

FROM TRADITION TO TRANSFORMATION: CUSTOMARY LAND DYNAMICS AND STATE PROTECTION IN MANGGARAI, INDONESIA

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ABSTRACT

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The global dynamics of indigenous, or customary law, communities have significantly changed, including in Indonesia. However, these changes do not necessarily signal the disappearance of indigenous communities in favor of modern society. This study investigates the Manggarai indigenous communities and the issues surrounding their customary land, known as *ulayat* land. Conducted in two villages in Manggarai Regency, the research used qualitative methods and a social anthropological approach, particularly ethnographic and normative juridical studies. The findings reveal that indigenous communities in Manggarai persist, though their presence is increasingly fragile, with distinct patterns of change across regions. For example, in *Nao Village*, the extent of *ulayat* land is steadily declining, whereas in *Popo Village*, *ulayat* land ownership has completely disappeared. These findings underscore the urgent need for state protection to safeguard indigenous communities in Manggarai, which can be achieved through local regulatory mechanisms in areas where such communities remain strong. Several alternatives for protecting *ulayat* land are proposed: first, granting collective land rights for privately held *ulayat* land; second, registering *ulayat* land for dual public and private ownership; and third, implementing a management rights scheme. Despite these challenges, Manggarai's customary institutions remain robust and play a crucial role in preserving the community's cultural heritage and ancestral legacy.

Keywords: Manggarai; indigenous communities; customary land; communal land; state protection

1. INTRODUCTION

Indigenous communities, or customary law communities (*Masyarakat Hukum Adat*—MHA), represent a diverse collection of hundreds of tribes across Indonesia, each affiliated with various MHA units in different regions (Afiff & Rachman, 2019; Siscawati, 2014). The Manggarai MHA is currently divided into three administrative areas: Manggarai Regency, West Manggarai Regency, and East Manggarai Regency. In this study, the term "MHA Manggarai" refers to the cultural, social, and historical identity of the community, rather than its administrative or governmental authority (Ruhlessin, 2021; Tamma & Duile, 2020). As a traditional

community unit, the agrarian sector holds vital importance for the Manggarai MHA, serving as its primary source of income. However, this dependence on land has also made the MHA Manggarai vulnerable to state policies and development demands, often resulting in agrarian conflicts. Notable examples include disputes between the MHA *Colol* and the government over the designation of *lingko* (communal land) as part of a Nature Tourism Park, and conflicts involving the MHA *Lenggo (Meda)* over the ownership of ten *lingko* plots in *Golo Woi Village* (Cahyono et al., 2016; Holthouse, 2020; Regus, 2011).

The agrarian conflicts (Bae, 2021; Dhiaulhaq & McCarthy, 2020) and contested land claims within the MHA Manggarai community has reignited debates over the protection of indigenous communities (Arizona, 2014; Thontowi, 2013). Scholars generally agree that the first step in protecting MHA communities is formal acknowledgment of their existence (Arizona et al., 2019; Rosyada et al., 2018). Although Manggarai society continues to operate within customary institutions as part of its social fabric, the MHA Manggarai remains one of many indigenous communities in Indonesia that has not received official recognition from the state. Formal recognition of the MHA Manggarai is an ongoing struggle (Susylawati, 2013; Thontowi, 2015). To date, regulatory acknowledgment has been limited to Regional Regulation of Manggarai Regency No. 1 of 2018 and Regional Regulation of East Manggarai Regency No. 1 of 2018 (Dasor, 2020). However, these regulations do not extend protection to all MHA groups within Manggarai region.

Beyond the challenge of formal recognition, the MHA Manggarai faces the erosion of customary (*ulayat*) land rights, driven by the increasing individualization of land ownership. While some argue that the weakening of communal rights is a natural progression aligned with the evolution of *ulayat* rights, this shift often has negative consequences (Platteau, 1996). The individualization of *ulayat* rights, which allows landowners to exercise their rights freely, has led to inequitable outcomes. In many cases, powerful people with economic, social, religious, or political influence have taken control of large areas of land. This leaves local communities, like the Manggarai people, with little say over their ancestral lands (Lon & Widyawati, 2020). Instead of creating prosperity, this has allowed capitalist systems to dominate their land. Sirait (2017) explains that individual land ownership gives people the power to keep or sell their property. However, this system often fails to protect poorer farmers. A better legal system, including shared community rights, is needed to reduce inequality and support fair land distribution. Savitri (2014) adds that while traditional communal land ownership cannot avoid market forces, it needs strong community support to survive.

This research explores the situation of the MHA Manggarai and their traditional lands. It focuses on why urgent state protection is necessary for these communities. Specifically, it looks at what kind of protection is needed and how it can address current challenges.

