

INSTITUTIONAL LAND MASTERY ROTATING, PATTERN OF PURCHASE RIGHT LAND TENURE

Nurdin Mappa

Faculty of Agriculture
Muhammadiyah University of Makassar, *Indonesia*
Nurdin.mappa@unisuh.ac.id , Tlp +6285343903630

Darmawan Salman

Graduate school, Faculty Agriculture
Hasanuddin University Of Makassar, *Indonesia*

Ahmad Ramadhan Siregar

Graduate school, livestock faculty
Hasanuddin University Of Makassar, *Indonesia*

Muhammad Arsyad

Graduate school, Faculty Agriculture
Hasanuddin University Of Makassar, *Indonesia*

Abstract: Land Tenure is very important for sustainable farming. Farmers in land tenure have different institutions. Tenure of land there are two namely permanently and in the rotation. In general, land tenure institutions in Indonesia regulate land tenure permanently, but there is also a regulation land tenure not permanently institution. The objective of this research is to analyze the characteristic of rotating land ownership, the pattern of land right buying. The study used case study method, with case unit of a sub-district in Gowa District, South Sulawesi Province, Indonesia. The result of research shows that the characteristics of land ownership of rotating land ownership pattern are: : (1) Land tenure is derived from the purchase of land tenure; (2) rotation pattern has been formed, so the buyer just follow the existing pattern; (3) The managers involved are not based on the family; (4) Land may be sold if all land tenure rights have been purchased; (5) The relationship between land managers is based on the market; (6) the rule of the game of the land ownership tenure pattern of land tenure purchase arrangements, has made the land scale fixed, because the land cannot experience fragmentation, even though the tenure rights have been sold.

Keywords: institutional, land tenure, agricultural sustainability

I. Introduction

Forms of land ownership can generally be grouped into 2 major groups, namely: (1) Owned, and (2) not owned. Non-permanent ownership consists of rent, profit sharing, pledge and other appointments. According to the Basic Agrarian Law of 1960, what is meant by land ownership is ownership of

one's land for generations, whether derived from inheritance, purchase or giving from other people. Land ownership rights are generally strengthened by written legal evidence in the form of valid land certificates issued by agencies dealing with land affairs derived from sub-district institutions, land institutions or other legal institutions, which are entitled to issue land certificates [20]. Tenure is based on state recognition under the applicable law. Tenure of farmers in rural areas, indicating a link between land tenure with poverty index. The wider the land ownership, the lower the level of poverty. For landless farmers, the poverty rate approaches 31%, and for farmers with tenure of less than 0.10 ha, the poverty rate reaches 28.30%. The level of poverty decreased consistently to 5.60% for the farmer households who controlled the land of 2-5 ha [16], therefore land tenure is needed by farmers in managing their farming business over long periods of time [13], particularly land tenure by local communities to reduce poverty and agricultural sustainability [19], but land tenure in the form of customary tenure is diverse, complex and [9]. Similarly, private ownership of the land has increased in the form of rent ownership and unclear rights [2]. Ownership of land in various places has led to various conflicts [27],[6], one of the causes of conflict due to takeover of ownership, by evictions and government intervention [5], there is even a traditional leader selling agricultural land and land that has not been occupied by foreigners, for the purpose of residence. This leads to conflict and altering traditional livelihoods. Unfortunately, the heirs do not enjoy the proceeds even they are driven from their land by force [5]. Meanwhile, in many countries, land use has been a massive conversion of land, from agricultural land to non-agricultural, resulting in increasing settlement land, on the

