

THE SYNCHRONIZATION PROCESS OF LEGAL SYSTEM IN *TUNGGU TUBANG* LAND CERTIFICATION

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Abstract. *The study on the Tunggu Tubang Land Certification in the Semende area aims to examine 3 (three) problems, they are aspects of historical and sociological rights supporting and inhibiting; synchronization of the legal system, as well as; alternative arrangements for facilitation of Tunggu Tubang land certification. The research used a normative juridical approach. The results of the study state that the study of synchronization of the legal system, there are no obstacles to the certification of Tunggu Tubang land, with the argument that the Tunggu Tubang land comes from private land (land of customary land), or civil rights/private rights/privaatrecht according to the western legal system, and does not include the power of rights. The Ulayat as common property of the community, therefore basically can be certified. Alternative facilitation of Tunggu Tubang land certification can be done by heeding the legal concept of the Tunggu Tubang Institution which stipulates that, Tunggu Tubang which contains the principles: There is land that is jointly owned by the descendants of the female line of the founder of Tunggu Tubang; there is an administrator who is not entitled to sell/transfer the land of Tunggu Tubang, but only manages it for the benefit of the descendants of the founder of Tunggu Tubang.*

Keywords: *Certification; Land; Legalization; Synchronization; Ulayat.*

1. INTRODUCTION

In Indonesia, the most potent right of land ownership is the Freehold Title (*Sertifikat Hak Milik*/SHM). The owner of SHM could sell, exchange or use it as a guarantee for a bank loan. In terms of housing, this type of right applies to a

landed house.¹ Land on the one hand has grown as a very important economic object and has grown as a commercial material and object of speculation, on the other hand it must be used and utilized for the greatest welfare of the people.²

The law defines land as, the surface of the earth, with dimensions of length times width that can be given to and owned by people, either individually or jointly with other people and legal entities (Vide Article 4 paragraph (1) of the BAL). Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (hereinafter abbreviated as UUPA). In other words, land rights do not mean ownership of physical objects, but only rights to the surface of the earth. Physical objects only have the right to be used, not owned. This is done to get an estimate of land characteristics based on the parameters observed and tested for various alternative uses based on certain purposes.³

The right to control the state does not mean "owning", but "the right to control over SDA (Land)" gives the authority to regulate and administer, the designation, use, supply and maintenance of earth, water, and space, as well as upholding land rights whether owned by the people, as well as customary land rights or customary land rights.⁴ The definition of land rights is the right to a plot of length times the width of the earth's surface/two dimensions, as well as the right to use the earth's surface which is called land (in the physical sense). Customary land is part of customary law which consists of local culture from predecessors which is passed down orally to their descendants.⁵ In addition to regulating the land law, the UUPA also unifies land tenure rights, especially land rights, in which there are still many controversies and guarantee rights to land.⁶

Furthermore, the *Tunggu Tubang* land can be interpreted as joint land belonging to the descendants of the female lineage in the Semende community which is an ancestral inheritance, or the founder of the *Tunggu Tubang* which is a social institution based on the regulation of the Semende Customary Law, as part of the *Tunggu Tubang* property, whose management is under the eldest daughter (*Tunggu Tubang*), under the tutelage of a son of the same age as *Tunggu Tubang* from the female line (Meraje). *Tunggu Tubang* is actually a term that refers to the eldest daughter in a family who is tasked with protecting and maintaining the inheritance owned by the family, including existing houses and agricultural land. The eldest daughter (*Tunggu Tubang*) is assigned to manage and utilize the inheritance for the benefit of her extended family.⁷ *Tunggu*

¹ Raden Aswin Rahadia, Yunilson Mulyano, Qualitative Study on Millennials' Housing Preferences in Jakarta Indonesia, *International Journal of Innovation, Creativity and Change*, Volume 15, Issue 5, 2021, p.369-382

² Andrian Sutedi, *Peralihan Hak Atas Tanah dan Pendaftarannya*, Sinar Grafika, Jakarta, 2009, p.1.

