



JUSTICE PRINCIPLES IN SYUF'AH RIGHTS TOWARDS LAND COMMERCE ACCORDING TO ISLAMIC CONCEPT IN ACEH

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Abstract

Aceh province is densely packed with Islamic culture and beliefs, particularly those concerning the selling and acquisition of land. There are provisions for Shuf'ah rights in the buying and selling of land under Aceh customary law. One of the customary rights in Aceh is the right of Syuf'ah, which is a particular rule that applies in the sale and purchase of land and its usage and emphasizes noble values, one of which is the value of justice. In Aceh Province, the practice of buying and selling land related to Langgeh Rights (Syuf'ah) is still not going well, because there are no specific provisions governing the implementation of Langgeh Rights (Syuf'ah). Furthermore, two legal provisions control dispute resolution: Qanun No. 10 of 2002 concerning Islamic Sharia Courts and Law No. 44 of 1999 concerning the Implementation of Aceh's Privileges. This adds to the legal uncertainties surrounding the settlement of Langgeh Rights (Syuf'ah). A normative legal method was applied in this study. The purpose of this research was to determine the application of the justice principle in the Langgeh Rights (Syuf'ah) and the resolution of Langgeh Rights (Syuf'ah) conflicts in the buying and selling of land in Aceh.

Keywords : *Principles of Justice, Shuf'ah rights, Buying and Selling Land*

A. INTRODUCTION

The land has an important role in human life.¹ It is vital to life because land serves two functions: as a social asset and as a capital asset.² Land, as a social asset, serves as a means of tying the Indonesian people together as they live in society, nation, and state.³ While the land is a capital asset in development, it must be used and utilized

¹Mohammad Jeffry Maulidi, Et.al, Analisis Hukum Tentang Peralihan Hak Milik Atas Tanah Dengan Bukti Akta di Bawah Tangan Sebagai Dasar Pendaftaran Tanah Untuk Pertama Kali (Studi di Kabupaten Lombok Tengah), *Jurnal Kajian Hukum dan Keadilan*, hal. 415.

²Wijayanto, R., Karjoko, L., & Jamin, M. Tanah Kas Desa Sebagai Capital Asset Dalam Perspektif Undang-Undang Desa Tahun 2014.

³Sudrajat, R. K. (2021). Implementasi Kebijakan Pemanfaatan Sewa Barang Milik Negara: Tanah Pengairan Solo Valley Warken Kabupaten Lamongan (Studi Empiris di Desa Pelangwot Kecamatan Laren dan Desa Sedayulawas Kecamatan Brondong). *Jurnal Ilmiah Administrasi Publik*, 7(1).

as much as possible for the welfare of the people fairly and equitably, as well as its sustainability.⁴ Aceh Province is very thick with Islamic culture and values in carrying out all its activities, including those related to buying and selling land. In the sale and purchase of land according to customary law in Aceh, there are provisions regarding *Langgeh Rights (Syuf'ah)*. *Langgeh Rights (Syuf'ah)* is one of the customary rights in Aceh which is a special rule that applies in the sale and purchase of land and its use. In the customary law system, the legal system is a completely different legal system from western law and all its accompanying concepts, including the concept of the existence of the state. If the legal system of the state (and the concept of the rule of law) is entirely based on the existence of a state with historical roots in ancient Greece, then the customary law system is founded on the welfare of indigenous peoples themselves, which existed long before European nations transplanted the concepts of state law and state law in eastern and southern countries, including the archipelago.⁵

Islamic law and customary law are inextricably linked, as is the relationship between substances and the character of an item or object. The meaning of the relationship (law) with Islamic law is very close, and mutually supportive, because in fact what is called a truly customary custom is Islamic law itself.⁶

Muamalah is the joint of life where every Muslim will be tested for his religious values and prudence, as well as his consistency in the teachings of Allah SWT.⁷ Muamalah has two meanings: muamalah in a broad sense and muamalah in a narrow one. The purpose of fiqh and legalization into positive law in Aceh in the Indonesian legal system, both in the form of codification and compilation of Islamic law. The Islamic Shari'ah will be fully handled by state apparatus and apparatus, including the provision of Islamic Shari'ah-based materials.⁸

The former right to buy a plot of land because the buyer has family relations, the person who controls (cultivates) the land to be sold, neighbors bordering the property to be sold, or persons in the same village as the seller are all priority rights. The right to demand the validity of the sale and purchase because it violates the previous right is called the *Langgeh Right (right to rebut)*". The right to object is intended to prevent the land from being purchased (which will later be controlled or occupied) by other people (foreigners) who come from outside the community itself. Islamic law also recognizes what is regulated such as the right of langgeh, namely the right of *Syuf'ah*. *Asy-Syuf'ah* comes from the word *Asy-Syaf'u* which means Adh-Dhammu (combining), this is known among the Arabs. In the era of ignorance, someone who is going to sell a house or

⁴Arsini, N. L. B., & Surata, I. G, *Akibat Hukum Dari Alih Fungsi Lahan Pertanian Pangan Berkelanjutan Terhadap Penguasaan Dan Pemilikan Tanah Pertanian Di Kecamatan Buleleng, Kabupaten Buleleng. Kertha Widya*, 2021, 8(1).