The study argues that policies focusing only on private land ownership do not properly protect the MHA Manggarai. This problem is especially clear in ongoing fights over land rights and traditional communal lands (*ulayat*). The state's failure to support MHA communities and protect their rights shows that new solutions are urgently needed. Bedner and Arizona (2019) argue that governments must act to strengthen indigenous communities and protect their shared lands. This research highlights that indigenous groups need state support to stop the loss of their traditional lands to privatization (Platteau, 1996; Sirait, 2017). The study explores whether the state should actively protect indigenous peoples and their *ulayat* lands or whether the loss of these communal rights is inevitable due to modernization. Fieldwork shows that allowing these lands to disappear is not acceptable, as MHA Manggarai still depend on them.

Past studies have discussed indigenous land rights. Mujiburohman and Mujiati (2019) and Jannah et al. (2022) found that traditional lands still exist in East Nusa Tenggara, but indigenous control has weakened. Many lands once managed collectively are now privately owned. Jerabu (2014) notes that customary rules still govern some lands, but local laws do not recognize indigenous authority. Jehamat and Keha Si (2018b) link weak legal protection to conflicts, like the *Nggorang-Pane* clan dispute, which damaged social ties. Zakaria (2016) adds that requiring political conditions for indigenous rights often creates new unfairness.

While past research helps understand the Manggarai's situation, no study has fully examined both the survival of their *ulayat* lands and ways to protect them. This research fills that gap by analyzing the Manggarai's current challenges and proposing new ways to safeguard their lands.

2. MATERIALS AND METHODS

This research was conducted in *Nao* and *Popo* villages, in the North Satar Mese District of Manggarai Regency. These locations were selected to represent the general characteristics of MHA Manggarai. *Nao* Village reflects rural conditions, while *Popo* Village represents a more urban characteristics, and together, they provide a representative view of indigenous communities' growth, sustainability, and cultural recognition in the region.

This study combined a qualitative research strategy (Tomaszewski et al., 2020; Walliman, 2017) and a socio-anthropological approach (Lennox & Short, 2016) to understand community patterns and cultural

practices in land management and rights protection. Ethnographic methods were also used, including intensive fieldwork, close observation of MHA Manggarai and their *ulayat* lands, and in-depth interviews with traditional elders (*tu'a adat*), MHA members, and other relevant stakeholders to address key questions regarding MHA Manggarai's systems, land management practices, and strategies for protecting *ulayat* lands. The findings from these interviews helped to propose alternative mechanisms for the protection of customary land.

Data were collected through various qualitative methods, including document analysis, literature reviews, field observations, and interviews. A triangulation model (Turner et al., 2017) was used to classify and validate the data. The authors spent about two months in the field, closely observing the structure, customary systems, land management practices, resource use models, and the internal dynamics and challenges faced by MHA Manggarai. This process provided detailed data on the issues related to *ulayat* rights, internal dynamics, and the functioning of customary institutions. To analyze the data, the study adopted a socio-juridical-normative approach, which integrates socio-anthropological insights with legal frameworks to identify the most suitable state protection mechanisms for MHA Manggarai and their *ulayat* lands. Figure 1 illustrates the research sites of *Nao Village* and *Popo Village*, highlighting their significance within the study.

