



## Tenure and Ownership of Lani Tribe Traditional Land in the Bokondini District, Tolikara Regency

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<http://dx.doi.org/10.18415/ijmmu.v10i1.4536>

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### **Abstract**

Mastery and ownership of customary land of the Lani people in Bokondini District, Tolikara Regency is generally used jointly and some are used for personal or family interests to meet their daily needs. The purpose of this study was to determine the status of customary land tenure by the Lani Tribe and to determine the constraints faced by the Lani indigenous people in controlling and owning customary land. The method used in this study is empirical, namely by collecting data according to events that exist in the midst of society, in other words that are in accordance with the facts in the field. The results of this study reveal that the indigenous peoples of the Lani Tribe are related to the status of control and ownership of their customary lands, which are communal as well as individual, where the control and use of customary lands are shared by members of their customary law community (both territorial and genealogical). Each has the right to control and use the land as collective and individual property to meet their daily needs. The obstacles faced by the Lani Tribe in terms of control and ownership of customary land are from external factors, where interference comes from outsiders who claim that the customary land is theirs either from individuals or other indigenous community groups. If a dispute occurs, either among indigenous peoples or with outsiders, it is always resolved by way of deliberation or kinship in accordance with the personality of the indigenous Lani people.

**Keywords:** *Mastery; Ownership; Customary Land; Lani Tribe*

### **Introduction**

God Almighty gave land as well as Natural Resources (SDA) which are the needs of mankind. Humans live and carry out activities on the ground every day. Where every human being must have a place to live that must be fulfilled, therefore land is a basic need that cannot be secondary.

For indigenous peoples, land has the most essential position, because it is a wealth that has been passed down for generations and is profitable. Land is also a place to live, and as a burial place.<sup>1</sup>

The state recognizes that it also respects customary law community units and their traditional rights as long as they do not conflict with national law. Recognition of indigenous peoples in Article 18B

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<sup>1</sup> Soerojo Wingjodipoero, *Pengantar adan Azaz-Azaz Hukum Adat*, Alumni, Bandung, 1773, hlm.237.

paragraph (2) of the 1945 Constitution (Second Amendment Result). The existence of customary law communities is also contained in Articles 3 and 5 of the BAL.

Indigenous Peoples are people who live for generations in an adat territory, whose socio-cultural life is governed by customary law and customary institutions. It contains individual rights as well as communal rights. Where communal rights are contained in the UUPA are ulayat (territory) rights.

The word ulayat or area or region in the Lani language is Nirimendef which has the same meaning as the word ulayat/region. Where Nirimendef is an area or area that is used jointly within the customary law community group of the Lani Tribe for farming or farming to meet their daily needs. Living in groups with fellow indigenous peoples, this has been a tradition from the time of their ancestors who always used tanak not only individually/individually but collectively/communally.

The object of customary rights is all land contained in the environment of the customary law community concerned. While the subject is all members of the customary law community concerned. People from outside the customary law community can use land within the customary territory with permission from the local ruler or traditional leader.

### **Method**

The method used in this study is empirical, namely by collecting data according to events that exist in the midst of society, in other words that are in accordance with the facts in the field.

### **Result and Discussions**

The Lani tribe occupies Tolikara Regency which is a new regency resulting from the expansion of Jayawijaya Regency. Tolikara Regency occupies the western part of the Baliem Valley, the Tolikara Regency area consists of hilly areas, steep ravines, high mountains up to 2,500 meters above sea level. Topographical conditions like that are like nature which is the cause of this area's backwardness. The winding terrain of Tolikara makes it difficult to build a road.

The livelihood of the Lani people is farming, the crops they plant are sweet potatoes. Women (Kuligai) work in the fields, men make fences, work gardening betatas, red fruit, oranges, pineapples, avocados, bananas, corn and hunting. In the social system, the leader of the Lani people is the chief. The election of this tribal chief is hereditary and the person must be brave. The stone burning ceremony, usually carried out when clearing land, inaugurates the head of the District or Regency.

Most of the Lani Tribe are Protestant Christians, there is a connection between humans and nature. The Lani people know living tools, namely jikin "bow", male "arrow". In art, sali is women wearing skirts made of bark. Budi, namely using the bird of paradise. Knowledge systems, for example, traditional medicines, such as red fruit to reduce various diseases, dolungga wood leaves for boils, snot medicine, and Towol itchy leaves for fatigue medicine such as balm.

In the traditional Lani community, the marriage system must use a dowry with a minimum of 5 (five) pigs, 1 (one) for going to church and 4 (four) for the woman.

Talking about the leadership system (Habinagaba) in the Lani tribe in Yowo village, it can be categorized into two types of leadership, namely, formal and informal leadership. This discussion is in accordance with the object of study, namely the type of informal leadership that we call traditional leadership that exists in the Lani Tribe in the Bokondini District.

