

Completion of Customary Law Recognition of Niniak Mamak as a Member of the Nagari Adat Density Pangkalan Pangkalan Koto Baru District, Fifty Cities District

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Abstract. The background of this research is the circulation of the minutes of the formation of the Nagari Pangkalan customary density management on August 23, 2020 for the period from 2020 to 2025, which has become a polemic with many questions about this. The first is the position of chairman of the Nagari Customary Density which is held by Jhoni Himbiar Naim Dt Sibijayo. In the internal body of the Dt Sibijayo tribe there are divisions, Dt Sibijayo is recognized by the tribal nephews as two people. That means there is another Dt Sibijayo besides Jhoni Himbiar. Which Niniak mamak is recognized? Of course this is the question in this research. Niniak Mamak is a person who is appointed as a traditional commander by a tribe/tribe in a Nagari. On the other hand, based on West Sumatra Regional Regulation Number 7 of 2018 concerning Nagari in article 6 states that in every Nagari a Nagari Customary Density is formed as the highest deliberation institution in the administration of Nagari Government . This research method is the type of this research is a sociological legal research .

The results of this study are the Completion of Customary Law Recognition of Niniak Mamak as a member of the Nagari Adat Density, the base of the sub-district of Pangkalan Koto Baru, the district of fifty cities based on the Regional Regulation of the Province of West Sumatra Number 7 of 2018 concerning Nagari in practice is not implemented, due to the fact that the Nagari Pangkalan Customary Court has not been established. , two niniak mamak stated that they were legitimate niniak mamak from the clan, the lack of understanding of Niniak Mamak Nagari about Adat . Furthermore, efforts to overcome it are in the Settlement of Customary Law Recognition of Niniak Mamak as a member of the Nagari Customary Density, the base of the sub-district of the new Koto Baru district, fifty cities based on the regional regulation of the Province of West Sumatra Number 7 of 2018 concerning Nagari . The Nagari Adat Density of Pangkalan should have formed the Nagari Customary Court, the position of niniak mamak should not be up for grabs because this is the burden borne by the niniak mamak in West Sumatra is very large, traditional leaders and the government should give understanding to Niniak Mamak Nagari how the custom should be carried out.

Keywords: *Settlement of Customary Law, Nagari Customary Density*

PROBLEM BACKGROUND

The State Government Structure used in Indonesia is a unitary state that adheres to the principle of decentralization. The arrangement of the government structure of the Unitary State as stated in Article 1 paragraph 1 of the 1945 Constitution which reads, the State of Indonesia is a unitary State in the form of a Republic.

The use of the principle of decentralization in the Unitary State of the Republic of Indonesia is indicated by the division of regions as stipulated in the 1945 Constitution Article 18 B which reads : The state recognizes and respects special or special regional government units regulated by law; The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the unitary State of the Republic of Indonesia, which are regulated by law

Within the territory of the Indonesian state, there are approximately 250 Zelfbesturende landschappen and Volkgemeensschappen, such as villages in Java and Bali, Nagari in Minang Kabau, Dusun and Marga in Palembang and so on. These areas have an original structure and therefore can be considered as a special area. The State of Indonesia respects the position of these special regions and all State regulations regarding these areas will remember the rights of origin of the area. The people's desire to return to the Nagari government is the aspiration of the people of West Sumatra, so that efforts to make it happen need to be determined to cover the entire mainland of West Sumatra, this is done after going through an agreement and deliberation with all elements of the community in the region as well as those who are overseas and the district government. (Musyair Zainuddin, page 18). The problems

that occur in each Nagari vary according to the rights of origin in the province of West Sumatra. In Nagari Pangkalan Regency, Fifty City West Sumatra, there is a problem with the recognition of Niniak Mamak as a member of the Nagari Customary Density . Reporting from news Haluan daily.com said there was a case of Nagari Pangkalan that attracted attention. Regional Regulation Number 7 of 2018 concerning Nagari in article 6 states that in every Nagari a Nagari Customary Density is formed as the highest deliberation institution in the administration of Nagari Government. (2) The Nagari Customary Density as referred to in paragraph (1) shall consist of representatives of Niniak Mamak and elements of the Nagari Ulama, Cadiak Pandai elements, Bundo Kandung elements, and Parik paga elements in the relevant Nagari in accordance with the Adat Salingka Nagari.

