

## Policy Forum

# Agrarian Reform and Indigenous Peoples: Land Management Practices of Boti Tribe

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<p><b>Date log:</b> Received: October 07, 2022 Reviewed: October 25, 2022 Accepted: November 26, 2022 Published: November 30, 2022</p> <p><b>To cite this article:</b> Pujiriyani, D.W., Salim, M.N., Soimbala, M.R. (2022). Agrarian Reform and Indigenous Peoples: Land Management Practices of Boti Tribe. <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 2(1), 65-75. DOI: <a href="https://doi.org/10.31292/mj.v2i1.27">https://doi.org/10.31292/mj.v2i1.27</a></p>	<p>The viability of traditional tenure practices is being dealt with seriously by the privatization process. In this case, it is necessary to take sides to save the remnants of the collective heritage management of the community over shared resources, one of which appears in the context of Boti Tribe. Through Boti, the vertical redistribution model and the horizontal redistribution model can be reflected simultaneously. This vertical redistribution is related to the authority of customary leaders in regulating land tenure and use for all members of the community. Meanwhile, horizontal redistribution is related to resource management carried out among community members. This system works simultaneously and does not present feudal obligations as the base of production relationships built in the feudal hierarchical system. Boti tribe is included in the category of people who are still alive and have tribal customary land areas so that their existence can be confirmed. After receiving recognition from the local government, the identification process can be carried out by recording, measuring, and mapping. If the final product is the issuance of certificates, the only suitable protection mechanism in the case of Boti Tribe is through the issuance of communal certificates.</p>

## A. Introduction

The history of human civilization shows that since humans live in communities and settle by cultivating, land control becomes a very fundamental problem. The land has a basic function for life ever since. Soil is the place to live and is also the main production factor (Wiradi, 2000). Land is where people live, either directly or indirectly, humans live from the land, especially agricultural land. In fact, for those who does not live in the agricultural land, land remains important and needed. In this case, the meaning of land is not only owned (to have), but also concerns the appreciation of life (to be) (Winangun 2004 in (Pujiriyani, 2021).

In the agrarian state, land is a very important production factor because land is a source of welfare. However, the ownership structure of land in agrarian countries tends to be very lame. There is a small group who own and control a large area of land, but on the other hand there is a large group who do not have land or have very narrow land, so that it cannot be a source of welfare for their lives (Winangun, 2004).

In his travels, the range to the soil as a factor of production of this species could not be equal to one another. The lame structure of power gives rise to differences in power and the ability to reach both factors. It is in this context that agrarian reform seeks the creation of optimal resource allocation. The purpose of the manifest is to create a fair society and optimize the allocation of resources to build a strong agricultural economic base, empower farmers, alleviate poverty, increase legal guarantees of land rights, and production responsibility.

The ulayat land in East Nusa Tenggara is called 'tribal land' (Soemarsono, 1972); (Mujiburohman & Mujiati, 2019). The main problem of ulayat rights is the problem of recognition, then the follow-up problem is the status of ulayat land over tribes, and the problem of individualization of tribal land (Jannah et al., 2022). Ulayat rights are in fact legal rights and obligations to land (Soehadi, 1970). The emergence of the rights and obligations of the legal community to this land is due to a permanent relationship, a continuous relationship that is eternal between the legal community and the land. This relationship is not found in nomadic societies. In the context of ulayat, the community is not only having rights to the land, but also having the obligations that must be fulfilled to maintain its rights. It is further stated that ulayat rights are the primary and the highest rights to the land according to the customary law that can only be owned by a legal community and then become individual rights for its members, which is known as usufructuary and property rights.

Referring to (Zakaria, 2018), the concept ulayat refers to legal subjects where only legal subjects who are citizens of the local environmental alliance are entitled to the area concerned. In this case, the main essence is on the sovereignty of the local life alliance over the territory that is the territory of the recurrence. The ulayat area itself is related to the territorial unity that becomes the sovereign territory of the local living alliance. Next, this short paper will review the Boti Tribe case as one of the forms of collective management heritage on land that is still alive today. The context of Boti is an important record because land registration is an obligation so it will be like what tenurial structuring opportunities adjustments can be made for the Boti Tribe case? In the context of agrarian reform, the homework that needs to be done is what is the future of these similar tenurial forms because in reality, which agrarian fields that have not been registered in Indonesia are ulayat land or communal land?

