

DOI: 10.5281/zenodo.11032577

# RECONCEPTUALIZING LANGGEH RIGHTS IN ACEH: HARMONIZING CUSTOMARY AND NATIONAL LAND LAW

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Received: 03/07/2025  
Accepted: 26/09/2025

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## ABSTRACT

*This research is about Langgeh Rights, which is a priority right in land sale and purchase transactions. In Aceh Province, Langgeh Rights is regulated in several provisions, namely Langgeh Rights regulated in Islamic law provisions, and there are also Langgeh Rights Provisions that apply based on Supreme Court Decision Number 3291 K/Pdt/2010 dated May 3, 2011 Number 298 K/Sip/1973 dated March 31, 1977. This research is an empirical legal research with a descriptive approach. This research shows that Hak Langgeh is still relevant to be implemented because there are local wisdom values as a means of realizing balance in society. Langgeh Rights needs to be re-conceptualized, because currently in Aceh Province there are no positive legal provisions that specifically regulate Langgeh Rights. Therefore, Langgeh Rights should be stated in laws and regulations or government policies as a concrete manifestation of government recognition of Priority Rights. With the existence of Positive Legal Provisions on Permanent Rights, the existence of Permanent Rights becomes stronger, and it is possible to give birth to a concept of Permanent Rights with a new comprehensive perspective in accordance with the development of community dynamics.*

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**KEYWORDS:** Reconceptualization, Langgeh Rights, National Land Law.

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## 1. INTRODUCTION

The Unitary State of the Republic of Indonesia acknowledges and respects exceptional regional government units. This is explicitly stated in Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia: "The state recognizes and respects regional government units that are special or exceptional, as regulated by law." This provision affirms the state's recognition of unique governance units established under special legal frameworks. Furthermore, Article 18B paragraph (2) of the Constitution states: "The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, as regulated by law."<sup>2</sup> Based on these constitutional provisions, the state acknowledges and safeguards customary law communities and their traditional rights, ensuring their survival and adaptation.

Minister of Home Affairs Regulation Number 52 of 2014 provides a more concrete legal basis for the recognition and protection of customary law communities. Article 1 point 1 of this regulation defines such communities as "Indonesian citizens with distinctive characteristics who live in harmonious groups under customary law, have ancestral or territorial ties, maintain a strong relationship with the land and environment, and uphold a value system that governs economic, political, social, cultural, and legal institutions while utilizing a specific territory across generations." In line with Article 18B of the 1945 Constitution, the Government of Aceh has been granted broad autonomy through Law Number 11 of 2006 concerning Aceh Governance. This autonomy allows Aceh to implement a social order rooted in the community's noble values, customs, and cultural heritage. The enforcement of customary law in Aceh is supported by Aceh Qanun Number 9 of 2009 on the Development of Customary Life and Traditions and Aceh Qanun Number 10 of 2009 on Customary Institutions, which provide a legal framework for its implementation and preservation.

In Acehese customary law, the sale and purchase of land must involve transparent and immediate transfer of rights. "Transparency" requires that transactions be conducted in the presence of a customary leader to ensure legality and public

acknowledgment. "Immediacy" means that the transfer of land rights and payment must occur simultaneously, although full cash payment is not mandatory partial payment under agreed terms may suffice<sup>3</sup>.

Aceh's authority extends to creating policies that promote, protect, and develop customary laws and institutions inspired by Islamic law. The process of incorporating Islamic law into regional regulations, or "qanunization," gained momentum after Aceh was granted authority to enforce Islamic law fully (Djawas, 2016). In Acehese society, Islamic law and customary law have long coexisted and reinforced one another. Their interdependence is captured in proverbs that liken custom to the body and Islamic law to the soul (Tahir, 2018).

Daily economic interactions (*muamalah*) in Aceh, including land transactions, are guided by both Islamic and customary law (Mansur, 2011). One of the most important customary rights in land transactions is *Langgeh* a form of priority right also known as *Syuf'ah*. *Langgeh* refers to the special regulation that prioritizes certain individuals such as family members, cultivators of the land, neighboring landowners, or members of the local community in the buying and selling of land (Herinawati et al., 2023).

*Langgeh* ensures that land ownership remains within the community by giving these parties the right to object to external buyers. Affected parties may submit a complaint (*meulanggeh*) if their priority rights are overlooked (Azhari, 2016). The objective is to preserve local ownership and social harmony. The concept of *Langgeh* in Aceh aligns with the Islamic law principle of *Syuf'ah*, which prioritizes the rights of adjacent landowners or relatives in property transactions. The practice has historical roots dating back to the *Jahiliyah* period in Arab culture and has since been incorporated into Islamic legal principles.