⁵ Andi Co Agus, "Eksistensi Masyarakat Adat Dalam Kerangka Negara Hukum Di Indonesia", dalam *Jurnal Sosialisasi Pendidikan Sosiologi*, Vol. 4 Edisi 1 Maret 2017, hlm. 10

⁶ Palmawati Tahir, Dini Handayani, 2018, *Hukum Islam*, Sinar Grafika, Jakarta, hlm. 52.

⁷Enang Hidayat, 2015, *Fiqh Jual Beli*, PT Remaja Rosdakarya, Bandung, hlm 1

⁸Imam Mustofa, *Fiqh Muamalah Kontemporer*, PT Raja Grafindo Persada, Jakarta, 2016,hlm. 6

garden is visited by neighbors, partners (business partners), and friends to ask for *Syufah* (merger) of what is being sold. Then he sold them, prioritizing those that were more closely related than those that were more distant. The applicant is referred to as *Shafi*.⁹ Following the enactment of Law Number 11 of 2006 concerning the Government of Aceh with the principle of the greatest possible autonomy, it provides the Aceh Government with the opportunity to explore and implement a social order in Aceh Province that is following the noble values of community life in Aceh Province based on the people's customs and culture. There are some muamalah arrangements in Langgeh. The *Langgeh Rights* of various Acehnese customs, which are based on and controlled by the Qanun, have a close relationship with the Qanun.¹⁰ Qanun is present during the process of running *Langgeh Rights*. The Aceh government has ratified the regional regulation of the special province of Aceh No. 5 of 2002 concerning the implementation of Islamic law. This regional regulation was ratified and promulgated in Banda Aceh on July 25, 2002/22 Rabiul Awal 1421 in the regional sheet of the Province of Nanggroe Aceh Darussalam Number 4. This regional regulation function is an application of Law No. 44 of 1999 concerning the management of special provincial specialties in the Aceh region. Its objectives and functions are as follows:

1. To fill the container for the religious privileges of the province of the special region of Aceh by adopting Islamic law.
2. The existence of religions other than Islam is still recognized in this territory, and adherents of those religions can practice the teachings of their respective religions.
3. The provisions referred to in this regional regulation serve as fundamental guides for implementing Islamic law principles in the areas.

The implementation of Law Number 11 of 2006 About the Government of Aceh (Aceh Government Law) with the idea of the greatest feasible autonomy has offered an opportunity for the Aceh Government to study and execute social order in Aceh Province based on adat. and culture of the people. This is reinforced in Aceh Government Law Article 16 paragraph (2), which has even become part of the mandatory affairs and is the Aceh Government's authority as the application of Aceh's privileges, which include:

- a. the implementation of religious life in the form of the implementation of Islamic Shari'a for its adherents in Aceh while maintaining inter-religious harmony;
- b. organizing traditional life based on Islam;
- c. providing quality education and adding local content following Islamic Shari'ah;
- d. the role of the ulama in setting Aceh policies; and
- e. organizing and managing the pilgrimage in accordance with statutory regulations.

⁹ Sayyid Sabiq, *fiqh al-sunnah*, Dar al-fiqr, Kairo 1997, hlm. 45

¹⁰Carissa Vialyta Lubis, 2021, Akibat Hukum Pelanggaran Terhadap Hak Langgeh Dalam Proses Jual Beli Tanah Di Desa Paya Bujok Tunong Kecamatan Langsa Baro, Universitas Muhammadiyah Sumatera Utara, hlm 67.

Based on the provisions of Article 1 point 1 of the Minister of Home Affairs Regulation Number 52 of 2014 concerning guidelines for the recognition and protection of customary law communities, customary law communities are Indonesian citizens who have distinctive characteristics, live in groups in harmony according to their customary law, have ties to ancestral origins and/or commonalities. place of residence, there is a strong relationship with the land and the environment, as well as the existence of a value system that determines economic, political, social, cultural, and legal institutions and utilizes a certain area for generations. Legal subjects are supporters of rights and obligations, the most important characteristic of legal subjects is as supporters of rights and obligations. According to legal science, besides humans (people), legal entities are legal subjects because they can also have rights and can perform legal actions like a human beings.¹¹

The people of Aceh are heavily influenced by Islam. Everything that happens in society is linked to Islamic principles. As a provision, religious components such as have merged with customs and are obeyed and obeyed by society (law). As a result, the classic statement *Hukom ngon adat hanjeut cre lagee zat ngon sifeuet arose*, which says that it is impossible to separate like substances by their nature.¹² Similarly, the people of Aceh are still heavily imbued with Islamic culture and beliefs, therefore land is one of the binders of social unity. As a result, the *Langgeh Right* is also one of the mechanisms of tying the community together, making it more difficult for lands in the community to be owned by persons outside the customary law community.

