Analysis of the Existence of Indigenous Peoples in The Implementation of Nagari Government in Solok Regency (Case Study: Nagari Cupak, Gunung Talang District)

Ferrya Hamid Loedy, Aldri Frinaldi
Department of Public Administration, Universitas Negeri Padang, Indonesia
* E-mail: ferryahamiddleody@gmail.com, aldri@fis.unp.ac.id

ABSTRACT
This study aims to determine the analysis of the existence of indigenous peoples in the administration of nagari government in Solok Regency and to describe what are the strengths in the analysis of the existence of indigenous peoples in the administration of nagari government in Solok Regency. This research is qualitative in nature using descriptive methods, so this writer will describe what was done in analyzing the existence of indigenous peoples in the administration of nagari government in Solok Regency, the obstacles encountered in realizing the existence of indigenous peoples and efforts to solve them. The results of this study are the State's effort to apply the same principle in village governance arrangements with different forms of government, which is an effort to keep diversity in unity. However, equating the principle of regulation in a communal society such as Nagari with the Village, in the end resulted in problems in the Nagari Government. The combination of adat and public administration in the context of a hybrid system has made Nagari the same as Desa. The enactment of Law number 6 of 2014 concerning Villages which was responded to by Regional Regulation Number 7 of 2018 has strengthened the position of the Nagari Government as a traditional village with another name. Unfortunately, there is still no customary government that is autonomous according to its special rights of origin. The regulation of Traditional Villages with other names is recognized by the state as long as they do not conflict with the principles of Village regulations regulated by law. The Nagari Government Regulation in Regional Regulation Number 7 of 2018 concerning Nagari which strengthens Nagari as a Traditional Village with another name is still a hybrid system. The existence of Nagari which was revived by the government is something that makes the Nagari people have too high expectations that their management will be able to be managed as Nagari used to be thick with traditional values. If the government does not fully provide genuine autonomy, the advice that researchers can give is the separation between traditional villages and administrative villages.

Keywords: Analysis, Existence, Indigenous Peoples, Nagari . Government

INTRODUCTION

Indonesia is a country that has a society that highly respects customs (Ismail et al., 2016). Society in the State of Indonesia consists of various ethnicities, tribes, customs, and cultures (Cahaya et al., 2019; Frinaldi, 2021; Prawoto et al., 2020). This makes the Indonesian people have community groups called indigenous community alliances. The state has recognized customary and cultural rights as well as their respective origins in each region as stated in Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which reads "The state recognizes and respects customary law community units and their rights. Their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated by law". One of the customary law communities is the Minangkabau people who live in a state. Nagari is another name for a village in Minangkabau.
Indigenous peoples are a group of people who have the same feeling in a group, living in one place because of genealogy or geological factors (Marcus & Francis, 1997; Musliamin et al., 2020; Pfeffer, 1994). The acknowledgment of the existence of indigenous peoples has actually been included in Article 18 of the 1945 Constitution, as well as its explanation of “zelfbestuurende landschappen” (swapraja areas) and “volksgemeenschappen” (customary communities); where the state is obliged to respect the proposed rights of the regions concerned.

So, indigenous peoples as "communities that live based on hereditary origins on a customary territory, which have sovereignty over land and natural resources, socio-cultural life regulated by customary law and customary institutions that manage the sustainability of people's lives".

Nagari which is a customary law community unit that has certain territorial boundaries, and is authorized to regulate and manage the interests of the local community based on Minangkabau customary origins (Adat Basandi Syarak, Syarak Basandi Kitabullah) and or based on local origins and customs that are recognized and respected. This understanding gives a very clear picture, that in the nagari government in the administration of government affairs, it is separated between customary affairs and administrative affairs of government. However, in the nagari this is not the case, customary affairs and government affairs are administratively carried out by the nagari government.

The existence of the nagari has been explained in Article 6 of Law Number 6 of 2014 concerning Villages which explains that this law provides flexibility to regions to foster and preserve local customs and culture in line with the implementation of local government it is possible to organize village government or customary village or as another, where in West Sumatra it is called Nagari.

In the history of village regulation, many regulations have been set, but have not been able to accommodate all the interests and needs of the village community. In addition, the implementation of village regulations that have been in effect so far are no longer in accordance with the times, especially among others; concerning the position of customary law communities, democratization, diversity, community participation, as well as progress and equitable development, resulting in regional disparities, poverty, and socio-cultural problems that can disrupt the integrity of the unitary state of the Republic of Indonesia. facilities and guidance from the district/city government.