The Supreme Court Decision Number 298 K/Sip./1973 dated March 31, 1977, formally recognized *Langgeh* as customary law that grants purchasing priority to three community groups: relatives, neighboring landowners, and local community members. If a transaction violates these rights, the sale may be contested through customary courts (*Gampong* and *Mukim*) or escalated to higher courts.

Although *Langgeh* Rights are a customary institution based on Islamic principles and have been

<sup>2</sup> See Article 18 B paragraph (1) The Constitution of NKRI 1945

<sup>3</sup> Adrian Sutedi, *Peralihan Hak Atas Tanah dan Pendaftarannya*, Edisi 1, Cetakan keempat, Sinar Grafika, Jakarta, 2010, p.72.

judicially recognized, there is currently no specific national law or positive legal provision that directly regulates their implementation. In addition to customary and Islamic legal sources, Aceh MPU Fatwa Number 8 of 2015 on Langgeh Rights for Muslims further reinforces this institution in the region.

Despite the legal recognition through customary, Islamic, and judicial provisions, Langgeh Rights have not yet been explicitly regulated in a specific positive law or statutory instrument. This gap raises important questions about the formal legal standing and enforceability of Langgeh Rights within the broader framework of national land law. Therefore, this study aims to examine the reconceptualization of Langgeh Rights as a form of priority rights in land transactions in Aceh. Through an empirical legal approach, this research explores how Langgeh Rights continue to be practiced, rooted in local wisdom, and contribute to legal pluralism and societal balance in Acehnese communities.

## 2. METHODS

In this study, a total of four informants were interviewed, consisting of customary law figures, village government officials, and academics. **The informants were selected using a purposive sampling technique based on specific criteria relevant to the objectives of the research. The selection criteria included** (1) Having direct knowledge and experience in the practice of customary law in Aceh, particularly related to Langgeh Rights. (2) Holding a decision-making role or serving as a traditional leader within their community. (3) Possessing academic capacity or scholarly authority in the field of customary or agrarian law.

This research adhered to ethical principles in conducting interviews and collecting empirical data. Prior to each interview, informed consent was obtained from all informants. They were provided with a clear explanation regarding the purpose of the study, the voluntary nature of their participation, the confidentiality of their responses, and their right to withdraw at any time without any consequences.

The identities of informants were disclosed only with their explicit permission and in accordance with their willingness to be cited. All data were treated with confidentiality and were used solely for academic and research purposes. The researcher ensured that no harm, intimidation, or misrepresentation occurred during the research process. Ethical integrity was maintained throughout to respect both individual

rights and the cultural sensitivity of customary law in Aceh.

This research employs a descriptive qualitative method with an empirical-legal approach to gain a comprehensive understanding of the reconceptualization of Langgeh Rights as priority rights in land sale and purchase transactions in Aceh Province. These rights remain relevant due to their grounding in local wisdom and customary law, which contribute to maintaining social harmony. Data were collected through in-depth interviews with four key informants religious figures, community leaders, and academics and supported by literature reviews involving scientific articles, books, and prior research related to the issue.

**The data analysis technique involved several stages** (1) **Data reduction** Filtering information obtained from interviews and literature studies to identify the main focus related to the reconstruction of Langgeh Rights. (2) **Data presentation** Organizing findings into descriptive narratives based on key themes, such as the social function of Langgeh Rights, the sustainability of local values, and the role of customary institutions. (3) **Conclusion drawing and verification** Examining the relationships between data, comparing interview results with relevant literature, and conducting source triangulation to ensure the validity and reliability of the findings.

Triangulation was carried out by comparing information from customary leaders, local government officials, and academics, as well as assessing alignment with legal documents, previous research, and prevailing customary norms. This technique strengthens the credibility of the findings and provides a solid foundation for the reconceptualization of Langgeh Rights within Aceh's land law system.

## 3. DISCUSSION

### *3.1. Relevance of Langgeh Rights (Syuf'ah) in Community Life in Aceh Province Based on Islamic Law*

Since land is a place where people live and work, it is impossible to separate the existence of land from human activity. Since everyone in society depends so heavily on land, disagreements between people frequently arise, particularly when it comes to land. The interaction between people and the land must therefore be governed by laws. There is a distinct dynamic between humans and the land. The emergence of a legal relationship between people and land is predicated on this particular quality, and it happens in a communal setting that continues to acknowledge and uphold customary

law.<sup>4</sup>

In Customary Law, land is a critical topic. The relationship between humans and land is quite intimate; as previously stated, land provides a place for humans to dwell and continue their existence. Land is a place to dwell, a source of food, a burial ground, and a home for their ancestors' lives (Akuffo, 2009).

