

# Settlement of Disputes Over the Transfer of Rights to the Ulayat Land of the Piliang Tribe in Kuok Village, Kuok District, Kampar Regency

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**Abstract**—The use of customary land is indeed used in the interests of the indigenous peoples who occupy the area. Because of the background of the increasingly high needs, indigenous peoples also began to use traditional land as plantation land in collaboration with the company to get more adequate results than before. But there are several things that can trigger disputes. The purpose the study was to determine the settlement of customary ulayat land. This type of research will be used is sociological legal research, namely empirical studies to find theories about the process of occurrence and about the process of working of law in society based on applicable laws and regulations relating to the protection of the rights of local indigenous peoples in the use of customary land. From the results of the study it can be seen that the cause of the occurrence of customary land disputes in Kenegerian Kuok is due to the arbitrary attitude of the chief / *niniok mamak* who has power in the adat community so that *niniok mamak* abuses his power, namely by *tanah ulayat* (customary land) to investors without bringing child nephews in deliberation and economic interests, to benefit himself without thinking about his nephew's child. The pattern of settlement of customary land disputes in Kenegerian Kuok is resolved by mediation.

**Keywords:** *dispute resolution, Ulayat Land, Kampar*

## I. INTRODUCTION

Customary rights are authority which according to adat belongs to certain customary law communities over certain areas which are the environment of their citizens to take advantage of natural resources (SDA), including land in the area, for their survival and life, arising from their relationship outwardly and spiritually from generation to generation and uninterrupted between certain Customary Law communities and the region concerned. One object of customary rights is customary land. Ulayat Land in Kenegaraan Kuok is a plot of land whose ownership and use are shared by the indigenous peoples of Piliang in the Kuok land, over which there are customary rights and are not for sale / gift.

Transfer of land rights is the transfer of land rights from the old right-holders to the new right-holders. There are 2 (two)

ways of transferring land rights, namely switching and being transferred. Switch shows the transfer of land rights without any legal actions carried out by the owner, for example through inheritance. While the transfer refers to the transfer of land rights through legal actions carried out by the owner, for example through buying and selling or grants.

The case that often occurs in Kuok, Kuok Subdistrict, Kampar Regency, is the existence of traded / granted *tanah ulayat* land which is found in the Piliang Datuk Paduko Jo Besar tribe. This customary land dispute initially took place between fellow progenitors, namely Datuk Ibrahim Paduko Jo Besar with a son of the Piliang tribe who was led by Musa Oji Panglimo who was also the Dubalang in the Piliang tribe. Datukim Datuk Paduko Jo Besar who wants to own this communal land individually and has sold the land / granted the land to Tando who is a representative of PT.Simas Jaya, so that his nephew knows his ulayat land has been sold. The suspicion initially occurred when the datuk Musa, who was a dubalang, was suspicious of Ibrahim's datuk because the customary land of Persukuan Piliang had already belonged to many other people / companies. The information received by the piliang tribe's nephew is obtained from the datuk Musa Oji Panglimo who is also a Dubalang where in Kenegerian Kuok, Dubalang is very important and strategic position, namely people who know, regulate, maintain the customary land and people who know the entry and exit of letters relating to existing ulayat lands in Kuok land.

In fact, due to the development of the times and the increasingly diverse needs that must be met, the customary land is traded / granted by the customary law community, thus often causing disputes in the customary law community. Selling / granting customary land must be in accordance with the provisions of customary law that are in force and must be based on the common will of all indigenous peoples. But what happened in Kuok, Kuok Subdistrict, Kampar Regency, was that the customary land was traded / granted by Ninik Mamak or the Chief of the Tribe in the Piliang Datuk Paduko Jo Besar tribe.

## II. RESEARCH METHODS

The research location was Kuok Village, Kuok District, Kampar Regency. This type of research that will be used is a type of sociological legal research with descriptive research methods, which aims to make awareness about situations or events. The purpose of this study is to look for detailed factual information that is holding hostages to the symptoms. The purpose the study was to determine the settlement of customary ulayat land.

The data will be obtained from:

- Kampar District Government,
- Traditional Figure in Kuok Village,
- Piliang people around Kuok Village.

Data collection technique

### A. Interview

The interview here is a structured interview where the interviewer has prepared in advance a list of questions to be conveyed to the respondent.

