

The Social Engineering of Land Resource Based on Local Wisdom: Developing Ecotourism by Designating Nagari as Customary Village

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Abstract. The land is the source of life and the basis of culture and civilization. Indigenous peoples are inseparable from the land, which has supported them for generations, hundreds, or even thousands of years. As *khalifatu fi al ardh*, humans, including indigenous people, manage their land and natural environment based on their local wisdom. In Minangkabau, the customary community unit is called Nagari. However, the socio-political and cultural systems of the Nagari of indigenous people was degraded and threatened with extinction. Whereas the government, through the 1945 Constitution, has recognized and guaranteed the continuity of the customary law community unit in the Republic of Indonesia. However, Law Number 6 of 2014 concerning villages (and traditional villages), supported by Regional Regulation Number 7 of 2018 concerning Nagari, has opened up opportunities for Nagari to reconstruct, functionalize, and revitalize. *Nagari* cannot rebuild, but the selective use of these opportunities is very relevant to developing nature and environment-based tourism (Ecotourism). This paper analyzes and describes these two aspects and encourages the expedition regarding the *Nagari* as a traditional village as a tourist village. That way, the development of *Nagari* and ecotourism will be in line with the principles of conservation, local wisdom, community participation, and economic benefits for local indigenous peoples.

Keywords: land resource; local wisdom; ecotourism; nagari; traditional village

1 Introduction

Land has physical and spiritual relationships with indigenous peoples or local communities from generation to generation for hundreds or even thousands of years. The land is collectively controlled, managed together, and used for the benefit of all community members living today and for generations to come. That seems to be the essence of *tanah ulayat* (customary land) in *Minangkabau*, Bali, Dayak, Minahasa, Papua, and other regions. The wise attitude in managing land and the environment is part of their local wisdom. However, along with the times, population growth, advances in science and technology, industrial revolution, and so on have given rise to internal and external demands for control of land and other natural and environmental areas. All of this has resulted in many disputes over land in Indonesia, especially in Minangkabau.

Indonesia is a nation with plural societies that consist of various ethnic groups that inhabit an area composed of 17,000 islands from Aceh to Papua. Each ethnic group has a different language, belief system, and cultural characteristics, especially in terms of land tenure

and management. Diversity comes before unity as *bhinneka* comes before *ika* [1]. It took only 37 years to achieve independence since the awareness of unity (nationalism) was realized. However, after almost 77 years of independence, the beauty of diversity is even more faded. The research objectives relate to:

1. What is the role of the government in protecting indigenous peoples' unity as a distinguishing and enriching element of the diversity of the Unitary State of the Republic of Indonesia (NKRI) to condition the philosophy of *Bhinneka Tunggal Ika* to survive?
2. Are the issue of the existence of Minangkabau as a customary law community based on nagari and the issue of West Sumatra related to limited natural resources?
3. How to develop ecotourism (nature and culture-based tourism) as a prescription for the issues above?

2 Methodology

This paper is the results of research conducted with a qualitative approach and literature study and field study techniques. The literature study was carried out to analyze policy documents related to the protection of customary lands and customary law communities. It includes quantitative analysis of related data from Statistics Indonesia and/or the results of previous research, including research on tourism, especially ecotourism.

Field studies were conducted at six locations related to the *Nagari* government system to reconstruct the *Nagari* model as a customary village according to Law Number 6 of 2014 and Regional Regulation Number 7 of 2018. The data collection techniques used were observation, focus group discussion, and in-depth interviews. Informants were determined purposively and were composed of representatives from traditional stakeholders, *Nagari* executives, ulama, intellectuals, women, and youth.

3 Result and Discussion

Within the territory of the Republic of Indonesia, there are approximately 250 *zelfbesturende landschappen* and *volksgemeenschappen*, which are people's communities with self-governing landscapes, such as *desa* in Java and Bali, *nagari* in Minangkabau, *dusun* and *marga* in Palembang, and so on (Explanation of the 1945 Constitution). These community units represent ethnic diversity. Data from the Statistics Indonesia shows that the number is much larger, namely, 633 ethnic groups [2]. That is an overview of Indonesia's multiculturalism. Therefore, the government is committed to respecting and protecting it, as stated below.

“...These regions have an original composition and thus can be considered to be special region. The Republic of Indonesia respects the position of these special regions and all state regulations concerning these areas will remember the rights of origin of the regions”.

That national commitment is still far from being fulfilled. The dynamics of national political dialectics shows that for 53 years after independence (during the Old Order and New Order), these units of "special regions" underwent treatment that led to uniformity with the form and structure of '*desa*' in Java, following Law Number 5 of 1979. Only after the Reformation period (1998), the policy of regional autonomy was spawned and is expected to become legal protection for the decentralization policy outlined in the Law on Regional Government.

However, the law has been amended four times (Law 22/1999, Law 32/2004, Law 23/2014, and Law 11/2020), which indicates a long adaptation process in managing diversity as nation's asset. Even though President Joko Widodo also campaigned for the slogan Pancasila, the Republic of Indonesia, *Bhinneka Tunggal Ika*, and the 1945 Constitution: "Pancasila, NKRI, *Bhinneka Tunggal Ika*, and the 1945 Constitution is fixed!" [3], for twenty-two years, concrete reforms are still far below expectation.