Local wisdom values are contained in customary law in *Langgeh Rights*, which are all forms of wisdom based on good values that are believed, implemented, and continuously maintained for a long period (from generation to generation) by a group of people in the environment or specific areas where they live. Customary law from different indigenous peoples who live on the territory of the Unitary State of the Republic of Indonesia turns out to have the same value about the local wisdom contained therein relating to land rights for a customary law community.¹³

The values of local wisdom contained in customary law were later adopted into *Langgeh Rights*, which functioned as a binder of unity and also one of the means of realizing balance in society (for example, peace, harmony, tranquility, serenity, and others). In this case, the *Langgeh Rights* also function as social control in indigenous peoples, to maintain the rules/values of the relationship patterns that apply in society.

¹¹Rosnidar Sembiring, *Hukum Pertanahan Adat*, PT Raja Grafindo Persada, Jakarta, 2017, hlm.75

¹²Rusdi Sufi, *Hukum Adat Pertanahan (Pola Penguasaan, Pemilikan dan Penggunaan Tanah Secara Adat Aceh Tempo Doeloe dan masa kini*, PDIA (Pusat Dokumentasi dan Informasi Aceh), 2002, hlm. 28

¹³Utomo, Setyo. "Nilai-nilai Kearifan Lokal Hukum Adat dalam Hukum Tanah Nasional." *Jurnal Hukum Media Bhakti*, vol. 2, no. 1, 2018, hlm 12-18

This can be done preventively¹⁴ before the balance in society is disturbed, namely by preventing a plot of land from being purchased by others from outside the community itself.

However, *Langgeh Rights* do not always function as intended, particularly in this day and age when individuals live in a purely individualistic environment and social solidarity is beginning to wane. While social solidarity itself is crucial because it fosters a sense of enduring friendship, trust, and togetherness among members as a result of shared obligations and interests. The Pancasila, which states that all citizens must protect the unity and integrity of the country by encouraging a sense of social solidarity among others, truly contains this for the Indonesian people.

According to the description above, the problem in this study is formulated as follows:

1. How is the implementation of the principle of justice in the *Syuf'ah* Right or *Langgeh Rights* Against the sale and purchase of land according to the concept of Islamic law in Aceh?
2. How are disputes involving the *Shuf'ah* Rights or the *Langgeh Rights* handled in land sales and purchases so that the parties can be treated fairly?

According to how the problem stated above, the objectives of this research are:

1. To find out how the *Syuf'ah* Right or *Langgeh Rights*—which prohibit the selling and purchase of land in Aceh following Islamic law—are being implemented.
2. To find out how conflicts involving the *Shuf'ah* Rights or the *Langgeh Rights* in the sale and purchase of land are resolved to give the parties the value of justice.

B. METHOD

Legal research, according to Soerjono Soekanto, is "a scientific activity based on a method, methodical and specific thinking, attempting to examine certain legal phenomena by studying them".¹⁵ This is a normative juridical research approach. This study focuses on legal norms, legal principles, and legislation that are pertinent to the challenges under consideration. This research is also connected to the actuality of *Langgeh Rights* in practice. In normative juridical research, data sources include applicable laws and regulations, as well as books and scientific works that are relevant to the topics discussed and are meant to give a theoretical foundation and identify concepts linked to the problems studied. The legal materials are Primary legal materials, such as the 1945 Constitution, the Special Law of Aceh, the Law on the Government of Aceh, Aceh Qanun No. 9 of 2009, and Aceh Qanun No. 10 of 2009. Secondary legal materials are legal materials that explain primary legal materials,

¹⁴Anonimous, Sanksi Adat Dalam Perspektif Hukum Nasional, https://simdos.unud.ac.id/uploads/file_penelitian_1_dir/1e86006ab9e7e3b9b5395fb2920d051c.pdf, hlm. 2.

¹⁵Salim HS, dan Erlis Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, Raja Grafindo Persada, Jakarta, 2013, hal.5-6

namely scientific books, research findings, and journals. Tertiary legal materials, sometimes known as dictionaries, are legal publications that provide instructions and explanations of primary and secondary legal materials. In this study, data were analyzed descriptively, which means that concepts or insights from prior analyses were combined to establish which actions should be made in dealing with the problems addressed.

C. FINDINGS

Langgeh Rights are still used in the activity of purchasing and selling land rights, while some are not used at all. As a result, many parcels of land have been transferred to people who are not members of a customary law community, namely outsiders who live far from a specific area, not only in different villages but also in different sub-districts, districts/cities, and provinces, and there are even different religions. As a result, even though the presence of *Langgeh Rights* tries to minimize disturbances to the equilibrium in society, it is difficult to prevent it if one day there are problems or conflicts among the community, causing the balance expected by customary law to be disturbed. Meanwhile, *Langgeh Rights* can have an impact on the process of buying and selling land rights, as well as the impact on national development. The existence of *Langgeh Rights* does not appear to afford many chances or freedom for foreigners to obtain land rights in a certain area. In the idea of *Syuf'ah Rights* or *Langgeh Rights*, individuals who have precedences, such as close relatives, neighbors, and people from the same community, have the right to purchase land before other parties. However, in practice, the implementation of the Right of *Shuf'ah* or the Right of *Langgeh* disregards the values of justice for those who are prioritized, resulting in the implementation of the Right of *Langgeh* failing to function properly.