In a position like this, the Village and the Traditional Village receive the same treatment from the government and the village administration. Therefore, in the future, traditional villages and villages can make changes to the face of the village and effective governance, implementation of efficient development, as well as community development and community empowerment in their territory.

Aldri Frinaldi, (2011) explains that work culture is related to how they perceive the culture of an organization, not whether they like the culture or not. Work culture is a philosophy based on a view of life as values that become traits, habits, and driving forces, entrenched in community groups or organizations, then reflected from attitudes into behaviors, beliefs, ideals, opinions, and actions.
Indigenous peoples are one of them who live in villages with their own customs that distinguish one village community from another. The new laws that are made, especially in the field of natural resources that have relevance to indigenous peoples have the following characteristics; first, maximizing the economic value of resources that need to be managed in a specialist and sectoralized manner. Second, private involvement is encouraged to manage the resources that affect the lives of many people. When, indigenous peoples are recognized, but with complicated procedures. Fourth, regulations regarding criminal acts are increasingly repressive, especially those aimed at indigenous peoples.

The implementation of the nagari government is based on the government system of the Unitary State of the Republic of Indonesia as it is currently running, still following the West Sumatra Provincial Regulation Number 7 of 2018 concerning Nagari. It is carried out in accordance with the right to regulate and administer the governance of the traditional village of origin and the customary law that applies in the traditional village is still alive and in accordance with community development and does not conflict with the principles of administering customary village governance. The village government carries out the function of deliberation and consultation of the traditional village in accordance with the original composition of the traditional village or a new one is formed according to the initiative of the traditional village community.

If indigenous peoples use village autonomy as a tool to reimpose customary law, it is necessary to consider the potential problems of incorporating adat into the wider system of government. Indigenous peoples' legal systems for inheritance, land ownership, management and use of natural resources are poorly understood by the central government and local governments. So, besides the nagari government being the most basic government structure in West Sumatra, the nagari government is also a government institution that is in direct contact with social activities at the grass root level.

The implementation of the roles and functions of the nagari government institutions as executor of government who is at the forefront of implementing state functions automatically becomes the focus of attention of many parties. Traditional Villages will be recognized if they have customary community units. The customary community unit must have elements; have customary territory, customary government, customary objects/assets, customary law, as referred to in Article 1 Paragraph 1 of the Village Law. The village law also recognizes the rights of indigenous peoples. Traditional Villages not only aim to recognize the customary rights of indigenous peoples, but also this law regulates that indigenous peoples can take care of themselves.

One of the problems is related to the main problems faced by indigenous peoples, namely; First, indigenous peoples are faced with complicated legal regulatory procedures. This shows that on the one hand the trend of regulating indigenous peoples appears in legislation, but its implementation is carried out half-heartedly. Second, violence and crime are perpetrated against indigenous peoples who defend and fight for their rights to land and natural resources. Third, tenure conflicts related to land control and ownership. Fourth, development programs that still partially touch indigenous peoples.

This is because indigenous peoples have not been used as the main development subject in developing the country. Fifth, decision-making issues related to the use and utilization of
customary areas. So far, these decisions have been made by local governments in the form of permits without the consent of indigenous peoples.

Indigenous peoples' rights, the only real guarantee for equitable development is a decision-making process at the village level that involves all people (especially women and lower community groups) that is dynamic, open, transparent, and has policies that can be accounted for at the local level. Community level. Legal institutions will work best if they work in parallel and not as part of the general administration.

In a village administration, in order to be able to mobilize the community to participate in the development and implementation of village administration, every decision taken must be based on deliberation to reach consensus. One of them is to support the administration of government by implementing development. The role of Nagari Customary Institutions in this matter has been carried out with community participation in village government programs and development activities.

Based on the author's interview with Mr. Eddi Salin Dt. Basa as the head of the Sikumbang Tribe on February 15, 2021 is the involvement of the Nagari Cupak community in proposing a Nagari activity program in the implementation of Nagari development which is planned and carried out for one year running and the preparation of the Nagari APB which is also carried out in a deliberation forum, this was attended by various institutions traditional institutions that exist in Nagari Cupak, including; Camat, Bhabinkantibmas, Bhabinsa, Chairman of Bamus and its members, Head of District Agencies, Head of Kindergarten/SD/MTS/SMA, KAN, Head of Nagari Institution, Wali Jorong, RKP Verification Team, Community Leaders, Community Organizations, Village Facilitator Experts, Village Facilitators, Local Assistant for Nagari Cupak. So, the planned activity program must be included in the Nagari RKP because it is an inseparable part of the Nagari RPJM.

