

Dysfunction of The Right to Use Common Ownership in Groups

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Abstract. There has been a hegemony of group ownership into private property. Group objects cannot be used by members of the group except the chairman who runs on the peasant group community. The purpose of this study explores how hegemony group assets become personal mastery, as well as how the implications of group assets that have ended their work program.. The methods used through qualitative research with the case study approach Data sources used are the community of farming groups formed from the Program of the Agricultural Office of Kab. Tanah Datar West Sumatra Indonesia, and the acting Agriculture Office. Data retrieval technique with total sampling from a special group of farmers in Nagari Sungai Jambu. Researchers conducted in-depth face-to-face interviews and observations. Analysis through qualitative description. The results of the study explained the interpretation in interpreting group ownership due to its organizational structure as group chairman, resulting in the loss of usefulness and right of use for members of the Peasant group. Hegemony in the structure of the peasant group resulted in the group chairman switching functions from representative to member, instead to "boss" in the expansion of assets.

Keywords: dysfunction; benefit rights; shared property; group assets.

1 Introduction

There has been a hegemony of group ownership into private property. Group members cannot use group objects unless the Chairman is running. Based on the information of members of the peasant group that the use of group assets is controlled by the Chairman rather than the members of the group. Article 570 of the Civil Code defines "property rights are the right to enjoy an item more freely and to act against it freely completely, provided that it does not conflict with the general laws and regulations established by the competent power and the origin does not interfere with the rights of others; All of these do not reduce the possibility of disenfranchisement of others..." Common property is the right to enjoy an item together in utilizing it. Wahbah Zuhayliy said ownership is a connection between people and property legitimized by syara. ‘

Previous studies of allied/shared property have been discussed, which can generally be categorized first; Studies that discuss the joint ownership of the experience of changes due to Law No. 5 of 1960 on the Basic Rules of Agrarian Principles, the principle of land registration

recognizes individual ownership rights. [1]. The two divisions of common property from the time of marriage[2,3,4]. The group's third asset development is either sold, leased which can bring revenue and not reduce assets[5]. Existing research only explains shared, but a group leader monopolizes the group's untouched assets. Therefore, the researcher explained the discussion specifically how the structure of the peasant group, ownership of group assets, and further explained the form and function of group assets.

This study aims to answer the practice of mutual ownership / syirkah in-group cooperation how to analyze it using the theory of common property/allies combined with the theory of ownership because ownership concerns the personal mastery of objects, what else if the shared property in a working group that is retained in personal mastery. Therefore with the help of this theory that is considered appropriate in discussing the mastery of the owner of common objects.

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This research is qualitative with a case study approach in farming groups formed by the Agriculture Department. The group's Chairman holds the case of research regarding joint assets. Data sources are obtained from groups that exercise the same group assets and group members and agricultural service devices. Data retrieval techniques through in-depth interviews with each member of the farmer group and the Chairman of the farmer group. Likewise to the Agricultural Service device in giving assets to the farmer group. For the analysis of this study with qualitative descriptive analysis, which is collecting data on the ground, grouping data on the structure of writing, then playing the data, then analyzing the data and inferring it.

2 Results and Discussions

Groups of farmers are scattered in each of Nagari Sungai Jambu, Kab. Tanah Datar, West Sumatra, Indonesia. These groups are named for easy recognition. The names of the groups are named 1 Banda Tunggang, 2) Banda Talang, 3) Banda Kubang, 4) Tanah Ponda, 5) PPP, 6) Marapi Slopes, 7) Merapi Subur, 8) Algumeri. Farmers groups get assistance in rice seeds in 2021, hanging seeds in 2020 corn, plough machines in 2019. In addition, there is help in the form of fertilizer and livestock.

Grouping agricultural efforts to facilitate the distribution of aid and see the community's results. Members of the group can move, working utilizing assistance from the Agriculture Department. The aid is used in the continuity of business suitable rice planting. The help of the plough machine is used in floundering the ground on each group. Therefore, the plough machine means how the business in the peasant group runs its business better.

