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# Utilization of Abandoned Customary Land: Reconstructing the Concept of Ihya' al-Mawat for Sustainable Economic Development (A Case Study in Nagari Bukit Sileh, Solok Regency)

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**Abstract**

The underutilization of customary land remains a persistent challenge in Indonesia's Indigenous communities, particularly in Minangkabau, where communal land ownership is governed by customary law. Despite its substantial economic potential, considerable areas of customary land remain abandoned because of legal, institutional, social, and economic constraints. This study aimed to analyze customary land utilization in Nagari Bukit Sileh, Solok Regency, examine the relevance of *Iḥyāʾ al-Mawāt* to sustainable economic development, and formulate a reconstructive model of customary land management grounded in Islamic legal principles. A descriptive qualitative approach with a case study design was employed. Primary data were collected through field observations and semi-structured interviews, while secondary data were obtained from classical and contemporary Islamic legal literature. The data were analyzed through data reduction, data display, and conclusion drawing and verification, with source triangulation used to ensure data credibility. The findings indicate that customary land utilization in Nagari Bukit Sileh has not reached its full


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potential, as substantial areas remain unproductive because of interrelated legal, social, economic, and institutional constraints. From the perspective of *Iḥyāʾ al-Mawāt*, productive land use should be encouraged without altering the communal ownership status of customary land. Reconstructing this concept through *muḍārabah* and *muzāraʿah* contracts provides a relevant framework for sustainable economic development by improving community welfare, expanding economic opportunities, and preserving social and environmental balance. The study concludes that integrating *Iḥyāʾ al-Mawāt* with communal customary land governance offers an Islamic legal model for revitalizing abandoned land while protecting collective ownership. This model contributes to the development of more inclusive, productive, and sustainable customary land governance and rural economic development.

**Keywords:** Customary Land Governance; *Iḥyāʾ al-Mawāt*; Islamic Law; Rural Economic Development; Sustainable Land Utilization

## INTRODUCTION

Indonesia possesses abundant agricultural resources. As an agrarian country, a substantial proportion of its population continues to rely on the agricultural sector as their primary source of livelihood. According to data from the National Labor Force Survey (*Survei Angkatan Kerja Nasional*), approximately 38 million people remain employed in agriculture (Sihombing et al., 2021; Septya et al., 2026). Nevertheless, Indonesia's extensive land resources have not yet generated equitable benefits for the broader population due to persistent disparities in land ownership. In 2019, the land ownership inequality index reached 0.59, indicating that approximately 59% of the country's land was controlled by only 1% of the population. This imbalance has resulted in a considerable amount of land remaining underutilized, thereby becoming abandoned land (Bariyah, 2022; Mulyani et al., 2022; Abdulharis et al., 2022). Amid these challenges, the Minangkabau customary law community maintains a distinctive system of land tenure in which land is regarded not merely as an economic asset but also as a symbol of honor, cultural identity, and communal solidarity.

Within Minangkabau society, customary land (tanah adat) occupies a fundamental position as harta pusaka tinggi (ancestral communal inheritance), which is transmitted from generation to generation and may not be transferred through sale (Wirasaputra, 2017). The relationship between the community and customary land is inherently communal, as formally recognized under Article 3 of the Indonesian Basic Agrarian Law (Undang-Undang Pokok

Agraria), which acknowledges the hak ulayat (customary communal rights) of indigenous peoples. In practice, however, the utilization of customary land has frequently fallen short of its optimal potential (Saija et al., 2020). Nagari Bukit Sileh, located in Solok Regency, encompasses 637 hectares of paddy fields, 305 hectares of dry land, and 158 hectares allocated for public facilities, with a total territorial area of 1,725 hectares. Of this area, approximately 2.5 hectares of customary land remain abandoned and are not managed productively (Lubis, 2018). This suboptimal utilization is attributable to multiple factors, including internal conflicts, weak governance of tanah ulayat, and inadequate legal protection. Consequently, the economic potential of customary land has not been fully realized, thereby limiting its contribution to improving the welfare of indigenous communities.

In Islamic jurisprudence, the concept of Iḥyā' al-Mawāt is understood as the process of reviving dead or abandoned land so that it can be utilized for agricultural cultivation or other productive economic activities (Fathaniyah et al., 2022).