## **B. Collective Heritage Management on the Ground**

Customs in many cases often correlate with land disputes (Bedner & Arizona, 2019). The use of the word 'custom' has increased since discourse centered on social justice and land distribution became dominant after Indonesia's independence. In the context of indigenous peoples, referring to welfare as the estuary of optimization of resource allocation, agrarian reform needs to be expanded its perspective by ensuring the guarantee of protection for tenurial practices that have lived, passed on from generation to generation and proven to be able to build wealth in the community. The peculiarities or characteristics of tenurial management that live naturally will be susceptible to breakage or disappearance if accommodated in an inappropriate development narrative.

The sustainability of life from traditional tenurial practices is being seriously confronted with the privatization processes. The Food and Agriculture Organization (2021) notes that indigenous peoples' traditional practices globally are facing change. Starting from colonization that dramatically restricts access to territorial and natural resources and disrupts traditional knowledge of the community

through various assimilation policies. In many cases, these changes have reduced their control of food access and production, threatened food sovereignty, food and cultural rights and increased their vulnerability to extreme conditions of poverty, malnutrition, and social alienation.

Referring to Shohibuddin (2018) in Soetarto (2019), privatization of land ownership is not an option, and in certain conditions is not the best option. Privatization of property rights is vulnerable regardless when it occurs: fragmentation of land ownership due to the process of inheritance from one generation to another, agrarian differentiation due to the commercialization of agricultural production stages, loss of land due to the process of exclusion and transfer of agricultural land due to the pressure of the transfer of food commodities to non-food commodities or the pressure of the conversion of land from agriculture to non-agriculture. Malak (2006) stated that more and more indigenous lands are experiencing a shift from social to economic functions. Many of these people have lost their rights and role in environmental and natural resource management and the perception of land as an economic factor continues to strengthen. Land loses meaning as the foundation of social and cultural relations. The meaning of honor, harmony, safety and togetherness can completely disappear if they are not protected. In the context of indigenous rights, Fitzpatrick (2010) added that in many places in Indonesia the development of the sale and purchase of individualized land has been the main source of uncertainty and conflict (Sirait, 2017).

In this case, a bias is needed to save the remains of the collective management heritage of the communities over shared resources (Rachman, 2019). It is an inherent part of the state's duty to ensure that the exploitation of natural resources, which are the earth, water, and natural wealth contained therein are utilized to the greatest extent possible for the prosperity of the people. This is certainly sought so that its enforcement should not cause social injustice.

### **C. Boti Tribe and Its Land**

The existence of Indigenous Legal Societies in East Nusa Tenggara can be broadly classified based on their ties, namely genealogically, territorially, and a combination of genealogically-territorially. Referring to Soekanto (2011), genealogical bonds are bonds based on heredity or blood relations. The lineage or blood itself consists of three relationships, namely: relationship according to the father's line (patrilineal), relationship according to the mother's line (matrilineal), and relationship according to the father's and mother's line (parental). Meanwhile, territorial bonds are bonds based on the similarity of the environment or place of residence. This neighborhood is made up of village associations (*dorp*), regional associations (*streek*) and associations from several villages.

In regard to indigenous legal communities, the existing forms of ties have implications for the differences in preconditions in land ownership. The existence of indigenous legal communities with genealogical ties does not require the control of shared land. Territorial binding requires joint control of the land. The genealogical-territorial bond requires descent and joint control of the land. For Boti tribe, its characteristics are included in the Customary Law Community with genealogical-territorial ties. In East Nusa Tenggara region, similar typologies are spread in North Central Timor Regency, South Central Timor Regency, Kupang Regency, Kupang City and Rote Ndao Regency (Mujiburohman & Mujiati, 2019).

Seen from its entity, there are 4 typologies of indigenous peoples (Sembiring, 2018). *First*, local people who still adhere to the principle of 'cultivating the earth' by not changing their way of life, such as farming, dressing, consumption patterns, and others. These people persist by not connecting with outsiders and choosing to preserve their natural resources and environment with their traditional wisdom. *Second*, local community groups that are still strict in maintaining and applying customs but still open enough space for a 'commercial 'relationship with external parties. Third, indigenous people's entities that live depend on nature (forests, rivers, mountains, seas and others) and develop unique natural resource management systems but do not develop strict customs for housing or selection of types of crops when compared to the first group. *Fourth*, entities of indigenous peoples that have been uprooted from the 'original 'order of natural resource management as a result of colonization that has developed for hundreds of years. From the four existing entities, Boti tribe falls into the first typology.