contrary, agricultural land is decreasing (Spalding, [15],[20],[8],[12],[7]. Fragmentation of agricultural land into narrower lands is increasingly occurring, such as Romania and Indonesia [18],[10]. The general tenure of farmland in Indonesia, especially in Java, among others, belongs to a hereditary heritage derived from inherited land, a system of land discovery and communal ownership, self-owned land, land derived from rents and other persons [17]). Local land-based land tenure institutions, known as parabela, are found in Buton Southeast Sulawesi. Parabela with respect to local leaders, and rules of play in the management of agriculture in general, and land tenure [8]. Meanwhile, institutional change of farm management has occurred, following the green revolution in Indonesia [21]. The land tenure in Kecamatan Tombolopao, Kabupaten Gowa, is important to study. This institution has always existed and has implications on the scale of land that tends to remain and has implications for the sustainability of agriculture. This land tenure institution is different from the existing institutions elsewhere, which tend to control the land on a harvested basis, while land tenure in Tombolopao District is conducted in a rotation. This study focuses on one of the rotating land tenure, which is the characteristic of the pattern of land rights acquisition.

II. Research Methods

This study used case study method, with case unit of a District in Gowa District, South Sulawesi Province, Indonesia. Data collection was done through interviews with informants. The data obtained are then classified according to the nature of the land ownership pattern, in terms of births, the pattern, and structure of the rotation of land tenure, the parties involved in the land management of the land tenure purchase pattern. The conclusion is made after analyzing and describing all supporting data by comparing each of the analysis results that have been described.

3. Results

3.1 Condition of Land Tenure In Tombolo Pao Sub-district

Tombolopao Sub-district is one of the sub-districts located in Gowa Regency, located in South Sulawesi province, Indonesia. Gowa Regency has an area of 251,82 km², while used as agricultural land is 4,996, divided into rice fields 4,296 ha and 700 ha for cultivated land. Land tenure in Tombolopao Sub-district consists of two ways: permanent land tenure and land tenure in the rotation. Permanent land tenure is permanent land tenure and managed throughout the year. While land tenure in the rotation is the control of communally owned land, land management is annually managed by communal members. The rotation pattern depends on the owner's agreement with management rights. Land ownership in Tombolopao sub-district, there are four patterns, namely the pattern of inheritance, ownership pattern, the pattern of purchasing land tenure and land buy the joint pattern. Land ownership rotation pattern of inheritance is the control of land derived from the land inherited parents. The inherited land is not shared with the heirs. The division made to the heir is the right of management. Management is conducted annually by heirs. The rotation pattern is adjusted to the number of experts and determined by the testator. Land tenure of rotation, ownership manager pattern is the rotation of land tenure from the result of cooperation between landowners and land managers. The landowner grants land tenure to the

land managers, after the cultivation of the land, then the land is managed rotating between the landowner and the land managers. The rotation pattern is set between landowners and land managers. While the land ownership rotation of partnership in purchasing land is the land ownership is born from the purchase of land in a share. The focus of this research is a rotating land holding institution, a pattern of purchase land tenure.

3.2 Characteristics of rotational land holding institutions, the pattern of land purchase cooperation

The institution of land tenure, patterns of land purchase cooperation is an institution that was born from the process of purchasing cooperation land tenure. The seller of rotating land rights does not sell the land, but what is sold is land tenure. The sale of tenure is done for a variety of reasons, especially to meet urgent needs, such as for the purposes of marriage, children's education or rotation of rotation is very long. Land tenure in Tombolopao Sub-district consists of two ways: permanent land tenure and land tenure in the rotation. Permanent land tenure is permanent land tenure and managed throughout the year. While land tenure in the rotation is the control of communally owned land, land management is annually done by communal members. The rotation pattern depends on the owners of management rights. Tombolopao sub-district land ownership is found in four patterns rotation, that is pattern of inheritance, cultivation ownership, tenure rights purchase, and land purchase joint.

Land ownership rotation pattern of inheritance is the control of land derived from the land inherited parents on rotation. The inherited land is not shared with the heirs. The division made to the heir is the right of management. Rotation management is conducted annually by heirs. The rotation pattern is adjusted to the number of experts and established by the testator. Land tenure pattern rotating ownership cultivation is the rotation of land tenure from the result of cooperation between landowners and manager. The landowner land grant tenure rights to the manager, after the land has been completed then the land is managed to rotate between the landowner and the manager. The rotation pattern is set between landowners and manager. While the land ownership of rotation of joint land buying is the tenure of the land that is born from the purchase of land in a share. The focus of this research is the land tenure institution rotate, the pattern purchase right of land tenure.