There are a number of urgent issues that need to be addressed immediately so that the administration of the nagari government brings benefits to the people. In this context it can be stated in (Al Rafni, et al, 2008: 18), namely; First, too many kinds of nagari institutions put forward several issues, such as the issue of authority in terms of managing the assets of the nagari. Second, the weak position of indigenous peoples in managing customary land, managing the economy or exercising other political rights. Third, the occurrence of conflicts in determining the boundaries of the nagari territory even invites fights between indigenous peoples in the struggle for natural resources. Fourth, there are disputes between indigenous peoples and investors in the issue of land rights acquisition, as well as the management and utilization of customary forests by the state/government with indigenous peoples.

In addition, other problems were found in the administration of the cupak nagari government, based on the results of the author's interview with Mr. Fahmi Ahmad as the guardian of the Cupak Nagari, Gunung Talang sub-district, on February 12, 2021, that there are several obstacles such as human resources are generally low, educational factors that low and age factors that still affect their attitudes in general. This has resulted in poor personnel HR competencies starting from improper recruitment due to a poor recruitment system. This continues with poor human resource development. If this is balanced with good coaching, it will be able to reduce the
bad impact. However, if it is not followed by adequate training, the impact will be very bad in the future.

Meanwhile, according to Drs. Hasan Basri as a Community Leader in Nagari Cupak who was interviewed by the author on February 15, 2021, stated that there was a lack of public awareness to be involved in the existing Nagari program activities, this was because there were no regulations governing this community to play an active role in Nagari Cupak, Gunung Talang District. In addition, there is a lack of supervision of indigenous peoples in the nagari development program, in carrying out these nagari activities according to the existing Nagari APB, that there is external supervision that all of them are responsible for, but in the application, those who play a role in supervising and accountable for village activities are only people Nagari government people are the only people and there is no involvement of the community in the supervision, this is due to the lack of participation from the Adar community in this Cupak Nagari.

For this reason, with the return of the nagari as the lowest government position in West Sumatra, it will certainly involve indigenous peoples who have their own territory, their own wealth and their own customary law. In the nagari, the holder of executive, legislative, and judicial powers resides in the Customary Density Council. If we look at the geographical, political and administrative units, the nagari is a genealogical federation (tribes) which has its own territory with clear natural boundaries and has an authoritative government and is obeyed by the entire population of the nagari. The existence of indigenous peoples carried out by Nagari Cupak in Solok Regency regarding the role of indigenous peoples in the administration of Nagari governance has been able to overcome existing problems, so that in the implementation of the program there is no obstacle or obstacle at all in its implementation.

METHOD

This research is qualitative in nature using descriptive methods, so this writer will describe what was done in analyzing the existence of indigenous peoples in the administration of nagari government in Solok Regency, the obstacles encountered in realizing the existence of indigenous peoples and efforts to solve them. For example, the Nagari Cupak Government, Gunung Talang District, carries out activities related to the existence of indigenous peoples in the administration of Nagari government in Solok Regency, in this case the Nagari government provides information with other Nagari governments related to the role of these indigenous peoples.

In addition, later the author will also make direct observations in the cupak nagari government in arranging several things that are jointly related to meetings held by the government in discussing aids that will be given to the community later, this is adjusted to the existing data, including eligible communities. receive assistance, what are the forms of assistance provided to the community, this will be discussed simultaneously.
RESULT AND DISCUSSION

Analysis of the Existence of Indigenous Peoples in the Implementation of Nagari Government

The normative system includes values and norms. Value is a preferred or desired conception along with a standardized development behavior against which existing structures or structures can be compared and judged (Omri, 2015; Raines & Leathers, 2000; Robbins & Judge, 2013; Turan & Kara, 2018; Vaterlaws-Whiteside & Hartmann, 2017)(Scott, 2014). Norms determine how things should be done. The normative system not only determines the goals or objectives, but also determines the right way to implement it, that is, how something is carried out. The normative pillar is analyzed through six elements, namely the normative pillar, the basic element of compliance with the Social Obligations indicator that arises in each member of the organization.