Boti is a tribal community living on Timor Island, an island in central Indonesia. Topographically, the Boti people live in corrugated areas in lowland forests. It reaches 400 meters above sea level (Benu et al., 2013). The origin of the population or tribes in South Central Timor Regency can only be traced through oral speech. South Central Timor Regency people are called Atoni Pah Meto, which means dry land people. In addition, there are also those who refer them as Dawan people like the language used. It is said that these ancestors were from the east. The great king of the Wehali-Belu Kingdom had three sons or Liurai. One of his sons named Nia Dawan was assigned to control the western part of Timor Island. Meanwhile, his siblings Natu Taek and Nuba Taek followed him. The descendants of Nia Dawan brought down the Dawan Sonbai tribe. Natu Taek decreased the Amanatun tribe, and Nuba Taek decreased the Amanuban tribe (Fernandez et al., 2012).

Boti is also the name of one of the villages located in Kie District, South Central Timor Regency. The territory is a former Amanuban kingdom. Boti tribe is descended from the native Timor Island tribe, Atoni Meto. The royal territory of Boti is located about 40 kilometers from the city of the South-Central Timor district, So 'e, administratively now Boti Village, Kie District. Boti village is a village that has an active traditional institution. In addition to traditional institutions, Boti also has traditional symbols and traditional activities that are still running today as can be seen in Figure 1.

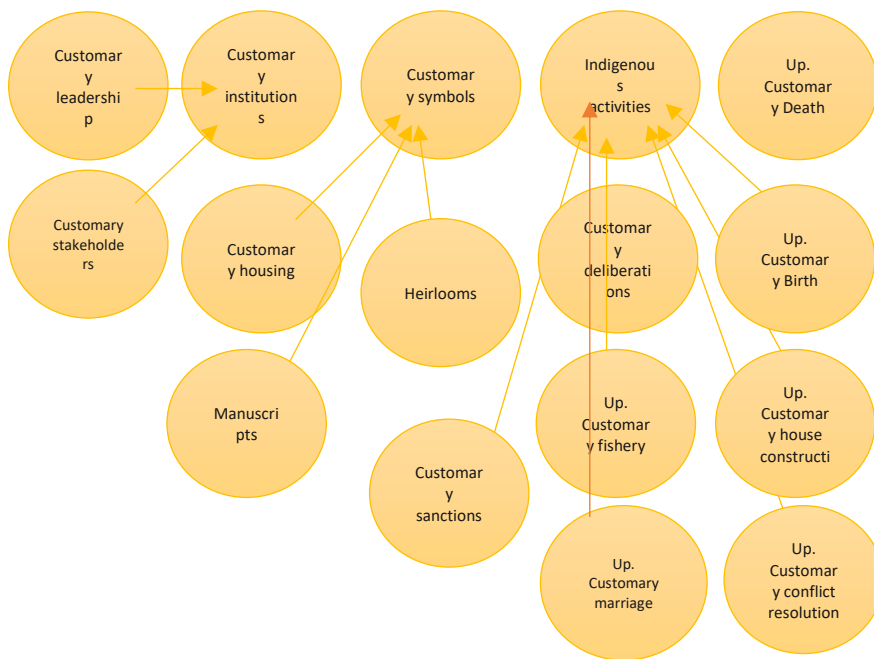


Figure 1. Completion of Boti Village Indigenous Institution  
 Source: Processed from Boti Village Monography, 2020

Land control by Boti tribe is sourced from the *Usif/Pah Tuaf property rights*. In Boti tribe, there are indigenous people who consist of *Usif, Meo Mone* and *MeoFeto, Amaf*, and still/community who each have a role not only culturally, but also economically and politically. The cultural role is related to customary regulation, the economic role is related to regulation of natural resource management and the political role is related to Boti's relations with external parties. This customary norm is hierarchically organized with *usif* as the peak.

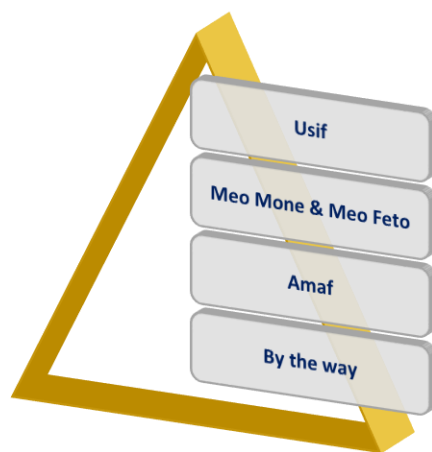


Figure 2. Society structures

*Usif* is the customary Boti tribe leader so that all activities that occur in the community must be under *Usif* knowledge. *Usif* plays a role in regulating the life of the Boti tribe in managing and preserving the nature on which they stand. *Usif* also plays a role in the implementation of traditional ceremonies carried out by Boti tribe.