2.1 Structure of the Peasant Group

A farming group was formed by the government service in Nagari Sungai Jambu. The farmer group under the Agricultural Office of Tanah Datar Regency of West Sumatra Indonesia. Establish organizational structures in implementing welfare improvements such as group chairmen, secretaries, treasurers, and members—the dimensions of the organizational structure influence effective performance[6], [7]. Establishing an organizational structure from several

people will facilitate the management of a group so that coordinated and applied the government organizes work programs from the agricultural service.

The Chairman serves as a member representative of the extension of the agricultural service. This facilitates the communication of the acting Department of Agriculture in organizing the planned work program. Such as the delivery of assistance from the Agriculture Department, completion of activity reports, and so on. In addition to the Chairman as a communication liaison with the acting Agriculture Department, he cooperates with his members to improve the results of his efforts. The Secretary assists their staff in the secretariat in reporting and notification of his group's work program. The Treasurer as additional work seconded to regulate the financial cycle/budget submitted from the Department of Agriculture. While the members of his work together work towards agriculture such as planting, cleaning, fostering, caring, taking the produce. The management structure of the peasant group that gets the help of a plough machine can be seen in the table.1

Table 1. The structure of the group of farmers receiving asset assistance in 2019.

No	Name	Role	Form of Help
1.	A	Head	
2.	N	Secretary	
3.	B	Treasurer	
4.	Y	Member	Asian/Plow Machine
5.	W	Member	
6.	N	Member	
7.	Z	Member	

Source processed researchers

Every year the agriculture department conducts a welfare improvement program as the group's Chairman received the help of the plough machine in 2019. This assistance is submitted on behalf of the group utilized during the program. The agricultural service program is completed and will alternate program activities from the agricultural service by providing different assistance each year. As for the plough machine as an asset of the agricultural business group obtained in 2019. Then finished the program that year. Assets given without certain conditions have become part of the group formed.

The acquisition of grant treasures in plough machines in a peasant group. This machine is only one-handed a group of farmers. One plough machine is handed over to a peasant group of seven people, whether the head of management, Secretary, Treasurer or member. The management status of the acquisition of machinery is only limited to regulating business management from farmers groups to agricultural services. As for the dissolution of stewardship because the program has been completed from the agricultural service. Then the management business is gone because the program has been completed.

As the position is assigned, the Chairman of the group is of the view that his position as Chairman is given trust/trust in the plough machine in the arrangement, the management of steel machines so that this machine is maintained/maintained. Therefore, the plough machine is located in the hands of the Chairman as a form of responsibility so that others in one group cannot act on the group's assets that the agricultural service has given. If the member or other

than the Chairman uses/utilizes the assets of the group, must be the Chairman of the group that runs because the object is positioned/snagged as his power from his position as Chairman, which is given the trust to the plough machine. (A chair of the April 2021 interview group) (Observation of the use of plough machines)

2.2 Ownership of Group Assets

The agricultural service handed the plough machine to the peasant group in 2019. The rules do not regulate how the status of the existence of group assets either from the agricultural service or from the ministry. Whether controlled by a person or becomes a joint asset in a group, such a thing does not exist expressly regulated, so there is mastery of common objects in a group. The car utilization of the plough machine is if one of the members will use the plough machine to cultivate his rice fields, then the Chairman who runs the machine in the member's switch, and the Chairman gets wages from members whose rice fields are hijacked. Likewise with the other members of the group in the same group. Upah yang diberikan tergantung berapa banyak benih yang ditanam dalam petak sawah tersebut. Wages pergantang Rp.30,000. If the seeds are as much as 8 bushels, then the wages issued by members to the Chairman as much as $8 \times \text{Rp. } 30,000 = \text{Rp. } 240,000$. (Y interview as a member of the peasant group, April 2021)

The thought of a plough machine to be useful, then the machine is rented by the group's former Chairman. The leased machine did not give away its steel machine, but the former Chairman ran his plough machine into the members' rice fields. Not a member who runs/uses it himself without the Chairman running. The same plough machine is also rented to other communities with the same wages to members, namely Rp. 30,000. -gantang. Plough machines as group assets are used as rental goods run by former group leaders.