Land has played an important role in the existence and subsistence of the nation, as well as in maintaining a country, particularly one with a strong agrarian character (Akram-Lodhi & Kay, 2012). The use of land for the greatest prosperity of the people is a "condition sine qua non" in a society whose people desire to execute a democracy based on social fairness.

According to sociology, customary law evolved in response to the community's demand for order and peace. Anthropologically, customary law arose because it is the consequence of cultural construction, which is developed and valued as people value themselves and their communities.<sup>5</sup> The term custom refers to regulations in the form of behaviors or speech that have been widely accepted and practiced since antiquity. The word custom is frequently spoken in conjunction with the word *istiadat*, resulting in the term custom. Custom refers to eternal conduct that is passed down from generation to generation as a legacy, resulting in a strong integration with community behavioral patterns. In practice, the term custom has a fairly broad meaning, covering all things that a society or a person becomes accustomed to doing.<sup>6</sup>

Customary law expert, T. Djuned, stated that customary law and custom are very different. Custom or custom is "a custom that is carried out by the community from generation to generation, a custom that is followed and carried out by the local community without any coercion." Meanwhile, customary law is a "custom that has sanctions". So, if there are no sanctions, it is not classified as customary law.<sup>7</sup> The manifestation of recognition and guarantee of customary law community units as mandated by the Constitution, then Law Number 44 of 1999 concerning<sup>8</sup> the Special Status

of Aceh was stipulated, which in Article 3 paragraph (1) states that:

"Speciality is a recognition from the Indonesian nation given to a region because of the struggle and essential values of the community that are maintained from generation to generation as a spiritual, moral, and humanitarian foundation". The specialty referred to in Law Number 44 of 1999 as explained in Article 1 number 8 is the special authority to organize religious life, customs, education, and the role of religious leaders in determining regional policies".<sup>9</sup>

Recognition and respect for customary law communities is one of the efforts to strengthen the Unitary State of the Republic of Indonesia. This can be understood because the Indonesian nation has the motto 'Bhinneka Tunggal Ika', although diverse and has differences, in essence, the Indonesian nation is a unified whole.<sup>10</sup>

According to Article 18B of the 1945 Constitution of the Republic of Indonesia, the Aceh Government, through Law Number 11 of 2006, is granted the opportunity to pursue and establish a social order that aligns with the esteemed values of community life in Aceh Province, rooted in the customs and culture of its people, under the principle of the broadest possible autonomy. The foundation for implementing customary law in Aceh is established by Aceh Qanun Number 9 of 2009, which addresses the Development of Customary Life and Customs. As a result, this provision recognizes the state or central government's special or unique government entities. The employment of customary law in the lives of the Acehnese people exemplifies the spirit that is distinctive to their culture. This is because customary law has unique characteristics. Customary law differs from written law in that it is unwritten. Similarly, there is no revolutionary legislative body that creates new regulations to meet changing legal needs. As a people who regulate their own lives, which are constantly changing and developing, customary law is subject to changes that continue through decisions or solutions issued by the community as a result of a meeting of feelings and words about the filling of something customary law in people's deliberations. In this approach, any new

<sup>5</sup> Arvita Hastarini, "Kedudukan Hukum Masyarakat Adat Dalam Memperoleh Hak Atas Tanah di Indonesia", *Jurnal Hukum Sasana*, Vol. 8, No. 2, 2022, hlm. 245.

<sup>6</sup> Dominikus Rato, *Hukum Adat di Indonesia*, Laksbang Justisia, Surabaya, 2014, hlm. 2.

<sup>7</sup> Anton M. Moeliono, *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta, 1990, hlm. 5-6.

<sup>8</sup> Teuku Muttaqin Mansur, *Hukum Adat di Persimpangan*, dalam

*Harian Serambi Indonesia* edisi Minggu, 5 Juni 2011.