### B. Literature Study

Is a data collection tool that is done through written data using content analysis based on literature literature that has a correlation with the problem being studied?

## III. DISCUSSION RESULTS

### A. Causes of Disputes Over the Transfer of Rights to Ulayat Land in Kuok Village, Kuok District, Kampar Regency

Based on Article 1 paragraph (1) of the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency (Agrarian Regulation / Head of BPN) Number 5 of 1999 concerning Guidelines for Settlement of Customary Rights of the Customary Law Community explains that [1]: Customary rights are the authority according to adat owned by the legal community certain adat over certain areas which constitute the environment of its citizens to take advantage of natural resources (SDA), including land in the area, for their survival and life, arising from outwardly and uninterrupted physical and spiritual relations between communities Specific customary law with the region concerned.

One object of customary rights is customary land. Ulayat land in Kuegerian Kuok is a plot of land whose ownership and utilization are shared by the indigenous peoples of the Piliang tribe in Kuok land, on which there are customary rights and are not for sale / gift [2].

According to Budi Harsono, the customary rights of the customary law community are stated to still exist if they meet three elements, namely [3]:

- There is still a group of people as citizens of a certain customary law community, which is a customary law community. Based on these elements, in Kuokian the

Kuokian customary law consists of tribes and clans. The tribe is a collection of a group of people led by the head of the tribe, which consists of the piliang tribe, Malay tribe, domo tribe, chaniago tribe, pitopang tribe.

- There is still an area that is the customary law community's traditional land, which is recognized as the land belonging to its citizens as its "lebensraum".
- There are still customary rulers who, in fact and are recognized by the members of the indigenous peoples concerned, carry out their daily activities as implementing customary rights. Based on these elements, the traditional pengusa in the Kuokian state is the prince. The headman is a man who is elder in one village that is determined based on a meeting and given the title soko namely as "datuk".

Kenegarian Kuok is a country that adheres to the customary law of Kampar, with its matrilineal kinship system which is a kinship system based on the mother who handed it down. In addition, in customary communities, ulayat land is also a life buffer that shows the social dignity of the community, where people who do not own a piece of land (a plot of land) are considered poor, or are people who are humped (hitched / attached) whose origins are unclear, received because of pity. Such is the importance of the function of indigenous peoples' land in the Kuok region because when the Kuokerian customary community does not own land it is considered a poor person whose life is only hitching a ride in the sense of distressing others in the indigenous community [1].

Distribution of customary land contained in the Kuok state is:

- Tribal customary land, which is the ownership rights over the land along with the natural resources that are above and within it are the collective property rights of all members of a particular tribe whose control and use is regulated by tribal leaders, but the tribal communal land has been divided the leader of the tribe becomes the ulayat land of the clan, so that the ulayat land of the clan has its own control by his people. The customary land of the Kuokarian tribe consists of Malay, Caniago, Patopang, Domo and Piliang.
- Ulayat land, i.e. ulayat land in Kuokarian land which is the ownership right of a piece of land along with the natural resources above and in it is the property of all members of the group consisting of jurai / powik whose control and use are regulated by mamak chieftain.

Management or use of customary land in indigenous communities in Kuegerian Kuok can be in the form of use rights for the men, that is used for farming and the results are taken to provide for or for the needs of his own family, and not for the needs of others. If used for the benefit of others, their rights must be revoked, and the other person must pay tribute to the tribal authorities of the customary law.

Customary land can be the property of women, that is by opening gardens and rice fields which are taken for the purposes of their own families, but not to sell the customary land because kinship to indigenous peoples in Kuokarian Kuokarian is matrilineal which belongs to the kinship of indigenous communities, where the line descendants based on maternal lines, and those entitled to inheritance are women whose mastery and use are regulated by *mamak* [2]. In addition, customary land can also be used or managed by investors, that can be rented by sharing, such as opening oil palm plantations, rubber, etc. Other by involving the authorities and owners of customary land based on the agreement of the indigenous peoples concerned as shareholders within the allotted time. If the tenure and management agreement has ended, the ownership of the customary land is returned to the customary community, and can be utilized for the public interest, by surrendering the land by the customary authority and the customary owner based on the agreement of the relevant indigenous community member by giving recognition to the customary community. by building public facilities for the public interest as well. In addition to the aforementioned, customary land can also be sold / granted to meet the economic interests of the indigenous people based on mutual agreement of the indigenous peoples in the alliance.