³ Mujiyo, Sutarno, R. Budiono, Evaluation of Land Fertility Status in Tirtomoyo District Wonogiri Regency Indonesia, *Journal of Soil Science and Agroclimatology*, Vol 14 No 2 2017, p.90-97

⁴ Auri, Aspek Hukum Pengelolaan Hak Pakai Atas Tanah Dalam Rangka Pemanfaatan Lahan Secara Optimal, *Jurnal Ilmu Hukum Legal Opinion*, Volume 2 Ed. I, 2014, p.1

⁵ Datu Bua Napoh, Recognition Of The Customary Land Law In The Constitution Of Indonesia And Malaysia, *Journal Faculty of law, Brawijaya University*, Vol 2 No. 2, 2015, p.1-19

⁶ Iman Sudiyat, *Hukum Adat Sketsa Asas*, Liberty, Yogyakarta, 1981 p.1.

⁷ Zainal Arifin, Maskota Delfi, Sidarta Pujiraharjo, Harte dan Tungguan Redefinisi Adat *Tunggu Tubang* pada komunitas Semende migran, *Jurnal masyarakat dan budaya*, Vol 22 No. 2, 2020, p.31-43

Tubang is closely related to the inheritance system applied to the Semende Tribe community. The process of inheritance in the Semende tradition draws lineage from the mother, which is often called matrilineal.⁸ The heirs cannot deny their destiny whether they are heirs or they are not heirs of the ancestral inheritance.⁹ The duties of a *Tunggu Tubang* are to look after and take care of heirlooms, look after and take care of parents, respect Meraje and obey his orders, and obey and carry out customary rules.¹⁰

Ideally, the *Tunggu Tubang* land includes customary land that can be converted, without a time limit. Because agrarian/land is the eternal property of the Indonesian nation/people, based on the Magisch Religious relationship, and the state/government only has the right to control, not own, with the authority to regulate. Therefore, the *Tubang Tunggu* Land which originates from customary land with private ownership in the form of customary land (Civil Rights/Personal Rights/Privaatrecht, in the version of Western Civil Law-author) which is separated and passed on to the grandchildren of the founders of the *Tunggu Tubang*, with female lineage, with the purpose is to enjoy the results for the descendants of the founder of *Tunggu Tubang*, provided that it cannot be transferred or sold, it should be able to be converted indefinitely.

The *Tunggu Tubang* Land, as part of the form of inheritance of the *Tunggu Tubang* property, is a form of local wisdom in the inheritance/inheritance of property for the sake of maintaining the needs and lives of the descendants of the Semende community, and increasing customary lands that are local to the national level. *Tubang* is a term for a stick of bamboo (two or three segments) that is hung lengthwise above the hearth of the kitchen stove which functions as a storage area for spices. The existence of *Tubang* in the kitchen makes the intensity of its existence and function often associated with women. Therefore, *Tunggu Tubang* is more often interpreted as *Tunggu* for *Tubang* which is usually attached to women who spend a lot of time in the kitchen, both for cooking and doing other activities. An informant tried to explain the meaning of *Tunggu* for the *Tubang*¹¹.

For this reason, an important and urgent aspect of land certification for *Tunggu Tubang* is to provide legal certainty within the framework of national land law, and to modernize the customary law of Semende. In connection with the above description, it is interesting to study the historical and sociological aspects of the supporting and hindering rechts; synchronization of legal and legal systems, as well as; alternative arrangements for facilitation of *Tunggu Tubang* land certification.

⁸ Azelia Velinda, Wilodati, Aceng Kosasih, *Tunggu Tubang* Dalam Pembagian Harta Warisan Pada Masyarakat Suku Semende, *Sosietas*, VOL. 7, NO. 2, 2017, p.420-424

⁹ Dewi Sukarti, Customary Law of Inheritance and Migration: Adoption of The Old Regime or Adaptation to The New One?, *AHKAM*, Volume 17, Number 2, 2017, page 320-340

