

# Technium.

42/2023

2023  
A new decade for social changes

**Technium**  
**Social Sciences**



## The application of *Langgeh* rights law in buying and selling of agricultural land in West Aceh Regency

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**Abstract.** The Government of Aceh is granted the option to investigate and execute several policies to protect and promote customary law, one of which is the *Langgeh* right, under Law Number 44 of 1999 respecting the Privileges of the Province of the Special Area of Aceh. The *Langgeh* right is a right that grows in the values of customary law in Aceh Province, but its application has decreased, so it is important to conduct a study to determine the implementation of *Langgeh* rights in buying and selling agricultural land in West Aceh Regency, as well as efforts to keep *Langgeh* rights alive in the people of West Aceh. The empirical legal research method was applied, with a descriptive approach. According to field research, not all people in West Aceh Regency use *Langgeh* rights when buying and selling agricultural land, particularly in Pantou Reu Sub District, Woyla Sub District, and Pantee Ceureumin Sub District. This is due to the Aceh Traditional Council's lack of role as an institution empowered to support the development of customs in the West Aceh Regency. The issues that are not optimal in the application of *Langgeh* Rights in people's lives are a lack of budget and a lack of outreach and legal guidance. The Aceh Traditional Council can make efforts to ensure the availability of the budget included in the DIPA by the West Aceh Government in terms of fostering and supervising customs and traditions in West Aceh Regency, conducting outreach, training for traditional leaders, counselling to society, and publishing books on *Langgeh* rights.

**Keywords.** Application, *Langgeh* rights, buying and selling, agricultural land

### 1. Introduction

According to the Supreme Court decision dated March 31, 1977 Number 298K/Sip./1973, the *Langgeh* right is a customary law right that gives priority/the right to take precedence over other people to buy land. This right is granted to three elements of society: relatives, fellow members of the community, and neighbouring landowners. The Qanun of the Aceh Government, which has ratified the Provincial Regulation of the Special Area of Aceh Number 5 of 2022 concerning the Application of Islamic Shari'a, is accompanying the process of implementing *Langgeh* rights. This regional rule was ratified and proclaimed on July 25, 2002/22 Rabiul Awal 1421 in Banda Aceh in the provincial sheet of Nanggroe Aceh Darussalam Number 4. This regional regulation implements Law No.44 of 1999 on the execution of the province's privileges in the Special Region of Aceh.

The enactment of Law Number 11 of 2006 concerning the Government of Aceh (Aceh Government Law) with the principle of broadest autonomy has provided an opportunity for the Aceh Government to explore and implement social governance that is following the noble values of people's lives in Aceh Province based on adat and the people's culture. This is stated in Article 16 paragraph (2) of the Aceh Government Law. Based on this description, the law has given the Acehnese government the ability to investigate and execute social governance following the noble ideals of the Acehnese people's life based on custom and culture. The Aceh government has the jurisdiction to enact various measures to empower, preserve, and develop customary law and customary institutions in its area that are imbued with and adhere to Islamic Sharia.

The implementation of Islamic Shari'ah in Aceh is not just concerned with monotheism, but also with other social dimensions. It has been described in the dimensions of aqidah, worship, mu'amalah, and morals in Regional Regulation Number 5 of 2000. The local government governs, regulates, and oversees the implementation of everything connected to muamalah in people's lives according to Islamic Shari'ah. According to sociology, customary law arose from the community's demand for order and peace. Anthropologically, customary law arises as a product of cultural construction that is developed and respected in the same manner that people respect themselves and their society. (2) (Dominikus Rato, 2014) A portion of muamalah can be found in the *Langgeh* right. The *Langgeh* rights of some Acehnese customs, which are based on and controlled by the Qanun, have a very close relationship with the Qanun. (Carissa Vialyta Lubis, 2021: 67)

This is the same as what is meant by "previous right," in that a person who wants to sell land must prioritise the sale to his close relatives or kin of the same clan. If no friend or relative wants to buy the land, he must sell it to individuals from his village, and if no one buys from friends from the same village, the landowner must continue looking for people who are adjacent to the land or where the land is located, with neighbours taking precedence. If none of the nearby neighbours wants to buy it, he can sell it and release it to anyone who wants to buy it. (Muhammad Yamin, 2003: 127)