<sup>9</sup> Kurniawan, "Eksistensi Masyarakat Hukum Adat Dan Lembaga-Lembaga Adat Di Aceh", *Jurnal Yustisia*, Universitas Sebelas Maret, Vol. 1, No. 3, 2012, hlm. 49

<sup>10</sup> Bushar Muhammad, *Asas-asas Hukum Adat Suatu Pengantar*, Pradnja Paramita, Yogyakarta, 1984, hlm. 9-10.

development is always included in the conventional legal system. Items that are not used innovatively are likewise abandoned.<sup>11</sup>

Customary law defines land sale and purchase agreements as acts of transferring rights that are cash, real, and clear in nature. The cash nature of the transaction means that both the transfer of rights and the payment of the price occur simultaneously. According to Supreme Court Decision Nos. 271/K/Sip/1956 and No. 840/K/Sip/1971, expressing words with one's lips alone does not constitute a sale or purchase.

In addition to the standards listed above, there are additional regulations for selling land in Aceh Province. These regulations do not apply generally in Indonesia, but rather just in Aceh Province. These restrictions obligate a seller to prioritize langgeh's rights before selling his land to someone else.

**The application to enforce the said langgeh rights has a legal basis, namely:**

1. Article 18B paragraphs (1) and (2) of the 1945 Constitution

a. The state recognizes and respects regional government units that are exceptional in nature, as specified by law.

b. The state acknowledges and protects customary law community units and their traditional rights as long as they exist and are consistent with societal development and the ideals of the Unitary State of the Republic of Indonesia, which are governed by law.

2. Law Number 44 of 1999 concerning the Implementation of Aceh's Special Status, including Article 3 paragraphs (1) and (2) emphasizes that:

a. Aceh's Special Status is a recognition from the Indonesian nation given to the region because of the struggle and essential values of the community that are still maintained from generation to generation as a spiritual, moral, and humanitarian foundation.

**b. The Implementation of Specialties includes**

- Implementation of religious life.
- Implementation of customary life.
- Implementation of education, and
- The role of religious scholars in determining regional policies.

Article 6 of Law Number 44 of 1999 emphasizes that regions can establish various policies to empower, preserve, and develop customs and customary institutions in their regions that are inspired by Islamic law.

3. Law Number 11 of 2006 concerning the Government of Aceh.

4. Qanun Number 4 of 2003 concerning the Government of Mukim in the Province of Nanggroe Aceh Darussalam.

5. Qanun Number 5 of 2003 concerning the Government of Gampong in the Province of Nanggroe Aceh Darussalam.

6. Qanun Aceh Number 9 of 2008 concerning the development of customary life and customs.

7. Qanun Aceh Number 10 of 2003 concerning Customary Institutions.

Recognition of traditional community rights, such as the implementation of customary and cultural life that varies by region, is a diversity of the Indonesian nation that is rarely possessed by other nations in the world, and it is the glue that holds the Unitary State of the Republic of Indonesia together. One of them is the Aceh community's customs and culture, which differ from those of other regions in Indonesia.

Land-buying and selling practices are also known in Indonesian customary law as Hak Wenang Beli (Naastingsrecht), namely Prior rights are the rights of members of the customary law community to cultivate the land, where the member is given priority over other members, or the rights obtained by someone more important than others to cultivate a plot of land that he has chosen by providing boundary signs. This means that only the prior member of the customary law community is allowed to work the land for his family.<sup>12</sup>

This power of purchase authority grants a priority right to buy a plot of land, implying the right to be prioritized over others, resulting in the exclusion of third parties from the purchase of the land. Those with the right to purchase the land include relatives of the party selling it, neighbors of the neighboring land, and members of the applicable legal association. The family has the first right of purchase authority, which is meant to ensure that the land in question remains owned by the family. While neighbors of adjacent land have the second right of purchase authority, which is meant to prevent the site from being abandoned. The third right of purchase authority is granted to members of the legal association, to prevent non-members from acquiring the land. If none of the three holders of the right of purchase power wish to buy the land, the landowner shall cancel the transaction. He needs to replace other land that will be sold. This relates to the nature of the

<sup>11</sup>IGN. Sungangga, *Peranan Hukum Adat Dalam Pembangunan Hukum Nasional Indonesia*, dalam Pidato Pengukuhan Jabatan Guru Besar Pada Fakultas Hukum Universitas Diponegoro

dalam Ilmu Hukum Perdata (Adat), Semarang, Tgl. 27 November 1999, hlm. 17-18.