QS. Hūd verse 61 emphasizes that the land bestowed by Allah must be utilized and cultivated for the benefit of humankind. Nevertheless, within the context of Minangkabau customary land, ownership is unequivocally vested in the customary community. Consequently, the concept of Iḥyā' al-Mawāt cannot be applied in a manner that confers individual ownership; rather, it requires reconstruction to ensure its compatibility with the social structure of customary law (Diant et al., 2023). A more appropriate interpretation is to revive customary land through a system of collective management, for example by employing Sharīʿah-based contractual arrangements such as muḍārabah, muzāraʿah, or other forms of productive cooperative partnerships, while continuing to respect the authority of the ninik mamak and the prevailing customary regulations. In this way, the underlying spirit of Iḥyā' al-Mawāt—namely, reviving land so that it becomes beneficial and productive—can be preserved without undermining the collective rights of indigenous communities (Syarbaini, 2024).

Empirical evidence further indicates that although many nagari possess extensive areas of tanah ulayat (communal customary land), the level of its utilization remains relatively low (Hartini & Pabassing, 2020). This condition is not attributable to the absence of legal or customary regulations, but rather to the fact that the governance of customary land has yet to be organized in a systematic and well-structured manner. In practice, the utilization of *tanah ulayat* is generally determined through customary deliberations involving the ninik

mamak and community members. However, such agreements are frequently documented only verbally or through simple written records without adequate administrative registration or legal reinforcement. Consequently, excessive caution often arises due to concerns over the potential emergence of disputes among clans, ethnic groups, or successive generations. Furthermore, limited financial resources and the constrained economic capacity of nagari communities have resulted in substantial areas of customary land remaining underutilized, thereby reducing their economic value and contributing to persistent disparities in community welfare. Accordingly, there is a pressing need for a more structured and well-documented system of customary land governance that continues to uphold the principles of deliberation (musyawarah) and the customary values that have long been embedded within the community.

Accordingly, reconstructing the concept of Iḥyā' al-Mawāt within the context of Minangkabau customary land offers a viable alternative for establishing equitable, sustainable, and effective land governance that supports the development of the nagari. Such reconstruction is expected to promote productive land management while preserving the communal nature of customary land tenure. Therefore, reconstructing the concept of Iḥyā' al-Mawāt in the context of Minangkabau customary land is essential as an alternative approach to empowering abandoned customary land, thereby contributing to sustainable and equitable economic development (Oktariana et al., 2023).

Based on your manuscript, the study seeks to analyze the utilization of abandoned customary land in Nagari Bukit Sileh, Solok Regency, reconstruct the concept of yā' al-Mawāt within the context of communal customary land, and formulate a sustainable land management model grounded in Islamic law to enhance community welfare while preserving communal ownership and supporting sustainable economic development.

## METHODS

This study employed a descriptive qualitative approach using field research with a case study design to obtain an in-depth understanding of the utilization of abandoned customary land in Nagari Bukit Sileh, Solok Regency. A qualitative approach was selected because the research problem is contextual, complex, and naturally embedded within the social setting, thereby enabling the exploration of empirical realities concerning customary land utilization and the reconstruction of the concept of Iyā' al-Mawāt. The study focused

on describing how indigenous communities utilize customary land, examining its conformity with the principles of Iyā' al-Mawāt, and analyzing its contribution to sustainable economic development. Throughout the research process, theoretical concepts were developed inductively through data collection, categorization, pattern identification, and interpretation of empirical findings ( Khairiyah et al., 2026; Annamalah et al., 2026)

The research was conducted in Nagari Bukit Sileh, Solok Regency, West Sumatra, Indonesia. Participants were selected using purposive sampling based on their direct involvement and knowledge regarding the management and utilization of customary land. The participants consisted of customary leaders (ninik mamak), land managers, village officials, religious scholars, and members of the indigenous community who actively participate in customary land governance. Primary data were obtained through field observations and semi-structured interviews, while secondary data were collected from classical and contemporary Islamic legal literature, including Al-Aḥkām al-Sulṭāniyyah by Imam al-Māwardī, Al-Umm by Imam al-Shāfiʿī, Al-Mughnī by Ibn Qudāmah, Bidāyat al-Mujtahid by Ibn Rushd, Al-Fiqh al-Islāmī wa Adillatuhu by Wahbah al-Zuḥaylī, Al-Milkiyyah fī al-Sharīʿah al-Islāmiyyah by Muḥammad Abū Zahrah, Fiqh al-Daulah fī al-Islām by Yūsuf al-Qaraḍāwī, and other literature related to sustainable economic development and indigenous land management.