Management of customary land in indigenous communities in the Kuokarian can be seen in the Piliang Tribe located in Kuok Village, Kuok District, Kampar Regency. The Piliang tribal land is used for rubber, oil palm and plantation plantations, the results of which are taken by the *ninik mamak* or head (*datuk*) and nephews in the alliance, and for the opening of oil palm lands by investors with a profit sharing system, but the communal land is not utilized or managed in accordance with existing rules, namely by granting the land to an investor made by Ibrahim *Datuk Paduko Jo Besar* by granting it to an oil palm investor (PT.Simas Jaya) without bringing his nephew into deliberation and granting the permit is done of his own volition. underlying the piliang tribal ulayat land dispute in Kuok Village, Kuok District, Kampar Regency.

Transition as in the case above is what causes a lot of disputes, this is certainly very contrary to customary law in force in indigenous peoples themselves. Thus it is clear that the transfer of land rights has legal consequences. Transfer of land rights can occur due to two things, namely legal events and legal actions, in legal events, namely due to inheritance, while in legal actions there are trading, grants, endowments and auctions. A grant is an agreement with which the donor, at the time of his life, is free and irrevocably, hands over an item for the purpose of the recipient of the grant receiving it. Transferring land rights in the public interest, for example, in the form of a grant, then according to Article 9 Paragraph (2) of Law Number 2 of 2012 must be carried out with the provision of adequate and fair compensation.

The indigenous people of Piliang in Kenegaraan Kuok in dealing with or interacting with other indigenous people use symbols, symbols used in the Piliang tribal community in the form of an *adat* proverb, such as: "*putui undiong dek sakato,*

*make undiong agreed*", in the sense that every decision made exist in the Piliang tribal community in Kuokarian Kuok must be based on deliberation to reach consensus and the most important is the common interest so that there is no individual control over customary land by indigenous peoples in the Kuok land.

The cause or background of the customary land disputes that often occur in the Kuok land of Kuok, Kuok District, Kampar Regency, is the existence of traded / granted ulayat land found in the Piliang *Datuk Paduko Jo Besar* tribe. This customary land dispute initially took place between fellow progenitors, namely *Datuk Ibrahim Paduko Jo Besar* with a son of the Piliang tribe who was led by *Musa Oji Panglimo* who was also the *Dubalang* in the Piliang tribe. *Ibrahim* came to *Paduko Jo Besar* who wanted to own this customary land and had sold the land / granted the land to *Tando* who was a representative of PT.Simas Jaya, so that his nephew knew that his people's customary land had been granted. is a *dubalang* suspicious of *Ibrahim's datuk* because the customary land of *Persukuan iliang* already belongs to many other people / companies [2].

The information received by the piliang tribe's nephew is obtained from the *datuk Musa Oji Panglimo* who is also a *Dubalang* where in *Kenegerian Kuok*, *Dubalang* is very important and strategic position, namely people who know, regulate, maintain the customary land and people who know the entry and exit of letters relating to existing ulayat lands in Kuok land. In addition to buying and selling the traditional land, *Datuk Ibrahim* also often receives *Pancuong Ale* (grant money) from *Tando* who is also a representative of PT.Simas Jaya. *Pancuong ale* (grant money) from PT.Simas Jaya was taken and enjoyed by *Ibrahim Datuk* himself. On this basis *Musa* sent *Tando* who is a representative of PT.Simas Jaya to entrust the money to the *datuk Arifin Paduko Simarajo* who is the highest leader in the *Ciliago Nan Tujuh* tribe so that the grant money can be used according to customary needs and needs, on this basis the children the nieces of the Piliang tribe demanded a lot of *Datuk Ibrahim* to return the money he had enjoyed individually to the tribes for the interests and customary needs of the Piliang tribe.

Article 1669 of the Civil Code explains:

"It is permissible for the donor to promise that he or she still has the enjoyment or enjoyment of the results of donated objects, both movable and immovable objects, or that he can provide the results or enjoyment to others, in terms of which must be considered the provisions of the tenth chapter of the second book of this law.