<sup>12</sup>Djaren Saragih, *Pengantar Hukum Adat Indonesia*, Transito, Bandung, 1996, hlm. 84-82.

relationship between the land and the holder of religious-magical rights.<sup>13</sup>

In Indonesian customary law, the notion of "jual kurung" (selling in brackets) is nearly identical to the right of langgeh (syuf'ah) for land transactions. Jual kurung is a loose sale of land agreed upon with the agreement that the seller has the primary right to buy back, or that the buyer, if he wants to sell the land again, must first notify the original land seller that he will buy back the land, which usually occurs among relatives or neighbors with close relationships.<sup>14</sup>

Langgeh rights (syuf'ah), which have grown and developed in Aceh, are applied using customary law principles. Also with a strong basis after the enactment of Law Number 11 of 2006, Chapter XIII concerning Customary Institutions, which states that the resolution of social problems in society according to custom is carried out through Customary Institutions (Article 98, Paragraph (2)). Langgeh rights applied in Aceh are derived from syuf'ah which is regulated in Islamic law.<sup>15</sup>

Syuf'ah rights, conceptually, suggest that an individual who desires to sell land is prohibited from doing so without first selling it to a party with whom they are closely related or have close social ties. The proprietor of the transaction object is required to first offer it to a close cousin or family member from the same clan in order to exercise this syuf'ah privilege. In the event that there is no partner, a relative may be interested in purchasing the land. If no one from the same village is available to purchase the land, the landowner must continue to search for a buyer who is in close proximity to the land or the location of the land, as the neighbor is the first to be considered. If there is no interest from the immediate neighbors in purchasing the land, it should be sold and given to the next interested party.<sup>16</sup>

The importance of applying this prior right throughout the property sale and purchase process is to avoid future issues or disagreements between families, land neighbors, and land-related parties. In actuality, as long as the land owner continues to make offers to the parties who must be prioritized in the sale and purchase of land, the Langgeh Right is still in use in society. However, if the landowner fails to transfer rights in accordance with the sequence of offers based on prior rights, the Langgeh Right does

not apply. The aggrieved party can appeal or sue for the cancellation of the validity of the sale and purchase to the Village and Mukim Court.<sup>17</sup>

The Langgeh Right is a priority right, namely the prior right to buy a plot of land because the buyer has a family relationship, a person who controls (cultivates) the land to be sold, a neighbor who borders the land to be sold, or a person from the same village as the seller.

The form can be in the form of submitting objections or submitting protests (meulanggeh) from people who must be prioritized or prioritized in a land sale and purchase.<sup>18</sup> In implementing the Right to Land, the community promotes customs that have been passed down from generation to generation and practiced since antiquity. It is recognized that the right to land has existed since antiquity. The right to land as customary law is nearly entirely based on Islamic law. In this scenario, the right to land in the legal process of purchasing and selling land rights is critical. If the right to land is not implemented, there will be a dispute in the community about the land that has been sold, thus this right to land must be prioritized when purchasing and selling land, and it must be implemented before the sale and purchase of the land occurs.<sup>19</sup> If one neighbor or family member does not agree, the sale of this land may be canceled.

The process of implementing langgeh rights is regulated through customary institutions that apply in Aceh, langgeh rights are Islamic law (sharia) which is always followed in Aceh because langgeh rights are part of muamalah, langgeh rights are also customary law that originates from Islamic law which includes sharia.<sup>20</sup>

Specifically for Aceh Province after the enactment of Law Number 11 of 2006 concerning the Government of Aceh after the Helsinki MoU between the Gerakan Aceh Merdeka (GAM) or Free Aceh Movement and the Government of the Republic of Indonesia (RI), as well as derivative laws in the form of Aceh Qanun Number 9 of 2008 concerning the Development of Customs/Customs and Aceh Qanun Number 10 of 2008 concerning Customary Institutions have been used as a strong basis for re-implementing customary law that once lived and developed in ancient times through 13 recognized Customary Institutions, namely the Aceh Customary

<sup>13</sup>Ahmad Fauzie Ridwan, *Hukum Tanah Adat Multi Disiplin Pembudayaan Pancasila*, Dewaruci Press, Jakarta, 1982, hlm. 30.

<sup>14</sup>Hilman Hadikusuma, *Pengantar Hukum Adat Indonesia*, CV Mandar Maju, Bandung, 2003, hlm. 225.

<sup>15</sup>Abu Bakar Jabir, *Pola Hidup Muslim*, Demaja Rosdakarya, Bandung, 1991, hlm. 71-72.

<sup>16</sup>Muhammad Yamin, *Beberapa Dimensi Filosofis Hukum Agraria*, Pustaka Bangsa Press, Medan, 2003, hlm. 127.

