

***STRENGTHENING SHARIA ELEMENTS; SYUF'AH OR LANGGEH RIGHTS  
IN LAND  
BUYING AND SELLING TRANSACTIONS IN ACEH***

**Herinawati**

Faculty of Law (Malikussaleh University)  
herinawati@unimal.ac.id

**Yulia**

Faculty of Law (Malikussaleh University)  
yulia@unimal.ac.id

**Fauzah Nur Aksa**

Faculty of Law (Malikussaleh University)  
fauzah@unimal.ac.id

**Ummi Kalsum**

Faculty of Law (Malikussaleh University)  
ummikalsum@unimal.ac.id

**Joelman Subaidi**

Faculty of Law (Malikussaleh University)  
joelman@unimal.ac.id

**ABSTRACT**

*This article describes the strengthening of sharia elements (Syuf'ah) in buying and selling land in Aceh. The implementation of Islamic law in Aceh is not only in the field of worship, it also includes the field of muamalah, namely buying and selling land. In Acehnese customary law, syuf'ah rights are known as langgeh rights. In the decision of the Supreme Court of the Republic of Indonesia dated March 31 1977 No. 298 K/Sip./1973 explains that langgeh rights are rights in customary law that give priority over other people to buy land, which is given to relatives, Segampong/village communities and neighboring land owners. If the sale and purchase of land is not carried out based on priority rights, the aggrieved party can sue for the cancellation of the validity of the sale and purchase to the Gampong Court. This article uses normative research methods, in the form of secondary data analyzed using qualitative methods. The results of research that has been carried out by several previous researchers, there is a dispute in the sale and purchase of land in Aceh which does not apply Syuf'ah rights or langgeh rights. Strengthening the Syari'ah elements of Syuf'ah or langgeh rights in the sale and purchase of land in Aceh is regulated in Qanun Muamalah and is applied in land buying and selling transactions in Aceh. The importance of strengthening the elements of syari'ah syuf'ah or langgeh rights is to prevent disputes or cancellation of land sales and purchases in Acehnese society.*

**Keywords:** *Strengthening elements of sharia, Syuf'ah, langgeh rights, land buying and selling transactions, Aceh.*

## 1. INTRODUCTION

Islam as a religion brings grace to all of nature and has become the belief of the people of Aceh. It is deemed necessary to explain its values in the life of society, nation and state in the Special Region of Aceh. Customs in Acehnese society are based on sharia, which are two important elements that cannot be separated. In Aceh's customary law, there is sharia law. Islamic law has crystallized and become the soul of the Acehnese people, consciously applied in moral form in everyday life. This is what is known as the Madja hadih expression: "Adat ngon syari'at lagee dzat ngon sifeut".<sup>1</sup> The two are united and cannot be separated.

Islamic Sharia is the guidance of Islamic teachings in all aspects of life.<sup>2</sup> Implementation of Islamic law in Aceh<sup>3</sup> does not only involve worship and obedience to Allah, but also involves other social aspects. In Article 5 paragraph (2) of Regional Regulation Number 5 of 2000 concerning the Implementation of Islamic Sharia, the aspects of implementing Islamic Sharia are explained including: Aqidah, Worship, Mu'amalah, Morals, Education and Da'wah Islamiyah/Amar Ma'ruf nahi mungkar, Baitulmal, Society, Islamic Sharia, Islamic defense, Qadha, Jinayat, Munakahat, and Mawaris.

One aspect of implementing Islamic law is mu'amalah.<sup>4</sup> Muamalah is a relationship between fellow humans.<sup>5</sup> This relationship with fellow humans gave birth to a branch of knowledge in Islam known as fiqh muamalah.<sup>6</sup> Muamalah fiqh is a series of Islamic legal rules that regulate the pattern of contracts or transactions between people relating to property. Rules that bind and regulate the parties who carry out certain muamalah.<sup>7</sup>

In the life of the people in Aceh there are norms that apply, namely customary norms and religious norms, these two norms have been integrated into the life of the Acehnese people because the traditional habits that are practiced must not conflict with sharia law, especially those related to Muammalah (relationships between humans). So that the two can go hand in hand and can strengthen the social value order in accordance with sharia values.<sup>8</sup>

As social creatures, the people of Aceh cannot be separated from dependence on other humans. In life, humans definitely need life facilities and infrastructure in the form of clothing, food and shelter. To fulfill these living needs, each person will carry out a transaction (contract) which is

---

<sup>1</sup> Rahmat Hidayat, Asma Maulidar Afni, Ristia Ananda, Bulan Ningsih, "Peran Hukum Adat dalam Pelaksanaan Syari'at Islam di Aceh", *Al- Ilmu: Jurnal Keagamaan dan Ilmu Sosial*, Volume 5, Nomor 2, 2020, hlm. 125. <https://jurnal.kopertais5aceh.or.id/index.php/AIJKIS/article/view/107/63>.

<sup>2</sup> M. Idris, Dinda Rizky Amalia, "Syariat Islam dan Tradisi di Aceh Darussalam", *Jurnal Sosial, Politik dan Budaya (SOSPOLBUD)*, Volume. 1, Nomor. 2, 2022, hlm. 27. <https://journal.formosapublisher.org/index.php/sospolbud>.

<sup>3</sup> Firdaus M. Yunus, Azwarfajri, Muhammad Yusuf, "Penerapan dan Tantangan Pelaksanaan Syariat Islam di Aceh", *JURNAL SOSIOLOGI USK: MEDIA PEMIKIRAN & APLIKASI*, Volume 17, Nomor 1, (Juni 2023), hlm. 181-192 P-ISSN: 2252-5254 | E-ISSN: 2722-6700, <https://jurnal.usk.ac.id>.