In Article 1669 of the Civil Code it is clear that the results of the grant must be enjoyed / used together in accordance with applicable regulations, but what happens in the pili tribe in the *Kuegarian Kuok* is the *ninik mamak* or tribal chief enjoying / using the results of the customary land grant , the granting of the communal land is done to a company which in this case is a PT (Limited Limited Company) *Simas Jaya* [4].

The grant is an agreement with which the donor, at the time of his life, is free and hear irrevocably, surrenders something to

meet the needs of the recipient who receives the surrender. In Article 1688 the Civil Code explains that basically a gift cannot be revoked and therefore cannot also be canceled, except in the following cases:

- If the grant requirements are not met by the grant recipient,
- If the person who is given the gift is guilty of committing or participating in an attempted murder or other crime against the donor,
- If the donor is poor, the person being given a gift refuses to provide for him.

As a result of the actions of Datuk Ibrahim, the son of tribe of Piliang tribe has demanded it a lot, but the datuk Ibrahim reported the datuk Musa to the police on the basis of the datuk Musa had used and used Ibrahim's datuk stamp for certificates in the case of the customary needs of the piliang tribe without Ibrahim's prior consent. . Knowing that he was reported to the Police by the Ibrahim datuk, the Datuk Musa who was also accompanied by a datum journalist who was a Kuegarian Shoot who also served as the head of the Kampar Customary Institution (LAK) also went to report Ibrahim's grandfather back to the Police on suspicion of the Transfer of Land Rights to the Piliang Tribe in the Kuok Village, Kuok Subdistrict, Kampar Regency, which was done intentionally by Datuk Ibrahim. Responding to reports from both parties, the police suggested that both parties be able to resolve the issue peacefully in accordance with the customs that apply in each of these tribes.

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Economic factors, that is, the dispute over ulayat land occurs because of the desire of the ninik mamak to obtain their own benefits without thinking about their nephew's children because the ninik mamak feels that he has the power to control the ulayat land completely when in reality this mamak ninik is only as a representative of the adat community in carrying out their duties. Grants are basically legal actions in the form / where a certain person gives a certain item / wealth to a certain person, according to the applicable legal rules.

According to Article 1666 of the Civil Code (Civil Code):

"A grant is an agreement with which the donor, at the time of his life, is free of charge and hears irrevocably, hands over an item for the purpose of the recipient of the grant receiving it."

The transition that occurred in indigenous peoples in Kuok, which occurred in the Piliang Tribe. Where the chieftain / ninik mamak transferred the customary land rights to the second party, namely PT.Simas Jaya with a land area of 500 Ha, the transfer was without the consent of the son of a piliang tribal cousin, and then the money from the transfer of customary land to PT.simas Jaya was enjoyed by the owner himself. ninik mamak piliang tribe namely datuk Ibrahim paduko jo besar. On this basis, the customary land dispute in the Piliang tribe occurred [2].

According to customary community leaders in the Kuokian state, cases of customary land being traded / granted by the ninik mamak and giving permission unilaterally carried out by the ninik mamak often occur in the Kuok land. This is because if there is a dispute and the child of his nephew demands, the settlement will end only in the form of giving money to the nephew, so that after receiving the money the nephew just leaves what will be made on the customary land, so this problem will continue to occur in the legal community custom.

#### *B. Pattern of Settlement of Piliang Tribal Land Rights Disputes Settlement in Kuok Village, Kuok District, Kampar Regency*

According to Article 7 Paragraphs (1) and (2) of the Local Regulation of Kampar Regency Number 12 of 1999 concerning Ulayat Land Rights Explain that:

1) *It is prohibited to transfer the ownership rights of ulayat land except for the interests of:*

- Regional Development.
- The common will of all indigenous peoples based on the provisions of the applicable traditional law

2) *Exceptions referred to in paragraph (1), must be based on the determination of Customary Density*

However, due to the growing era and the increasingly diverse needs that must be met, the customary land can also be sold or pawned on the grounds:

- Payment of irrigation costs for paddy fields;
- Payors of fees charged to people by the tribes;
- To pay debts made together (people);
- For additional education costs for members of the clan;
- Cost of a niece's marriage, and others on condition of a pawn or sale which is agreed upon by all members of the nephew's family.

