

REGULATION OF THE PROVINCE OF WEST SUMATERA  
NUMBER 7 OF 2018  
ON  
*NAGARI*

BY THE BLESSINGS OF ALMIGHTY GOD

GOVERNOR OF WEST SUMATERA,

- Considering : a. that *nagari* as an customary law community unit in West Sumatera fulfills the requirements to be determined as governance administrator under customary law as referred to in Law Number 6 of 2014 on Villages;
- b. that in accordance with Article 109 of Law Number 6 of 2014 on Villages, the Provincial Government has authority to issue regional regulation as a guidance for Regency/Municipality in determining *nagari* as a governance administrator under customary law especially related to institutional structure, filing positions, and term of office of *kapalo nagari*;
- c. that Regulation of the Province of West Sumatera Number 2 of 2007 on Principles of *Nagari* Governance has no longer in line with the spirit to strengthen *nagari* as a governance administrator under customary law;
- d. that based on considerations as referred to in point a, point b and point c, it is necessary to establish a Regional Regulation on *Nagari*;
- Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 61 of 1958 on Enactment of Emergency Law Number 19 of 1957 on Establishment of Autonomous Regions Level 1 West Sumatra, Jambi and Riau as Law (State Gazette of the Republic of Indonesia of 1958 Number 112, Supplement to the State Gazette of the Republic of Indonesia Number 1646);
3. Law Number 6 of 2014 on Villages (State Gazette of the Republic of Indonesia of 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495);
4. Law Number 23 of 2014 on Local Governance (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as amended several times, last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Governance (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
5. Law Number 30 of 2014 on Governance Administration (State Gazette of the Republic of Indonesia of 2014 Number 292, Supplement to the State Gazette of the Republic of Indonesia Number 5601);
6. Government Regulation Number 43 of 2014 on Implementation of Law Number 6 of 2014 on Villages (State Gazette of the Republic of Indonesia of 2014 Number 123, Supplement to the State Gazette of the Republic of Indonesia Number 5539), as amended by Government Regulation Number 47 of 2015 on Amendment to Government Regulation Number 43 of 2014 on Implementation of Law Number 6 of 2014 Implementation of Law Number 6 of 2014 on Villages (State Gazette of the Republic of Indonesia of 2015 Number 157, Supplement to the State Gazette of the Republic of Indonesia Number 5717);
7. Government Regulation Number 60 of 2014 on Village Fund Sourced from State Budget as amended by

- Government Regulation Number 22 of 2015 on Amendment to Government Regulation Number 60 of 2014 on Village Fund Sourced from State Budget (State Gazette of the Republic of Indonesia of 2015 Number 88, Supplement to the State Gazette of the Republic of Indonesia Number 5694);
8. Regulation of the Minister of Home Affairs Number 113 of 2014 on Guidance on Village Financial Management;
  9. Regulation of the Minister of Home Affairs Number 4 of 2016 on Designation and Confirmation of Village Borders;
  10. Regulation of the Minister of Home Affairs Number 44 of 2016 on Village Authority;
  11. Regulation of the Minister of Home Affairs Number 46 of 2016 on Report of Village Head;
  12. Regulation of the Minister of Home Affairs Number 1 of 2017 on Village Arrangement;
  13. Regulation of the Province of West Sumatera Number 6 of 2008 on *Ulayat* Lands and Their Utilization;
  14. Regulation of the Province of West Sumatera Number 6 of 2014 on Strengthening of Customary Institution and Preservation of Minangkabau Cultural Values;

With the Joint Approval of  
THE PROVINCIAL HOUSE OF THE REPRESENTATIVES  
and  
THE GOVERNOR OF WEST SUMATERA

HAS DECIDED:

To issue : REGIONAL REGULATION ON *NAGARI*.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Regency/Municipality means Regencies/Municipalities in the West Sumatera Province.

