

# The *Dalihan na tolu* Customs and Its Implementation in the Management of Community Farming Land in North Sumatra

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**Abstract:** This research aims at developing a model of land tenure based on *Dalihan na tolu* custom on Bataknesse community in North Sumatra. The methods used in this research are based on a variety of tenure variables, such as 1) ownership of land, 2) utilization of land, 3) control of land, and 4) security of land tenure. The exploratory research method is conducted in six (6) districts/cities in North Sumatra purposively selected to represent the purposes of research. The result indicates the presence of land tenure model based on *Dalihan na tolu* custom in North Sumatra. It also shows that the elements of *Dalihan na tolu* custom play important roles in the activities of land management, utilization, control and land transfer.

## 1 INTRODUCTION

Conflict of agricultural land becomes a crucial issue in agricultural development in Indonesia. The case of seizure of land between tenant farmers and plantation companies including the government becomes unresolved issues until today. This has an impact on the activities of inefficient farming. Cifor (2003) notes that there are 153 cases in the year of 2000.

The conflict between local communities and plantation companies is often caused by the growth of companies having the right of land tenure, and taking over forest lands of the indigenous community in the long run as indigenous forests themselves are categorized as state forests, where the government has the right to determine the status of the forest management. This conflict affects people's reluctance to protect and preserve the forest that it will have a negative impact on the quality of the environment and land in the long term.

The source of conflict in forest management takes place especially from the perception that people think about the unfairness to access the utilization of forest resources. This conflict often forms the boundary dispute, the compensation system which is often not clear in land and forest management or other forms in connection with the violation of the rights of local communities. The above conflicts are generally those

of interest between local communities and government (Cifor, 2003).

Land utilization conflicts have often been based on the uncertainty of community rights in land utilization. The vagueness of the rights is associated with the land tenure system and vegetation on it. According to Fao (2002), the rights of land tenure are dealing with the one who can utilize what kinds of the resources, how long, and under what conditions. Without clarity of tenure rights on resources will trigger management of resources that are not sustainable.

According to Grigsby (2002), the land tenure is specific, where the patterns are determined by the rules of the local traditions that may be rights owned specifically by individuals, households, groups of descendants, or entire communities or called as customary tenure. The land tenure conflicts can be solved by putting the rights of local society in the land tenure system that emphasizes on the claim of their rights.

In the system of local indigenous community, *Dalihan Na Tolu* is basically related to the relationship of the three elements of kinship, namely: *Mora*, *Kahanggi*, and *Anak Boru*. *Mora* is all family members from the parents in law. *Kahanggi* is all family members or descendants having paternal incest, and do not include the family relationship of

the mother. *Anak boru* is all families of the sons and daughters in law.

The three elements of the indigenous community *Dalihan na tolu* constitute a specific pattern in the land tenure system in North Sumatra. Therefore, to create land tenure model based on *Dalihan na tolu* in Bataknesse society can be the basis for solving land tenure conflict of agricultural land particularly in North Sumatra through the formulation of the rights of both individual and communal lands.

The conflicts of agricultural land tenure should be resolved; otherwise, they will adversely affect agricultural development in Indonesia. Farmers, businessmen, and governments are those who always get involved in the conflicts. However, the farmers become the party which is always harmed in the conflict. Conflict triggered by the land requirement for individual farmers will continue to rise due to population growth from year to year, while the rights to the land are not precisely clear.

Land tenure covering ownership, utilization, and control of the land is more than just ownership. Therefore, regarding who owns the land, exploited by whom and for what, how to control the status of the land is the thing that can be arranged in the overall system of land tenure.

This study tried to put the society as a subject in land tenure model that forms the basis of land tenure conflict resolution itself. With the clarity of the rights of local communities to land, the difference between the interests of individuals or groups can be placed in accordance with their respective rights. The basic rights of the land tenure explain not only the problem of ownership but also the problem of the use and control of land.

By getting a clear model of the land tenure, the doubt of the rights can be overcome so that conflicts can be avoided, and aquaculture activities on land will be secure. With customary basis, *Dalihan na tolu* of Bataknesse in North Sumatra, land tenure model is developed for the purpose and can be a reference for similar cases in other regions, especially in Indonesia.