The study of *Langgeh Rights* is not a new topic in academia. Many authors have researched and examined it in various literary works. Tawhid Jahidan, in a journal titled"; *"Hak Langgeh Pada Jual Beli Tanah Pada Masyarakat Aceh,"* (Langgeh's Rights in the Sale and Purchase of Land in the Acehnese Community)¹⁶ has systematically explained how *Langgeh Rights* play an important role in maintaining the community's benefit so that they do not sell land to foreigners who are thought to be more harmful. This study, on the other hand, concentrates on the process of buying and selling land. While the author concentrates on the local knowledge principles found in *Langgeh Rights*.

The next research is, Aulia Rahman in a journal entitled; *"Kajian Yuridis Hak Langgeh (Syuf'ah) Dalam Adat Masyarakat Aceh di Kota Langsa"*¹⁷ ("The Juridical Study of *Langgeh Rights (Syuf'ah)* in the Customs of the Acehnese People in Langsa City,") describes very systematically how *Langgeh Rights* are still a tradition by the people of

¹⁶Taufiq Jahidin, *Hak Langgeh Dalam Proses Jual Beli Tanah Pada Masyarakat Di Aceh, Jurnal Ilmiah Sains, Teknologi, Ekonomi, Sosial Budaya*, Vol. 5(3), 2021, hlm. 25.

¹⁷ Aulia Rahman, "Kajian Yuridis Hak Langgeh (Syuf'ah) Dalam Adat Masyarakat Aceh di Kota Langsa," *Premise Law Jurnal*, Vol. 9, No. 2. Maret 2015.

Langsa City when selling their land. The results of the research above conclude that when the people of Langsa City sell their land, they will offer neighbors who become land boundaries, then villagers, then outsiders. Likewise, when there is a land dispute, the initial solution for the settlement is taken using gampong deliberation, and then through the Langsa City Sharia Court. Even so, this research focuses on Langsa City and does not discuss *Langgeh Rights* in general as the author wants to examine.

Najihatul Faridy, et al. In the journal entitled; "*Eksistensi Hak Langgeh (Syuf'ah) Dalam Transaksi Jual Beli Tanah Di Desa Rukoh Kecamatan Syiah Kuala Dalam Perspektif Fiqh Muamalah*"¹⁸ or ("The Existence of *Langgeh Rights (Syuf'ah)* in Land Sale and Purchase Transactions in Rukoh Village, Syiah Kuala Sub-district in the Perspective of Fiqh Muamalah") discusses in depth the phenomenon of *Langgeh Rights* that occurs in Syiah Kuala District. In the article, it is explained that the practice of permanent rights is varied, although it has a substance that is not much different. However, this study focuses on the existence of *Langgeh Rights* that occur in a different area from the one the author studies which has several regional points in Aceh.

D. DISCUSSION

1. Implementation of the Justice principle in the *Syuf'ah Rights* or *Langgeh Rights* on the Sale and Purchase of Land According to the Concept of Islamic Law in Aceh

Islamic law has long been in force in Indonesia, both normatively and legally. Apply normatively, that is, the part that has moral consequences if violated and governs human relations with God, such as the laws governing prayer, pilgrimage, fasting, and zakat. Almost all laws that govern human relationships with God are normative (shari'a).¹⁹

Syuf'ah, namely the right to own something forcibly assigned to the previous syarik over the new syarik due to the existence of syirkah with the replacement (i'wadh) it has, is prescribed to prevent harm. *Syaf'i* is the person who will take or receive *Shuf'ah*.²⁰ *Langgeh Rights (Syuf'ah)* are included in the muamalah section which is very closely related to land transactions. *Langgeh Right (Syuf'ah)* is a requirement that must be implemented before a person/legal entity carries out the land sale and purchase transaction process in addition to the requirements stipulated in Government Regulation Number 24 of 1997 concerning Land Registration. The *Langgeh (Syuf'ah)* right has lived and developed in the customary law of the Acehnese people.²¹

According to the Supreme Court Decision Number 298 K/Sip./1973 dated March 31, 1977, *Langgeh Rights* are rights in customary law that give priority/rights

¹⁸ Najihatul Faridy, dkk. "Eksistensi Hak Langgeh (*Syuf'ah*) Dalam Transaksi Jual Beli Tanah Di Desa Rukoh Kecamatan Syiah Kuala Dalam Perspektif Fiqh Muamalah," *Legalite*, Vol. 6, No. 2, Desember 2020.

¹⁹*Ibid*, hlm. 8

²⁰Hendi Suhendi, 2018, *Fiqh Muamalah*, Jakarta: PT. Raja Grafindo Persada, hlm. 161

²¹*Op Cit*, hlm. 3

precedence over other people to buy land, which rights are given to three elements of society, namely relatives, fellow members communities, and neighboring landowners. When referring to Aceh's customary law, if the transfer of rights is not carried out according to the order of bidding based on previous rights, the aggrieved party can sue for the cancellation of the validity of the sale and purchase.