Every individual who is a member of the organization in this case is not only the Nagari Government (Baoying, 2015; Dolfsm & Seo, 2013; Eltrudis & Monfardini, 2020; Osborne & Gaebler, 1992), but also the Nagari community such as the adat elite, owns and feels that the administration of the Nagari Government is a social obligation. When social obligations are not present in the Nagari Government and the Nagari community, the question that may arise is whether the regulations governing the implementation of the Nagari Government are in accordance with the values and norms adopted by the Nagari people who incidentally are indigenous peoples. The question of the growth of social obligations related to the values and norms that apply in the Nagari Government can be seen from the problems that arise throughout the Nagari Government administration.

Returning to the Nagari Government is a condition that is expected by the adat elite but not all Nagari people understand the importance of returning to the Nagari Government. This arises because before the enactment of Law Number 6 of 2014 concerning Villages, the Nagari Government was run with a system that was not much different from the Village. The nomenclature of the Village Change to Nagari is not accompanied by an adjustment to the original autonomy of the Nagari. As a special entity that has natural origin rights, the existence of the Nagari Government is as if it were only the addition of the government's hand. So that the essence of returning to Nagari is not perceived as a completely different situation from remaining in the village government. After the enactment of Law number 6 of 2014 concerning Villages, the Provincial Government could only issue Regional Regulations on Nagari in 2018.

The tug of war for the ratification of this Regional Regulation because there are things that are considered by the Central Government to be contrary to the principles of state administration. The Regional Regulation of West Sumatra Province Number 7 of 2018 concerning Nagari ultimately strengthens the position of the Nagari Government as a Traditional Village with another name. This Regional Regulation in such a way adopts a number of indigenous values which are important characters as characteristics of an adat government. Starting from the naming of the Nagari apparatus which follows the naming of the customary government. An example for Wali Nagari can also be called Kapalo Nagari who is a leader in Nagari.
Nagari apparatus such as Section Heads were replaced according to the naming of positions during customary government, namely the positions known as Manti Nagari and Dubalang Nagari. Manti is tasked with assisting the Nagari Chief in carrying out correspondence and preparing Nagari performance reports. Dubalang is in charge of maintaining security and order in Nagari. If the change in nomenclature is followed by a return to the function of the position as it functions in customary government, the basis for compliance will be realized. However, this will be a new problem related to the selection of who is entitled and can sit in that position will give birth to a new conflict. If the election is left to the customary mechanism, there will only be people who have the right, while people who can sit in that position will be marginalized.

It is undeniable that the customary election mechanism will eliminate the opportunity for people who do not have customary rights to occupy these positions. The customary mechanism of each Nagari where the research is located has a similar customary mechanism. Each tribe in Nagari has had penghulu, malin, manti and dubalang known as four types, whose titles cannot be passed down to anyone. Then the social obligation will appear on the indigenous people of Nagari and may be reduced to the immigrant community. This is because the strengthening of Nagari as a Traditional Village with another name through the Regional Regulation on Nagari Number 7 of 2018 does not necessarily receive full support. There are concerns from some circles that becoming a Traditional Village will actually bring the implementation of the Nagari Government back in terms of democracy. The pros and cons that arise can lead to a weak element of the basis of compliance.

Binding expectations become the basis for orders for organizational members to behave in governance in Nagari. Values and norms that are in accordance with what is desired are believed to be the basis of compliance for members of the organization in complying with existing values and norms. The Nagari Government prior to the enactment of Law Number 6 of 2014 concerning Villages, was unable to present binding expectations as the basis of order in the administration of Nagari Government. This is because although the Nagari Government is a government that regulates customary law communities, at the same time this government is part of the state administration system. In principle, the administration of a Village or Traditional Village is of course still based on the principle of Village regulation in Article 3 of Law number 6 of 2014 concerning Villages, which is based on 1) recognition, 2) subsidiarity, 3) diversity, 4) togetherness, 5) mutual cooperation, 6) kinship, 7) deliberation, 8) democracy 9) independence, 10) participation, 11) equality, 12) empowerment and 13) sustainability. The reintroduced Nagari government was seen as an effective government. However, the administration of government by combining adat and public administration has caused the Nagari Government to be the same as the Village Government. This one-sided hybrid system makes the nagari government still have a village spirit. The portion of public administration with modern administrative arrangements actually obscures the essence of returning to Nagari. The presence of the Regional Regulation Number 7 of 2018 concerning Nagari is expected to fulfill more expectations of the Nagari Government, compared to the regulation of the Nagari Government by Regional Regulation Number 2 of 2007 which regulates the administration of Nagari Government. The presence of this policy actually if analyzed has the potential to cause conflict.