In the simplest form, land tenure systems determine who exploit what resources for, how long, and under what conditions. The system of land tenure is important in rural development to emphasize the use of assets that support sustainable livelihoods. In connection with development in the rural, the base rights should be clear, and the benefits obtained should be too. Therefore it is important that the institutional arrangement of the system can determine the rights on the land, how long, for what purpose and under what conditions (FAO, 2002).

The land tenure system is part of property rights that rest on the land. As tenure rights to land, land tenure systems, especially regarding the relationship that is built on the basis of legal or custom between individuals, or groups in relation to land. Tenure rules explain how the rights of land allocated in the community. How access is obtained as a right utilization, control and transfer land, which is associated with the responsibilities and restrictions (FAO, 2002). According to Goh (1998), what is important is the actual access by land managers who can be controlled, either with or without ownership of land.

According to La Croix (2002) land tenure systems can be categorized into three dimensions, (1) the presence or absence of formal ownership status as property rights recognized by state law, (2) the level of ownership by contract to use the land, and (3) spectrum of private-property rights on communal land. In the case of the individual, the freedom of tenure with a clear status can be inherited continuously, and the self-reliance of land has often been registered by the state, accompanied by certain obligations. On the other hand, the land is temporarily utilized in the communal land.

The benefits of this research are categorized in two ways, first in the development of science and second in the policy. The benefit in the development of science is to get the concept of land ownership which is determined by the specific structure of the natural habits of the local community; in this case, it is based on *Dalihan Na Tolu*. As it is known that land tenure systems are a distinctive outline which is determined by the local community. This applies to the existing pattern in the community. On the basis of the local concept, it can be developed a strategy to resolve the land utilization conflicts.

Studies relating to land tenure that have been carried out by the authors are research in Bahorok, Langkat, North Sumatra (Martial, 2010) and research development area (Asaad, 2010; and Asaad, 2009) with various land use patterns which become the basis for empowering communities to reduce conflicts over land. Besides, research in West Sumatra, known as *Tungku Tigo Sajaringan* which shows the existence of the institutional arrangements by customary tenure and tree (Martial, 2011). Therefore, the land tenure model in Bataknesse society needs to be developed as the basis for resolving conflicts of interests over public agricultural lands, particularly in North Sumatra. It can also be the beginning for the handling of similar cases in other areas.

## 2 MATERIAL AND METHODS

The research method was explorative, aimed to build land tenure model based on *Dalihan na tolu* customs in North Sumatra. The model was determined from the various variables of tenure, namely, 1) land ownership, regarding how land is obtained, what can be done on land with or without intervention from other parties and how long. 2) Land use, that was about how land use (land use). 3) Control of land, ie how and who controls the land, exclusion, and extraction. 4) Land tenure security, which is observed based on an index of community rights that exist on land, and a source of security in land tenure.

The location of the study was chosen purposively based on the main residential area of Batak society,

and the area is the customary base of *Dalihan na tolu* which is still applied in people's life. The study was conducted in the period April 2014 to October 2015. The preliminary survey was conducted on the condition of the area under study in terms of geographical conditions, natural potentials, land use and staple crops cultivated by the community.

The sample was determined based on the *Dalihan na tolu* elements namely kahanggi, anak boru, mora, and hatobangon. The respondents are indigenous people Dalihan na Tolu, customs leaders, religious figures, and government elements from related institutions in the research area. An overview of the study sample selection can be seen in Table 1.

Table 1. An overview of the study sample selection.

No	District	Respondent Classification			Total
		Government Agencies	<i>Dalihan na tolu Society</i>	Indigenous leaders	
2	South Tapanuli	5	20	5	30
3	North Tapanuli	5	20	5	30
4	Tanah Karo	5	20	5	30
5	Sidikalang	5	20	5	30
6	Simalungun	5	20	5	30
Total of Respondents		30	120	30	180

The data in this study are as follows: 1) land ownership, which is how land is obtained and controlled, 2) land use, which is how land is used and used. 3) Land control, ie how and who controls the land, exclusion, and extraction. 4) Land tenure security, which is observed based on an index of community rights that exist on land, and a source of land tenure security. 5) The types of vegetation crops cultivated by the community. Secondary data obtained from village institutions and related institutions, ie the physical condition of the research area, the demography of the region concerning the structure of society, and the socio-economic conditions of the community in the research area.