3.2 institutional characteristics land tenure of rotation, the pattern of purchasing land tenure

The institution of land tenure, the pattern of purchasing land tenure is an institution that was born from the process of purchasing land tenure. The seller of rotating land rights does not sell the land, but what is sold is land tenure. The sale of tenure is done for a variety of reasons, especially to meet urgent needs, such as for the purposes of marriage, children's education, or rotation is very long. Land tenure rights that can be traded can be derived from the right of ownership, ownership, or purchasing of land. The purchase of land tenure is permanent, which is owned forever, but any some are not permanent. Purchase of land tenure, nonpermanent is done in the form of pledge or rent. The purchaser of land tenure manages the land until the rights owner returns the money taken and the value must be the same.

In the rotation of land tenure institutions, the pattern of purchasing land tenure rights, rotation pattern has been

determined, before the tenure is traded by the owner and has been running well. The rotation pattern should not be changed by the buyer of land tenure. The buyer follows an existing pattern, except the buyer of tenure, purchases more than one land tenure, the buyer of tenure can manage the land more than once in a cycle. For example, in one cycle there are three owners of land tenure, meaning that the first year is managed by the owner of first owner's land ownership, the second year is managed by the owner of the second land tenure and third year is managed by the third owner. If among the three owners of land tenure there are two people who sell land tenure rights, then the buyer of tenure rights has two tenure rights in one rotation cycle, so the rotating pattern can be changed to 2: 1 ie the first and second year is managed by the buyer of tenure, the third year is managed by the owner of land tenure that has not sold his land tenure. Land that is managed under the right of purchase of land tenure rights may not be traded.

Cycle land management on the purchase of tenure rights, not based on family relations. The relationship between the manager is based on the market, so the land no longer functions as a means to foster family relationships. Although based on the market, but the land is not traded, so the function of land as agricultural land can be maintained and not experiencing fragmentation.

One case found in the case of purchasing land tenure right is Uddin Saleh Muri case. In the case of Uddin Saleh Muri, rotating land management was obtained through the purchase of rights from his own brother-in-law, in the 1990s. In the beginning Uddin Saleh Muri, through his wife's right to take turns to manage the land in rotation, with his brother-in-law with the pattern cycle three years, the first year is managed by Mr. Uddin Saleh Muri, the second year is managed by his brother-in-law called Hasan, then the third year is managed by Nala, then return to Pak Uddin Saleh Muri (one rotation cycle). Then Pak Uddin bought the management rights of his brother-in-law for IDR 55,000,000, an area of 30 acres, so he had two rotating management rights, eventually rotating patterns changed into the first year administered by Pak Uddin Saleh Muri, the second year run by Nala, the third year back to Pak Uddin Saleh Muri, the fourth year is managed by Hasan, then back again to Pak Saleh Muri, this means there has been a rotation cycle. The rotation pattern of Uddin Saleh Muri case can be seen in table 1. below this :

Table 1. Shrimp Land Management Pattern of Uddin Saleh Muri

No.	Name	Years			
		I	II	III	IV
1.	Uddin Saleh Muri				
2.	Nala				
3.	Hasan				

In table 1 above, the black blocked rotation above shows the year of Uddin Saleh Muri's in managing the land. It appears that in the case of Uddin Saleh Muri, he gets twice the opportunity to manage in one rotation cycle.