2. *Nagari* means genealogical and historical Customary Law Community Unit, has boundaries in certain region, has its own properties and assets, has authority to elect its head through discussion and regulates and manages local community interest based on customary philosophy and code, *Adat Basandi Syara' – Syara' Basandi Kitabullah* and/or based on local origins and customs within the West Sumatera Province.
3. *Nagari* Governance means implementation of government affairs and *Nagari* community interest in governance system of the Unitary State of the Republic of Indonesia.
4. *Nagari* Government means *Kapalo Nagari* or other names assisted by *Nagari* Instruments as administrator elements of *Nagari* Governance.
5. *Kapalo Nagari* or so called by other names means the Head of *Nagari* Government.
6. *Kerapatan Adat Nagari*, hereinafter abbreviated as KAN or so called by other names means an institution as the deliberation of the highest representatives discussion in *Nagari* Government implementation of which the memberships consist of representatives of *Nagari ninik mamak* and *alim ulama* element, element of *cadiak pandai*, element of *Bundo Kanduang*, and element of *parik paga* within *Nagari* concerned in accordance with *adat salingka Nagari*.
7. *Jorong/Korong/Kampung* means a part of *Nagari* region.
8. *Nagari* Customary Court or so called by other names means a community dispute settlement institution in *Nagari* based on *adat salingka Nagari* which has mediation characteristic;
9. Customary Law means community original law sourced from unwritten law regulations of which are grown and developed as well as maintained with legal awareness in providing justice to its community for generations, dynamic and adaptive in several legal considerations.
10. Local customs means customs and habits apply in *Nagari* community lives.

11. *Adat Salingka Nagari* means customary apply in a *Nagari* in accordance with customary principles accepted in general or *sebatang panjang* customary and inherited for generations in Minangkabau.
12. *Manti Nagari* means a *Nagari* Government Instrument having duties to assist *Kapalo Nagari* in implementation and administrating *Nagari* correspondence and making performance reports.
13. *Bandaharo Nagari* means a *Nagari* Government Instrument having duties to assist *Kapalo Nagari* in managing *Nagari* finance, accounting and financial reports maker.
14. *Dubalang Nagari* means a *Nagari* security and order guard.
15. *Tungku Tigo Sajarangan* means a *limbago* or representative element of the *Nagari* community of which may be elect and elects to fulfill position in *Kerapatan Adat Nagari*, *Nagari* Government, and *Nagari* Court, consisted of *Ninik Mamak*, *Alim Ulama*, and *Cadiak Pandai*.
16. *Niniak Mamak* means a person appointed as *pangulu adat* by tribe/group in a *Nagari*.
17. *Alim Ulama* means a member of tribe/group who is an expert in Islamic field or an Islamic scholar.
18. *Cadiak Pandai* means a member of tribe/group or a member of community who is an expert in general knowledge of various disciplines or has broad knowledge.
19. *Parik paga* in *Nagari* means element of young people in *Nagari* functions in the field of peace and security.
20. *Bundo kanduang* means a female leader in Minangkabau depicting a wise woman who makes Minangkabau customs preserved for generations.

## Article 2

This Regional Regulation is established as guidance for Regencies/Municipalities in establishing *Nagari* as a governance administrator under Customary Law in accordance with legislation.

### Article 3

This Regional Regulation is aimed to make *Nagari* as genealogical and historical Customary Law Community Unit to have boundaries in certain region, have its own properties and assets, have authority to manage local community interest based as well as elect its head, be able to administrate governance based on origins rights and Customary Law.

### Article 4

Scope regulated in this Regional Regulation covers *Nagari* Institutional structure, Position Fulfillment as well as Term of Office of *Kapalo Nagari* in implementing *Nagari* Governance based on Customary Law.

## CHAPTER II

### NAGARI INSTITUTIONAL

#### Part One

##### General

### Article 5

*Nagari* Institutional consists of:

- a. *Kerapatan Adat Nagari*;
- b. *Nagari* Government; and
- c. *Nagari* Customary Court.

#### Part Two

##### *Kerapatan Adat Nagari*

### Article 6

- (1) *Kerapatan Adat Nagari* is established in each *Nagari* as the highest consultative institution in implementing *Nagari* Governance.
- (2) Membership of the *Kerapatan Adat Nagari* as referred to in section (1) consists of representatives of *Niniak Mamak* and element of *Nagari Alim Ulama*, element of *Cadiak Pandai*, element of *Bundo Kanduang*, and element of *Parik*

*paga* in *Nagari* concerned in accordance with *Adat Salingka Nagari*.

- (3) *Kerapatan Adat Nagari* is led by a leader assisted by 2 (two) vice leaders appointed or elected from and by members in accordance with *Adat Salingka Nagari*.
- (4) Establishment, election or appointment of members, leader and vice leaders of *Kerapatan Adat Nagari* as referred to in section (1), section (2) and section (3) are regulated by Regency/Municipal Regulation in accordance with *Adat Salingka Nagari*.