¹⁰ Azelia Velinda, Wilodati, Aceng Kosasih, *Op.Cit.*, p.420-424

¹¹ Zainal Arifin; Maskota Delfi; Sidarta Pujiraharjo, *Op.Cit.*, p.31-43

2. RESEARCH METHODS

The method used in this research was normative. According to Sri Sumarwani, normative research is the study of the principles of the law, legal systematics, the level of synchronization of law, legal history and comparative law.¹² A method of research on the rules of law both in terms of the hierarchy of laws and regulations (vertical), as well as the harmonious relationship of laws (horizontally).¹³ Its function was in unraveling contemporary legal problems, using literature studies as a basis for answering these problems.¹⁴

3. RESULTS AND DISCUSSION

3.1. Synchronization of the Legal System in Relation to *Tunggu Tubang* Land Certification

Progressive legal thought that requires real efforts to change quickly, make fundamental reversals in legal theory and practice, and make various breakthroughs. Indonesia is a country based on law and not based on power. The law must be made the commander in carrying out the wheels of national and state life.¹⁵ The discussion is based on the principle that the law is for humans and not vice versa and the law does not exist for itself, but for something broader, namely for human dignity, happiness, welfare, and human glory.¹⁶

Customary law is a system of rules in the life of the Indonesian people originating from customs and made from generation to generation, respected and even obeyed by the community.¹⁷ The customary law has always been a consideration headed for any cases in Indonesia. However, among the multitude of terms from the fields of law, the ones who fixed on a national inheritance law or legislation governing the issue of succession would not be parted from the provisions of the inheritance customs and also heir to Islam.¹⁸

The existence of customary land according to the customary law as well as taking the benefits of the policy for the survival life as a legacy from one generation to the next and uninterrupted by between customary law and the society concerned.¹⁹ Such regulation is expressly stated in Article 5 of the UUPA, that: Agrarian law applicable to earth, water and space is customary law, as long as it does not conflict with national and state interests, which is based on national unity, with Indonesian socialism and with other regulations contained in

¹² Sri Sumarwani, *A method Series on Law Research*, UPT Diponegoro University Press, Semarang, 2012, p.15

¹³ Peter Mahmud Marzuki, *Pengantar Ilmu Hukum*, Kencana, Jakarta, 2008, p. 23.

¹⁴ Kornelius Benuf, Muhamad Azhar, Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer, *Jurnal Gema Keadilan*, Volume 7 Ed. I, Juni 2020, p.20-33

¹⁵ Mukhidin, Hukum Progresif Sebagai Solusi Hukum Yang Mensejahterakan Rakyat, *Jurnal Pembaharuan Hukum*, Volume I No. 3 September-Desember 2014, p.267-268

¹⁶ Satjipto Rahardjo, *Ilmu Hukum; Pencarian, Pembebasan dan Pencerahan*, Muhammadiyah Press University, Surakarta, 2004, p.45

¹⁷ Sudarsono, *Kamus Hukum*, Ed. V Rineka Cipta Jakarta, 2007, p.39

¹⁸ C.S.T Kansil Christine, *Pengantar Hukum Indonesia*, Rineka Cipta, Jakarta, 2011, p.40

¹⁹ A. Yoma Amanda Putri, Yuke Sinayangsih, Djauhari, The Registration Of "Ulayat" Land in West Sumatra: Between The Legal Certainty And The Social Justice, *Jurnal Akta*, Volume 5 Issue 3, September 2018, p.585-590

this Law and with other statutory regulations, everything by taking into account the elements that rely on religious law.

More explicitly, the Opinion Section Letter a of the UUPA states that, in connection with what is mentioned in the considerations above, it is necessary to have a national agrarian law, which is based on customary law regarding land, which is simple and guarantees legal certainty for all Indonesian people, without ignore elements that rely on religious law. As stated by Boedi Harsono, what is meant by the UUPA by customary law, namely the original law of the indigenous people, is a living law in an unwritten form and contains original national elements, namely social and familial characteristics based on balance and surrounded by a religious atmosphere.²⁰

The existence of customary law will never retreat or be displaced from the world of politics in developing national law, this can be seen from its realization into national law, namely by elevating people's law or customary law into national law.²¹ Based on the UUPA, customary law on land is the main source of the formation of national land law, and at the same time a source of land rights, then customary law/customary land law has a very important position in the development of national land law, especially in the issuance of certificates, as written evidence of land rights²².