The leadership system of the Lani tribe recognizes leadership with the type of authoritative male concept (*Big man*), which in this type of leadership, the main characteristics are recognizing inheritance in leadership and also having territory in managing both politically and economically. In carrying out this

power, one must also have skills for customary purposes that apply in the Lani Tribe of Yowo village such as being skilled in war, Skilled in Making Traditional Houses, Skilled in stone-burning ceremonies, Skilled in garden work and Skilled in making koteka and hunting.

In customary law or any law, society has a very important meaning as a precipitate of social reality, saying that society is a form of life together, whose citizens live together for quite a long time, resulting in culture.

Ulayat rights according to customary law can be formulated as a communalistic religious magical concept.<sup>2</sup> What is meant by communalism is the joint rights of the members of the customary law community called customary rights.

Society is a social system that is a container of patterns of social interaction or interpersonal relationships as well as relationships between social groups. For this reason, in customary law it can be concluded that a customary law community can occur within a regional framework known as the territorial principle and based on heredity (genealogical principle) or a combination of territorial and genealogical. Indigenous peoples can be categorized based on territoriality, namely the composition based on blood relations, members of the community feel united and therefore feel together as a unitary unit of the customary law community concerned, because there is a bond between each of them and the land where they live. So the element that unites members of society is the bond between people and the land they have inhabited since their birth, inhabited by people and even their ancestors for generations.

Therefore, for the indigenous people of the Lani tribe, the status of customary land tenure is communal as well as individual, where the utilization of customary rights is carried out by the residents as members of the customary law community group (both territorial and genealogical). Each has the right to control and use as jointly owned land to meet the needs of the family. Mastery of rights can last temporarily, usually carried out indefinitely (property rights) individually. There is no obligation to control and use collectively or in groups, but this can be done as long as the person concerned wants it.

The position of the Traditional Head is very important which is related to his role and authority in the life of an indigenous people in the Bokondini District, Tolikara Regency. A traditional head is required to be able to play a role in holding his leadership so that he can manage the community properly, safely and regularly, so customary meetings are needed to determine the policy of a traditional head. The customary head is the smartest person to solve problems in a community group, so he is the one who will be obeyed, without violence or coercion, so that the community group sincerely and directly recognizes the advantages of the traditional leader, in accordance with the beliefs and beliefs based on traditions handed down to them. their offspring.

In the conception of customary law this right is an embodiment of the "element of togetherness". Community members are given the possibility to open, control and claim land not just to own it, but with the aim of cultivating it for the fulfillment of their respective needs.

Obstacles or obstacles faced by the Lani Tribe in controlling and owning customary land are external factors, where we can see that they come from outsiders who claim that the land is theirs.

Whereas in customary law communities, in general, obstacles or constraints in land tenure and ownership come from internal and external factors, if from internal factors then the customary leaders whose role is to resolve problems that occur in their customary communities, explain which land boundaries are common property of the indigenous peoples, for example for cattle herding, markets, and

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<sup>2</sup> Harijanto Andri & Merryono. *Kapita Selecta Hukum Adat*, Bengkulu:Kombis FH Unib Press, 2013, hlm 7.

places for gardening or farming, as well as those belonging to individuals or individuals who are used as a place to live and shelter from their indigenous peoples for the sake of their daily survival.

If there are problems/disputes or actions that conflict with customary law, traditional leaders will take action to restore the peace of their indigenous peoples. The role of traditional leaders in society is not different from that of adat, because the role of traditional leaders in society is as follows:

- a. Teaching the community about when to behave in social life and that behavior is based on custom.
- b. To support social togetherness in society, so that associations survive and are not harmed by various actions that are inconsistent with the right to information and customary rights.
- c. Give direction to the community to create a system of social control. This social control is more in the nature of supervising people's behavior to maintain people's lives as well as possible.
- d. Recognizing that in customary law every decision made has authority and can create legal certainty that binds all members of their customary community.
- e. The customary head is a place that community members can rely on to settle, protect, and ensure peace. Therefore, whenever a dispute arises, the customary head is the only place community members can rely on to resolve the issue. Indeed, if you look at the role of the traditional head in society, many have asked the customary head to solve problems, both those related to life and death. However, the more important task of traditional leaders is to maintain harmony and peace in society.

### **Conclusion**

The indigenous peoples of the Lani Tribe whose customary land tenure status is communal as well as individual, where the control and utilization of communal land is carried out jointly by the customary law community (both territorial and genealogical). Each has the right to control and use the land as collective and individual property to meet their daily needs. Meanwhile, the obstacles faced by the Lani tribe in terms of mastery and ownership of customary land are external factors coming from outsiders who claim that the customary land belongs to them.

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