*Meo Mone* and *Meo Feto* are warlords of Boti tribe. In the time of the war *Meo* was in charge of securing Boti tribe, as the era progressed and there were no more wars then *Meo* was not only in

charge of securing Usif and Boti tribe, but also played the role of coordinator of royal activities carried out and related to external parties. In terms of security, it is the responsibility of Bota Benu and assisted by Lasi Benu Teftae.

*Amaf* is representative of the 11 clans that exist and forms Boti tribe. The eleven clans in question are *Tefu, Nabu, Neolaka, Asbilak, Hektkan, Tefamnasi, Kao, Nabe, Natonis, Liunesi, and Tanesib*. *Amaf* has the task of accompanying *usif* in the affairs of the Boti government. In carrying out activities in the *sonaf environment*, the *Neolaka* and *Tefamnasi clans* play a role in regulating *usif/Pah Tuaf households*. *Amaf* who played a role in the Boti tribe's prosperity was *Aila Neolaka* and assisted by *Seu Nenoliu*. After all, it is a society that is joined by Boti Tribe.

#### **D. Redistribution of Welfare Based on Local Wisdom**

Boti tribe and hierarchy in its customary structure is a paradox that must be carefully confronted with the concept of communalistic religious customary law. In Boti tribe, the concept of the king as the owner of land will generally be seen as a representation of the feudalist system in which the king becomes the absolute holder of power. In this case, of course, sole proprietorship in the hands of the king is not a representation of ideal land management. As mentioned by Tahir (2002), feudalism is the cause of poverty that the way out of this system must be done through agrarian reform, but not agrarian reform by distributing land into property rights (Ihsan & Salim, 2022), but redistribution of fair land use to create custom-based welfare/local wisdom. Agrarian reform is an effort to remove feudalism by transforming the democratic system into a more modern one to achieve economic and political equality (Goldman, 2015). In this case, in Boti context, it should be viewed differently. The concept of the king *or usif* in the Boti tribe is a representation of the role of the chieftain at the time of hunting and making food. The chieftain has the main role of dividing hunting groups, maintaining cooperation, and preparing fields for planting. In the context of Boti, the existence of the king is closer to the concept of chiefs where their role is as cultural leaders who have the legitimacy to maintain and ensure the sustainability of their groups.

In Boti customary system, *Usif* is recognized by the community as the sole owner of all land in Boti Village, which is approximately 1600 hectares. All land taxes that are used by the community are *paid* by the *usif*, without getting remuneration or revenue sharing from the crops on the land. *Usif* as the traditional leader stated clearly that the existence of land in Boti Village even though the status belongs to the king, but the distribution of utilization still pays attention to the needs of the residents. *Usif* does not control and own rigidly, because members of the community are free to use the land as long as they ask the king for permission.

Land control in Boti is regulated by *Usif/Pah Tuaf* as the owner of the land and the community can only manage and take results. *Usif* as the holder of land rights customarily has a role to distribute land to Boti tribe. The distribution of land that is carried out in Boti Village is directly *determined* by *Usif*, both for the benefit of new families and land for gardening. The appointment of locations to be distributed to Boti tribe is carried out using traditional procedures, and weighing using local wisdom regarding the feasibility of a place to be used as a location for building houses and gardening. This makes indigenous people in Boti Village able to regulate and control the use and utilization of land that occurs in the Boti tribe.

For the Boti Tribe, before someone is ready to get married, he already has to own land to be managed into gardens and built houses. Because of this, Boti tribe men who want to get married will usually be accompanied by their families to meet *Usif*. Using the traditional procedures, the new family will ask to be given the authority to manage the land and build a dwelling house. This is where the role of the *usif* as a guarantor of welfare for members of his community can be seen. Culturally *usif ensures* that no member of the community has no land. The division of land for new families is usually only carried out indefinitely without the appointment of measurement activities so that it does not have a definite area.

The distribution of land for the Boti tribe is not only intended for new families, but there is also land determined by *Usif* as shared garden land in each Neighborhood Unit. The joint garden of each of these Neighborhood Units is known as *len lis*. *Len lis* in each Neighborhood Unit can be up to half an acre. This *lis Len* will be done by every Neighborhood Unit citizen who is seen as having productive power. The *len lis* produce in the form of corn, bananas and sweet potatoes is used to help the Boti tribe who have failed to harvest or entertain guests who come to Boti Village. If the harvest from *len lis* in one year is abundant, this crop will be sold and finances managed by local Neighborhood Unit to help the deprived Boti tribe. Crops in the form of corn will be stored in *kbubu ume* at each Neighborhood Unit. Furthermore, it is Neighborhood Unit's responsibility to ensure that the fireplace in *ume kbubu* remains lit to prevent the corn from becoming damaged. The harvest of *len lis* in the form of maize remaining and stored in *ume kbubu* the following year will be sold and the money will be used for the Neighborhood Unit community.