Methods and data collection instruments are observations and questionnaires were made to obtain data in relation to the research topic. Interviews were conducted to deepen the answers to the research questionnaires. Study of the document is performed as secondary data to supplement the primary data.

The analysis was descriptive to build the community land tenure model based on *Dalihan na tolu* customs. This descriptive study is supported by

quantitative data analyzed based on the status of land tenure assurance shown as the assurance index of control. Analysis of land tenure patterns refers to the theory of property rights including to access, utilization and management/ control of the land.

## 3 RESULTS AND DISCUSSION

### 3.1 The Characteristic of Land Tenure based on *Dalihan Na Tolu*

Land tenure concerns: 1) Land Ownership, that is how the land is obtained, what can be done on land with or without the intervention of other parties and for how long. 2) The Land Use, which is about how the land used. 3) Control of land, it is about how the land is controlled and who controls the land, exclusion, and extraction. 4) Land Tenure Security, which is observed by the index of community rights that exist in the fields of land, and the source of security in land tenure. The matrix of land tenure based on *Dalihan na tolu* can be described in Table 2.

Table 2. Matrix characteristics of land tenure in the society of Dalihan Natolu in North Sumatra

District	Dimension			
	Ownership	Use Right	Control Right	Transfer Right
Batak Toba	<input type="checkbox"/> Land Owner	<input type="checkbox"/> Mix Plantation dominated by coffee, sugar palm, benzoin, and pine tree	<input type="checkbox"/> Landowner, and elements of <i>Dalihan Natolu</i>	<input type="checkbox"/> by land Owner, but prohibited by elements of <i>Dalihan Na Tolu</i>
Simalungun	<input type="checkbox"/> Land Owner	<input type="checkbox"/> Mix Plantation especially coffee and other kinds of agricultural plants	<input type="checkbox"/> Control is done by the landowner, and <i>Tolu Sahundulan</i> functions more to help management	<input type="checkbox"/> Seldom done and supervised by <i>Tolu Sahundulan</i> , due to land as a source of livelihood
Karo	<input type="checkbox"/> Land Owner	<input type="checkbox"/> Coffee & orange plantation, and other kinds of agricultural plants	<input type="checkbox"/> Land Owner	<input type="checkbox"/> Supervised by <i>Daliken sitelu Sitelu</i> in order that the ownership does not change hands.
Angkola-Mandailing	<input type="checkbox"/> Land Owner	<input type="checkbox"/> Mix Plantation rubber, snake fruit ( <i>zalacca edulis</i> ), cinnamon, chocolate, and betel nut	<input type="checkbox"/> Land Owner, and supervised by <i>Dalihan Natolu</i>	<input type="checkbox"/> Generally Prohibited by <i>Dalihan Natolu</i>
Phakphak	<input type="checkbox"/> Land Owner	<input type="checkbox"/> Mix plantation Dominated by coffee, paddy, and orange	<input type="checkbox"/> Land Owner and <i>Sulang Silima</i>	<input type="checkbox"/> Land Owner but hard to do due to the interests of the household

Issues on rights of land management are connected with property rights. In Indonesia, the property right is in the arrangement that often overlaps in the formal and informal rules. Land ownership as a form of property right is a complex problem. Lands generally do not have the clarity of the status, because the state, in addition, to recognize the rights of ownership in accordance with the Law 1960, also acknowledges the existence of customary rights (ownership through agency custom).

Tenure is determined by the rights applicable socially rather than legal mechanism where legitimacy is rooted in tradition, more than legal status. It is called customary tenure, where specific rights can be owned by individuals, households, descent groups, or entire communities (Grigsby, 2002). The system of land tenure is an institution which means the rules that govern the behavior of society.