In Islamic law, *Langgeh* rights are referred to as *syuf'ah*. *Asy-Syuf'ah* is derived from the Arabic phrase *Asy-Syaf'u*, which signifies *adhdhammu* (to merge). During the Jahiliyah period, neighbours, partners (commercial associates), and friends approached someone who was about to sell a house or garden and requested a *syuf'ah* (merger) of what was being sold. Then he sold them, giving precedence to those who were more closely related. Shafi' I is the name of the petitioner. (Sayyid Sabiq, 1997: 45)

The land is crucial to customary law groups. The land is not considered an inanimate item according to customary law. Adat personifies or incarnates land, making it a soul or spirit item whose relationship to the human being cannot be separated. The importance of land in human life cannot be overstated. Apart from their interests, humans and land have a tight relationship. Land rights are rights in which there is an authority given to someone who is considered to have an interest in the land. (Murni, 2018) The land rights can be traded or traded or used as rights belonging to other parties. (Sarananung, 2017) The land is also required for broader interests. Here dealing with the public interest, yet the public interest has not been established conventionally. Hundreds of years ago, the public interest was almost synonymous with the interests of a group of indigenous and tribal peoples. Such public interests are too narrow or local, though the definition has gradually expanded to include legal unions, villages, clans, regions, and a combination of several villages and regions, up to what is now known as

the interests of the people., national interests, national interests, and state interests. (Rosnidar Sembiring, 2017: 1)

According to a preliminary study, only a few regions in West Aceh still use *Langgeh* Rights provisions in buying and selling agricultural land, such as Panton Reu Sub District, Woyla Sub District, and Pante Ceureumen Sub District. Before carrying out a sale and purchase transaction of agricultural land to other parties, communities in various villages in these sub-districts first offer it to relatives, and if no relative wants to buy it, then offer it to neighbours. If no relatives want to buy, make an offer to the local community or villagers. If this is broken, the parties who have prior rights or priority can sue or demand that the land sale and purchase be declared invalid. According to this, the *langgeh* right is a provision that must be followed by the community in numerous locations of West Aceh Regency. As a result, it is worthwhile to conduct additional research on the use of *Langgeh* rights in the buying and selling of agricultural land in West Aceh Regency.

## **2. Research Method**

This study employed empirical legal research methods and a descriptive methodology. Data were analysed using qualitative methods, specifically by discovering the concepts contained in legal materials (conceptualization), which was accomplished by providing interpretations of said legal materials, grouping concepts or regulations that were similar or related to the application of *Langgeh* rights in the sale and purchase of agricultural land in West Aceh Regency, and combining data and behaviour that lives and develops in the midst of society.

## **3. Results & Discussion**

### **3.1. *Langgeh* Rights Application in Buying and Selling of Agricultural Land in West Aceh Regency**

In the lives of the Acehnese people Generally, the laws governing inter-citizen relations are based on customary law, which is closely tied to Islamic law. The Aceh Traditional Council (MAA) is an institution that is empowered to guide and supervise Aceh's Customs Privileges. MAA is a community-based, independent, non-structural entity that was founded to assist the City Government in formulating adat policy. The MAA's position was bolstered by the passage of Law Number 11 of 2006 addressing the Aceh Government. Aceh Qanun Number 9 of 2009 concerns the Growth of Customary and Customary Life and Aceh Qanun Number 10 of 2009 concerning Customary Institutions control customary norms and institutions for executing customary regulations. These norms serve as the foundation for the application of Aceh's customary law.

The right of *Langgeh* (*syuf'ah*) is included in the muamalah section, according to the explanation of Article 49 of Qanun Number 10 of 2022 concerning the Islamic Sharia Court. The *Langgeh* right (*syuf'ah*) is inextricably linked to land transactions. Other than the conditions established in Government Regulation Number 24 of 1997 concerning Land Registration, *Langgeh* rights (*syuf'ah*) are requirements that must be implemented before a person/legal organisation conducts the land sale and purchase transaction procedure.