In the Boti Tribe there is a system of relocating farms. This system of moving farms is implemented every 3-4 years. The process of moving fields carried out by Customary Law Community of Boti has customary regulations that must be obeyed, namely that each field must be planted with various types of woody plants. If the manager of this moving field does not implement this, he will be given a customary sanction called *pene ma kiso*. In this case the land manager who neglects to carry out customary orders, is obliged to prepare animals and accompanying food to serve the surrounding community. The Boti tribe carried out the land transfer in accordance with instructions from *Usif*. The determination of the area in the implementation of this moving farm can be influenced by certain factors such as the number of family members. Almost all Boti areas have become fields that have been processed by the community, but there are certain areas that cannot be entered to be managed, which is *fain mate*. *Fain mate* is a forest that is commonly used for traditional ceremonies.

Through the case of Boti, vertical redistribution and horizontal redistribution models can be reflected at one time (Bussolo et al., 2018). This vertical redistribution is related to the authority of indigenous leaders in regulating the control and use of land for all members of the community/tribe. Meanwhile, horizontal redistribution is related to the management of resources carried out among fellow community members. The horizontal redistribution system looks at how surpluses are not to accumulate and enrich certain groups or classes, but are shared back within the community based on the principle of reciprocity. This system works simultaneously and does not present feudal obligations as the base of production relations built in the feudal hierarchy system (Luthfi, 2019). *Usif* as the figure of the cultural leader does not play the role of the highest authority that can carry out suction on the lower strata as in the feudal system. *Usif becomes* a symbol of community unification in the

distribution of resources that are able to ensure the sustainability of the community. In the end, it appears that the work of the social functions of the land where the management of land is carried out in a fair distribution of welfare for community members.

### **E. Conclusion: Protecting the Boti Tribe's Welfare Redistribution Model**

Boti's experience presents a unique example of social land management. This empirical fact is a paradox of working purely market logic. The collectivity that is built in Boti becomes social security for them to survive with all the limitations of ecological services. If it is stated that collective management is an impediment to the freedom of ownership and work of pure market logic (Rachman, 2019), the same is found in different realities in Boti. Referring to Malak (2006), social land management is a collective name for land management strategies that pay special attention to the equitable distribution of land production in relation to the needs of various groups in society and the active participation of local organizations and residents in land management. This production distribution base is the essence of the agrarian reforms that are paraded in the overhaul of the agrarian structure. The distribution of the production of the Boti community's land is the most elemental form of agrarian reform because this is where welfare guarantees are actually sought not only through control and ownership, but also through more just use and utilization.

Referring to Spitz (1978) in Wiradi (2000), food disasters reflect under-working of socio-economic systems that are less profitable for the poorest members of society. This situation becomes paradoxical in the context of the Boti community where the ability of the community to survive in conditions of low agricultural land carrying capacity and limited physical infrastructure proves that the 'welfare redistribution model' through the communal land management of the Boti community is able to filter out the problems that usually occur due to inequality of land control. If agrarian reform is a mitigation as well as a way out of handling agrarian conflicts, then the land management practices of the Boti community are an example of where conflicts arise because the land problem can be minimized.

The next question to think about is how agrarian reform facilitates the guarantee of protection for collective management of land as found in Boti, as well as elsewhere? When referring to the condition of the community and tribal land, Boti is included in the category of indigenous legal communities that are still alive and have the territory of the tribal land so that it can be confirmed the existence of both. This is different from a society that is dead/not original anymore, the historical record does not exist, only based on unwritten fairy tales, then it is automatic that it does not have tribal ulayat land and cannot claim its existence ((Mujiburohman & Mujiati, 2019)).

### **C. Recommendation**

In the context of indigenous peoples or traditional community typologies, it is necessary to synchronize that as provided for in Regulation of the Minister of Home Affairs No. 52 of 2014 concerning Guidelines for the Protection and Recognition of Indigenous Peoples Law, the recognition of the existence of local communities from local governments must be in line with the regulation of land administration. The local government and the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency must be in line in accommodating the existence of the subject and



object.

Boti tribe is included in the category of communities that are still alive and have land areas ulayat tribes, so that the existence of both can be asserted. After receiving recognition from the local government, the identification process can be carried out by recording, measuring, and mapping. If the final product is the issuance of a certificate, the only most appropriate protection mechanism for the Boti Tribe case is through the issuance of a communal certificate. This communal certificate is issued by ensuring that members of the registered community are those who are genealogically and territorially truly the Boti Tribe who have inhabited and managed the land continuously and downhill.

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