The *Langgeh Right* (right to rebut)" refers to the right to question the validity of the transaction and purchase because it breaches the preceding right.²² The right to object is meant to prevent the land from being purchased (and later owned or occupied) by persons (foreigners) from outside the community.²³

According to the preceding description, the parties who have the right to rebut and are given precedence in the sale and purchase of land rights are:

1. Relatives or those who have family relationships.
2. The person who controls (cultivates) the land to be sold.
3. Neighbors bordering the land to be sold.

In practice, people who want to sell land cannot simply sell it to anyone. However, the sale must be prioritized to close relatives or family members of the same clan. If no family or friend wants to buy the land, he must sell it to the people in his village, and if no one buys it from his friends in the village, the land owner must still look for individuals who are adjacent to the land or where the land is located, and the neighbor must come first. If the neighbor next to the land does not want to buy it, the buyer can sell it and release it to anyone who wants to buy it without violating the rights of others (the party who takes precedence in buying and selling land), while the party who feels aggrieved has the right to challenge the validity of the sale and purchase because it violated the provisions of previous rights (priority rights), also known as *Langgeh Rights* (rights of rebuttal). However, in practice, this priority right is frequently ignored. This demonstrates that the relevance of the Priority right has not been completely recognized and applied by the community. According to the study's findings, no statutes or regulations are controlling *Langgeh Rights* (*Syuf'ah*) in Aceh Province, specifically in a Qanun. Meanwhile, the existence of *Langgeh Rights* (*Syuf'ah*) norms in society necessitate urgent, intricate, and precise arrangements. There are still several cases that need to be resolved in the execution of *Langgeh Rights* (*Syuf'ah*). This proves that the Right of *Langgeh* (*Syuf'ah*) has not been fully understood by the Acehnese as a whole. The implementation of the *Syuf'ah* Right or *Langgeh Rights* in Aceh Province ignores the value of justice for those who are prioritized so the implementation of *Langgeh Rights* does not work as it should.

²²Ilyas Ismail, *Konsepsi Hak Garap Atas Tanah*, Cita pustaka Media Perintis, Bandung, 2011, hlm. 107.

²³ Nila Trisna, dkk, " *Tinjauan Yuridis Konsepsi Hak Langgeh Dalam Masyarakat Tradisional Hukum Adat Aceh* " *Jurnal Ius Civile*, Vol. 5 No. 2, 2021, hlm. 9.

2. Settlement of Disputes on *Syuf'ah* Rights or *Langgeh* Rights in Land Sales and Purchases to Bring Justice for the Parties

In Article 16 paragraph (2) of the Aceh Government Law, which has even become part of the mandatory affairs and is the authority of the Aceh Government as the implementation of Aceh's privileges, which include:

- a. Implementing religious life in the form of implementing Islamic Shari'a for its adherents in Aceh while maintaining inter-religious harmony;
- b. Organizing traditional life based on Islam;
- c. Providing quality education and adding local content following Islamic Shari'ah;
- d. The role of ulama in setting Aceh policies; and
- e. The pilgrimage is organized and managed in accordance with statutory regulations.

Based on the foregoing, it is obvious that the law has offered an opportunity for the Aceh Government to investigate and implement a social order that is consistent with the noble principles of community life in Aceh Province, based on the people's customs and culture. The Aceh government can enact a variety of policies aimed towards empowering, preserving, and developing customary law and customary institutions in its area that are inspired by and in line with Islamic law. The legal basis for implementing customary law in Aceh is Aceh Qanun Number 9 of 2009 concerning the Guidance of Customary Life and Customs and Aceh Qanun Number 10 of 2009 concerning Traditional Institutions. In Aceh Province, the settlement of disputes over the *Langgeh* Rights applies 2 provisions, namely the provisions stipulated in Qanun Number 10 of 2002 concerning Islamic Shari'a Courts, in article 49 states that, granting authority to The Syari'ah Court has the duty and authority to examine, decide and settle cases at the first level, in the fields of "*Ahwal al-syakhshiyah, mu'amalah, and Jinayah*. One of them states that what is meant by the authority in the field of muamalah is one of which regulates *Syuf'ah* (*Langgeh* Rights). The following provisions are regulated in Law no. 44 of 1999 concerning the Implementation of Aceh's Privileges. In theory, several Aceh Qanuns that govern customary court procedures solely take into account local culture and wisdom that has existed and grown over time. According to the circumstances of the local community, the structure and procedure for traditional dispute resolution vary between gampongs in practice, but they all share the same features of using peace and mediation to settle disputes. Although during the New Order era the institution has not yet received formal recognition, sociologically speaking, the traditional judiciary is still alive and well in Aceh and has occasionally made a significant contribution to the development of the country. The situation of the Acehnese people who continue to practice the customary justice system for a long time will enable the customary justice system to be recognized.²⁴

²⁴Mulyadi Nurdin, *Penyelesaian Sengketa Melalui Peradilan Adat Aceh*, LĒGALITĒ: Jurnal Perundang Undangan dan Hukum Pidana Islam Volume III. No. 02. Juli – Desember 2018, hlm.2