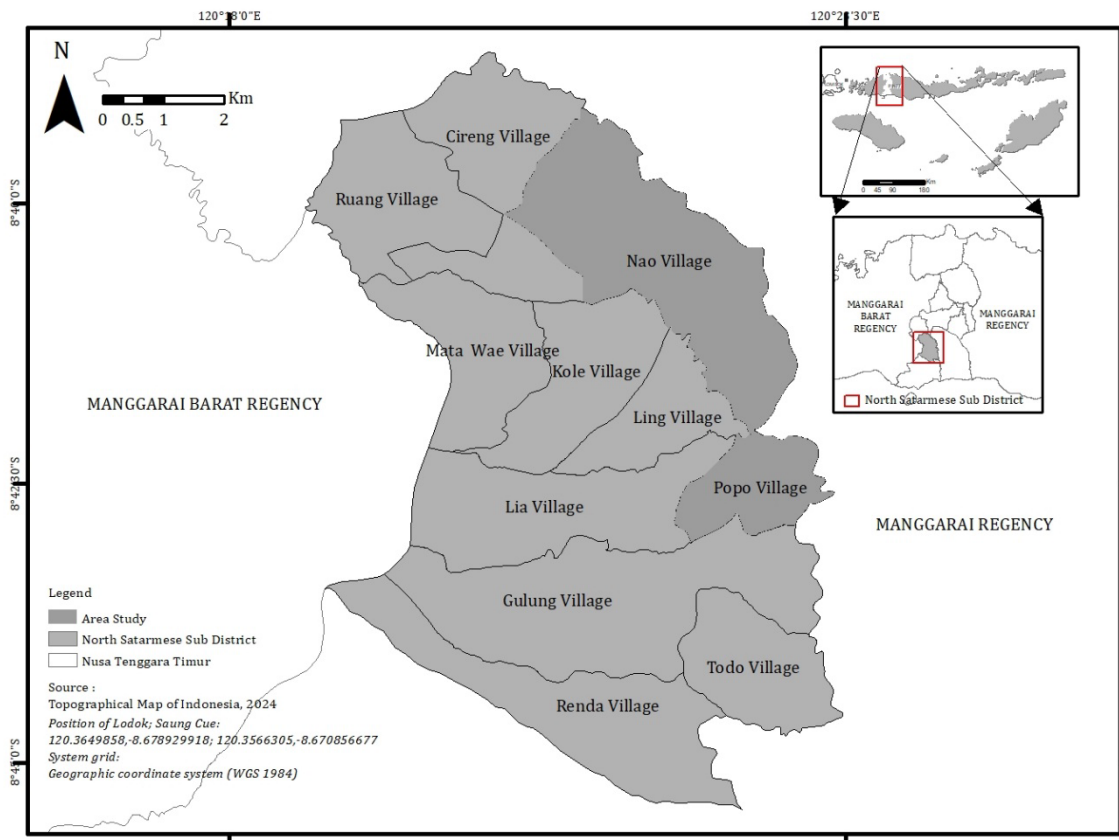


Figure 1: Research sites map, *Nao Village* and *Popo Village*

3. RESULTS AND DISCUSSION

3.1 Manggarai is home to indigenous communities

The presence of *mbaru gendang* in Manggarai reflects the enduring role of traditional institutions, represented through these traditional houses. These houses, which serve multiple functions, continue to facilitate traditional, religious, and social activities in the two villages studied. The *mbaru gendang* signifies communal ownership, jointly held by the *wa'u* (head of kinship) and the main house, or house of origin (Lon & Widyawati, 2020). However, MHA culture in rural Manggarai is gradually eroding over time. Research conducted by the Undana Faculty of Law (Universitas Nusa Cendana, 2009) found that the ties binding MHA alliances have weakened, with mutual cooperation being one of the values most affected by modernization and globalization. For instance, the traditional *Penti* ceremonies (Resmini & Mabut, 2020), while still performed in some villages, have ceased in others, reflecting the uneven preservation of cultural practices.

In *Nao* and *Popo* villages, traditional institutions remain active, primarily due to the presence of *gendang*. Each *gendang* operates with its own set of authorities responsible for addressing issues within the local *beo* (village). Disputes and communal challenges are generally resolved through deliberation forums known as *lonto leok* (Allerton, 2003). In *Nao* Village, leadership within traditional institutions is characterized by a collaborative and non-authoritarian approach. *Tu'a* (traditional elders), including the *tu'a panga* (clan or tribal leaders), play a crucial role in decision-making, representing several family heads. As noted by Sukur (personal communication, May 3, 2021), a traditional elder from the *Tengger gendang* in *Nao* Village, during an interview on May 3, 2021:

You cannot be authoritarian in one *gendang*. If the *tu'a panga* says you can't, you can't; you must first agree. The *tu'a gendang* and *tu'a panga* have the same rights. If one objects, then it cannot proceed (V. P. Sukur, personal communication, May 3, 2021).

This statement highlights the egalitarian principles inherent in the governance of traditional institutions, where consensus is a critical component of decision-making. However, challenges in maintaining these principles have been reported. The head of *Nao* Village expressed concerns during an interview on May 3, 2021:

Gendang is indeed in charge of the village, but based on experience, there are often cases where the *gendang* has decided secretly without deliberation. The issue is that different parties have different interests and frequently do not agree, resulting in conflicts (V. P. Sukur, personal communication, May 3, 2021).