The researcher served as the primary research instrument. Data collection was carried out using three complementary techniques: semi-structured interviews, direct observation, and documentation. Semi-structured interviews were conducted using interview guidelines prepared before fieldwork while allowing flexibility for probing questions according to participants' responses. Observations were undertaken to verify and complement the interview findings by directly examining customary land management practices and social interactions within the research setting. Documentary evidence included archival records, administrative documents, organizational reports, land management records, and photographs related to the utilization of customary land in Solok Regency (Fadli, 2021; Adlini et al., 2022; Sidiq & Choiri)

The trustworthiness of the findings was established through source triangulation, technique triangulation, and member checking. Source triangulation compared information obtained from customary institutions, Islamic legal sources, and government authorities, while technique triangulation compared evidence collected through interviews, observations,

and documentation. Member checking was conducted by confirming the interpreted findings with key informants to ensure the credibility, consistency, and accuracy of the research results.

Data analysis followed the interactive qualitative analysis model consisting of data collection, data reduction, data display, and conclusion drawing and verification. Data reduction involved selecting, organizing, and categorizing information into major themes, including customary land utilization patterns, factors influencing abandoned customary land, the relevance of Iḥyā' al-Mawāt within the Minangkabau customary system, supporting and inhibiting factors, and their implications for sustainable economic development. The reduced data were subsequently presented in descriptive narratives, thematic categories, tables, and conceptual matrices to facilitate interpretation. Conclusions were drawn continuously throughout the research process and verified through triangulation and member checking to ensure the validity and scientific rigor of the findings.

Ethical principles were observed throughout the study by ensuring voluntary participation, obtaining informed consent before interviews, maintaining participants' confidentiality, and using the collected information solely for academic purposes. During the fieldwork, the researcher respected local cultural values, customary norms, and the authority of indigenous institutions in all stages of data collection and analysis.

## RESULTS

### Profile of Nagari Bukit Sileh

This research was conducted in Nagari Bukit Sileh, Lembang Jaya District, Solok Regency, West Sumatra, Indonesia. Based on the findings of field observations and document analysis, Nagari Bukit Sileh covers an area of approximately 1,189 hectares and has a population of 5,011 inhabitants, comprising 2,493 males and 2,518 females. The local economy is predominantly supported by agriculture, plantation farming, livestock husbandry, and small-scale trade. Social life within the community continues to be strongly rooted in the Minangkabau customary system (adat), particularly in relation to communal land tenure governed through tanah ulayat at both the clan (kaum) and nagari levels. These empirical conditions indicate that customary land remains a fundamental component of the social and economic life of the people of Nagari Bukit Sileh, serving not only as a productive resource

but also as an essential institution for preserving communal identity, customary authority, and the continuity of traditional social relations.

Field findings in Nagari Bukit Sileh reveal the dynamic management of customary land, reflecting the intersection between clan-based traditions and the economic needs of local farmers. Although customary land (hak ulayat) continues to function as a central communal asset, its utilization is confronted with substantial challenges, including declining agricultural productivity and the increasing prevalence of abandoned land, primarily resulting from limited financial capital and rural outmigration. A comprehensive understanding of the community's perceptions, operational practices, and constraints in customary land management is presented through the findings derived from interviews with the following informants.

Understanding and Status of Customary Land According to Traditional Leaders

Based on the explanation provided by Datuak Maumin, the Chief Customary Leader (Kepala Pemangku Adat) of the Chaniago clan, "It is more commonly known within the community as tanah kaum, but it carries the same meaning." In the local community, customary land is more widely recognized by the term tanah kaum. This term bears the same meaning as customary land, referring to land that has been inherited collectively by a clan across generations and remains under the authority of the ninik mamak (traditional clan leaders). From both historical and cultural perspectives, such land originates from the ancestors (ninik mamak) of previous generations, who entrusted its use and management to their descendants within the same matrilineal clan.

Forms of Customary Land Utilization

According to information provided by one of the authorized representatives, the Head of Jorong Lakuek, Mr. Aliasman, "There is no formal legal procedure; instead, it is based solely on agreements reached through deliberation among the relevant parties." This indicates that customary land in Nagari Bukit Sileh possesses a well-defined status as customary land, while its management remains under the authority of the ninik mamak, with the involvement of village authorities through a deliberative decision-making process.