The circulation of the minutes of the formation of the Nagari Pangkalan customary density board on August 23, 2020 for the period from 2020 to 2025 became a polemic of many questions about this. The first is the position of chairman of the Nagari Customary Density which is held by Jhoni Himbiar Naim Dt Sibijayo. In the internal body of the Dt Sibijayo tribe there are divisions, Dt Sibijayo is recognized by the tribal nephews as two people. That means there is another Dt Sibijayo besides Jhoni Himbiar. Which Niniak mamak is recognized? Of course this is the question in this research. Niniak Mamak is a person who is appointed as a traditional commander by a tribe/tribe in a Nagari. On the other hand, based on the West Sumatra Regional Regulation Number 7 of 2018 concerning Nagari in article 6, it states that in every Nagari a Nagari Customary Density is formed as the highest deliberation institution in the administration of Nagari Government. (2) The Nagari Customary Density as referred to in paragraph (1) shall consist of representatives of Niniak Mamak and elements of the Nagari Ulama, Cadiak Pandai elements, Bundo Kandung elements, and Parik paga elements in the relevant Nagari in accordance with the Adat Salingka Nagari. Regarding the membership of KAN in the management, there is only Niniak Mamak. There are no elements of Alim Ulama Nagari, Cadiak Pandai elements, Bundo Kandung elements, and Parik paga elements in the relevant Nagari in accordance with the Salingka Nagari Adat. Adat Salingka Nagari is a custom that applies in a Nagari in accordance with customary principles that apply in general or a long tradition and is inherited from generation to generation in Minangkabau. Including in Nagari Base.

RESEARCH METHODS

This type of research is a sociological legal research , carried out using an empirical approach by examining the formulation of the problem to be studied as well as providing an overview and analysis of the Implementation of the Niniak Mamak Recognition as a member of the Nagari Adat Density, the base of the sub-district of the new Koto Baru district, fifty cities based on the regional regulations of the Sumatra Province. West Number 7 of 2018 concerning Nagari .

RESULTS AND DISCUSSION

To analyze the formulation of the problem in this study is determined from the data obtained. After going through several procedures , the author did not experience any problems in collecting data.

From the results of the interview, the writer associated with the situation in the field and then analyzed it, it can be seen that the Settlement of Customary Law Recognition of Niniak Mamak as a member of the Nagari Adat Density, the base of the sub-district of the new Koto Baru district, fifty cities based on the regional regulation of the Province of West Sumatra Number 7 of 2018 concerning Nagari in practice has not been implemented. , because the Nagari Pangkalan Customary Court has not yet been established, the two niniak mamak stated that they were the legitimate niniak mamak of the clan, and the Niniak Mamak Nagari lacked an understanding of adat . Furthermore, efforts to overcome it are in the Settlement of Customary Law Recognition of Niniak Mamak as a member of the Nagari Customary Density, the base of the sub-district of the new Koto Baru district, fifty cities based on the regional regulation of the Province of West Sumatra Number 7 of 2018 concerning Nagari . The Nagari Adat Density of Pangkalan should have formed the Nagari Customary Court, the position of niniak mamak should not be up for grabs because this is the burden borne by the niniak mamak in West Sumatra is very large, traditional leaders and the government should give understanding to Niniak Mamak Nagari how the custom should be carried out.

1. Settlement of Customary Law The recognition of Niniak Mamak as a member of the Nagari Adat Density, the base of the sub-district, the new koto district, fifty cities .

In West Sumatra Province, the Nagari Government is back as a noble desire of the people and the West Sumatra regional government aims to rebuild the lowest government, which allows the Nagari community to develop their potential and creativity in realizing people's economic development. With the development of the potential and creativity of the people's economy in the nagari, the impact is getting stronger and the implementation of regional autonomy is getting stronger. Where in the past the village government was regulated by the central government, now the nagari government should be managed jointly by the government and the nagari community. However, keeping in mind that the West Sumatran community, which is relatively homogeneous in terms of culture, does not contain diversity.

Arrangements on key matters concerning changes in village government to the Nagari government in West Sumatra begin with the use of the authority possessed by the provincial regions. Regulation by the provincial government is possible, considering that adjustments are still needed to the prevailing customs in West Sumatra. So as to facilitate local regulation by the district government. In order to follow up, the governor of West Sumatra together with the DPRD stipulates Regional Regulation Number 7 of 2018 concerning Nagari.