In the life of customary law communities, land is understood as a geographical and social unit that has been inhabited, controlled and managed by indigenous peoples for generations, both as a support for livelihood sources and as a marker of social identity inherited from their ancestors, or obtained through gifts and agreements with other indigenous peoples.²³ Customary land is an inseparable part of life and culture.²⁴ Determination of customary law, especially customary land law as the basis/source of national agrarian law means that the Values, Principles, Principles, Concepts, Institutions, and Processes contained in customary land law are material legal materials/Raw Material Resources for the formation of National Agrarian Law and National Land Law, especially in the land certification process, with the final product in the form of a land title certificate, as written evidence, and national in nature. Some argue that proof of property

²⁰ Boedi Harsono, *Hukum Agraria Indonesia Sejarah Pembentukan, Isi dan Pelaksanaannya*, Revision Ed. 12, Djambatan, Jakarta, 2008, hlm 206.

²¹ Nunuk Sulisrudatin, Keberadaan Hukum Tanah Adat dalam Implementasi Hukum Agraria, *Jurnal Ilmiah Hukum Dirgantara*, Volume 4 No. 2, Maret 2014, p.28-43

²² Ong Argo Victoria, Ade Riusma Ariyana, Devina Arifani. (2020). *Code of Ethics and Position of Notary in Indonesia*. Sultan Agung Notary Law Review 2 (4), 397-407, <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/SANLaR/article/view/13536>

²³ Ahyar Ari Gayo, Perlindungan hukum Hak atas Tanah Adat (Studi Kasus di Provinsi Aceh Khususnya Kabupaten Bener Meriah) *Jurnal Penelitian Hukum De Jure*, Vol. 18 No. 3 September 2018, hlm 289-304

²⁴ Joanita Jalianery, Kewenangan Lembaga Dewan Adat Dayak (Dad) Dalam Melindungi Hak Atas Tanah Adat Di Provinsi Kalimantan Tengah, *ADHAPER Jurnal Hukum Acara Perdata*, Vol 3 No. 1 (2017) hlm 135-153

rights is indispensable to protect the most vulnerable groups of people, while for others, proof of property rights is a major cause of marginalization.²⁵

Furthermore, according to Article b of the LoGA, that the national agrarian law must provide the possibility for the achievement of the functions of earth, water and space as referred to above and must be in accordance with the interests of the Indonesian people and also fulfill their needs according to the demands of the times in all agrarian matters. Thus, in the context of modernizing customary law, so that customary property rights which were originally applicable locally, can be upgraded to national property rights, so that they are able to keep up with the times that require written evidence. In utilizing and using land, it is obligatory to provide welfare to all Indonesian people because every right to the land must have certainty regarding the subject, object and exercise of the authority of that right.²⁶

In relation to customary land rights, especially land *Tunggu* for *Tubang*, this shows that customary land rights, which were originally local in validity, will be upgraded to a national level, by certifying customary land, strengthening land rights through land certification can have an impact positive on household welfare and agricultural productivity,²⁷ as part of the land registration program regulated by a Government Regulation. The certificate is mandated by Article 2 paragraph (1) of the LoGA, and implemented by Government Regulation Number 24 of 1997 concerning Land Registration and finally by the Government Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration.

In relation to the registration of customary land, the purpose of the registration of customary land is for the intended legal certainty, which can be realized through administrative efforts, namely the registration of customary land which produces evidence of land rights.²⁸ It should be noted that the provisions contained in Article 96 PP 18/2021 paragraph (1) and paragraph (2), which state that, (1) Written evidence of ex-customary land owned by individuals must be registered within a maximum period of 5 (five) years since the enactment of this Government Regulation. (2) In the event that the period of time as referred to in paragraph (1) expires, the written evidence of land belonging to adat is declared invalid and cannot be used as a means of proving Land Rights and only as a guide in the context of Land Registration.

This provision obliges every owner of ex-customary land rights to have written evidence for their land rights. This provision will complicate the registration of customary land, including *Tunggu Tubang* land, including the *Tunggu Tubang* land in the Semende area is generally not based on written evidence, but is a

²⁵ Moroni, S, Property as a Human Right and property as a special title. Rediscussing private ownership of land, *Land Use Policy. Elsevier*, 70 (November 2017), p. 273–280.