However, our question is: Why has the Draft Law on Indigenous Peoples (RUU MHA) since 2015 not been followed up immediately and instead been excluded from the *Prolegnas* (National Legislation Program) in 2013, 2017, and 2020? The government has instead ratified other bills such as Law Number 1 of 2020 on Amendment to Law Number 4 of 2009 on Mineral and Coal Mining [4]. There is also Law Number 6 of 2014 concerning Villages (and traditional villages) and Law Number 5 of 2017 concerning the Advancement of Culture. These regulations are expected to strengthen indigenous peoples and their local wisdom in managing their nature, land, and culture. However, these regulations are still problematic because they have not been synergistic with each other and with changes in the structure and socio-cultural system of the community.

An example is the case of *Nagari* in Minangkabau, West Sumatra. The concept of "*Nagari*" culturally refers to a community with a membership of several thousand people, which is the highest socio-political and territorial unit. *Nagari* is governed by *Dewan Penghulu* whose members consist of *penghulu*, and heads and representatives of the tribes or matrilineal. Each *Nagari* is autonomous. Even though there have been kings who rule in Pagaruyung since the 14th century, the king only acts as a unifying symbol of the Minangkabau nature [5]. Therefore, the socio-political structure of Minangkabau is identical to the "polis or city-state" system of government in Ancient Greece [6]. Each *Nagari* acts like a mini republic that is independent of federal power. Thus, a *Nagari* has three characteristics: a small, democratic, and decentralized republic.

The *Nagari*'s existence had suffered external intervention for approximately 200 years since the 1820s when the Dutch Colonial Administration officially gained access to intervene in the Padri War [7], [8]. The second intervention took place immediately after Indonesia's independence until the New Order era through Law Number 5 of 1979 concerning Village Administration [9]. The intervention in a long time across generations has resulted in the Minangkabau society sustaining a socio-cultural transformation that is not ideal. As a result, the current generation barely recognizes their culture anymore. Conflicts related to customary land occur because of the overlapping systems of customary law system, Islamic law, and state law. Proving an opportunity for decentralization, West Sumatra enthusiastically welcomed the program of "back to *Nagari*". Vel calls this enthusiasm as the product of a long and unique Minangkabau historical process, but he is pretty skeptical that the process is working as intended [10].

Minangkabau is a regional and socio-cultural unit. This ethnic group mostly inhabits almost the entire area of West Sumatra. The province is located at 0°54' NL-3°54' SL and 98°36' EL-101°53' EL, with an altitude of 2-1,470 M above sea level. The total area is about 42,297.30 KM² (2.17% of Indonesia's land area) and has no commercial mining materials other than coal and raw materials of cement in limited quantities. The mining site is in the Bukit Barisan mountain range with a topography of hills and valleys. As a result, only 13% of the land can be used for agricultural cultivation. The agricultural sector was the most significant contributor to the Gross Regional Domestic Product (GRDP) of West Sumatra in 1996 with 20.81% share and absorbed around 51% of the workforce [11]. This condition can cause poverty for the local community.

They anticipate the limited availability of land and agricultural land and population density by expanding to new areas. When there is no longer vacant land suitable for habitation because other people have occupied it, they migrate. All immovable and movable assets are collectively controlled and inherited matrilineally. For them, the family heirloom is not only enjoyed by those living today but also generations who live in the future until the end of time. Therefore, in the period 2005-2015, there were 218 customary land conflicts. Each year, the average number of conflict is 10-20 cases, with a growth rate of 30% [12]. Correspondingly, ancestral land is considered the main obstacle to capital investment in West Sumatra.

The problem of ulayat (ancestral land) and its limited carrying capacity for the welfare of the growing population must find a solution. There are two main things to do as a form of controlling structure and value system of local wisdom and developing nature and culture-based tourism. The first is that it is vital to strengthen multiculturalism in Indonesia, in line with the philosophy of *Bhinneka Tunggal Ika*. The second is that the finite amount of natural resources in West Sumatra can be supported by developing ecotourism. Ecotourism is a potential economic sector because it is oriented towards conservation, ecological balance, environmental education, sustainability of local culture (identity, history, heritage), and economic benefits for the local community [13]—[17]. Ecotourism [18] with updated policies [19] can revitalize local indigenous cultures, as was the case in Taiwan [20].

4 Conclusion

The description above shows that the land issue is related to the customary law community unit that forms the Republic of Indonesia. The government commitment for recognition and protection is still not concrete. Various problems arise and tend to become obstacles to national development. There have been national commitments and policies, laws, and regulations, but they are not yet synergistic and comprehensive.

An example is the case of Minangkabau community. Land issues in Minangkabau community are related to collective ownership and limited capacity that are exacerbated by plural and overlapping legal systems. As a result, it destroys local wisdom and hinders development. The social Engineering is needed to strengthen carrying capacity of local wisdom, welfare, and, at the same time, conservation of nature and the environment. The potential sector that accommodates those three is ecotourism. It is the time to reconstruct a comprehensive ecotourism policy across sectors: political, social, cultural, economic, and environmental sectors. Then, *Nagari* will become a traditional village as well as a tourist village.

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