A tenure system is actually a set of tenure in a particular community. Therefore, the tenure system can differ among different communities. Usually, there is always a wide variety of forms of tenure in a tenure system with different systems of various types of land use or land users. This is a matter coherent or complementary to one another. In the Bataknese people of North Sumatra, *Dalihan na tolu* means "three-legged furnace", which is used as the basis or foundation of pot for cooking. What is meant by *Dalihan na tolu* is a customary social institution which is a unity of the whole community that has its

own custom rules to regulate various aspects of life that can be used as a means to overcome various conflicts of rights and obligations (Lubis, 1997). *Dalihan na tolu* is the most basic of life of the Bataknesse (Sitohang and Sibarani, 1981). In the life of Bataknesse society, *Dalihan na tolu* plays not only to harmonize the working together in a variety of ways but also as to manage land resources.

Thus, the land tenure model based on *Dalihan na tolu* custom is specifically applicable to the Bataknesse people in North Sumatra. This concerns the ownership, utilization, and control of land as a system of rules and regulations. Models in addressing land tenure conflicts are developed based on the values of the local community in a comprehensive manner in the three factors. All this time, public lands generally do not have a certificate, but with the clarity of community rights based on the land tenure model, the potential conflicts can be avoided, and such a model still provides a sense of security to farmers (communities) in managing their land.

### 3.2 The Role of *Dalihan na tolu* on the Land Management

The role of *Sulang Silima* in the activities of the land is to direct and to supervise, but they basically have rights on the land. In fact, *Perisang-isang* plays a more important role to direct, while control on the land is played both by landowners and *Sulang Silima*. The nonfamily is also prohibited to use the land by

*Sulang Silima*. In addition, farmer groups also play a role to control the land, where decisions are made by consensus meeting of the members. Fine will be applied to those who violate the rules. The institute above all is the Department of Agriculture. The conflict which often occurs is the problem of borders, theft of crops, problems of land inheritance, or purchase which issued by the other family members.

Even though the rights on the land are strong, but in the case of the transfer of rights to others, it is hard to do because land serves as a source of family income. The dominant plant species in the area Sidikalang with *Sulang Silima* customary coffee, paddy, and orange (Table 3). This illustrates the selection of a particular plant species which is intended as a source of revenue that is coffee.

Table 3. Kinds of the dominant plants in the area Sidikalang, North Tapanuli, South Tapanuli

No.	Sidikalang		North Tapanuli		South Tapanuli	
	Kinds of Crops	Relative Frequency (%)	Kinds of Crops	Relative Frequency (%)	Kinds of Crops	Relative Frequency (%)
1.	Coffee	73,3	Coffee	75	Rubber	90
2.	Rice	40,0	Sugar palm	55	Salak	45
3.	Orange	20,0	Cocoa	30	Cinnamon	40
4.	Corn	20,0	Benzoin	25	Chocolate	30
5.	Chocolate	13,3	Pine Tree	25	Areca palm	25
6.	Chili	10,0	Rubber	20	Durian	15
7.	Jackfruit	10,0	Dutch Eggplant	10	Coconut	15
8.	<i>Uru</i>	6,7	Banana	10	Banana	10
9.	Durian	6,7	Guava	10	Jackfruit	10
10.	Bean	6,7	Chili	10	Guava	10

The role of *Dalihan Natolu* in North Tapanuli illustrates that the elements of *Dalihan na tolu* play a role in supervising the activities on the land and also provide assistance in farm management. *Hula-hula* has a greater role in directing, while *Dongan Sabutuha* and *Boru* also play a role in helping farming activities, such as giving seed or capital money. However, the activity of transfer rights on land to other parties is generally prohibited by *Dalihan Na Tolu*.

Rights on land, in general, can be done by the owner of the land. It is visible that the land can continue to be planted and used as a source of family income. However, in the case of transfer to other parties, it is prohibited because land plays an important role as a source of household livelihood. Other family members can also take advantage of the land as long as they get the owner's permission, and the plant species that can be planted are those which do not interfere with the main crops, such as coffee. While non-family members are prohibited from utilizing the land because there are still many family members ascribed from *Dongan Sabutuha* who need the land. Therefore, the transfer of rights on the land, if it should be done, it will be preferred to the *Dongan Sabutuha*.