²⁶ Rusmadi Murad, 2007, *Menyingkap Tabir Masalah Pertanahan*, Mandar Maju, Bandung, 2007, p.75.

²⁷ Kousar, R., Makhdom, M. S. A. and Ashfaq, *Impact of land ownership on the household welfare in rural Pakistan*, World Bank Conference on Land and Poverty. Washington DC, 2015 p.1–12

²⁸ Made Oka Cahyadi Wiguna, Problematika Pengaturan Pendaftaran Tanah Adat di Bali, *Jurnal Legislasi Indonesia*, Vol 16 No. 4 Desember 2019, p.487-498

form of inheritance without written evidence, as applicable customary law which is also unwritten. And the written evidence as for generally, is written evidence made before PP 18/2021 takes effect.

Furthermore, written evidence made after the issuance of PP 18/201 is only considered as a guide in land registration, not initial evidence of rights. This provision actually limits the time period for converting customary land into proprietary land which according to the UUPA the conversion period is not limited, because the source of national agrarian law is the law on land. In addition, this limitation is also contrary to the eternal Magisch Religious relationship between the Indonesian nation/Indonesian citizen and the land, which was created not because of the existence of a state, but because of being a servant of God. Meanwhile, the state/government only has the highest control rights and the right to regulate. Not as an agrarian/land owner, therefore the state/government are not allowed to cut ties, or hinder the people, Indonesian citizens, communities, individuals with land that is eternal, and should even facilitate so that customary lands whose legal force is local do not in writing, increases to a national level with legal force, through land registration which ends with legal products as written evidence, namely land certificates.

Another thing that will make it difficult to register customary land/customary property rights/ex-customary land ownership rights is the provisions stipulated in Article 97 PP 18/2021, that land certificates, compensation certificates, village certificates, and other similar are intended as information on land control and ownership issued by the village head (*Jurah*) sub-district can only be used as a guide in the context of land registration. This is a weakening of land ownership based on customary law which is generally not based on written evidence, but through socio-anthropological evidence.

Land rights *Tunggu Tubang* which based on customary law meet the criteria for land rights that can be registered, demands a study of the synchronization of the legal system, in this case the customary law system/land law, the western legal system, and the Islamic legal system, linked to the agrarian law system/ national law.

Because the agrarian law/national land law, based on customary law on land, should regulate land registration in the context of land certification with the final product in the form of a certificate, must heed the institutional arrangements regulated based on customary law, and should have been adopted as information to be included in the certificate, as long as the regulation of land based on customary law does not conflict with national and state interests, which are based on national unity, with Indonesian socialism and with the regulations contained in this Law and with other laws and regulations.

Basically, the *Tunggu Tubang* institution, which comes from the customary land law, stipulates about:

- a. Land object *Tunggu Tubang*, location, area, boundaries, etc. (physical data of land)

- b. The origin of the land, which comes from the private land of the founder *Tunggu Tubang*, as a form of separation of assets, which was pledged for the establishment of *Tunggu Tubang* institution.
- c. Land Ownership Status, is the status of customary property rights with joint ownership rights from the descendants of the *Tunggu Tubang* founders from female lineages.
- d. The manager *Tunggu Tubang* is;
 - 1) *Tunggu Tubang*, which is the eldest daughter with the right to manage the *Tunggu Tubang* property, with the obligation to take care of the grandchildren of the *Tunggu Tubang* founder in the female lineage.
 - 2) Meraje, is the sibling of the female line, who is obliged to oversee the management of *Tunggu Tubang*
- e. The purpose of Utilization of *Tunggu Tubang* Land, can only be used to meet the needs of life and the lives of the descendants of the founders of *Tunggu Tubang* from the female lineage.
- f. Prohibition of actions against *Tunggu Tubang* Land, namely the prohibition to be transferred, traded.