#### Article 7

- (1) *Kerapatan Adat Nagari* has duties to:
  - a. supervise *Nagari* Governance implementation by *Kapalo Nagari*;
  - b. draft *Nagari* regulation along with *Kapalo Nagari*; and
  - c. discuss and agree on Draft *Nagari* Regulation on *Nagari* Budget.
- (2) *Kerapatan Adat Nagari* has authority to:
  - a. choose and appoint *Kapalo Nagari* through deliberation and consensus;
  - b. pass the aspiration of *Nagari* community;
  - c. supervise implementation of *Nagari* customs and culture;
  - d. request for accountability of *Nagari* Governance implementation to *Kapalo Nagari*; and
  - e. preserve customs and cultural values in accordance with *Adat Salingka Nagari*.

#### Article 8

- (1) Term of Office of *Kerapatan Adat Nagari* is determined based on *Adat Salingka Nagari*.
- (2) In the event that *Adat Salingka Nagari* as referred to in section (1) does not determine the term of office of *Kerapatan Adat Nagari*, the term of office of *Kerapatan Adat Nagari* is determined for 6 (six) years and may be re-appointed for 2 (two) terms of office.

Part Three  
*Nagari* Government

Article 9

- (1) *Nagari* Government is established in each *Nagari* as a *Nagari* Governance administrator along with *Kerapatan Adat Nagari*.
- (2) The *Nagari* Government as referred to in section (1) is led by a *Kapalo Nagari* assisted by *Nagari* instruments.

Article 10

The *Kapalo Nagari* has duties to administrate governance, development, public service, community development, and *Nagari* community empowerment.

Article 11

The *Kapalo Nagari* has authority to:

- a. lead *Nagari* Governance implementation;
- b. appoint and dismiss *Nagari* Instruments;
- c. hold the power to manage *Nagari* finance and assets;
- d. establish *Nagari* Regulation;
- e. determine *Nagari* Budget;
- f. foster *Nagari* community lives;
- g. foster public tranquility and order; and
- h. foster, preserve and develop *Nagari* community cultural social life and customs.

Article 12

- (1) The *Kapalo Nagari* is elected or appointed by *Kerapatan Adat Nagari* based on deliberation and consensus.
- (2) Procedures for election or appointment of *Kapalo Nagari* as referred to in section (1) are regulated by Regency/Municipal Regulation.

Article 13

- (1) The Term of Office of *Kapalo Nagari* is determined based on *Adat Salingka Nagari*.



- (2) In the event that the *Adat Salingka Nagari* as referred to in section (1) does not determine the term of office of *Kapalo Nagari*, the term of office of *Kapalo Nagari* is determined for 6 (six) years and may be re-appointed for 2 (two) terms of office.

#### Article 14

- (1) The *Nagari* Instruments as referred to in Article 9 section (2) consists of:
  - a. *Manti Nagari*, assisted by *Kapalo Urusan*;
  - b. *Bandaharo Nagari*;
  - c. *Dubalang Nagari*; and
  - d. *Kapalo Jorong/ Korong/ Kampuang*.
- (2) A *Manti Nagari* has duties to assist *Kapalo Nagari* to administrate correspondence, archival and report making of *Nagari* Governance activities.
- (3) A *Bandaharo Nagari* has duties to assist *Kapalo Nagari* to administrate finance, accounting and financial report making.
- (4) A *Dubalang Nagari* has duties to keep security and order in *Nagari*.
- (5) A *Kapalo Jorong/ Korong/ Kampuang* has duties to assist *Kapalo Nagari* as technical administrator in *jorong/ korong/ kampuang*.

#### Part Four

#### *Nagari* Customary Court

#### Article 15

- (1) In each *Nagari*, *Kerapatan Adat Nagari* establishes a *Nagari* Customary Court as the highest community dispute settlement institution in *Nagari* in accordance with *adat salingka Nagari*.
- (2) Before the dispute as referred to section (1) is settled by *Nagari* Customary Court, it must be first settled among kinship, *paruik*, group and/or tribe in *bajanjang naiak batanggo turun way*.