Patterns of Customary Land Ownership and Management

The pattern of customary land ownership in Nagari Bukit Sileh is communal in nature and is inherited across generations through the lineage of the kaum (clan). Customary

land is not owned individually; rather, it constitutes the collective property of the kaum, while individual members possess only usufruct rights based on customary permission and collective agreement. This finding is consistent with the testimony of customary leaders, who explained that authority over customary land is vested in the ninik mamak as the legitimate representatives of the kaum.

Conditions of Productive and Abandoned Customary Land

The findings indicate that not all customary land in Nagari Bukit Sileh is utilized optimally. In general, customary land can be classified into two categories: productive customary land and abandoned customary land. Productive customary land refers to land that is actively managed for agricultural, plantation, or social purposes, thereby providing direct benefits to the local community.

Factors Contributing to the Occurrence of Abandoned Customary Land

Based on the findings from interviews and field observations, the occurrence of abandoned customary land in Nagari Bukit Sileh is influenced by several interrelated factors, namely legal, social, economic, and institutional factors.

The management of customary land in Nagari Bukit Sileh demonstrates that tanah ulayat continues to occupy a significant position in the lives of the local community, both as a source of livelihood and as an integral component of the kaum's collective identity and social cohesion. In practice, the utilization of customary land is carried out through deliberative decision-making processes (musyawarah) under the supervision of the ninik mamak, who serve as custodians of customary trust and authority. Nevertheless, ongoing social and economic transformations within the community have influenced customary land management practices, resulting in portions of the land no longer being utilized effectively. Limited financial capital, a declining number of land managers, population migration, and the absence of a well-organized land management administration have emerged as key factors affecting the sustainability of customary land utilization. Despite these challenges, the community continues to regard customary land as collective property whose existence must be safeguarded for the benefit of future generations of the kaum.

## DISCUSSION

The findings indicate that the customary land tenure system in Nagari Bukit Sileh continues to preserve the fundamental characteristics of hak ulayat (customary communal land rights) within Minangkabau customary law, namely communal ownership managed through deliberation (musyawarah) involving ninik mamak (traditional clan leaders) and members of the kaum (matrilineal clan). These findings are consistent with the perspective of Rahmat Ramadhani, who argues that hak ulayat constitutes a form of collective ownership exercised by indigenous customary law communities, whereby the utilization of customary land must prioritize collective interests rather than individual interests alone. Accordingly, customary land in Nagari Bukit Sileh serves not only as an economic asset but also embodies significant social, cultural, and identity values for the indigenous community.

The finding that a considerable portion of customary land remains abandoned suggests that the existence of hak ulayat alone has not been sufficient to ensure the productive utilization of customary land. This condition is influenced by several interrelated factors, including weak land administration, limited access to capital, low participation of younger generations, and community concerns regarding the potential emergence of inter-clan conflicts. These findings reinforce previous studies, which argue that the primary challenge in customary land management does not lie in the legal status of land ownership itself, but rather in the effectiveness of institutional governance and the capacity of local communities to manage communal assets in a productive and sustainable manner.

The Utilization of Customary Land from the Perspective of Iḥyā' al-Mawāt and Its Relevance to Sustainable Economic Development

The utilization of customary land in Nagari Bukit Sileh is analyzed through the perspective of Islamic law, particularly the concept of Iḥyā' al-Mawāt. The application of this concept emphasizes its relevance to community-based sustainable economic development by examining how the utilization potential of customary land that has previously not been optimally used can be developed. This analysis directly addresses the second objective of the research, namely the utilization of customary land from the perspective of Iḥyā' al-Mawāt in Nagari Bukit Sileh and its relevance to sustainable economic development.

Reconstruction of the Concept of Iḥyā' al-Mawāt in Sustainable Economic Development

In the context of sustainable economic development in Nagari Bukit Sileh, the reconstruction of the concept of Iḥyā' al-Mawāt initially stems from a paradigm shift in the interpretation of dead land. Such land is no longer viewed merely as a physical object without ownership; rather, it is regarded as a strategic economic asset that possesses both social and ecological functions. Land categorized as abandoned within the customary social order often becomes an environmental burden and simultaneously loses its economic potential for the younger generation of the village or nagari.