While the control of land is carried out by the landowner of the land as well as the organization of

farmer groups followed, such as young farmers' groups. Chairman of the group is elected by all members. Any member of the group who violates the roles will be dismissed from the member of the group or given fine in the form of money. Department of agriculture becomes the patron of the organization. Land conflicts generally happen due to a customary land division or inheritance rights, and boundary markers.

Custom rules are to prioritize the immediate family members in the utilization of land and rights on the other lands. Controls are also carried out by traditional institutions, including as a colony with *Dongan Sabutuha*. *Dongan Sabutuha* organization is selected through a meeting between the parents with *Naposo* (the younger generation). This organization has clear rules, and it functions as a traditional institution. Sanctions will be applied to any members who violate the roles. The sanction given may be the suspension or dismissal from the institutions. In the case of traditional institutions, there is no special government agency which is responsible. In general, the younger generations (*Napose*) get involved in the supervision or control of the land utilization.

In North Tapanuli, the farmers are very stiff in their traditional institutions, especially in their efforts to obtain claim of their rights on the land. Some of the organizations followed by the farmers are *Punguan*



*Toga Simatupang, Punguan Pomparan Siregar, etc.* Organizations based on clan becomes the official sanctioning body for the benefit of its members that in fact is derived from the clan. In other words, *Dongan Sabutuha* has special rights in the system of land tenure. Use and control of land become an inherent part of a *Dongan Sabutuha* to play a role in claiming rights on the land. Kinds of plants in a community garden in North Tapanuli are (Table 3).

The role of *Dalihan na tolu* in South Tapanuli was basically to direct and to supervise the management of the land. *Kanganggi* is generally involved more in directing and choose the kinds of plant. The role in the transfer of rights to land is also supervised by the elements of *Dalihan Na Tolu*, such as giving rights to the land to others, pledge or sell. *Mora* and *Anak Boru* also play role in directing the farming activities on the land. However, to transfer the rights on land to other parties is restricted and even banned by the elements of *Dalihan Na Tolu*.

While other family members are prohibited from utilizing the land. It is due to land has a primary function as a source of family income. Similarly, non-family members are prohibited from utilizing the land. Rights on land, in general, can be done by the owner of the land, but the transfer of rights on the land to others is strictly limited. This supervision is generally done by *Kahanggi* who are actually brothers from the same clan, who are bound by customary rules.

Control is generally done by the owner of the land, while the role of *Dalihan na tolu* is more on the transfer of rights on land, and the full utilization of

the land becomes the landowner's responsibility. With regard to the controls, no special institutions get involved. Farmers get involved more in the activities of non-profit or as an institution for the purposes of joint activity or collective action. Problem solution related to conflicts of land use is done by deliberation and familyhood system. The implementation of the provisions of customary institutions is also honored by government officials and *hatobangun* and intellectuals.

The dominant plant species in South Tapanuli were rubber and *salacca zalacca* (snake fruit). Rubber becomes plant which is generally grown on agricultural lands of people but maintenance is generally performed traditionally.

The role of *Tolu Sahundulan* in Simalungun was more on the management of farming such as crop selection and its management, including monitoring and helping to give seed. However, transfer the rights to other parties cannot be done because land plays an important role as a source of livelihood of the family.

Land, in general, can also be used by elements of *Tolu Sahundulan* for farming as long as they obtain the permission from the landowner. Controls are carried out by the landowner, and there is no specific institution involved in the utilization and control of land. The pattern of farming which is indicated by the relative frequency is coffee and some food crops. The diversity of plant species was also characterized by various kinds of annual crops such as durian (king of fruits). Overview of the kinds of plants is shown in Table 4.