The rotation pattern that occurred in the family of Uddin Saleh Muri occurred the dynamics or change of the initial agreement that has been decided by the heir to his children because Uddin Saleh Muri get two management rights at once so that

the impact on the change of land tenure structure. Rotary land management structure in the case of purchasing management rights Pak Uddin Saleh Muri can be seen in the following figure 1.:

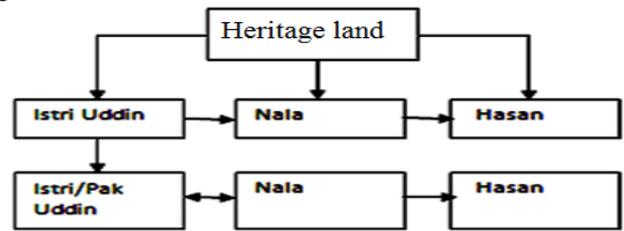


Figure 1. Revolving Management System Structure of Right Purchasing Rights In Case of Uddin Saleh Muri.

In a rotational land management structure the above management rights management system illustrates that the land originally came from an inheritance land, then passed on to their children, and in the course of rotating management, both heirs sold management rights to their sister-in-law, resulting in structural changes and a rotating management pattern, due to Uddin Saleh Muri S.Ag getting twice the management in a rotating cycle of management. The transaction of sale and purchase of management rights, in this case, is done with close relatives, because there is still a relation (brother-in-law) so that involved in the management of land rights purchasing system is still a family, but underlying rotation management is no longer a family relationship, there has been a transaction in the form of buying and selling, even if the involved family relationship is still there. The sale of rotating land rights to close relatives indicates that rotated land is expected to remain sustainable as land inherited by their parents, while still functioning as a glue between families to foster family relationships through togetherness in managing the land so that the land can still function as the land of the family.

In general, cases of sale of management rights are not accompanied by land certificates or certificates because of joint ownership, so it is not possible to be certified on behalf of one of the members of a rotating community. The land letter that is administered is usually in the name of the parent who inherits the land, the buyer of management rights cannot move on its behalf as long as it has only one management right, unless all management rights have been purchased, it is entitled to change or certify the land which is entirely entitled. Transactions between sellers and buyers of management rights are mostly based on trusts, without any official letter from the government agency, the involvement of government agencies is limited to witnesses and that too is sometimes only done by the village head. This condition indicates that they are still very closely holding the trust values among them, especially those who are usually involved in buying and selling are close relatives. The value of these trusts may bind them beyond trusts that land with normative values, built on the administration of a piece of paper, such as the writing on seal paper, which has held someone's trust. They believe that the seller of management rights, and who will join the management of the land, as the buyer of management rights, will not infringe on the rules that have been in operation, and will always act with no harm to other members.

Trusts that have awakened without the appendages of this administration, has given birth to a strong relationship, especially the bonds of social relations, they can know each other, even though it is already not family relationship. This

strong relationship can be proven by mutual cooperation in managing the land they are casting, this is apparent when planting rice, they always do it by way of mutual assistance, not one IRD is used for wages, to the people who participate in mutual cooperation. Those who work are only served food after work, and it has become a habit every time they finish working on their land. They eat together and show their togetherness. Giving food that participates in mutual cooperation is given at home, landowners.

The peasantry community in Tombolopao sub-district still has high social solidarity, and is not based on material relations but based on kinship, that is, there are family relationships and have the same profession as farmers, resulting in collective awareness among them to manage the land in mutual help especially in the planning phase and on irrigation maintenance and repair activities.

The land managed by Uddin Saleh Muri, through the purchase of the management rights of his brother-in-law is located Balangsuka Village, Tombolopao District, with boundaries, in the west by the land occupied by Yusuf, H.Rannu, Judge Mumba, Muliati in the east by the land which is controlled by Dg Main, Amin Ruga, in the north is bordered by land owned by Puang Piso, Dg Naba and in the south by Anwar Patola land. Purchase of management rights worth IDR 55,000,000, 3000 m² of managed land area, with a sloping condition, of about 350-450, so as to anticipate land erosion by running water from above, landslides, and so that water can be accommodated, the land is made terraces, ie the land is made terraced and reduce the length of the land. The color of the managed land looks somewhat brown and around the land area of many trees grow. In Figure 2 the following, conditions of land that was manager by Uddin Saleh Muri in Balangsuka Village Tombolopao District.



