seventy-one) drums, where each drum has several *lingko*, which allows land disputes and conflicts. There are four conflict typologies: a) conflict between communities, b) community with government, c) community with the private sector, and d) conflict between individuals (Wicaksono & Yurista, 2018). Second, there is a marital relationship between people in the tribe and foreigners, which causes the mixing of tribes so that the genealogical requirements of a society cannot be fulfilled. Third, in conflict resolution, the role of traditional authorities is taken over by third parties, such as village authorities, which weakens traditional authorities' functions. These factors cause the current *ulayat* rights to weaken because individual rights to tribal lands are getting stronger.

Lingko land will be weakened if individual rights are strengthened, and vice versa. The strengthening of individual rights can occur if a person



continuously cultivates the land he controls and does not abandon the land. In addition, if the land is worked for a certain period or more than five years, then the land can become the property of the cultivator. It means that *lingko* land is weakened or has no more strength against the land. The *lingko* land will recover if the cultivator does not cultivate his land properly (abandoned) or is subject to sanctions that result in the cultivator being expelled from the *Be'o*. Since ancient times, *Be'o* has been relatively open to newcomers (at least for a long time), both newcomers who enter and settle due to marital ties and ordinary immigrants. The traditional elder authorized to regulate the control and use of land is *Tu'a Teno*.

However, customary law communities and *ulayat* land in Manggarai still exist but are no longer in a pure sense (original), which can be realized in several ways, including 1) *Lingko* Center is not maintained; in general, it has been controlled by individuals; 2) The drum house as a place for gathering and deliberation is no longer in its original form, it has used many tin roofs; and 3) The buffalo head is no longer attached to the ridge as a symbol of the greatness of the Manggarai people; 4) Customary institutions as symbols of power tend to weaken and even do not function optimally in carrying out their authority in customary government or regulating the use, supply, maintenance, and distribution of land (Kamelus et al., 2001). The impurity is strongly influenced by individual rights through individualization, giving rise to personal rights that weaken the fellowship rights and will even end.

2. Customary Land Registration

Land registration is an obligation of the government and rights holders under Articles 19, 23, 32, and 38 of the UUPA to ensure the certainty and legal protection of land rights, the certainty of the status of the rights registered, the certainty of the subject of the right, and the certainty of the object of the right (Santoso, 2010). Land registration protects the owner and determines the status of a plot of land, the landowner, their rights, area, use, and so on (Dalimunthe, 2000). This land registration produces a land certificate, a proof of title in the form of a copy of the land book, and a



measurement letter that has been put together. Certificates are the final product of all land registration processes.

In the case of *ulayat* land registration, there are separate problems. First, issues related to the rights subject, in whose name the land is registered. Second, regarding the object of rights, it is difficult to determine which land will be recorded because the boundaries are not clear. Third, problems related to the issue of the form of rights, which forms of rights are suitable for customary law communities. In the provisions of PP 24 of 1997 concerning land registration, *ulayat* land is not the object of land registration. The objects of land registration have been determined, namely: a) plots of land owned with property rights, cultivation rights, building rights, and use rights, b) land with management rights, c) *waaf* (charity) land, d) ownership rights to the apartment unit, e) mortgage, f) state land.

Consequently, to regulate the legal vacuum, the land authority carried out regulatory initiatives by enacting various regulations at the level of a ministerial regulation. First is the Regulation of the State Minister of Agrarian Affairs/ Head of BPN Number 5 of 1999 concerning Guidelines for the Settlement of Indigenous Peoples' *Ulayat* Rights Issues. Second is the Regulation of the Minister of Agrarian Affairs/ Head of BPN Number 9 of 2015 concerning Procedures for Determining Communal Rights to Land of Customary Law Communities; third, Regulation of the Minister of Agrarian Affairs/ Head of BPN Number 10 of 2016 concerning Procedures for Determining Communal Rights to Land of Customary Law Communities Located in Certain Areas (Sitorus, 2019). Nevertheless, the three government regulations were revoked and then replaced by the Regulation of the Minister of Agrarian Affairs/ Head of BPN Number 18 of 2019 concerning Procedures for the Administration of the *ulayat* land of the unity of customary law community.

The *ulayat* land registration policy in each land office shows variations in accommodating the existing types of land. The UUPA only provides mechanisms through conversion agencies, namely the adjustment of old land rights to land rights mentioned in the UUPA, such as building use rights, business use rights, property rights, and usage rights. This conversion agency



changed the land entity, originally indigenous land, into land rights, meaning that individual rights became stronger while *ulayat* rights became weaker and disappeared. As in the case of customary lands in Bali, which are known as "*ayah*" or "*druwe desa*" lands (communal land), the conversion of traditional lands into individual lands has an impact on the loss of the "*ayah*" status in the alliance, regardless of their cultural roots, eventually resulting in raising the owner's exclusivist attitude because it is no longer subject to the provisions of local customary law (*awig-awig desa adat*) (Suwitra, 2010). In West Sumatra, which adheres to a matrilineal system in which *ulayat* lands have been converted into property rights, *Urang Sumando* (the husband of a married woman or a newcomer to her wife's house) has taken advantage of it (Chandra, 2022). The intervention of *Urang Sumando* is more dominant in the utilization of the *ulayat* land because it has become the property of his wife (a member of the tribe).