Table 4. Kinds of the dominant plants in Simalungun and Tanah Karo are:

No.	Simalungun		Tanah Karo	
	Kinds of Crops	Relative Frequency (%)	Kinds of Crops	Relative Frequency (%)
1.	Coffee	76.7	Coffee	80.0
2.	Red Chili	40.0	Red Chilli	46.7
3.	Corn	36.7	Paddy	40.0
4.	Rice	30.0	Orange	23.3
5.	<i>Ingul</i>	20.0	Tomato	20.0
6.	Chili	16.7	Cayenne pepper	16.7
7.	Cabbage	13.3	Potato	13.3
8.	Banana	13.3	Corn	13.3
9.	Chocolate	10.0	Cabbage	10.0
10.	Durian	10.0	Flowers	6.7
11.	Tomato	10.0	Yam	6.7
12.	Potato	10.0	Beans	3.3
13.	Orange	10.0	Sugarcane	3.3
14.	Dogfruit	10.0	Chocolate	3.3

While the role of *Daliken Sitelu* in land tenure in Tanah Karo illustrates that the elements of *od Daliken Sitelu* especially *tembuyak* and *kalimbubu* play a role in directing the management of the farm, while the purpose of transfer of rights on land is supervised by *Daliken Sitelu* so that the change hands of the land to others will not happen. This is due to the strong status of land ownership for the benefit of the family as a source of income. The kinds of dominant crops for farmers in Karo land can be seen in Table 4. The coffee plant becomes the main crop for the Karonesse. This is supported by the condition of land suitable for growing coffee, thus becoming the main source of income for farmers.

### 3.3 Tenure Security

Type of community rights that exist on the land is a picture of land tenure security guarantees (Table 5). The table illustrates the value of the average index

individual rights 2 - 3. Of the total rights of the observed value, it indicates low to moderate. However, basically, most of these rights can be done with permission, in particular with regard to the transfer of land rights. The value, in fact, can still be done with the consent of the parties concerned, in this case, the elements of *Dalihan Na Tolu*. In Bataknesse society, the elements of *Dalihan na tolu* have differentiated according to their respective areas. However, in principle, the elements of *Dalihan na tolu* have in common with one another.

Rights which exist illustrate that the land can be planted, and the crops can be harvested without any objection from the other party. However, the transfer of land rights to others strictly must obtain permission from the elements of *Dalihan na tolu* with varying pressure. The elements of *Kangangi* or *Dongan Sabutuha* have a greater role than any other elements in the case of transfer of land rights to another party.

Table 5. The rights of individuals that exist on public land in North Sumatra

No.	Type of Right	Sidikalang	Simalungun	Karo	North Tapanuli	South Tapanuli
1	Plant and replant	√	√	√	√	√
2	Bequeath	√	√	√	√	√
3	Rent	√	√	Γ	√	√
4	Give to the other one	√	x	Γ	Γ	x
5	Mortgage	Γ	Γ	Γ	Γ	x
6	Sell	Γ	Γ	Γ	Γ	Γ
Average rights existing on the land		3,4	3,2	2,0	3,0	2,4

Note:

√ = can be done without permission

Γ = can be done with permission

x = cannot be done

Based on the variety of the elements of land tenure, land tenure model based on *Dalihan na tolu* custom can be described in the following provisions (Fig.1). Model is a concept to explain the elements of land tenure, namely ownership, utilization, control, and transfer of rights on the land. The developed model illustrates that the role of *Dalihan na tolu* in building land tenure systems functions more in the control or supervision of the activities on land. Activities aimed at the economy in the short term are fully managed by the landowners. It aims at meeting the daily interests. These activities do not need to get approval from the elements of *Dalihan Na Tolu*. However, the transfer of the rights activities on the land is so related to the role of *Dalihan na tolu* who accommodates its groups/members.

The structures of *Dalihan na tolu* or *Dongan Sabutuha* or relatives from the same clan show a more

dominant role than *Mora* or *Kangangi*, and *Boru* or *Anak Boru*. This role is part of the Bataknesse's institution that places brothers from the same clan as those that count in the rights of property.