According to the customs contained in the Kuokerian State, In order not to cause disputes regarding customary land, the customary land may be sold or pledged according to customary provisions, namely:

- Pain that does not heal / prolonged, that is, is for medical expenses due to illness that does not heal / prolonged. If the sick person is a member of his clan, then his niece's daughter has the right to sell the communal land for medical expenses taken from the sale of the communal land.
- Elderly parents, that is to say, elderly / elderly parents who do not have offspring and cannot afford to pay for their lives, so that for the cost of living the head of a mamak or ninik through consensus with members of the nephew / child may sell or pawn communal land for the elderly's living needs.
- The dead body in the house, the intention is about the costs for the maintenance of the body and everything related to the event of death. If the deceased is a member of his people, let alone having a respected position within the clan, such as the grandfather or ninik mamak, then by consensus with members of the clan / child / nephew so that the customary land can be sold or pawned.

The above condition is a valid reason for pawning or selling customary land, because if left unchecked will be a disgrace to the people concerned. Usually the pawn or buying and selling is done because the available assets are not sufficient for this purpose, as the traditional saying goes: there is no leveled wood in pieces, there is no clear gold. It means that in any case, a solution will be found that makes the inheritance of assets in the form of pawning or selling ulayat land as a last resort to solve the funding problems faced by these people.

To resolve disputes, there are generally several ways to choose. The methods referred to are as follows:

- Negotiation, which is a way to find solutions to problems through discussion (deliberation) directly between the parties to the dispute whose results are accepted by the parties. Negotiations are carried out for two reasons, namely to look for something new that can not be done alone, for example in the interaction of buying and selling, the seller and buyer need each

other to set prices, and solve disputes or disputes that arise between the parties.

- Mediation, namely efforts to resolve disputes by involving a neutral third party, which does not have the authority to make decisions, which helps the parties to the dispute reach a resolution that is accepted by both parties.
- The court, is an official state institution that is given the authority to adjudicate, that is, accept, examine and decide on a case based on procedural law and applicable legal provisions.
- Arbitration is a simple, fast and inexpensive settlement mechanism because the arbitration is led by an arbiter who has the authority to give decisions to settle disputes, and is also a way to settle disputes outside the court, based on arbitration agreements made by the parties, and carried out by the parties. arbitrators chosen and given the authority to make decisions.

The mediation process used by indigenous and tribal peoples is as follows [5]:

- The parties to the dispute can ask for help from a third party (mediator) to resolve their dispute. The mediator in the Piliang tribal indigenous community in Kuegarian Kuok is a traditional figure;
- The parties who give trust to traditional leaders as mediators are based on the belief that they are people who have authority, are respected, respected, obeyed by their words and they are people who are able to close secret meetings behind disputes that occur between the party;
- Customary leaders who are entrusted as mediators take approaches that use religious language and traditional language, so that the parties can sit together, tell the background of the cause of the dispute, and the possibilities of finding a way out to end the dispute;
- Customary leaders as mediators can hold a number of meetings including separate meetings if deemed necessary, or involve other traditional leaders who are independent after obtaining agreement from both parties. The aim is to help speed up the mediation process, so that agreements can be reached;
- If the parties have led to offer alternative solutions, then the mediator can strengthen by using religious and customary languages, so that a peace agreement can be realized;
- If this willingness has been stated to the mediator, then the customary leader can hold an adat procession, as the final form of a statement ending the dispute with mediation through existing channels.

Settlement of disputes in the Piliang tribal indigenous community in Kenagarian Kuok is resolved through the fourth Trench Corner. The fourth trench angle is the adat court at the

Kuok state level, which is tasked with resolving adat issues, as guardians and as preservers of cultural customs in the Kuok state. Settlement of customary land disputes by four trench angles can be done through customary law mediation. Mediation is a dispute resolution carried out by a third party called a mediator, outside the justice system to reach an agreement without feeling there is a party that wins or loses (win-win solution) [6].