In addition to the customary land registration conversion agency, it can also be done through PTSL (complete systematic land registration). In PTSL, this *ulayat* land is included in the category of cluster 3, which is land plots whose physical data and juridical data cannot be recorded and whose certificate of land rights cannot be issued because the subject and/ or object of the right has not met the requirements. The final product of the *ulayat* land registration is not a land title certificate, only recorded in the land register (a document in the form of a register containing the identity of the land plots with a numbering system) (ATR/ BPN Ministerial Regulation Number 18 of 2019 concerning Procedures for the Administration of the *ulayat* land of the unity of the customary law community). This mechanism is for the registration of land subject to shared or communal ownership rights. Still, *ulayat* land that has been individualized can be issued a certificate of land rights, usually because the customary leader has released *ulayat* land to his people.

In general, customary law communities throughout Indonesia have implemented the release mechanism from the traditional leader during the individualization process. The customary leader will issue proof of release in the form of a certificate of customary land release, which is a certificate of

land release, to members of his tribe. The release of *ulayat* land from the traditional leader is mandatory because it is the best way to avoid disputes in the future. For example, the registration of customary land through PTSL without a release mechanism resulted in the rejection of the village of Amfoang Kupang, and a measurement of 400 plots of land had to be canceled because there was no release letter from the customary leader. The rejection also occurred in Limau Manis, West Sumatra, which was considered to support the privatization of the *ulayat* land of the people and would diminish the existence of customary law communities themselves (Nugraha et al., 2020). In the PTSL regulations, there is no requirement to attach a release letter from the traditional leader, only to emphasize that for plots of land for which there is no evidence of ownership, attach a physical certificate for 20 (twenty) years, continuously including its predecessors.

The following method of land registration is through the mechanism of land redistribution. The implementation of land redistribution is guided by the provisions of government regulation number 224 of 1961 concerning land distribution and compensation, which is further emphasized in the decree of the Head of the National Land Agency Number 25 of 2002 concerning guidelines for implementing applications for affirmation of state land as objects for land ownership regulations or land reform. Objects that become land reform objects come from other state lands, namely land of former customary or *ulayat* rights. In this provision, the land of the former customary, which will be confirmed as the object of land reform arrangements, must be submitted by the Head of the Regency or City Land Office to the Head of the National Land Agency through the Head of the Provincial National Land Agency's Regional Office.

The three methods of *ulayat* land registration (through conversion, PTSL, and redistribution) have been carried out in Manggarai district. It is done in the context of accelerating land registration throughout Indonesia. Although the regulations governing them differ, the similarities between these three methods are that they are first confirmed as state land and then given rights to individuals. State land is not granted with a right to another



party, is not attached to a right, or is controlled directly by the state (Sembiring, 2016). Land free from any rights, whether based on indigenous Indonesian customary law or Western law. Normatively, it does not allow *ulayat* land with the mechanism of granting rights directly to *ulayat* land rights to individuals, which must first be asserted to be state land. Therefore, *ulayat* land must be released and its status changed to state land so that it can be implemented to grant individual property rights.

In the context of the Manggarai regency, described earlier, there are five categories related to *ulayat* land, of which *Lingko* is the center of *Béo* domination with private dimensions. Meanwhile, *Oka*, *Puar*, *Satar Napat*, and *Boa* are public dimensions. Private authority lies with customary law community members, while public authority lies with the traditional leaders to regulate, plan, utilize, and use *ulayat* land. In applying for *ulayat* land registration, which contains public authority, it is impossible to issue land rights certificates, only to be recorded in the land register. Meanwhile, those containing private authority that has been and/ or is undergoing the process of individualization can be registered until the issuance of land certificates to become individual property rights.

The registration of *ulayat* land with a private dimension is carried out by releasing the land into state land through a customary leader so that its status changes to land rights. The release letter is entitled "Statement of Assignment and Release of Land Rights", signed by *Tu'a Golo* and *Tu'a Teno* for the recipient of the rights (cultivators), witnessed by two witnesses, and known by the local sub-district head. However, some requirements must be met by the recipient of the rights, including continuing to carry out traditional rituals and not being allowed to transfer or sell their plots of land to other parties without the permission of *Tu'a Golo* and *Tu'a Teno*. However, in practice, there is no guarantee or control that the land cannot be transferred.