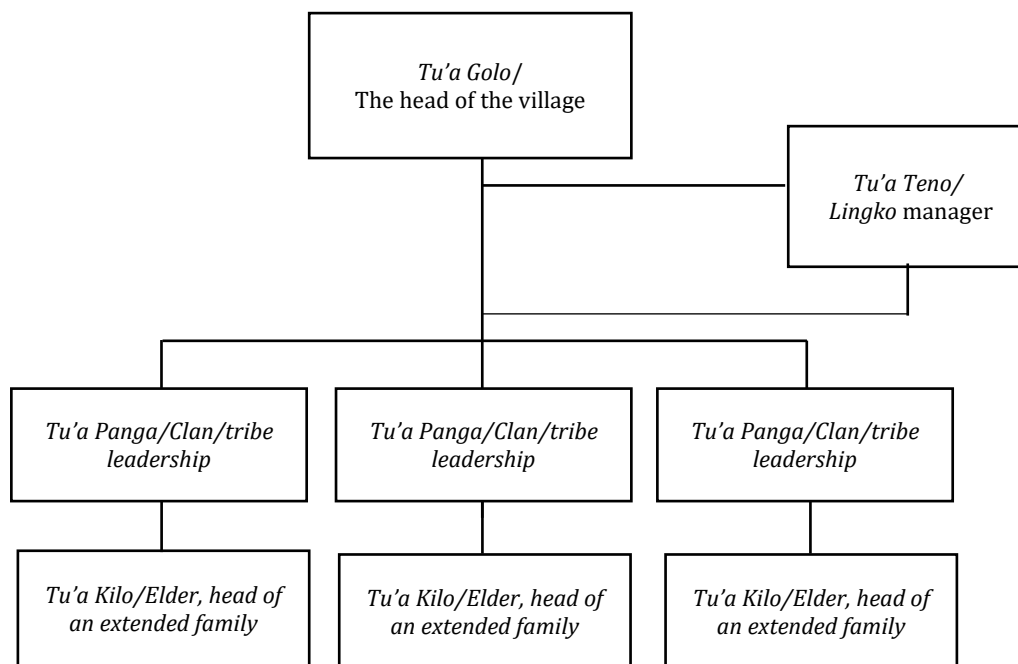


Figure 2: Structure of Manggarai Customary Institutions.
Source: Researchers' processed results and interviews with *Tu'a Panga* (2021)

In the MHA Manggarai structure (Figure 2), *tu'a golo* (a customary leader), selected by deliberation from the eldest male lineage, holds a central role in traditional governance. The *tu'a golo* is regarded as an extension of the ancestors, and members of the community respect and obey him due to his authority to enforce customary law (Dasor, 2020). The key qualifications for becoming a *tu'a golo* include wisdom, integrity, and the ability to resolve conflicts. Such leaders must command respect within the community, demonstrating honesty, responsibility, and moral uprightness, as emphasized by Jerabu (2014). Customary institutions in MHA Manggarai operate hierarchically, with clearly divided roles and responsibilities. A well-established subordinate and coordinating relationship exist between the *tu'a golo* and the *tu'a teno* the latter being responsible for land management, particularly the *lingko* (communal land). This hierarchical structure reflects the broader social organization of MHA Manggarai, where certain elites are elevated above others while maintaining coordination (Jehamat & Keha Si, 2018a).

Customary institutions in *Nao* and *Popo* villages continue to function effectively, fulfilling their roles in both ritual and land management. However, the process of individualization, particularly regarding land ownership, has become widespread not only in *Nao* and *Popo* but also in neighboring villages. This shift is largely attributed to the weakening of communal control systems and the changing cultural ties between customary practices and land management.

3.2 Indigenous peoples and land management in *ulayat*

The ancestors of the Manggarai people lived in harmony with their environment, guided by the philosophy encapsulated in the expression *mbaru gendang*, *lingkon pe'ang*—literally meaning "house inside, field outside." This phrase reflects the fundamental principles of MHA Manggarai life and their approach to managing the environment. The *mbaru gendang* (traditional house) and the *lingko* (communal land) form a unified system, serving as the foundation of MHA Manggarai's worldview and way of life.

In both form and function, *mbaru gendang* and *lingko* are closely connected and complement each other. The *siri bongkok*, the main pillar at the center of the *mbaru gendang*, reflects the *teno* wood, which stands at the heart of the *lingko*. Both have a circular shape with lines extending outward like a spider's web. This design symbolizes unity and represents the interconnectedness of family, privacy, and labor. The *lodok* system, which divides land in a spider-web pattern, is directly inspired by the shape of the *mbaru gendang* (Sumardi & Sukardja, 2017).

The strong link between *mbaru gendang* and *lingko* is clear in how the MHA Manggarai arranges its living spaces, which have been divided into two primary categories:

1. Residential Villages (*Beo/Golo*)

The term *beo*, meaning "village," refers to the communal residential area of MHA Manggarai, which originate from communal lands later divided among individuals through customary distribution. There are five key components in a *beo*:

- a) *Mbaru bate ka'eng*: The house as a place of residence, symbolizing both shelter and unity within the *mbaru gendang*
- b) *Beo bate ejor*: area for social interactions and welcoming visitors
- c) *Uma bate duat*: Agricultural fields that provide community sustenance
- d) *Compang bate dari/taking*: The communal altar used for offerings and rituals
- e) *Wae bate tekus*: Water sources essential for daily life and agriculture

2. Communal land (*Lingko*)

The *lingko* is the agricultural land that supports the livelihoods of MHA members through a communal management system. Plots within the *lingko* are allocated to community members, and further divisions are made among families. Although the *lingko* provides usage rights, it does not mean that members own the land unless the community agrees to convert these rights into individual property rights.

The *lingko* can be classified into several categories based on use:

- a) *Uma*: Cultivated fields for residential or subsistence purposes.
- b) *Satar*: Livestock grazing lands.
- c) *Puar*: Areas with trees and wildlife, serving as a source of forest products.
- d) *Pong*: Dense, sacred forests primarily conserved for ecological purposes. The *pong* provides non-timber resources such as honey, rattan, bird nests, and flowers, but its access is restricted due to its sacred status and role in water conservation (Makur et al., 2019).