In the Piliang Tribe, any traditional problems that occur are then resolved in the following stages [2]:

- Ninik Mamak / Datuk will hold a discussion by gathering all the children of kemanakan and held in a place that has been determined by the head of the tribe, after that the dispute will be seated, and ninik mamak / head of the tribe will be the third party who will be the mediator in the deliberations that, and if the problem is not solved, it will be resolved by Datuk Piliang Caniago Nan Tujuh.
- Problems or disputes that have not been resolved will be continued and resolved by Datuk Piliang Caniago Nan Tujuh in the Kenegerian Kuok. Datuk Piliang Caniago Nan Tujuh Consists of:

TABLE I. DATUK PILIANG CANIAGO NAN TUJUH

No	Name	Title
1.	Arf	Datuk Paduko Simarajo
2.	Zul	Datuk Sati
3.	Az	Datuk Paduko Jo Kayo
4.	MAL	Datuk Paduko Jo Lelo
5.	Yaz	Datuk Majo Besar
6.	Jmn	Datuk Majo Bonsu
7.	Ibr	Datuk Paduko Jo Besar

- The problem was solved by Datuk Piliang Caniago Nan Tujuh. In the deliberations, several things were decided, namely [2]:
  - Ibrahim Datuk Paduko Jo Besar had to pay compensation in the form of returning money as much as the money he had taken and enjoyed himself from the land grant money of PT.Simas Jaya to ninik mamak or the son of the cousin of the piliang tribe.
  - Ibrahim Datuk Paduko Jo Besar must apologize to the ninik mamak and the niece of the tribe of piliang and must admit to the mistakes he made. The money from the compensation was handed over to Datuk Paduko Simarajo who is the leader / chairman of the Caniago Nan Tujuh Piliang so that there are no more problems in the future.

After the deliberation, so as to produce a decision as above, then the progenitor and niece agree and accept the results of the deliberations. In the end, Ibrahim Datuk Paduko Jo Besar apologized to the ninik mamak and the niece of the Piliang tribe and the grant money from PT.Simas Jaya will be held by Arifin Datuk Paduko Simarajo

- If it is not resolved, the dispute will be settled by Datuk Nan Twenty, in which the twenty datuk consists of datuk in the Kuok state. Datuk Nan Twenty Consists of:

TABLE II. DATUK NAN DUA PULUH KENEGERIAN KUOK

No	Name	Title	Tribe
1	Khol	Dt.Penghulu Besar	Melayu Sumpu
2	Zaid	Dt.Alam	Melayu Sumpu
3	Lat	Dt.Bagindo	Melayu Bendang
4	HL	Dt.Paduko Rajo	Melayu Kubucong
5	Ans	Dt.Singo	Melayu Bawi
6	Yrl	Dt.Besar	Melayu Kampai
7	Emr	Dt.Marajo Indo	Melayu Pasai
8	Abd	Dt.Laksamana	Melayu Mandailing
9	Bst	Dt.Majo Lelo	Melayu Jolelo
10	Kam	Dt.Paduko Jo Kayo	Caniago
11	Jam	Dt. Majo Bonsu	Caniago
12	M.Al	Dt.Paduko Jo Lelo	Caniago
13	Rzk	Dt.Majo Besar	Caniago
14	Nrd	Dt.Pakomo	Patopang Nan Tunggal
15	Hsn	Dt.Paduko Tuan	Domo
16	Idr	Dt.Laksamano	Domo
17	Hakim	Dt.Gindo Jo Besar	Domo
18	Yun	Dt.Paduko Simarajo	Piliang
19	ibra	Dt.Paduko Jo Besar	Piliang
20	Zul	Dt.Sati	Piliang

Of these twenty grandparents there are Sudut Nan Ompek, these are the four grandparents from the large tribes in the Kuokerian region who will solve the traditional problems that occur in the tribes in the Kuokerian Kuok.

TABLE III. SUDUT PARIT NAN EMPAT KENEGERIAN KUOK

No	Name	Title
1.	Yrn	Datuk Besar
2.	Khol	Datuk Penghulu Besar
3.	Hsn	Datuk Paduko Tuan
4.	Yun	Datuk Paduko Simarajo

- if it is not finished, then it is settled in the District Court. In this case the dispute that occurred can be resolved by Datuk Piliang Caniago Nan Tujuh.