As for the wages from the rental results of plough machines and power over ploughing rice fields, only the group's former Chairman has, the Chairman already had a slight advantage gained from the plough machine from that machine. And there is no small allocation for all members, and from the plough machine and the former Chairman of the peasant, the group earns income. As many members want to run themselves from the plough machine, the cost of processing the rice fields is never given by the former Chairman of the farmer group. (W member of the peasant group, April 2021 interview)

Cooperation in a farming business group gives rise to group assets / syirkah. Group assets / syirkah are obtained because of the efforts of a farming group consisting of several people, even though each has a function in the organizational structure. Against the assets of the group / syirkah each party has rights and responsibilities. The responsibility is to maintain the assets of the group / syirkah from damage or destruction; the right is to have them together. And if the program of the peasant group is completed/disbanded, the dissolution of the form of management and organizational structure of the peasant group, then each other's rights are divided.

The farmers who are formed get help from the Agriculture Department every year. The help provided is always different. The provision of the assistance aims to increase farmers' crop yields to minimize production and prosper the people. The assistance provided is from plant seeds and all sintan (plough machine tools). The seeds of these plants are rice seeds, corn seedlings; the rice seeds given are single marantau type, hybrid corn seedlings.

Group assets / syirkah or together have the following elements 1) Belonging together—that common property when aborted must be together in relinquishing their rights. The division of inheritance land as common property is based on mutual agreement in waiving its rights and

civil law as a reference to its heirs.[8] In line with that, the division of common property to third parties must be known jointly. 2) There must be legal protection of the right of joint/allied ownership. Ownership of knowledge of traditional medicine of Mentawai indigenous peoples needs to be protected by making the right of cultural intelektual wealth. [9] 3. Value, In group assets / together, determined how much it is worth. If one property is jointly owned, the property has assessed the price for dividing their respective rights. Calculation of the assets of farmers' groups on the value of cattle in the market can not be a measure because each in each region is different in price[10]

2.3 Form and Function of Group Assets

Treasures can be divided based on who owns them. Therefore the property is divided into 1) the property of the individual, 2) joint property / allied / union or public property, 3) belonging to the state. This shows that the treasure has an owner. Even if a man belongs to the magazine, all that Allah has created belongs to the Almighty. Surah al Baqarah 29 says, "He is Allah, who made all that is on earth for you..." Therefore property exists individually, on a joint/union or public basis and exists stately. The position of the treasure is played in its respective positions so that it does not clash with each other. Communal property/land can function for the sake of a dynamic general balance, so communal land ownership there increases GDP by 9%[11]

The discussion of common treasures shows the treasures that are owned together. Property is mastering something and acting law against it[12] (Wahbah). Another explanation adds that the mastery of something so that others are hindered[13]. The meaning of the above two senses explains that a person is fully authorized to do something against his property, he is free to use his objects, there is one's mastery in enjoying his objects, utilizing/using them, it's just that the freedom of use of his property does not disturb others/tranquillity of others. In full control of the object, it can also be to perform legal acts, such as giving the object to others, giving / lending, renting, selling, etc.

The acquisition of common property can be obtained in joint efforts; bringing one's property into the common property must be separated and explained. Joint property sometimes comes from joint dues, or each provides joint capital that depends on the small amount and must be explained in the form of money. There is also derived from the gift of others which are intended. The form can be the treasure from the above gift together because it is used together and controlled together.

3 Conclusion

This research explains that the interpretation in interpreting group ownership is due to views on the position of its organizational structure as group chairman, resulting in the loss of usefulness and right of use for members of the Peasant group. Hegemony in the structure of the peasant group resulted in the group chairman switching functions from representative to a member instead of to "boss" in the expansion of assets.