MHA Manggarai members control and cultivate land through various traditional management practices. The *lingko*, as communal agricultural land, is managed through three main mechanisms:

1. *Lodok*

The *lodok* system divides land using a central point, from which boundaries extend outward to form sections. At the center, a *teno* (hibiscus wood) is planted, symbolizing the heart of the *lodok*, while the outermost boundary is known as the *cicing*. This arrangement creates a pattern similar to a spider's web, with elongated triangular sections radiating outward (Embu & Minsel, 2004). The land distribution follows a collaborative process called *lonto leok*, where decisions are made through deliberation and overseen by the *tu'a teno* (land custodian). Before the land is distributed, a traditional ceremony is held to formalize the arrangement (Jerabu, 2014).

2. *Neol* or *Ligup*

The *neol* or *ligup* system applies to residual land located adjacent to *lingko* areas, which is not included in the original *lodok* division. These triangular sections of land are allocated to community members who did not receive a share of the *lodok*, following an agreement between the community and the *tu'a teno*. Clearing and distributing land under the *neol* system require the permission of both the *tu'a teno* and *tu'a golo* (village leader).

3. Tobok

Tobok refers to land located outside the *lingko* boundaries. It is granted to MHA members who do not have a share of *lingko* land. This type of land is cleared independently by the recipient, with the knowledge and approval of the *tu'a teno*, and witnessed by the *tu'a panga* (clan leader) and *tu'a kilo* (village elder). Unlike the *lodok* and *neol* systems, the *tobok* system does not require a traditional ceremony. The shape and size of the *tobok* depend on the land's conditions and the individual's capacity to cultivate it (Jerabu, 2014).

Historically, MHA Manggarai did not recognize private land ownership. All land belonged to the village as communal property, and individual members were prohibited from conducting legal transactions involving the land. Land was managed collectively within the framework of a *gendang* union, which preserved the communal nature of the resource (Lawang, 1999). Over time, however, the communal *lingko* land was gradually converted into private property, driven primarily by economic pressures and the growing need for individual ownership.

The distribution of land in MHA Manggarai has thus evolved into a varied system, which include:

3.2.1 Lodok

The *lodok* system, resembling a spider web (Figure 3), symbolizes justice for all members of the community. The pointed triangular sections, oriented upward, represent reverence for the Almighty, while the central point of the *lodok*, marked by the *teno* wood, signifies fertility. Beyond its symbolic meanings, the *lodok* serves multiple functions—social, economic, religious, and ecological (Sumardi & Sukardja, 2017).



Figure 3: Land division in the shape of *Lodok* (Author's observation, 2021)

3.2.2 Saung Cue

A variation of the *lodok* system is the *saung cue*, which takes the shape of a leaf (Figure 4). While similar to the *lodok* in principle, the *saung cue* divides land into triangles but is typically used for *lingko* derived from the *neol* system.

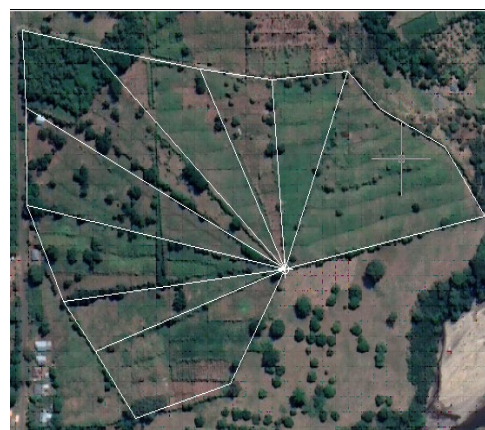


Figure 4: *Saung Cue* land distribution system

Source: Google Earth image processing, data adapted from Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (n.d.) (Coordinates: 8.683176°S, 120.382651°E)

Another land division system is the *walang* or *lade*, which adopts a square shape (Figure 5). The layout of these divisions often aligns with the placement of roads, reflecting modern efforts to reorganize villages for improved access. Regardless of the system used, all land division forms in MHA Manggarai culture are designed to face roadways, for better accessibility.



Figure 5: Land division based on *Walang/Lade*.

Source: Google Earth image processing, data adapted from Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (n.d.) (Coordinates: 8.710448°S, 120.387490°E)

In MHA Manggarai culture, the concept of fair land distribution does not imply equal-sized plots for all members. Instead, the size of land allocated is determined by a person's seniority or social status. According to Sumardi and Sukardja (2017), the *lodok* system embodies justice by reflecting proportionality: the amount of land one controls corresponds to their role and standing within the village. For example, higher-ranking individuals, such as the *tu'a golo* (customary leader) or *tu'a teno* (land custodian), are allocated larger portions, while common community members receive smaller shares.