This study provides both theoretical and practical implications by demonstrating that the reconstruction of the concept of Iḥyā' al-Mawāt can serve as an appropriate framework for optimizing the utilization of abandoned customary land without altering its communal ownership. The proposed model, which integrates Islamic partnership contracts with strengthened customary and governmental institutions, offers a sustainable approach to enhancing community welfare, promoting productive economic activities, and supporting sustainable economic development in indigenous communities.

This study is limited to a qualitative case study conducted in Nagari Bukit Sileh, Solok Regency; therefore, the findings may not be directly generalizable to other customary law communities with different socio-cultural and legal contexts. In addition, the study primarily relies on interviews, observations, and document analysis, suggesting that future research could incorporate comparative case studies or mixed-method approaches to validate and broaden the applicability of the proposed reconstruction model.

This reconstruction of the concept of Iḥyā' al-Mawāt offers an understanding that reviving land constitutes a shar'ī obligation aimed at creating prosperity. The process of reviving land by adopting contemporary sustainability values includes productive activities that do not damage the carrying capacity of nature. Examples include regenerative agriculture and plantations based on local wisdom. This approach ensures that the utilization of customary land remains within the framework of Islamic law, which prohibits the waste of property, while at the same time preserving the land as a communal asset that provides benefits across generations.

## CONCLUSION

The utilization of customary land in Nagari Bukit Sileh, Solok Regency, has, in principle, not yet been implemented optimally. Although customary land remains under

communal ownership and continues to be recognized under customary law, in practice a considerable proportion of the land remains abandoned and has not been utilized productively. This condition is influenced by limited financial capital, labor constraints, and the absence of a structured and sustainable management system. Furthermore, the roles of the ninik mamak (customary leaders) and the nagari government in supervising and managing customary land have not yet been fully optimized, resulting in an insignificant contribution to improving the economic welfare of the local community. From the perspective of iyā' al-mawāt, the utilization of abandoned customary land in Nagari Bukit Sileh demonstrates strong relevance to the principle of reviving unproductive land. The spirit of iḥyā' al-mawāt emphasizes that neglected land should be revitalized through productive activities for the benefit of the wider community. Within the context of customary land, the application of this concept is not intended to facilitate the transfer of ownership to individuals; rather, it seeks to grant management rights while maintaining the communal ownership framework. Furthermore, the reconstruction of the spirit of iḥyā' al-mawāt reveals a close relationship with sustainable economic development, whereby the productive, equitable, and sustainable utilization of customary land has the potential to enhance community welfare and create economic opportunities for the residents of the nagari. Such utilization also contributes to maintaining a balanced integration of economic, social, and environmental dimensions. Therefore, the integration of Islamic legal values and customary law through a reconstructive approach provides a relevant and practical foundation for promoting sustainable economic development at the nagari level, including through the implementation of cooperative schemes such as muzāraʿah and muḍārabah.

Based on the findings of this study, the contribution to knowledge lies in extending the theoretical application of the concept of Iḥyā' al-Mawāt from its classical interpretation of reviving ownerless land to a reconstructed framework applicable to communal customary land ownership. The study demonstrates that the principles of Islamic law can be harmonized with the Minangkabau customary land system without altering communal ownership rights, but rather by promoting productive land utilization through collaborative Islamic contracts such as muḍārabah and muzāraʿah. This reconstruction enriches the discourse on Islamic land law, customary law, and sustainable development by providing a contextual model that integrates religious values, indigenous institutions, and sustainable economic governance. Furthermore, the study offers a conceptual foundation for future legal and policy reforms

aimed at optimizing abandoned customary land while preserving social justice, cultural identity, and environmental sustainability.

Future research is recommended to expand the scope of investigation by involving multiple customary communities from different regions to examine the applicability of the reconstructed Iḥyā' al-Mawāt model across diverse socio-cultural and legal contexts. Researchers are also encouraged to adopt mixed-methods or quantitative approaches to measure the socio-economic impacts of productive customary land utilization on household income, poverty reduction, food security, and sustainable rural development. In addition, future studies may explore the legal, institutional, and policy dimensions of integrating Islamic partnership schemes with customary land governance, thereby providing stronger empirical evidence to support the formulation of inclusive and sustainable land management policies.

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