<sup>17</sup>Ilyas Ismail, *Konsepsi Hak Garap Atas Tanah*, Cita pustaka Media Perintis, Bandung, 2011, hlm. 107

<sup>18</sup>Saiful Azhari, *Hak Langgeh ...*, *Op. Cit.*

<sup>19</sup>Jamhuri M. A, *Anggota Bidang Hukum Adat pada Majelis Adat Aceh*, *Wawancara*. 26 November 2022

<sup>20</sup>Saiful Azhari, *Op. Cit.*

Council (MAA), Imeum Mukim, Imeum Chik, Keuchik, Tuha Peut, Tuha Lapan, Imuem Meunasah, Keujruen Blang, Panglima Laot, Pawang Glee/Uteun, Petua Seuneubok, Haria Peukan, and Syahbanda.<sup>21</sup>

All customary laws that apply in Aceh are derived from Islam. Customary rules and institutions implementing customary rules in Aceh are regulated in Aceh Qanun Number 9 of 2009 concerning the Development of Customary Life and Customs and Aceh Qanun Number 10 of 2009 concerning Customary Institutions. These regulations serve as a forum for implementing customary law in Aceh.

The application of customary law also applies to Langgeh Rights, which gives priority/rights to be given priority over others to buy land, which rights are given to three elements of society, namely relatives, neighbors of the land to be sold, and residents or people from the same village. In the context of Aceh customary law, the harmed party may file a lawsuit to have the sale and purchase void before the Village and Mukim Courts and/or the Court if the transfer of rights is not completed in accordance with the order of offer based on prior rights.

The right to challenge the validity of a sale and purchase because it breaches earlier rights is known as Langgeh Rights (right to object).<sup>22</sup> This right to object is meant to prevent the land from being purchased (and subsequently owned or occupied) by other individuals (foreigners) from outside the community.<sup>23</sup>

In its current form, people who want to sell land cannot just sell it to anyone. However, they must prefer the sale to close relatives or other members of the same clan. If there are no friends or relatives who want to buy the land, they must sell it to people in their village, and if there are no buyers from friends in the village, the landowner must still look for people who live close to the land or where the land is located, with neighbors taking precedence. If no neighbors want to buy the land, the buyer can sell it and make it available to anyone who wants to buy it.<sup>24</sup> According to many research findings, Langgeh Rights in customary law are still used in the lives of the Acehnese people.

Once occurred in the West Langsa sub-district. The case began with the landowner freely selling a plot of his land located on St. Jenderal Ahmad Yani

to a developer for the construction of 2 (two) doors of Shophouses (RUKO). However, the landowner did not follow the langgeh rights that arose and expanded in Aceh. As a result, the nearby landowner sued the landowner who sold his land to the developer to the Geuchik (Village Head), attempting to persuade the landowner to sell his land to him as the neighboring landowner of the object in question, since he had a greater right to purchase. The matter was resolved at the village court level using Aceh Qanun Number 5 of 2003 Concerning Village Government in the Province of Nanggroe, Aceh Darussalam.<sup>25</sup>

The following occurrence occurred in Kajhu Village in 2021, based on Ulfa Marfirah's research titled "The Existence of Syuf'ah Rights in Land Sale and Purchase Transactions (Case Study in Kajhu Village)". Syuf'ah rights do not apply to land sales and purchases because the individual is a migrant whose home place does not recognize syuf'ah rights. Thus, they solely use social media to promote land sales and purchases. The case was resolved peacefully by the local Geuchik (Village Head).<sup>26</sup>

In 2022, a conflict over Langgeh Rights (syuf'ah) arose in Panton Reu Sub District, West Aceh Regency, beginning with a disagreement about a plot of land sold by its owner to someone else. The neighbor of the sold land opposed or contested the transaction. This situation has also been peacefully addressed at the community level, with a sense of kinship.

In one example, a neighbor who lived adjacent to the land planned to acquire it if the landowner sold it, but he learned from individuals in the community that the land had been sold to another party. The neighbor reached the Geuchik and inquired whether the land had been sold to another party. He hoped that the Geuchik could contact the landowner and cancel the sale and buy agreement, as he had the right to repeat the sale and purchase of the land. When Geuchik contacted the landowner, he discovered that the sale and purchase had been documented in a Deed of Sale and Purchase (AJB), and the certificate was being transferred to the new buyer. Because the land sale and purchase process had been completed and the certificate was being transferred, the land

<sup>21</sup>Teuku Muttaqin Mansur, "Tantangan Peradilan Adat Laot di Aceh", *Kanun Jurnal Ilmu Hukum*, No. 57, No. 14, Agustus, 2012, hlm. 279-290.