The arrangement of the *Tunggu Tubang* land above should be important information for land registration activities which include the following activities:

- a. Collection, processing, storage, and presentation of physical data on certain plots of land (collection of physical data on land);
- b. Collection, processing, storage and presentation of certain juridical data;
- c. Issuance of proof of rights;
- d. Recording of changes in physical data and juridical data that occurred later

The information above is termed as physical data and land juridical data required for the first land registration as regulated in numbers 6, 7 and 8 of Chapter I General Provisions Article 1 PP 24/1997, which states:

- 1) Physical data is information regarding the location, boundaries and area of land parcels and apartment units registered, including information regarding the existence of buildings or parts of buildings above them.
- 2) Juridical data is information regarding the legal status of registered land parcels and flats, the holders of their rights and the rights of other parties as well as other burdens that burden them.

- 3) Adjudication is an activity carried out in the framework of the land registration process for the first time, including the collection and determination of the correctness of physical data and juridical data regarding one or several objects of land registration for the purpose of registration.

In other words, the physical and legal information on *Tunggu Tubang* land, origin of land rights to *Tunggu Tubang* land, ownership status of *Tunggu Tubang* land, purposes of using *Tunggu Tubang* land, prohibitions on transferring, selling *Tunggu Tubang* land, and the structure of management of *Tunggu Tubang* land, are actually sources of information and juridical data, including the rights and obligations of the parties related to the management of the *Tunggu Tubang* land, should have been included in the certificate.

As an analogous example of such treatment is the institution of waqf land, which is absorbed from Islamic law, where land rights are released by the owner and handed over to ALLAH SWT, and perpetuate the benefits of the land for the public interest.²⁹ Therefore, the purpose of using the *Tunggu Tubang* land as desired by the *Tunggu Tubang* founder, namely for the benefit of life and the lives of the descendants of the female lineage, should be adopted in national law.

Based on the concept of joint ownership regulated in western civil law, the difference is free common property rights (*vrije mede eigendom*) and bound joint property rights (*gebonden mede eigendom*). Examples of free common property rights are a, b, and c together buying a computer, of course the computer cannot be divided. Examples of joint property rights that are bound are joint property rights of husband and wife to marital property, to inheritance, to the assets of a legal entity, or joint ownership of shares. In the case of joint property bound, it occurs as a result of their pre-existing relationship with each other. The parties can demand the distribution of the joint property, if the legal relationship between them ends

The difference between joint ownership according to western law and joint ownership of *Tunggu Tubang* land according to customary law is that, according to western law, joint ownership is free, it cannot be divided because of the condition of the object, and binding joint ownership is joint ownership by agreement, meaning the parties who own the object. The free joint venture can demand the distribution of the shared object, because the formation of the binding joint ownership was born because of the agreement of the parties who have the freedom to make an agreement, and can demand the distribution of the object if the agreement ends.

Meanwhile, the joint ownership of the *Tunggu Tubang* land is the joint ownership of *Tunggu Tubang* land, due to the pledge (unilateral agreement) of *Tunggu Tubang* founder, so that the *Tunggu Tubang* land is not transferred, traded, but only shared for the benefit of his daughters and grandchildren. And, the joint ownership did not occur because of the agreement between the descendants and

²⁹ Herman Hermit, *Cara Memperoleh Sertifikat Tanah Wakaf*, Mandar Maju, Bandung, 2007, p.1.

the founder of *Tunggu Tubang*. Such an arrangement is typical of customary law, and is a form of local wisdom, which should be preserved, as Indonesian Peculiar of Social Life and, part of the enforcement of The Positive of Human Rights guaranteed by the 1945 Constitution of the Republic of Indonesia.

3.2. Alternative Legal Arrangements in the Context of Facilitating *Tunggu Tubang* Land Certification

The existence of Pancasila as the basis of the state in the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, Pancasila is an ideology for the Indonesian nation. Pancasila is the science of ideas from the founding fathers.³⁰ This is indicated by the sound of the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. This has clearly resulted in the consequence that in Indonesia, human rights of all groups of people are recognized, respected and protected. In order to achieve this, the Indonesian state adheres to the Pancasila democratic system which makes the law as the basis.

In Article 3 UUPA states that in the National agrarian law originates and recognizes the existence of customary law or customary rights.³¹ The customary law on land is the main source of national land law, as well as the source of land rights. As a source of land rights, proof of the existence of land rights must also follow the source of the legal system that regulates the source of land rights.