In the implementation of customary disputes, two mechanisms are usually passed, namely: ²⁵*First*, the procession of resolving normative values (customary law), through the Meusapat Adat forum, deliberations of traditional leaders / related institutions, and the parties concerned about dispute resolution/violations of human rights. Human Rights (HAM), using the principle of “*luka tasipat, darah ta sukat*” by providing compensation for losses. *Buet nyan get peureulee beu bagah, bek jeuet susah watee iblih teuka.*

Second, the formal settlement procession through customary (public) ceremonies in public, with the core of the event: peusujuk, forgiveness, sayam (delivery of compensation), advice, and prayers. *Langgeh Rights* are still in use and some are not even implemented when purchasing and selling land rights. As a result, many land parcels have been transferred to individuals outside of a community that practices customary law, i.e., outsiders who live far from a particular area, not only in different villages but also in different sub-districts, districts/cities, different provinces, even different religions. Therefore, even while the establishment of *Langgeh Rights* tries to avoid disturbances to the balance in society, it is difficult to prevent it if there are issues or disagreements among the community at some point, leading to the disruption of the balance envisioned by customary law. There are privileges for individuals who take precedence, such as close relatives, neighbors, and residents of the same community, to purchase land before other parties in the idea of *Syuf'ah Rights* or *Langgeh Rights*. However, in practice, the *Syuf'ah Rights* or *Langgeh Rights* are not implemented as they should be since they disregard the principles of fairness for those who are given priority. Acehnese historical literature does not find the term customary justice the term customary justice was first popularized by the Aceh Customary Council (MAA) and has now been standardized into an official term in Aceh Qanun. then the customary court became a work program for MAA which was later supported by several local and international NGOs. Therefore, the term adat justice is now becoming more familiar to those who research adat and a small part of the general public has now also begun to refer to the term. Dispute resolution in customary courts does not mention customary justice but directly mentions the names of government institutions such as gampong and mukim. Thus, customary justice is carried out customarily in Gampong and customary settlements in Mukim. In general, the implementation of the Customary Peace Court is carried out by institutions called Gampong and Mukim. The organizers of customary justice as mentioned above are not appointed or appointed "officially", but because of their positions as Keuchik, Imelum Meunasah, Tuha Peuet, and Ulee Jurong, they automatically become the organizers of customary justice. They are "officially" organizers of customary justice they are trusted by the community.²⁶

The customary dispute resolution process in the gampong will be carried out by the customary apparatus consisting of:

- a. imeum mukim

²⁵*Ibid*

²⁶*Op.Cit.hlm.2*



b. imeum chik.
c. god damn.
d. mukim secretary; and
e. ulama, intellectuals, and other traditional leaders in the mukim concerned, as needed.²⁷

Institutions called Gampong and Mukim often carry out the Customary Peace Court's implementation. But in some places, like Aceh Tengah and Aceh Tamiang, people use different words. Its role as an institution for settling disputes or customary matters, however, remains unchanged.²⁸

The principle of customary justice is based on harmony, harmony, and propriety for results and settlement processes that are acceptable to all parties.²⁹ The reference to these principles emphasizes the customary justice process based on the values of local wisdom that live and grow in the community.³⁰ The choice of deliberation and consensus methods in each judicial process results in decisions that can be understood and accepted by the disputing parties.³¹

Due to a lack of government socialization over *Langgeh Rights (Syuf'ah)*, no disputes involving *Langgeh Rights* have yet been addressed to the level of the Syar'iah Court. The community is still unaware that there is a customary court and a Syariah Court that can hear cases involving *Langgeh Rights*. The Sharia Court can settle disputes involving *Langgeh Rights (syuf' ah)* but only a small portion of the community is aware of this. As a result, people lack legal knowledge and do not understand the law, leading to the settlement of dispute cases involving *Langgeh Rights (syuf' ah)* at the Sharia Court.

The role of the government, in this case, the Aceh Customary Council (MAA), is highly expected in providing an understanding to the public about *Langgeh Rights (Syuf'ah)*. This is to provide a solution to disputes over *Langgeh Rights (Syuf'ah)* that often occur in society. Due to the lack of knowledge of the law, many people do not know how to resolve disputes over *Langgeh Rights (Syuf'ah)*. There are several cases where the community takes the case of langgeh (*Syuf'ah*) rights to the District Court, in this case, to file several lawsuits, one of which is to be able to control (buy back) the land which previously belonged to their parents based on the existence of *Langgeh Rights (Syuf'ah)* that grows and develops in Aceh. However, the District Court rejected the claim regarding the right of langgeh (*Syuf'ah*) because it is not a competence

²⁷Qanun Aceh Nomor 9 Tahun 2008 Tentang Pembinaan Kehidupan Adat Dan Adat Istiadat, pasal 14

²⁸ Tim Proyek Keadilan Aceh UNDP, 2008, Pedoman Peradilan Adat Di Aceh Untuk Peradilan Adat Yang Adil Dan Akuntabel, Majelis Adat Aceh, Banda Aceh, hlm. 10

²⁹Sri Walny Rahayu, "Penyelesaian Sengketa Bisnis Kelautan Dikaitkan Dengan Persekutuan Hukum Adat Laut Lembaga Panglima Laot Sebagai Upaya Pengembangan Alternatif Penyelesaian Sengketa dalam Sistem Hukum di Indonesia", Disertasi, Program Studi Doktor Ilmu Hukum Universitas Padjadjaran, Bandung, 2014, hlm. 25.