<sup>22</sup>Ilyas Ismail, *Op. Cit*, hlm. 107.

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

<sup>24</sup>Muhammad Yamin, *Beberapa Dimensi Filosofis Hukum Agraria*, Pustaka Bangsa Press, Medan, 2003, hlm. 127

<sup>25</sup>Aulia Rahman, *Op. Cit*, hlm. 7.

<sup>26</sup>Ulfa Marfirah, *Op.Cit*, .hlm. 56.



sale and purchase issue was no longer a concern for the neighbors who lived close to the land.<sup>27</sup>

Observing the growth and diversity of Acehnese society, it is clear that changes would occur gradually in conjunction with the development of its society, which is focused on reaching wealth. Many values and civilizations have transformed. In everyday life, the purchase and sale of land objects are frequently carried out utilizing multiple legal systems. These legal occurrences are depending on where the act takes place.

Based on a study in Aceh Province, Langgeh Rights is still used in society. Currently, Langgeh Rights is only practiced in rural regions. However, Langgeh Rights is still used in urban areas to prevent conflict. This demonstrates that buying and selling land that does not prioritize Langgeh Rights will eventually result in strife. As a result, Langgeh Rights is one of the requirements that must be met before the land purchase and sale transaction can take place. Langgeh Rights disputes can be settled in both customary and Sharia courts.

In practice, disagreements over Langgeh Rights (syuf'ah) in Aceh are almost entirely addressed in customary courts, owing to the Acehnese people's commitment to Sharia and their desire for peace. They do not expect to be hostile to one another, therefore the normal legal process ends peacefully. The remainder of the community is unaware of the option of resolving conflicts through the Sharia Court.<sup>28</sup>

### 3.2. *Reconceptualization of Land Rights in Relation to the Development of National Agrarian Law*

As is well known, Aceh Province in Indonesia has been granted special status by the Central Government in terms of enforcing Islamic law. This unique status is mentioned in the provisions of Law Number 44 of 1999, which governs the implementation of the unique Status of Aceh Province's Special Region. As a result, numerous unique restrictions are derived from Islamic law, such as customary law in Aceh.

Sharia law is widely respected and is immediately

applied and solidified in the daily lives of the Acehnese. Sharia values evolve and align with customary law norms, rules, and regulations.<sup>29</sup> In essence, Islam's laws govern the production of well-being in both individual and communal life. In theory, the application of customary law in Aceh Province is based on Sharia-based regulations derived from the Book of Allah and Aceh Customs in accordance with Islamic Law; just a few minor alterations are required. Aceh customs are regulations and standards of order passed down through generations of the community. This is embedded in the adage "Hukum ngon Adat lagee Zat ngon sifeut (Islamic Religious Law and customary law are like substances with properties, which always go hand in hand and are in line)".<sup>30</sup> Sharia values dissolved into customary law are referred to as local wisdom values. In the context of customary law, local wisdom refers to all forms of traditional knowledge and values rooted in principles of goodness that are believed, practiced, and preserved over generations by a specific community within a particular region. When it comes to customary law related to land rights, these local wisdom values are found to be consistent with those of other customary communities across Indonesia. The principles of local wisdom embedded in customary laws have been integrated into the national land law framework, as outlined in the Basic Agrarian Law (UUPA).<sup>31</sup>

Muamalah interactions are rooted in Aceh Province's Islamic culture and principles, which are reflected in all activities, including property purchases. According to Aceh customary law, land sales include stipulations for the Right of Langgeh (Syuf'ah). The Right of Langgeh (Syuf'ah) is a customary right in Aceh that governs land transactions and use, based on Islamic Law norms. In the execution of the Right of Langgeh in Aceh Province, a brother or related receives priority privileges before a neighbor. One of the most important features of Islam is not to violate the rights of one's neighbor over another. This means he does not damage his neighbor, as the Qur'an and Hadith advise us to protect, honor, and

<sup>27</sup>Nasrudin, Pj. Keuchik Gampong Kajhu, Kecamatan Baitussalam, Kabupaten Aceh Besar, *Wawancara*, 18 November 2023.

<sup>28</sup>Suhaimi, Akademisi, Dosen Fakultas Hukum Universitas Syiah Kuala, Banda Aceh, *Wawancara*, 2 Desember 2023

<sup>29</sup>Rusdi Sufi dan Agus Budi Wibowo, *Adat dan Islam di Aceh*, Badan Perpustakaan Provinsi Nanggroe Aceh Darussalam, Banda Aceh, 2006, hlm. 65.