In exercising *Langgeh* rights, the community prioritises historic customs passed down from generation to generation. *Langgeh* rights were reported to exist in ancient times. The *Langgeh* right is an Acehnese custom that has been practised for many years and is still practised now. This right extends to agricultural land that is to be sold. The seller first makes an offer to those nearest to him, especially the seller's relatives, neighbours whose land is directly adjacent

to the land to be sold, and the local community with the seller. The *Langgeh* rights are intended to prohibit foreigners from purchasing land from the customary law community. Philosophically, the value embodied in *Langgeh* rights is to ensure that the community's balance is not upset; there is anxiety in the community if the land is stolen and purchased by outsiders outside the territory of the customary community in question. (Results of Interview with Tengku Saleh, Chairman MAA Customary Law Sector, West Aceh Regency, February 24 2023)

*Langgeh* rights are nearly entirely based on Islamic law as customary law. In this case, the *Langgeh* right is very important in the legal act of buying and selling land rights; if the *Langgeh* right is not implemented, a dispute will arise in the community regarding the land that has been sold; thus, the *Langgeh* right must be prioritised in buying and selling land, and must be implemented before the sale and purchase of the land. In this situation, someone wishes to sell and buy agricultural land, so if one of the neighbours or family members is not offered first, the sale of this land may be cancelled. Since there is no prior bidding process, parties must take precedence in purchasing and selling land.

Traditional *Langgeh* Rights values are still practised by a small number of persons in West Aceh Regency's social life. This state is created by cultural changes that occur in traditional civilizations, specifically the transition from a closed to a more open society, from homogeneous ideals to pluralism of social values and norms, which is one of the consequences of globalisation. Science and technology have significantly altered the course of history. This is what causes customary law to slowly erode and people's understanding of the importance of maintaining local customs is increasingly fading. (Results of Interview with Teuku Saleh, Head of the MAA Customary Law Division, West Aceh Regency, February 24, 2023)

According to field research, a small number of persons in Pantou Reu Sub District, Woyla Sub District, and Pantee Ceureumin Sub District still buy and sell agricultural land with *Langgeh* rights. The community's lack of information about *Langgeh* rights regulations is due in part to the MAA of West Aceh Regency's lack of outreach and legal counselling to the community regarding cultivating and developing customs. This is owing to MAA members' insufficient awareness of Acehese norms, particularly *Langgeh* rights, at both the district and sub-district levels. The lack of a budget contained in the DIPA by the Government of West Aceh for developing and supervising customs and traditions in the West Aceh Regency is a critical factor. (Results of Interview with Teuku Saleh, Head of the MAA Customary Law Division, West Aceh Regency, 24 February 2023)

According to statistics collected in the field, just a few people who buy and sell agricultural land use *Langgeh* rights in the Pantee Ceureumin sub-district. The lack of people practising *Langgeh* rights is due to the absence of socialisation and legal counselling carried out by the MAA at the Regency/District level due to the lack of a budget listed in the DIPA, which is one of the factors contributing to the difficulty of conducting customs guidance for the community. (Results of Interview with Mr. Anizan, Head of Social Welfare Section, Pantee Ceurmin Sub District, West Aceh Regency, March 7, 2023)

Field research in Pantou Reu Sub District demonstrates that there is still a lack of community participation in customs; in practice, many people do not care about the existence of norms regarding *Langgeh* rights, so when there is a dispute regarding buying and selling agricultural land with *Langgeh* rights, it does not provide an appropriate solution, particularly for those who believe they have the right to take precedence in the process of buying and selling agricultural land. (Results of Interview with Mr. Muhammad Nasir, Kasi Kesra, Pantou Reu Sub District, West Aceh Regency, March 7, 2023)

According to the findings of a study conducted in the Woyla Sub District, some people buy and sell agricultural land while others do not. This is because of the importance that will be achieved. If people from the same village offer agricultural land at a low price but people from outside the village offer a higher price, the seller will sell the land to people from outside the community since the earnings from purchasing and selling agricultural land are larger. As a result, the community occasionally ignores this right of *Langgeh*. (Results of Interview with Mr. Rasyidin, Kasi Ekobang, Woyla Sub District, West Aceh Regency, March 8, 2023)

### **3.2. Efforts to Preserve *Langgeh* Rights in West Aceh Regency**

Aceh's cultural development has been influenced by the current movement of globalisation. The advancement of science and technology, particularly information technology, has resulted in a tendency for cultural preservation ideals to fade. Changing times are frequently used as an excuse to modify our culture; nevertheless, this should be utilised as a reference for developing our culture to analyse how far we can develop our culture amid world technology breakthroughs and modern living.