Figure 2. Land managed by Uddin Saleh Muri in Balangsuka Village Tombolopao District

Making a terrace is a tactical step undertaken by farmers in areas of mountain slopes, especially those reserved for paddy fields so that the land can function to water and planted with rice and most importantly so that land can be sustainably used by farmers in the production. Land that has sloping topography if not made terraces cannot be used for paddy fields most likely can only be used for plantation land. In fact, the likelihood that the land may suffer from spills due to water erosion when it rains, and other dangers can run out of humus that is badly needed by the plant.

Trees that grow around the land are trees grown in gardens that are not molded into rice fields. besides intended to produce wood is also intended as part of nature conservation, especially to prevent the occurrence of landslide on the land rather tilted and hold the flow of water on the surface of the land, so that the soil layer on the surface of the land, the humus can be maintained, in addition, the existence of the tree

can be a source the emergence of springs while preventing flooding.

III. Discussion

The rotating land tenure institution is a modified form of the local land tenure institution, in Tombolopao Sub-district of Gowa. This institution has been mutated from the rotational land holding institution of inheritance pattern, which is the pioneer of the birth of another institution. Institutional land tenure patterns of land tenure purchase, born based on the market, driven by the needs of farmers who must be met quickly, such as children's educational needs, wedding expenses or other urgent needs. Although the market system has occurred, the principle of land management has not changed. This is different from the land tenure institute found [21], that there has been an institutional change in rice paddy farming in Indonesia after the green revolution. This institution can survive by being awakened from below. He was born of the idea of society, then experienced assimilation, then born as a form of mass commitment, which became an agreement of the game. of land tenure rotation pattern of purchasing land tenure.

One of the rules of the game that is agreed by the farmers is the rotation pattern of land management. The rotation pattern still occurs between the buyer of land tenure with other community members, who still retain tenure rights. Land does not move ownership rights, what happens is the change of land manager. Rotating management patterns make the land not fragmented so that the scale of the land can be maintained from this period. This supports the sustainability of the agricultural land. This finding is different from what some researchers have found that agricultural land tends to narrow from time to time. Land use has been a massive conversion, from agricultural to non-agricultural land, resulting in increased settlement land, on the contrary, agricultural land is decreasing [15], [12], [4],[11],7).

Fragmentation of agricultural land into narrower lands is increasingly occurring, such as Romania and Indonesia [18], [10],12). Fragmentation and conversion of agricultural land into non-agricultural land caused by private ownership that tends to increase in the form of rent and rights are not clear [2] so that the utilization is tailored to personal needs. One of the most urgent needs of humanity is for the property, the development of factories or growing industries. Ownership of land in private tends to conflict. [14], [6], one of the. Unfortunately, the heirs do not enjoy causes of the conflict due to the acquisition of ownership by means of evictions and intervention from the government [5], even traditional leaders selling land agriculture and non-sovereign land to foreigners, for the purpose of residence. This leads to conflict and altering traditional livelihoods the proceeds, even they are driven from their land by force [5]. While land tenure rotation pattern of purchasing land ownership rights tends not cause conflict because land cannot be controlled personally but dominated by communal. Land that is managed rotate does not cause land acquisition, because only owned by the right of land ownership in the rotation. Each rotating land tenure owner has rights in accordance with the number of rights purchased. The rotation patterns that have formed cannot change and all managers adhere to existing patterns. This agreement is binding so no one dares to grab anyone else's rights. Moreover, still embedded in every farmer, that take the rights

of others, the results obtained are not lawful and can cause accidents in the future.

IV.. Conclusions

The land holding tenure, land purchase pattern, has its own drastic, which gave birth to the rule of the game in the form of rotating land management pattern and structure, which resulted in the land not having fragmentation and conversion of land into non-agricultural land. As a result, the scale of land and farming can be maintained to ensure the sustainability of the agriculture business.

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