The size of the *lodok* sections, known as "fingers," is determined by a person's social status. Therefore, the *tu'a golo*, *tu'a teno*, and other important village figures receive the largest sections, usually five "fingers" while lower-ranking members, like the *panga* or regular MHA members, get smaller portions. The size of a "finger" also varies, where lands for a *tu'a golo* or *tu'a teno* are measured by the width of an adult's thumb, while *tu'a panga*'s lands are based on the size of a middle finger. Regular community members get even smaller portions (Mahendra & Kurniawan, 2020). This proportional system is seen as fair in the MHA Manggarai community, as everyone gets lands, although in amounts that match their social status. Exceptions are made for the *tu'a golo* and *tu'a teno*, who receive larger portions due to their responsibilities and leadership roles (Universitas Nusa Cendana, 2009).

3.3 The importance of indigenous community protection in Manggarai

3.3.1 Village of Nao

The *ulayat* land in Nao Village has not been entirely lost; its current state reflects the persistence of *ulayat* rights, albeit in a weakened form. The increasing individualization of *ulayat* rights has diluted the communal nature of these lands, making their existence less pure and complete. Certain *lingko* (communal land), such as those belonging to the *Gendang Tengger*, remain undistributed and are currently under dispute. On the one hand, this dispute affirms the continued existence of *ulayat* rights in Nao Village. On the other hand, it highlights the complexities and challenges of distributing communal land. One MHA member explained the situation during an interview on May 3, 2021:

Historically, this land has been ancestrally distributed to all collectively, but there is a problem with the neighboring village, so there is a case. As a result, this case also necessitates capital; after all, funds are required. Because the residents of this village were unable to bail out the funds, they were forced to borrow money from outside sources in order for this land to be divided (V. P. Sukur, personal communication, May 3, 2021).

Currently, the amount of land available in *Nao* Village is sufficient to support the agricultural and plantation sectors and most MHA members have already received their share of land for these purposes. However, some residents have not received land due to unresolved disputes over certain *lingko*. Another challenge facing the community is the aging population of farmers, as fewer young people are choosing to engage in agriculture (Arvianti et al., 2019; Mahaarcha, 2019; Susylawati, 2013). The availability of land in *Nao* Village exceeds the community's current capacity to manage it effectively. As a result, many *lingko* that have been distributed remain uncultivated. During an interview, Sukur (personal communication, May 3, 2021). explained:

In other places, the *lingko* may only be 1–2 hectares. Here in *Nao* Village, one *lingko* can range from 20–50 hectares. Many *lingko* have been divided, but the owners are not working on them because there is so much land (V. P. Sukur, personal communication, May 3, 2021).

While *Nao* Village is currently stable, unresolved conflicts over *lingko* distribution pose a potential threat to future peace. In Manggarai's agrarian society, land is viewed as more than just a means of production; it is deeply intertwined with social identity and dignity (Embu & Minsel, 2004). According to Lawang (1999), the social status of land in Manggarai is an integral part of the community's social system, and *lingko* is closely connected to hereditary groups, reflecting and reinforcing the existing social hierarchy.

If certain members of the community continue to be excluded from receiving land, this could lead to feelings of social exclusion and perceived injustice. Such sentiments may erode the legitimacy of the resource distribution system, potentially leading to open conflict (Dasor, 2020). Although the current situation in *Nao* Village appears stable, the potential for conflict remains. Historically, land disputes in Manggarai have resulted in violence, and in some cases, even the loss of life (Lawang, 1999).

According to data from the Manggarai Regency Land Office, *Nao* Village contains 353 property rights certificates covering a total area of approximately 864,939 m², representing 5.50% of the village's total area of 15.73 km². Additionally, the Manggarai Regency Government has issued three certificates of use rights, encompassing an area of 5,194 m², or 0.03% of the village's total land area.

In total, the percentage of individual land areas in *Nao* Village that have been formally administered by the Land Office or certified amounts to approximately 5.53%–6%. This indicates that while the majority of *Nao* Village's land is now individually owned by MHA members, the process of *ulayat* land individualization does not always result in land certification. MHA members often perceive certification as unnecessary, as they believe that ancestral inheritance provides sufficient assurance of land ownership. The data also highlight that 94% of the land in *Nao* Village remains uncertified. This includes both individually owned land obtained through customary distribution and undivided *ulayat* land, such as communal *lingko*. For MHA members, certification is less significant than customary recognition. Land acquired through traditional distribution is regarded as private property, legitimized through customary practices rather than legal documentation.

3.3.2 The *Popo* Village

Popo Village consists of five *gendang* communities, each linked to a specific *ulayat* area, but there is no *lingko ulayat* land left in the village because it was distributed among MHA members a long time ago. The only remaining *ulayat* land is where the *mbaru gendang* (traditional houses) and *natas* (communal land) are located. This reflects a natural pattern in *ulayat* rights, where communal land gradually becomes privately owned over time (Sitorus et al., 2005). People have chosen to privatize communal land mainly to gain full control over their livelihoods without outside interference.