This release mechanism also applies to *ulayat* land subject to public interest and investment; for example, *ulayat* land to be opened for plantation, forestry, transmigration, tourist areas, and land acquisition. In this case, the release of land rights releases the legal relationship between the holder of

land rights and the land they control by providing compensation based on deliberation. UUPA, in its general explanation, states that the release of *ulayat* land (rights) is carried out by giving recognition as a form of recognition of its existence. This provision for releasing *ulayat* land is detrimental to customary law communities because, juridically, it has changed its status to state land (Warman & Andora, 2015).

The registration of *ulayat* land with a public dimension, when viewed from the subject of rights, objects of rights, and legal relations, will be an obstacle. As the subject of rights, in whose name the *ulayat* land is registered, even though the subject of the rights is customary law communities, it must be emphasized whether the land certificate is under the name of the traditional institution, the title of the customary leader, the name of the customary leader, or a list of all members of the *adat* community is included in the land certificate. The mistake in determining customary law community rights will have legal consequences for the inheritance system (Rajab et al., 2022). Every inheritance system has a difference and often causes disputes related to the status of men and women about the patrilineal, matrilineal, and parental systems (Judiasih & Fakhriah, 2018). Concerning the object of rights, it is difficult to determine which land will be registered, its area, and its boundaries because *ulayat* land is not an object of land registration. Likewise, with the legal relationship, in the form of the rights that can be granted in registering *ulayat* land.

In the case of *ulayat* land registration, there are differences of opinion, which agree that customary land is registered on the grounds of further confirming the ownership status as well as the location, area, and boundaries of the land, clarifying the guarantee of legal certainty for *ulayat* land, as well as minimizing the existence of internal customary law community disputes. Meanwhile, those who disagree with the registration of *ulayat* land will fade customary ties, the land will shrink, and even it will be destroyed or lost.

Examine the evidence that demonstrates the continued existence of the Manggarai customary community in present times. Currently, the leadership of indigenous communities is still organized under the authority of *Tu'a Golo*



and *Tu'a Teno*. These communities have territorial areas that are controlled both publicly and privately, such as *lingko*, *Oka*, *Puar*, *Satar Napat*, and *Boa*. Additionally, the *lodok* system ensures fair land distribution to each *panga*, reflecting principles of justice. Hence, the government must safeguard the presence of customary law communities and their traditional rights in Manggarai *de jure* to achieve legal clarity.

To manage traditional land, customary law communities in Manggarai must initially acquire acknowledgment and safeguard following the provisions stated in Minister of Agrarian and Spatial Planning Regulation No. 18 of 2019. The recognition regulations are manifested as regional legal products, namely in the form of rules and requirements, as outlined in Article 2 of Minister of Home Affairs Regulation No. 80 of 2015, which pertains to establishing regional legal goods. The legal products in the form of regulations encompass regional regulations, rules set by regional heads, and regulations issued by the Regional People's Representative Council (DPRD). Regional legal products can be determinations, such as regional head decisions, DPRD decisions, DPRD leadership decisions, and DPRD honorary body decisions.

According to the author, the Regional Government of NTT Province must first make regional rules to protect customary law communities in NTT in a general, abstract, and continuous manner. General in nature, this means that many people are affected by this legal product. Being abstract means that the legal product is aimed at various legal events, not one. Continuous denotes that the legal product will remain in effect until a court decides to revoke or cancel other regulations. Furthermore, district or city regional governments in NTT, including Manggarai Regency, make specific, concrete, and final regional head decisions regarding the characteristics of their traditional communities. The hope is that with the existence of these two legal products, indigenous communities in NTT in general and in Manggarai in particular will be protected from the processes of individualization, modernization, and development investment.

D. Conclusion

Registering *ulayat* land will change customary law communities' ownership patterns, which were initially used together or communally to become individual rights. This condition causes the depreciation of *ulayat* land through the mechanism of releasing rights so that *ulayat* land changes its status to state land, which in land administration is called granting rights. The most appropriate way is to recognize rights because it relates to unresolved proof of land ownership rights. It is enough with evidence of physical control that is known by the village head, meaning that the mechanism for recognizing rights does not need to change *ulayat* land into state land but directly from *ulayat* land into individual rights. It is because the release mechanism is not a registration requirement. The land authorities may regard it as local wisdom and recognition of the existence of indigenous peoples.

The absence of specific regulations related to the registration of *ulayat* lands has led to a polemic regarding the subject of rights, objects of rights, and their legal relationships. The *ulayat* land registration policy that must be considered is the character of the content and nature of *ulayat* rights. If *ulayat* lands with public dimensions such as *Oka* land (a place for cattle grazing), *Puar* (forest), *Satar Napat* (hunting fields), and *Boa* (cemeteries) are still original as living spaces and sources of life and customary institutions and customary systems are still running, they can be registered in the form recorded in the land register. Meanwhile, *lingko* land with a private character can be registered, and a land title certificate can be issued in an individual's name.

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