To overcome this, traditional life must be promoted, to preserve and develop local customs and traditions. Promoting traditional life and customs is not meant to stifle the growth of local customs and traditions; rather, it fosters the preservation of customs and traditions, as well as efforts to develop and safeguard them following existing laws and regulations. Traditions and traditions have become a social glue and unifier, becoming capital in development. As a result, these traditional values and rituals must be conserved, rejuvenated, and developed in the middle of people's daily lives.

Customary law is a social institution that must be sustained by its application in society. The process of institutionalisation and acculturation of law will take place once the law has been correctly applied. Legal cultivation is an institutionalised rule or collection of regulations. (Results of Interview with Teuku Saleh, Head of the MAA Customary Law Division, West Aceh Regency, February 24, 2023)

According to Aceh Qanun Number 3 of 2004 concerning the Establishment of Organizational Structure and Work Procedures of the Aceh Traditional Council of Nanggroe Aceh Darussalam Province, Qanun Number 9 of 2008 concerning Fostering Indigenous Life and Customs, and Qanun Number 10 of 2008 Concerning Customary Institutions, the Aceh Special Institution that carries out the development of Customary Affairs is the Aceh Traditional Council (MAA). (<https://majelisadataceh.wordpress.com/profil/history/>, accessed on 12 March 2023)

According to interviews conducted with sources, namely Tengku Saleh, Head of the MAA Customary Law Division, West Aceh Regency, on 24 February 2023, the Aceh Traditional Council (MAA) is an institution that has privileges in Aceh as an institution that has the task of carrying out the development of the field of Customs and preserving Aceh's customs and culture. Many measures can be done to ensure that the customary law of *Langgeh* rights remains in West Aceh Regency:

#### **a. Availability of Budget**

To support the MAA's obligations and roles, the West Aceh Regency Government must participate in budgeting this money in the MAA DIPA. The role of MAA in carrying out or providing direction and preservation of cultural customs to the people of West Aceh Regency can be optimised with the availability of sufficient funds.

b. Socialization

In implementing the provisions of Article 2 of Qanun Number 9 of 2008 Guidance and Development of Customary and Customary Life in carrying out guidance and development of the life of Acehese customary law and customs to the community, namely by disseminating information about customs and customs, including *Langgeh* rights, to the leaders -leaders and the community carried out in all sub-districts within the jurisdiction of West Aceh Regency.

c. Training

Offering customary justice training for leaders, youth, *Tuha Peut* figures, women leaders, and *imuem chiek* to better understand culture, customs, and traditions to improve quality in the future.

d. Counselling

The learning process is for community or local leaders who are willing and able to learn about a traditional culture so that people can understand more about Acehese cultural norms. The importance of extension activities is emphasised, to empower the community to learn and exercise Aceh's Customary Law, particularly *Langgeh* rights.

e. Publishing books

The institutions of the Aceh Traditional Council need to release publications on the culture, customs, customary laws, and history of the Aceh Traditional Council so that people understand more about Acehese culture and Aceh's culture itself. So that individuals can learn about their culture more easily because knowledge has been greatly facilitated.

#### 4. Conclusion

According to the findings of field research, not all people in West Aceh Regency implement *Langgeh* rights in agricultural land purchasing and selling transactions, particularly in Pantou Reu Sub District, Woyla Sub District, and Pantee Ceureumin Sub District. This is due to the Aceh Traditional Council's lack of role as an institution empowered to support the development of customs in the West Aceh Regency. The factor of limited human resources of MAA members, both regencies and sub-district level MAA members, regarding Acehese customs and culture, especially *Langgeh* rights, the lack of budget, and the lack of outreach and legal counselling to the community are the things that result in *Langgeh* rights not being optimally implemented in community life, particularly in West Aceh Regency.

The Aceh Traditional Council (MAA) of West Aceh Regency can make several efforts to ensure the continuation of *Langgeh* Rights, including ensuring the availability of the budget included in the DIPA by the West Aceh Government in terms of fostering and supervising customs and traditions in West Aceh Regency, conducting outreach, training for traditional leaders, legal counselling to the community, and the publication of books on *Langgeh* Rights.

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