The sealing of the Pangkalan Nagari Office, Pangkalan Koto Baru District by a group of local residents two weeks ago, is now continuing. This action really hurt the feelings of the customary holders, moreover the sealing occurred when the customary holders were in a meeting to discuss the management of the Nagari Pangkalan Adat Density. The traditional leader of Nagari Pangkalan who is also the chairman there is concerned about the incident which, according to him, has tarnished the name of Pangkalan's promotion by custom and government. He explained that according to custom, Nagari Pangkalan has Datuak 5 Tribe Penghulu Nan 12. This means it has tribal clumps of 5 and penghulu 12. The five tribal families are the Pitopang Tribe with Sibijayo peaks, Mandailiang Malay tribes with Datuak Tumanguang peaks, Caniago Tribes with Datuak Patiah peaks, The Piliang tribe with the Datuak Majo Indo root and the Domo tribe with the Datuak Penghulu Bosa root . Then, the five tribes are also divided into several niniak mamak in it so that the total number is 12 datuak. Namely the Pitobang Tribe with 4 datuak, namely Dt Bosa, Dt Sibijayo, Dt Bandaro and Datuak Damuanso. Then the Malay Mandailiang Tribe with 2 datuak, namely Datuak Tumanguang and Datuak Rajo Melayu. Caniago tribe with 2 datuak namely Datuak Patiah and Datuak Paduko Indo. Piliang tribe with 2 datuak namely Datuak Majo and Datuak Mangkuo. Finally, the Domo Tribe with 2 datuak namely Datuak Penghulu Bosa and Datuak Marajo . The process of forming the management of the Nagari Adat Density in early 2002 ago. Kopak Ambai is an assistant to the progenitors. At that time, after sitting with Datuak 5 of the Panghulu Tribe, Nan 12 entrusted Haji Sa'krani Ali Datuak Sibijayo of the Pitopang Tribe as the Head of KAN Pangkalan. This is because Datuak Sibijayo is the head of adat in Nagari Pangkalan. With respect to the management structure at that time, there was only a Chairman, Chair I, Chair II, Secretary and Treasurer. Chairman I Haji Ismet Aco Rajo Lelo and Chairman II was Abdullah Paduko Sati. This is not a datuak, only Kopak Ambai. Why were they appointed to the positions of Heads I and II because in the tumpak their troops had no bodies. Because of this condition, the chairman of KAN Sa'krani Ali Datuak Sibijayo had many activities outside the region, so the function of KAN Pangkalan was entrusted to Chairman I Haji Ismet Aco Rajo Lelo for many years. Due to his aging condition and he was no longer able to hold traditional titles, Sa'krani finally handed over the title of Datuak Sibijayo to his nephew, Joni Imbiar. In 2008, a traditional meeting was held by Datuak 5 of the Penghulu Nan 12 Tribe to confirm the management of the new KAN. However, the composition of the management is different from the composition of the management in 2002. That is, Chairs I and II no longer exist. Changed to Deputy Chair I and II. Deputy Chair I was occupied by Alek Sandra Datuak Tumanguang and Deputy Chair II Afrizal Abbas Datuak Penghulu Bosa. Then, after the 2008 KAN management was formed, it turned out that Ismet Aco Rajo Lelo did not recognize the new KAN Pangkalan management. Because he feels that the management of KAN, which was formed in 2002, has never been disbanded. In the 2002 KAN management, Ismet Aco Lelo was Chairman I and he was not the Datuak 5 of the Penghulu Nan 12 Tribe. This has been the wrong perception. Traditionally, Datuak Sibijayajo remains the chairman of KAN Pangkalan, not from Kopak Ambai. Meanwhile, the mayor of Pangkalan Rifdal Laksamono also asked law enforcement to thoroughly investigate the action of sealing his office during the meeting of the datuak-datuak. We update this report and submit this matter to law enforcement. This should also be thoroughly investigated so that similar actions do not happen again in the future. (Haji Azhari Bijo Anso on Harianhaluan.Com).

The author's interview with Hari Mandala, Head of Sub-District Head of Nagari Pangkalan Government, stated that there was indeed a sealing of the office of the Wali Nagari Pangkalan related to the issue of Niniak Mamak. In the Pitopang Tribe Dt Sibijayo, who is the datuok of Pucuak, there are two leaderships, but the name that appears in

Nagari in the management of the Nagari adat density is only one, that's why the nephew of the Datuok has no name in the Nagari adat density management expressing protest. The internal problems of this tribe have actually occurred for a long time and have not been resolved until now because the customary institution to resolve the niniak mamak dispute has not yet been formed. It is supposed to be the density of the nagari adat that is completed, but in the body of the adat density of the nagari it is also not finished.