³⁰*Ibid*

³¹*Ibid*

(authority to judge) at the District Court.³²

Practically all disputes involving *Langgeh Rights (Syuf'ah)* in Aceh are settled in the gampong customary court instead of the Syari'ah Court, which they believe to be more impartial. This is so because the residents of Aceh uphold Shari'a and demand peace. Since they do not anticipate being angry with one another, the process of traditional justice ends peacefully. As a result, the majority of Acehnese do not address the *Langgeh Rights* dispute through the Syar'iah Court. This is because they believe that if they do, they will wind up spending more money than they originally challenged and that the dispute resolution procedure will take a very long time.³³

E. CONCLUSION

According to the notion of Islamic law in Aceh, the implementation of Syuf'af or *Langgeh Rights* in the sale and purchase of land has not been done so in a manner that upholds the principle of justice. According to the study's findings, no laws or rules are controlling *Langgeh Rights (Syuf'ah)*, specifically in a Qanun, in Aceh Province. The existence of laws about *Langgeh Rights (Syuf'ah)* in society, meanwhile, necessitates urgent, intricate, and thorough procedures. There are still several cases in the application of *Langgeh Rights (Syuf'ah)* that need to be resolved. This demonstrates that the Acehnese people as a whole do not have a complete understanding of the Right of Langgeh (*Syuf'ah*). In Aceh Province, the *Syuf'ah* Right or *Langgeh Rights* are not implemented as intended since it disregards the importance of justice for those who are given priority. Due to a lack of government socialization over *Langgeh Rights (Syuf'ah)*, no dispute relating *Langgeh Rights (Syuf'ah)* has yet been addressed at the level of the Syar'iah Court. The community is still unaware that there is a customary court and a Syaria Court that can hear cases involving *Langgeh Rights*. Only a small portion of the community is aware that disputes over *Langgeh Rights* are settled in customary courts; they are unaware that there are options for dispute resolution through the Syari'ah Court; as a result, they lack legal knowledge and do not comprehend that disputes over *Langgeh Rights (syuf' ah)* may be settled at the Sharia Court. It is advised that the government promptly release a Qanun that governs *Langgeh Rights (Syuf'ah)*, allowing for both the smooth operation of *Langgeh Rights (Syuf'ah)* and the ability to settle numerous cases that demand settlement. It is hoped that the Right of Langgeh (*Syuf'ah*) can be fully understood by the people of Aceh as a whole.

REFERENCES

³²*Op Cit*, hlm. 10

³³*Ibid*

- Andi Co Agus, "Eksistensi Masyarakat Adat Dalam Kerangka Negara Hukum Di Indonesia", dalam *Jurnal Sosialisasi Pendidikan Sosiologi*, Vol. 4 Edisi 1 Maret 2017
- Anonimous, Sanksi Adat Dalam Perspektif Hukum Nasional, https://simdos.unud.ac.id/uploads/file_penelitian_1_dir/1e86006ab9e7e3b9b5395fb2920d051c.pdf.
- Arsini, N. L. B., & Surata, I. G, *Akibat Hukum Dari Alih Fungsi Lahan Pertanian Pangan Berkelanjutan Terhadap Penguasaan Dan Pemilikan Tanah Pertanian Di Kecamatan Buleleng, Kabupaten Buleleng. Kertha Widya*, 2021
- Aulia Rahman, "Kajian Yuridis Hak Langgeh (Syuf'ah) Dalam Adat Masyarakat Aceh di Kota Langsa," *Premise Law Jurnal*, Vol. 9, No. 2. Maret, 2015
- Carissa Vialyta Lubis, 2021, *Akibat Hukum Pelanggaran Terhadap Hak Langgeh Dalam Proses Jual Beli Tanah Di Desa Paya Bujok Tunong Kecamatan Langsa Baru, Universitas Muhammadiyah Sumatera Utara*, 2021
- Enang Hidayat, *Fiqh Jual Beli*, PT Remaja Rosdakarya, Bandung, 2015
- Hayatul Ismi, Pengakuan Dan Perlindungan Hukum Hak Masyarakat Adat Tanah Ulayat Dalam Upaya Pembaharuan Hukum Nasional, *Jurnal Ilmu Hukum*, Fakultas Hukum Riau, Vol. 3, No 1, 2001
- Hendi Suhendi, *Fiqh Muamalah*, Raja Grafindo Persada, Jakarta, 2002.
- Ilyas Ismail, Kajian Terhadap Hak Milik Atas Tanah Yang Terjadi Berdasarkan Hukum Adat, *Kanun Jurnal Ilmu Hukum*, Vol. 14, No.56, 2012
- Ilyas Ismail, *Konsepsi Hak Garap Atas Tanah*, Citapustaka Media Perintis, Bandung, 2011
- Imam Mustofa, 2016, *Fiqh Muamalah Kontemporer*, Raja Grafindo Persada, Jakarta, 2015
- Leena Avonius, dkk, *Adat dalam dinamika politik Aceh*, ICAIOS, Banda Aceh, 2010
- Mirsa Astuti, *Hukum Adat Indonesia*, CV. Pustaka Prima, Medan, 2019
- Mohammad Jeffry Maulidi, Et.al, Analisis Hukum Tentang Peralihan Hak Milik Atas Tanah Dengan Bukti Akta di Bawah Tangan Sebagai Dasar Pendaftaran Tanah Untuk Pertama Kali (Studi di Kabupaten Lombok Tengah), *Jurnal Kajian Hukum dan Keadilan*.
- Mulyadi Nurdin, *Penyelesaian Sengketa Melalui Peradilan Adat Aceh*, *Jurnal Perundang Undangan dan Hukum Pidana Islam, Legalite*, Volume III. No. 02. Juli – Desember 2018