If Regional Regulation Number 2 of 2007 continues to make Nagari a village spirit, then this Regional Regulation Number 7 of 2018 on the one hand has fulfilled the expectations of those
who want the Nagari government to have a Nagari spirit. On the other hand, this regulation has the potential to be different in its implementation from the principle of village regulation contained in the law. This is what causes Regional Regulation Number 7 of 2018 concerning Nagari to cause a polemic, because the substance when examined is the same as making the face of Nagari with a village spirit. The Nagari Adat Density (KAN) traditionally consists of traditional leaders (niniak mamak) from various tribes in Nagari. Meanwhile, in Regional Regulation Number 7 of 2018 in article 6 paragraph 2 it is written that the membership of the Nagari Adat Density (KAN) consists of representatives of niniak mamak and elements of Nagari ulama, bundo kanduang, cadiak clever and parik paga/youth in Nagari. If the binding expectation is not realized, then the basis of order is weak.

**Nagari Governance Mechanism**

The Nagari Government is not fully able to adhere to the values and norms adopted by the customary law community. This is because the Nagari Government is part of the government system in Indonesia that must adhere to the principles of state administration. The state's acknowledgment of the uniqueness of the Nagari Government in Law Number 6 of 2014 is actually in article 3 that has been tied to various principles of governance. The principle of recognition (recognition of the right of origin), diversity, togetherness, in fact in Nagari contradicts the principle of equality which promotes equality of position and role. The administration of Nagari Government is also based on the principle of democracy, but because of its uniqueness.

Nagari has its own democratic system which is different from the democracy adopted by the state. This freedom is conditional freedom, not absolute or absolute freedom. This means that self-local community is recognized as long as it does not conflict with regulations in the context of self-local government and is in accordance with the principles of implementing Village Government as contained in Article 3 of the Village Law Number 6 of 2014. Traditional values that are difficult to adapt to modern values eventually become a problem, which undermined the power of the Nagari government as an institution. The combination of the indigenous Nagari and the modern management of the public administration gave birth to a unique institutional practice in Nagari. Traditional values in indigenous peoples that were adopted into the Nagari Government institutions were not fully implemented.

These values meet the value of public administration to be the value of adaptation. This adaptation value is applied in government so that the term hybrid system arises. Although Regional Regulation Number 7 of 2018 concerning Nagari is a policy that strengthens the Nagari Government as a Traditional Village with another name, the articles in Nagari and institutional arrangements are adaptation values.

**CONCLUSION**

Based on the research findings above, it can be concluded that the results of this study include the following: 1) The State's effort to apply the same principle in village governance arrangements with different forms of government is an effort to keep diversity in unity. However,
equating the principle of regulation in a communal society such as Nagari with the Village, in the end resulted in problems in the Nagari Government. The combination of adat and public administration in the context of a hybrid system has made Nagari the same as Desa. The enactment of Law number 6 of 2014 concerning Villages which was responded to by Regional Regulation Number 7 of 2018 has strengthened the position of the Nagari Government as a traditional village with another name. 2) Unfortunately, there is still no customary government that is autonomous according to its special rights of origin. The regulation of Traditional Villages with other names is recognized by the state as long as they do not conflict with the principles of Village regulations regulated by law. The Nagari Government Regulation in Regional Regulation Number 7 of 2018 concerning Nagari which strengthens Nagari as a Traditional Village with another name is still a hybrid system. The existence of Nagari which was revived by the government is something that makes the Nagari people have too high expectations that their management will be able to be managed as Nagari used to be thick with traditional values, and 3) If the government does not fully provide genuine autonomy, the advice that researchers can give is the separation between traditional villages and administrative villages

REFERENCES


Musliamin, M., Nawawi, D., Rakhmat, R., & Abdullah, M. T. (2020). The Performance of the Regional People’s Representative Council in Implementing the Legislative and Budgeting