The results of the interview with Mr. Anwisman explained about Ninik Mamak 12 (twelve) and Datuok limo Tribe in Nagari Pangkalan:VPetopang Tribe

- Dt. Sibijayo, Mangkuto Sinaro, Rajo fierce, Kali Marajo
- Dt Bosou, Mindo, Nan tonang, lelo
- Dt Bandaro, pado Garang, Nan riding, gadiang.
- Dt Dumanso, sire, polowan.
Malay tribe
- Dt Malayu, Majo Bosa, Ompang Limo, Malin, Gindak.
Mandiliang tribe
- Dt mongguang, Lelo, Jimbang
- Kalimudo, Lobai, Pukomo, Kali Marajo, Lakmano, Bomban
Domo
- Dt Pangulu Bosou, Dt Majo, Kampau, Malin, Sukondow
Piliang Tribe
- Dt Mangkuto, Dt Majo Indo, Dindiang Alam, Malin, Sati, Sutan Gogou
chaniago tribe

- Dt Patia, Dt Paduko Indo, Ompang limo, Majo Kayo, Malin
Dt Limo Tribe in Nagari Base:
Dt Sibijayo
Dt Mangguang
Dt Pangulu Bosou
Dt Patia
Mangkuto

From Niniak mamak above, the management of the Nagari Adat Density was appointed to take care of everything about customs in the Nagari base.

Constraints and efforts to overcome them in obstacles and Efforts in overcoming Obstacles to Settlement of Customary Law The recognition of Niniak Mamak as a member of the Nagari Customary Density, the base of the sub-district, the new Koto district, fifty cities, based on the regional regulation of West Sumatra Province Number 7 of 2018 concerning Nagari , including:

The Nagari Pangkalan Customary Court has not yet been established,

The two parties to the niniak mamak declare that they are the legitimate niniak mamak of the clan, Niniak Mamak Nagari's lack of understanding of Adat .

Furthermore, efforts to overcome it are in the Settlement of Customary Law Recognition of Niniak Mamak as a member of the Nagari Customary Density, the base of the sub-district of the new Koto Baru district, fifty cities based on the regional regulation of the Province of West Sumatra Number 7 of 2018 concerning Nagari . The Nagari Adat Density of Pangkalan should have formed the Nagari Customary Court, the position of niniak mamak should not be up for grabs because this is the burden borne by the niniak mamak in West Sumatra is very large, traditional leaders and the government should give understanding to Niniak Mamak Nagari how the custom should be carried out .

Based on the Regional Regulation of the Province of West Sumatra Number 7 of 2018 concerning Nagari, precisely in article 15 discussing the Nagari Customary Court, In each Nagari, the Nagari Customary Density forms the Nagari Customary Court as the highest community dispute resolution institution in Nagari according to the Mutual Nagari custom . Prior to the dispute as referred to by the Nagari Customary Court, it must first be resolved at the family, parik , clan and/or tribal levels in a bazaar , ascending, or descending manner . The Nagari Customary Court as referred to has the following tasks: to settle disputes over sako and pusako in a bajanjang up and down through the peace process; settlement of customary civil cases through deliberation and consensus based on an agreement in the Nagari Indigenous Density assembly which is a "kato putuih" to be guided by the judiciary; and

give customary sanctions to community members who violate customary law in accordance with the provisions of the Salingka Nagari Adat.

CONCLUSION

Completion of Customary Law The recognition of Niniak Mamak as a member of the Nagari Adat Density, the base of the sub-district of the new Koto Baru district, fifty cities based on the regional regulation of the Province of West Sumatra Number 7 of 2018 concerning Nagari in practice was not carried out, until the time this research was made the internal tribal body of Dt Sibijayo there were divisions, Dt Sibijayo is acknowledged by his tribal nephews that there are two people, while the chairman of the Nagari Customary Density held by Dt Sibijayo can only be held by one person. Constraints and efforts to overcome them in the Settlement of Customary Law Recognition of Niniak Mamak as a member of the Nagari Customary Density, the base of the sub-district, the new Koto district, fifty cities, based on the regional regulation of West Sumatra Province Number 7 of 2018 concerning Nagari . The Nagari Pangkalan Customary Court has not yet been established, two niniak mamak have stated that they are legitimate niniak mamak from the community, and the Niniak Mamak Nagari lack of understanding of adat . Furthermore, efforts to overcome it , the Pangkalan Adat Density should form a Nagari Customary Court, the position of niniak mamak should not be up for grabs because this is the burden borne by the niniak mamak in West Sumatra is very large, customary leaders and the government should provide an understanding to Niniak Mamak Nagari how custom should be carried out.

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