- (3) The *Nagari* Customary Court as referred to in section (1) has duties to:
- a. settle dispute of *sako* and *pusako* in *bajanjang naiak batanggo turun* way through peace process.
  - b. settle customary civil case through deliberation and consensus based on agreement in assembly session of *Kerapatan Adat Nagari* as “*kato putuih*” to be obeyed by court institutions; and
  - c. impose customary sanctions to community members violating Customary Law in accordance with provisions of *Adat Salingka Nagari*.

#### Article 16

- (1) The *Nagari* Customary Court as referred to in Article 15 section (1) is led by a chief justice assisted by a *manti* and several judges of *Nagari* Customary Court.
- (2) Guidance on, structure, appointment and dismissal, term of office of *Nagari* Customary Court Judge as well as the financing of *Nagari* Customary Court are regulated in Regency/Municipal Regulation.

### CHAPTER III

#### FOSTERING AND SUPERVISION

#### Article 17

The Governor fosters and supervises *Nagari* in general in implementing governance under Customary Law.

#### Article 18

- (1) The fostering of *Nagari* as referred to in Article 17 is carried out by Instruments Organization of West Sumatera Province in accordance with its main duty and function.
- (2) The fostering as referred to in section (1) is carried out in the form of capacity building for *Nagari* institutional in implementing their respective duties and functions.

Article 19

- (1) In fostering *Nagari* as referred to in Article 17, the Governor may establish Board of Supervisors and Developers of *Nagari* in Provincial level and by Regency/Mayor in Regency/Municipal levels.
- (2) Membership of Board of Supervisors and Developers of *Nagari* consists of elements of *Niniak Mamak*, *Alim Ulama*, *Cadiak Pandai*, Universities, and Non-Government Organizations.

Article 20

- (1) The Regency/Municipal government through related Regional Instruments Organization is obligated to submit *Nagari* implementation report to the Governor.
- (2) The *Nagari* implementation report as referred to in section (1) is submitted periodically, at least 1 (one) time in 1 (one) year.

Article 21

Supervision and evaluation against *Nagari* implementation in Regency/Municipality are carried out by the Governor in accordance with the provisions of legislation.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Article 22

*Nagari* implementation and resource management under Customary Law are regulated by a Regency/Municipal Regulation.

Article 23

The establishment of Customary Villages in Mentawai Islands Regency is regulated by Regulation of the Regency of Mentawai Islands in accordance with the provisions of legislation.

CHAPTER V  
TRANSITIONAL PROVISION

Article 24

- (1) *Nagari* Governance implementation that has taking place, still carrying its governance duties in accordance with the provisions of legislation.
- (2) Regency/Municipality that changes its status of *Nagari* Governance implementation to become *Nagari* Government based on Customary Law, follows it up by establishing Regency/Municipal Regulation on *Nagari* by obeying this Regional Regulation and is adjusted with *Adat Salingka Nagari*.
- (3) The appellation of term *Nagari* that implementing governance based on customary law is returned to its original term.

Article 25

The *Nagari* Institutional existing to this day is still acknowledged until the end of its term of office.

CHAPTER VI  
CLOSING PROVISIONS

Article 26

At the time this Regional Regulation comes into force, Regulation of the Province of West Sumatera Number 2 of 2007 on Principles of *Nagari* Governance, (Provincial Gazette of West Sumatera of 2007 Number 2) is repealed and declared ineffective.

Article 27

This Regional Regulation comes into force on the date of its promulgation.

In order that every person know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Province of West Sumatera.

Issued in Padang  
on 5 April 2018  
GOVERNOR OF WEST SUMATERA,

signed

IRWAN PRAYITNO

Promulgated in Padang  
on 5 April 2018

REGIONAL SECRETARY  
OF THE PROVINCE OF WEST SUMATERA

signed

ALI ASMAR

REGIONAL GAZETTE OF THE PROVINCE OF WEST SUMATERA OF 2018  
NUMBER 7

Jakarta, 23 January 2020

Has been translated as an Official Translation  
on behalf of Minister of Law and Human Rights  
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA

The image shows a purple circular official seal of the Director General of Legislation of the Indonesian Ministry of Law and Human Rights. The seal contains the text 'DIREKTUR JENDERAL PERALIHAN PERUNDANGAN' and 'KEMENTERIAN HUKUM DAN HAK ASASI MANUSIA RI'. A handwritten signature in black ink is written over the seal. Below the seal, the name 'WIDODO EKATJAHJANA' is printed in bold capital letters.