As *ulayat* land became privatized, land ownership certificates were issued. Data from the Manggarai Regency Land Office shows that in 2018, 499 land parcels received ownership certificates, and one area was certified for use by the Manggarai Regency Government. Additionally, through the Land Reform Object Land Redistribution program, 330 plots of land were certified with ownership rights. The village also has two Building Use Rights (*Hak Guna Bangunan*—HGB) certificates issued to the state electricity company and one certificate issued to the *Popo* Village Government. In total, *Popo* Village has 833 certified land parcels.

The total certified land area in *Popo* Village amounts to 741,480 m², representing 12.78% of the village's total area of 5.80 km². This certified area is categorized by land rights into three types: property rights (*Hak Milik* or HM), which account for 724,698 m² or 12.5% of the total area; building use rights (*Hak Guna Bangunan* or HGB), covering 366 m² or 0.006% of the total area; and management rights (*Hak Pengelolaan* or HPL), comprising 16,425 m² or 0.28% of the total area.

Despite the extensive individualization of land in *Popo* Village, approximately 87% of the village's land remains uncertified. The majority of these uncertified lands consist of individual plots obtained through customary distribution and communal land associated with the *mbaru gendang* and *natas*. The fact that only

13% of the land in *Popo* Village has been certified indicates that the process of individualization has not been fully formalized through administrative channels.

Given the poor condition of *ulayat* land in *Popo* Village, it is understandable that the local Land Office has implemented a certification program. According to an official from the Manggarai Regency Land Office, many villages no longer retain *ulayat* rights over MHA land. Individual certification, therefore, provides legal certainty for individuals who have privately controlled plots of land. This approach aligns with the argument of Sitorus et al. (2005) and Sitorus (2016), who assert that when MHA members seek to convert communal land rights into individual ownership, the government should support the process.

In *Popo* Village, the average landholding is relatively small, with an average plot size of only 874 m², which contrasts significantly with the situation in *Nao* Village. Despite the small average size, some residents of *Popo* Village own multiple plots of land. Among the 239 individuals with land ownership certificates, 35 own more than five plots, and some hold more than 10 plots. Together, these 35 individuals control a combined area of 121,983 m², or 16.83% of the total certified land area in the village. For this group, the average ownership per person is less than 3,000 m², which initially suggests that these plots might primarily serve as yard land.

Upon closer examination, the majority of these certified plots were found to be paddy fields rather than residential yards. The certified plots, even among the 35 landowners with larger holdings, were typically less than 1,000 m². The data reveal that only one individual owns more than 2 hectares, seven individuals own between 1 and 2 hectares, and the remaining 27 own less than 1 hectare, with many plots smaller than 5,000 m². The analysis of certification data from the Land Office indicates that agricultural land ownership in *Popo* Village falls significantly below the minimum standard for agricultural land needed to sustain farmer households.

3.4 Models of state protection for indigenous communities

MHA Manggarai's access to customary land, as exemplified by *Nao* Village, is currently constrained. While customary land systems persist, several factors, including the MHA's internal desire for land distribution and external pressures, pose significant threats to their longevity. The primary driver behind the individualization of *ulayat* land is the aspiration for individual economic welfare. In this context, the most effective strategy to prevent conflicts while safeguarding the interests of MHA members is to support the process of individualization, provided that it is carried out in an equitable and regulated manner (Sitorus, 2016).

One approach to protecting MHA rights is through the granting of common property rights via an administrative mechanism. Zakaria (2016) argues that recognizing MHA rights, even when they are more private or civil in nature, can be achieved directly through administrative processes managed by the appropriate technical agencies, without requiring prior determination of legal subjectivity. In this framework, the *tu'a panga*, as representatives of the *wa'u* (kinship groups) within the MHA, could act as the rights holders. Common property rights for the MHA would then be issued in accordance with Government Regulation No. 24/1997, providing a clear and formal acknowledgment of their customary rights.

Another approach involves registering *ulayat* land with strict "safety net" provisions to ensure that it cannot easily be transferred to third parties (Savitri, 2014). This approach is particularly relevant for MHA communities that retain customary rights encompassing both public and private authority. According to Sumardjono (2016), if customary rights qualify as land rights, a certificate can be issued to formalize their status. For customary rights that do not meet the criteria for land rights, acknowledgment can still occur through land registration practices, where boundaries are documented in a fundamental land map and recorded in the land register, even if no certificate is issued. These provisions are outlined in the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency No. 5/1999.