- Najihatul Faridy, dkk. "Eksistensi Hak Langgeh (Syuf'ah) Dalam Transaksi Jual Beli Tanah Di Desa Rukoh Kecamatan Syiah Kuala Dalam Perspektif Fikih Muamalah," *Legalite*, Vol. 6, No. 2, Desember 2020.
- Nilu Trisna, dkk, *Tinjauan Yuridis Konsepsi Hak Langgeh Dalam Masyarakat Tradisional Hukum Adat Aceh* " *Jurnal Ius Civile*, Vol. 5 No. 2, 2021
- Palmawati Tahir, Dini Handayani, *Hukum Islam*, Sinar Grafika, Jakarta, 2018
- Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah
- Permendagri Nomor 52 Tahun 2014 Tentang Pedoman Pengakuan Dan Perlindungan Masyarakat Hukum Adat
- Qanun Aceh Nomor 9 Tahun 2008 Tentang Pembinaan Kehidupan Adat Dan Adat Istiadat.
- Qanun Nomor 10 Tahun 2002 tentang Peradilan Syariat Islam
- Rosnidar Sembiring, *Hukum Pertanahan Adat*, PT Raja Grafindo Persada, Jakarta, 2017
- Salim HS, dan Erlis Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, Raja Grafindo Persada, Jakarta, 2003
- Sayyid Sabiq, *fiqh al-sunnah*, Dar al-fiqr, Kairo, 1997
- Setyo Utomo, Nilai-nilai Kearifan Lokal Hukum Adat dalam Hukum Tanah Nasional, *Jurnal Hukum Media Bhakti*, vol. 2, no. 1, 2018.
- Soerjono Soekanto, *Pengantar Penelitian Hukum*, Universitas Indonesia Press, Jakarta, 2006
- Sri Astuti A. Samad, "Agama, Budaya Dan Perubahan Sosial Perspektif Pendidikan Islam Di Aceh", Dalam *Jurnal Muddarrisuna*, Vol. 7, No. 1, Januari-Juni 2017
- Sri Hayani, *Model Implementasi Muamalah di Masyarakat*, Media Pena, Jakarta, 2014.
- Sri Walny Rahayu, "Penyelesaian Sengketa Bisnis Kelautan Dikaitkan Dengan Persekutuan Hukum Adat Laut Lembaga Panglima Laot Sebagai Upaya Pengembangan Alternatif Penyelesaian Sengketa dalam Sistem Hukum di Indonesia", *Disertasi*, Program Studi Doktor Ilmu Hukum Universitas Padjadjaran, Bandung
- Sudrajat, R. K. (2021). Implementasi Kebijakan Pemanfaatan Sewa Barang Milik Negara: Tanah Pengairan Solo Valley Warken Kabupaten Lamongan (Studi Empiris di Desa Pelangwot Kecamatan Laren dan Desa Sedayulawas Kecamatan Brondong). *Jurnal Ilmiah Administrasi Publik*.

Sulaiman, *"Budaya Hukum Masyarakat Aceh dalam Perjanjian Jual Beli"*, Vol. 17, No. 1 Tahun 2017 di dalam jurnal Al-risalah.

Tauhid Jahidin, "Hak Langgeh Pada Jual Beli Tanah Pada Masyarakat Aceh," Jurnal Lentera, Vol. 5, No. 3, Mei 2021.

Teuku Muttaqin Mansur, dkk., "Kajian Yuridis Peradilan Adat Di Aceh", Journal Of Indonesia Adat Law, Vol. 2 No.3 Desember 2018.

Tim Proyek Keadilan Aceh UNDP, 2008, Pedoman Peradilan Adat Di Aceh Untuk Peradilan Adat Yang Adil Dan Akuntabel, Majelis Adat Aceh, Banda Aceh

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Undang-Undang Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh

Undang-Undang Nomor 44 Tahun 1999 Tentang Penyelenggaraan Keistimewaan Aceh.

Wijayanto, R., Karjoko, L., & Jamin, M. Tanah Kas Desa Sebagai Capital Asset Dalam Perspektif Undang-Undang Desa Tahun 2014.