Efforts to resolve this dispute are carried out in order to provide legal protection for the rights held by indigenous peoples to customary rights in the form of land, so as to provide justice to each indigenous community. The principles of justice must guide the community in developing policies and laws to correct injustices in the basic structure of society. This legal protection can be in the form of prevention before a dispute occurs, such as customary land that is used and managed by indigenous peoples, to communicate the importance of their land and resources for people's livelihoods and ways of life, their role as guardians of land and resources, and their customary rights and how this is recognized in international and national law. Legal protection after a dispute must be given sanctions in accordance with those who violate the law or customary rules

Settlement of customary land disputes in Kenegeraian Kuok is resolved by way of Ninik Mamak / Datuk deliberating

by gathering all kembangan children and held in a place determined by the tribal chief, after which the dispute will be seated, and ninik mamak / tribal leader will become the third party who will be the mediator in the meeting. In the process of settling the ulayat land dispute in the tribe of Piliang, both parties to the disputing party were called Ibrahim datuk and his nephew. The pattern used in resolving this dispute is mediation [7].

Dispute resolution through adat institutions can also be identified by a mediation model. Because the role of traditional leaders as an intermediary in dispute resolution. Customary leaders act as mediators in dispute resolution. Usually the mediator is an expert in the field being discussed / disputed. The mediator is a neutral and impartial third party whose function is to assist the parties in searching for possible dispute resolution.

As a mediator or neutral third party in the mediation process, the mediator helps the parties to frame the existing problems to be solved together. In general, mediators do not make decisions, mediators only help and facilitate the parties to the dispute to formulate various dispute resolution options that can be accepted by both parties. In giving sanctions it is usually deliberated between the two parties and the severity of the sanctions is usually adjusted according to the ability of the parties to the dispute.

There are four mediation models that must be considered: Settlement mediation, facilitative mediation, transformative mediation, and evaluative mediation. Judging from the role of Kampar traditional leaders in dispute resolution, the mediation model by traditional leaders is settlement mediation which is also defined as compromise which is mediation whose main purpose is to encourage compromise between the demands of both parties. In mediating this model the desired type of mediator is the one who is highly dedicated even though he is not very skilled in the mediation process and techniques. Customary leaders are people who are respected by indigenous peoples because they are related to the role of these traditional leaders in indigenous communities. In practice there are traditional leaders / stakeholders whose role is only as an intermediary, but there are times when the role of traditional leaders / stakeholders becomes more central, because they have the authority to decide disputes that occur, especially those relating to sanctions that will be imposed on the parties.

The function of the Nagari Indigenous Density Institution (LKAN) as well as the enforcement of sanctions in the customary law community cannot be run optimally, because the rules classify the types of actions that are permitted and prohibited or provide certain penalties and defenses when violations occur, such as problems that occur in Kenegarian Kuok is caused by the ninik mamak or datuk itself which is a guideline for his nephew to commit acts that are detrimental to indigenous peoples and violates the rules of customary law that apply to piliang tribes in the Kuokarian Kuokarian.

For this reason, the function of traditional institutions and sanctions is to run optimally, so the nephew must carry out his

obligation, namely to supervise the actions carried out by ninik mamak or datuk, because in customary rules ninik mamak or datuk is only slightly higher, such as the customary saying take precedence over one step, elevated seranting, so that the nephew has the right to remember the ninik mamak or tribal chief so that they do not act contrary to the prevailing customary rules.

#### IV. CONCLUSION

The cause of the customary land dispute in Kenegaraan Kuok is First, the nephew was not brought in deliberations resulting in a dispute, in that case Ibrahim Datuk Paduko Jo Large decided on his own to give the communal land to an oil palm investor namely PT. Simas Jaya without bringing the nephews in deliberation. Second, the arbitrary attitude of the ninik mamak, because it has power in the adat community of Kampar or in the Kuokari so that the ninik mamak abuses its power and the carelessness of the nephew, that is, does not manage the customary land properly and does not oversee the arbitrary actions of the mamak ninik resulting in an abuse of power from the mamak ninik. Third, economic factors, meaning that the customary land dispute occurs because of the desire of the ninik mamak to get his own profit without thinking about his nephew's child.

Settlement of customary land disputes in Kenegaraan Kuok is resolved by way of Ninik Mamak / Datuk deliberating by gathering all children and held in a place determined by the tribal chief, after which the dispute will be seated, and ninik mamak / tribal leader will become the third party who will be the mediator in the meeting. In the process of settling the ulayat land dispute in the tribe of Piliang, both parties to the disputing party were called Ibrahim datuk and his nephew. The pattern is used in resolving this dispute is mediation. This can be seen from the stages of the process of resolving the success that has been carried out.

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