The final approach is to ensure that management rights over *ulayat* land must also be clearly defined to ensure effective governance. The most recent framework addressing MHA customary rights is outlined in Government Regulation No. 18 of 2021, which introduces the Right to Manage (*Hak Pengelolaan*—HPL). This state-granted control right delegates implementation authority, in part, to the holder of the management right. Article 5, paragraph (2), explicitly states that "management rights originating from customary land are assigned to customary law communities." While HPL does not replace communal or use rights, it offers significant potential as an alternative system if managed comprehensively. Bedner and Arizona (2019) argue that various institutions, including villages and MHA communities, are eligible to claim management rights, enabling localized governance that aligns with traditional practices.

In *Popo* Village, the situation follows the wider trend of *ulayat* land becoming privately owned in Manggarai Regency. Large-scale individual ownership has led to the loss of *ulayat* rights in many places. Platteau (1996) explains that even land with clear private ownership, whether officially registered or not, can still cause problems like boundary disputes, inheritance issues, or conflicts over usage. Even without *ulayat*

rights, Manggarai's MHA communities continue to uphold their customary institutions, so what is disappearing is not the communities but their traditional ways of managing land.

The fact that customary institutions still exist despite the loss of *ulayat* land shows that Manggarai MHA communities are dedicated to preserving their identity and following customary law. This strength comes mainly from the authority of customary leaders, who make decisions through agreement rather than force. Unlike rigid power structures, these institutions rely on voluntary participation, respect, and shared cultural values. However, it is important to strengthen these institutions, as government involvement—especially through the legal system—can unintentionally reduce the power of customary leaders. To keep these institutions strong in the long run, the Manggarai MHA needs official recognition and legal protection. One effective solution is to introduce local laws that confirm their existence and authority. Protecting land rights can also be improved by granting legal status to community-owned land, creating a solid legal foundation to secure these resources. Customary institutions can also act as mediators in settling disputes and adjusting land management methods when necessary. As shown in Table 1, *ulayat* land in Manggarai is expected to shrink over time and could disappear completely unless steps are taken to prevent it. For the Manggarai MHA, it is essential to adjust to modern changes while keeping the main roles of traditional institutions intact.

Table 1: The role of MHA and a comparison of two villages in implementing communal land systems and management

Village	Strength of the customary system	MHA Policy on indigenous land	MHA Leaders' views on land individualization	MHA Members' views on land individualization	Status of customary land certification	Researchers' conclusion
Nao Village	Traditional institutions are still strong. Customary institutions began to weaken.	There is still <i>ulayat</i> land, but it leads to individualization.	Supports land individualization	Majority favor land individualization	Certificates: 356 (6%) Uncertified: 94%.	MHA and <i>ulayat</i> rights are present but gradually weakening.
Popo Village	Traditional institutions are still strong. Customary institutions undergo structural changes.	No <i>ulayat</i> land exists. Land ownership transfer must involve customary leaders (<i>tuā</i>).	Supports land individualization	Majority favor land individualization	Certificates: 833 (13%) Uncertified: 87%	MHA exists without <i>ulayat</i> rights, reflecting a shift in traditional land tenure systems.

Source: Researchers' analysis and processing results

Globally, there is growing recognition of the resilience and adaptability of MHA communities when faced with change. This shifting perception challenges the earlier view of indigenous peoples as inherently weak and in need of empowerment (Utami & Salim, 2021). More and more, MHA communities and their traditional lands are being valued for their strengths, especially in managing and protecting natural resources in a sustainable way using local knowledge (Scheyvens et al., 2020). This awareness highlights the important role of MHA in maintaining ecological balance and preserving cultural heritage. However, acknowledging the strengths of MHA does not negate the need for support in their continued development (Arizona, 2013).

4. CONCLUSION

The MHA in Manggarai still exists, but it is facing growing challenges. Internal changes are reshaping the structure of MHA communities, and each region experiences this transformation in a different way. However, MHA life in Manggarai remains closely tied to its villages, as shown by the presence of *ulayat* lands (communal lands in customary areas), the *mbaru gendang* (traditional houses), and the continued role of customary institutions in the community.

Ulayat lands, a key part of the MHA's identity, is becoming more limited due to increasing individual ownership. In some Manggarai villages, these lands have completely disappeared, while others face conflicts over the division of *lingko* (communal lands). This highlights the urgent need for government protection to preserve the remaining *ulayat* lands and prevent the negative effects of uncontrolled individualization. Without proper action, this trend could worsen land ownership inequality and threaten the long-term survival of Manggarai's MHA communities, especially because agricultural lands continue to be converted for other uses.

The government must take steps to address these challenges and protect the MHA Manggarai. This study suggests that one key measure is to officially recognize MHA communities, especially in areas where they are still strong, by passing regional laws that protect their rights. Such policies would help ensure the survival of the MHA Manggarai and their cultural heritage, which reflects the wisdom of local traditions and plays an important role in preserving Indonesia's cultural diversity.

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