Land conflicts are basically caused by some parties' claims on the same land. Land conflicts in Sumatra, according to Widiyanto et al (2013), is in the form of claims of local communities or indigenous people with the state or companies. The government is considered giving more priority to large capital owners who want to develop certain commodities such as oil palm, transgenic cotton, eucalyptus, and others. From Huma's data, there are at least 14 provinces which have plantation conflicts, and they are commonly found in Kalimantan and Sumatra. Widiyanto et al (2013) note that acreage conflicts in North Sumatra reach 114 385 hectares.

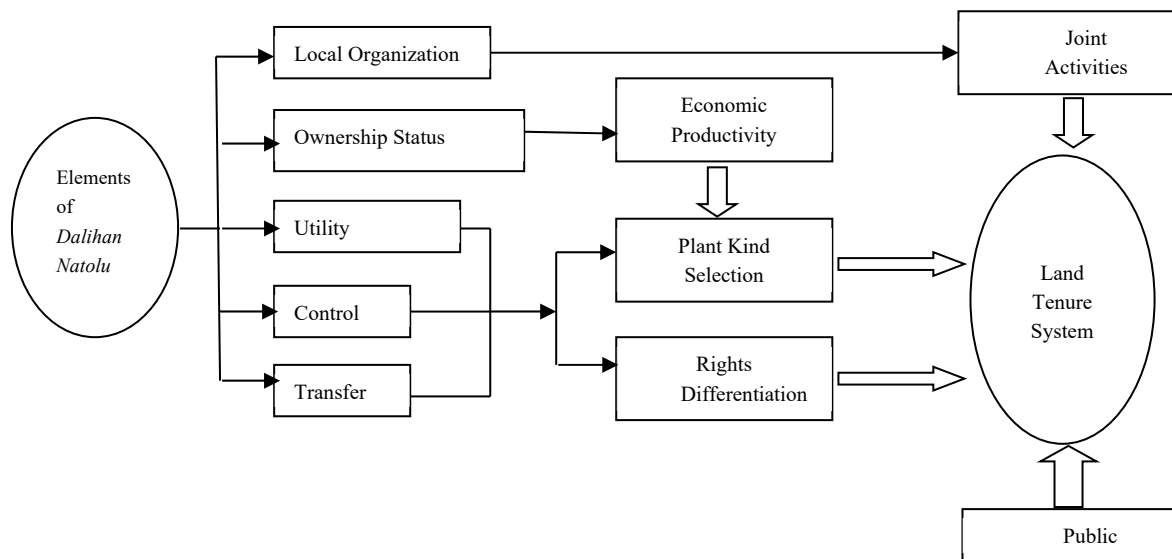


Figure 1. Land Tenure Model Based on *Dalihan na tolu* Custom in North Sumatra

The conflict is a crucial issue that there is an increase every year. Sumatra constitutes oil palm plantation areas and the growth of oil palm plantations rapidly suppresses the plantation people. According to Saturi (2013), the rate of investment palm plantations allegedly reinforces the pressing need of land, and forest usually becomes areas which are vulnerably sacrificed. The example can be seen in West Pasaman, West Sumatra which involves PT. Anam Koto. PT. Anam Koto holds the right to cultivate an area of 4.777 hectares which once claimed the indigenous forest areas.

Land tenure model based on *Dalihan na tolu* custom is developed as an approach to resolve land conflicts. By putting the clarity of land tenure status based on the elements of ownership, utilization, control, and transfer, the parties fighting over land claims will gain their every corresponding claim in accordance with their rights. In other words, when the land claims and utilization can clearly be done, the land conflicts which have negative impacts on agricultural development can be resolved.

#### 4 CONCLUSION

In the land tenure model based on *Dalihan na tolu* custom in North Sumatra, it is found that the role of the elements of *Dalihan na tolu* deals with farm management activities, utilization, control and transfer land. A more dominant role of the elements of *Dalihan na tolu* is in the transfer of rights on the land to others, especially the role of brothers from the

same clan (*Kahanggi* or *Dongan Sabutuha*). The role of traditional institutions in land tenure based on *Dalihan na tolu* custom does not diminish the rights of individuals on land. In other words, the individual rights to the land remain strong.

Conflicts that occur in the land tenure are generally related to the boundary, theft, and inheritance of land. Conflict resolution is preferred with a family approach and deliberation.

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