In relation to the *Tunggu Tubang* land whose source is the Semende customary law, the *Tunggu Tubang* institution is established based on the following principles:

- a. The clarity of the object of *Tunggu Tubang* Lan, location, area, boundaries, etc. (soil physical data) is a socio-anthropological study
- b. Clarity of the origin of the land, which comes from the private land of the founder of *Tunggu Tubang*, as a form of separation of assets, which was pledged for the establishment of the *Tunggu Tubang* institution, juridical studies
- c. Clarity of Status of Land Ownership, is the status of customary property rights with joint ownership rights from the descendants of the founders of the *Tunggu Tubang* from the female lineage. Juridical studies
- d. The existence of the *Tubang Tunggu* Manager is;
 - 1) *Tunggu Tubang*, that is, the eldest daughter with the right to manage the *Tunggu Tubang* property, with the obligation to take care of the grandchildren of the *Tunggu Tubang* founder in the female lineage.
 - 2) Meraje, is a sibling from the female line, who is obliged to supervise the management of the *Tunggu Tubang* property.

³⁰ Nurul Fadilah, Tantangan dan Penguatan Ideologi Pancasila Dalam Menghadapi Era Revolusi Industri 4.0, *Journal of Digital Education, Communication, and Arts*, Vol. 2, No. 2, September 2019, p.66-78

³¹ Dwi Wisnu Wardana, The Position of Custom Law In The Principles of Agraria, *The 1th Proceeding International Conference And Call Paper Sultan Agung Islamic University*, Vol 1, No 1 (2020), p.354-364

- e. The principle of the Purpose of Utilizing the *Tunggu Tubang* Land, can only be used to meet the needs of life and the lives of the descendants of the founders of *Tunggu Tubang* from the female lineage.
- f. The principle of regulation: Prohibition of actions against the *Tunggu Tubang* Land, namely the prohibition of being transferred, traded

What is regulated in the concept which contains the institutional principle of the *Tunggu Tubang* land is basically the source of physical data and juridical data in the *Tunggu Tubang* land certification which is the main source of including information/information in the land title certificate.

Thus, to be able to certify the *Tunggu Tubang* land in Semende, it can be done to make a special certificate for the *Tunggu Tubang* land, or make adjustments to the filling of information in the conventional certificate, or add special things to the certificate. Because, in the perspective of civil law, basically the land owner who pledges part or all of his land as *Tunggu Tubang* has the right to regulate and limit the rights of people who will own and enjoy the *Tunggu Tubang* land, and form a management structure in the utilization of the *Tunggu Tubang* land. These information should have been included in the certificate of the *Tunggu Tubang* land, in order to ensure that the utilization of the *Tunggu Tubang* land is in accordance with the wishes of the *Tunggu Tubang* founder.

The act of establishing a *Tunggu Tubang* land and facilitating its certification shall not conflict with national and state interests, which are based on national unity, with Indonesian socialism, taking into account the elements regulated according to religious law, as well as the regulations contained in the law. Because it's really worth it. It is assessed that, based on the provisions that limit it, and the purpose of its establishment, the concepts, principles, and structure of its utilization, the *Tunggu Tubang* land institution, also does not conflict with the existing legal system in Indonesia.

4. CONCLUSION

The synchronization process of the legal system, there are no obstacles to the certification of *Tunggu Tubang* land, with the argument that the *Tunggu Tubang* land comes from private land (land of customary land), or civil rights/private rights/*privaatrecht* according to the western legal system, and does not include the power of rights. *Ulayat* as common property of the community, therefore basically can be certified. Alternative facilitation of *Tunggu Tubang* land certification can be done by heeding the legal concept of the *Tunggu Tubang* Institution which stipulates that, *Tunggu Tubang land* which contains the principles: There is land that is jointly owned by the descendants of the female line of the founder of *Tunggu Tubang*; there is an administrator who is not entitled to sell/transfer the land of *Tunggu Tubang*, but only manages it for the benefit of the descendants of the founder of *Tunggu Tubang*.

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