<sup>30</sup>Setyo Utomo Nilai-Nilai Kearifan Lokal Hukum Adat dalam Hukum Tanah Nasional, *Jurnal Hukum Media Bhakti*, Fakultas Hukum Universitas Panca Bhakti, Pontianak, Vol. 2, No. 1, 2018, hlm. 16

<sup>31</sup>Setyo Utomo, *Ibid*

do good to them. Based on this, the right of syuf'ah is established, allowing the Syafi' to forcibly buy from the new owner or neighbor of the union's goods, even though this contradicts the primary premise for purchasing and selling, namely the willingness of both parties.

Langgeh Rights is a form of priority right in customary law, meaning that the first buyer has the right to purchase a piece of land if they have a familial relationship with the seller, are currently cultivating or occupying the land, are neighboring landowners, or are members of the same village. This right may be exercised through objections or protests (*meulanggeh*) by those who should be prioritized in the sale or acquisition of the land. The purpose of this is to prevent potential conflicts or disputes before they arise in land sale transactions.

Based on the explanation above, the existence of Langgeh Rights is very important in the Province of Aceh. However, in practice, there are no clear legal norms or specific regulations governing the implementation of Langgeh Rights. The clauses related to Langgeh Rights are solely based on customary law provisions, and therefore, they do not hold legally binding authority within the wider legal framework of society. Considering that the provisions of Langgeh Rights are important, they should have binding power so that they must be obeyed by the community. Based on this, Langgeh Rights must be regulated in positive legal provisions, either in the form of Legislation or in a Government Policy as a form of concrete recognition of Langgeh Rights as Priority Rights by the Government.

One of the provisions of the positive law that must be included is that when a land sale and purchase transaction is carried out, there must first be a statement of non-repurchase from the people who have the priority rights if the land is sold to people other than the party that has the priority rights. When the parties with the Priority Rights make a statement of non-repurchase, the right to repurchase is lost, which means that the person concerned is no longer entitled to it. The next provision is to require the Land Deed Making Officer (PPAT) not to make a Deed of Sale and Purchase (AJB) before the seller submits a statement of non-repurchase from the people who have the priority rights. This is done to minimize the occurrence of conflict in society. Based on the provisions above, it is envisaged that in the future, there will be a concept of the Right to Repurchase with a fresh, complete perspective that is in harmony

with the development of community dynamics for the present and the future.

#### 4. CONCLUSION

The concept of langgeh rights continues to be relevant in society today, particularly in land sale and purchase transactions. Langgeh Rights, a customary law right in Aceh Province, is based on Islamic Law values and sharia.

Reconceptualization of Langgeh Rights is critical, given that the requirements of Langgeh Rights in Aceh Province have not been codified in a law or regulation. Based on this, Langgeh Rights must be governed in a positive legal provision, either through laws and regulations or through government policy, to be recognized as a priority right. One of the provisions that must be regulated in Laws and Regulations is that before a land sale and purchase may take place, the people who obtain priority rights must sign a statement of non-repurchase. Furthermore, a provision compels the Land Deed Making Officer (PPAT) not to issue a Sale and Purchase Deed (AJB) unless the seller presents a statement of non-repurchase from the people who have priority rights. This is done to reduce the likelihood of conflict within the community. Based on these provisions, it is envisaged that in the future, there will be a concept of Langgeh Rights with a fresh, complete perspective that is in line with the current and future growth of community dynamics.

For policymakers and legal reformers, the codification of Langgeh Rights represents an opportunity to align customary practices with the national legal system, ensuring inclusivity and conflict prevention in land governance. Embedding these rights within a legal framework would also demonstrate the state's acknowledgment of local wisdom, contributing to the broader goal of legal pluralism and justice reform.

This study is limited by its focus on a specific cultural and legal context within Aceh Province, and by the empirical data obtained from a select number of informants. Future research should explore comparative customary land rights across other regions in Indonesia and investigate the challenges of integrating such rights within national land law. A longitudinal study examining the implementation of codified Langgeh Rights would also provide valuable insights into its practical impact and societal acceptance.

**Acknowledgments:** The author expresses profound gratitude and appreciation to the informants who participated in this research, namely the customary leaders, village government officials, and academics who devoted their time, shared their experiences, and provided valuable insights regarding the practice of customary law in Aceh, particularly concerning Langgeh Rights. Acknowledgement is also extended to the Acehnese customary community who openly welcomed the research process, as well as to all parties who helped facilitate the interviews and data collection in the field.

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