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References

- [1] D. Physics, F. Mathematics, D. a N. Science, P. Alam, and U. S. Utara, "University of North Sumatra - Home," pp. 4–16, 2016, [Online]. Available: <https://www.usu.ac.id/id/>.
- [2] M. T. PRADOTO, "Juridical Aspects of The Division of Common Property in Marriage (Review of Islamic Law and Civil Law)," *Jurisprudence*, vol. 4, no. 2, pp. 1–17, 2014, [Online]. Available: https://elearning.uin-malang.ac.id/pluginfile.php/327658/mod_resource/content/1/6.
- [3] T. Hariyati, "Analysis of The Division of Common Property in The State of Death Kalalah (Case Study Verdict No. mor 197K / AG / 2015)," *J. Huk. Adigama*, 2015, [Online]. Available: <https://journar.untar.ac.id>.
- [4] A. Aminuddin, U. Jafar, and S. Supardin, "Grant as An Alternative To The Distribution of Property to Pattae People (Study of Islamic Law)," *J. Diskurs. Islam*, vol. 6, no. 2, pp. 224–242, 2018, DOI: 10.24252/jdi.v6i2.6553.
- [5] M. DeSantis et D. Swigon, « Slow-Fast Analysis of a Multi-Group Asset Flow Model with Implications for the Dynamics of Wealth », *PLoS One*, vol. 13, no. 11, p. 1–25, 2018, DOI: 10.1371/journal.pone.0207764.
- [6] M. Kavalić, M. Nikolić, S. Stanisavljev, D. Đorđević, M. Pečujlija, and E. Terek Stojanović, "Knowledge Management and Financial Performance in Transitional Economies: the Case of Serbian Enterprises," *J. Bus. Econ. Manag.*, vol. 22, no. 6, pp. 1436–1455, 2021, DOI: 10.3846/jbem.2021.15540.
- [7] F. J. Lin and C. W. Ho, "The Knowledge of Entry Mode Decision for Small and Medium Enterprises," *J. Innov. Knowl.*, vol. 4, no. 1, pp. 32–37, 2019, DOI: 10.1016/j.jik.2018.02.001.
- [8] B. Benni, K. Kurniawarman, and A. Rahman, "The Creation of a Deed of Sharing Of Common Rights in The Transfer of Land due to Inheritance in Bukittinggi City," *JCH (Journal of Legal Scholars)*, vol. 5, no. 1, pp. 65–76, 2019, DOI: 10.33760/jch.v5i1.175.
- [9] Z. Daulay and K. Warman, "Protective Strategies for the Ownership of Traditional Medicine Knowledge," *Indian J. Forensic Med. Toxicol.*, vol. 14, no. 4, pp. 4234–4239, 2020, doi: 10.37506/ijfmt.v14i4.12305.
- [10] P.M. Ambarawa, N. K. Sinarwati, and M. A. Wahyuni, "Biological Asset Accounting Treatment in the Organization of Cattle Farmers Group Kerta Dharma Tukadmungga District Buleleng District Buleleng," *e-Journal S1 Ak Univ. Educators. Ganesha*, vol. 6, no. 3, 2016, [Online]. Available: <https://ejournal.undiksha.ac.id/index.php/S1ak/article/view/9045>.
- [11] C. Gottlieb and J. Grobovšek, "Communal Land and Agricultural Productivity," *J. Dev. Econ.*, vol. 138, pp. 1–58, 2019, DOI: 10.1016/j.jdeveco.2018.11.001.
- [12] CE. Hasbi Ashidiqy, *Introduction to Fiqh Muamalah*. Jakarta: Star Moon, 1974.
- [13] Wahbah al-Zuhayliy, *al Fiqh al Islamiy wa Adillatuhu*. Damascus: Dar al Fikri, 1985.