<sup>4</sup> Rusdan, "Prinsip-Prinsip Dasar Fiqh Muamalah dan Penerapannya pada Kegiatan Perekonomian", *EL-HIKAM: Jurnal Pendidikan dan Kajian Keislaman*, Volume XV, Nomor 2, (Desember, 2022), hlm. 208. <https://ejournal.iainh.ac.id>.

<sup>5</sup> Ma'ruf Ari Sandy, Muhammad Nur Hadi, Syaifullah, "Nilai-nilai Islam dalam praktik Muamalah (Studi Kasus Rumah Makan Bebek Sincan Purwosari Pasuruan)", *Jurnal Mu'allim*, Volume 1 Nomor 2 (Juli, 2019), E-ISSN: 2655-8912 P-ISSN: 2655-8939, hlm. 372, <https://jurnal.yudharta.ac.id/v2/index.php/muallim>.

<sup>6</sup> Gufon Ihsan, *Fiqh Muamalah*, (Jakarta: Prenada Media Grup, 2008), hlm. 89

<sup>7</sup> Imam Mustofa, *Fiqh Muamalah Kontemporer*, (Jakarta: PT Raja Grafindo Persada, 2016), hlm. 6.

<sup>8</sup> Taufik Jahidin, "Hak Langgeh Dalam Proses Jual Beli Tanah Pada Masyarakat di Aceh", *Jurnal Ilmiah Sains, Teknologi, Ekonomi, Sosial dan Budaya*, Volume. 5 Nomor. 3, (Mei, 2021), <http://www.journal.umuslim.ac.id/index.php/ltr2/article/view/518>

called muamalah buying and selling.<sup>9</sup> One form of Islamic economic practice that is often carried out in the life of muamalah is buying and selling.<sup>10</sup> There are many objects in muamalah that can be bought and sold as long as they comply with applicable rules and norms and are in accordance with Islamic law.<sup>11</sup> In the discussion of this article, the object is land buying and selling transactions.

The life of the people of Aceh is very steeped in Islamic culture and values which are adhered to in all their activities, including those related to buying and selling land. In land sale and purchase transactions according to customary law in Aceh, there are provisions regarding Langgeh Rights (Syuf'ah)<sup>12</sup> which in Islamic Law are known as "Syuf'ah Rights". Ash-syuf'ah comes from the word Asy-syaf'u which means Adh-Dhammu (combining), this is known among Arabs.

In ancient times, people who wanted to sell their land were visited by neighbors, colleagues and friends to ask for syuf'ah (combination) of what was being sold. Then sell them, preferably to those more closely related than those more distant. The applicant is referred to as Shafi'.<sup>13</sup>

Conceptually, shuf'ah rights mean that a person who wants to sell his land cannot sell it directly to someone else, but must first offer it to someone who has a close family relationship or social closeness. With this syuf'ah right, the owner of the transaction object must first offer it to his close relatives or family. If there are no friends then relatives will buy the land, the sale can be done with people in the village and if there is no one to buy from people in the village, then the land owner still has to look for neighbors from the land or where the land is located, because the neighbors must take priority. . If the neighbors who are close to the land don't want to buy it, then it can be sold off to anyone who wants to buy it.<sup>14</sup>

Aceh is one of the regions that still prioritizes customs in carrying out transactions. According to customs, one of the important people who has the right to know is the particulae or neighbor. Rules regarding customs are outlined in Aceh Qanun Number 9 of 2009 concerning the Development of Traditional Life and Customs in Aceh Qanun Number 10 of 2009 concerning Traditional Institutions. This regulation is a reference for implementing customary law enforced in the Aceh region.

Buying and selling land in Acehnese society has procedures or rules that regulate it in customary law, most of which are adopted from the provisions of Islamic law. Before the land is sold to the buyer, it is first offered to neighbors or relatives in the village where the land is located. If the neighbors or relatives in the village do not buy the land or house, then it is offered to other parties in the village, and finally it is offered to parties in the village. outside the village where the land or house is located.

However, as time progressed, the existence of shuf'ah rights began to be ignored, so that when development occurred, disputes often occurred, because many parties suffered losses due to the forgetting of these rights. The ulama have also agreed on the preservation of shuf'ah rights for partners who have not yet made a division in something sold, whether in the form of land, house or

---

<sup>9</sup> Jamaluddin, "Konsep Dasar Muamalah dan Etika Jual Beli", (*Al-Ba'i*) *Perspektif Islam, Tribakti: Jurnal Pemikiran Keislaman*, Volume 28, Nomor 2, (Juli-Desember, 2017), hlm. 291. <https://ejournal.uit-irboyo.ac.id/index.php/tribakti/article/view/485/32h>.

<sup>10</sup> Nur Risca, Zaini Abdul Malik, Siska Lis Sulistiani, "Analisis Fiqh Muamalah terhadap Praktek Jual Beli Tanah dengan Sistem Tahunan di Desa Senyubuk Kec. Kelapa Kampit Kab. Belitung Timur", *Prosiding Hukum Ekonomi Syariah*, Volume 6, Nomor 2, Tahun 2020, ISSN 2460-2159, hlm.343. [https://karyailmiah.unisba.ac.id/index.php/hukum\\_ekonomi\\_syariah/article/view/22121](https://karyailmiah.unisba.ac.id/index.php/hukum_ekonomi_syariah/article/view/22121)

<sup>11</sup> *Ibid.*

<sup>12</sup> Nila Trisna, "Justice Principles Syuf'ah Rights Towards Land Commerce According to Islamic Concep In Aceh", *Proceeding of Dirundeng International Conference on Islamic Studies* (DICIS, 2022)

<sup>13</sup> Sayyid Sabiq, *fiqh al sunnah*, (Kairo: Dar al- Fiqr, 2000), hlm. 45.

<sup>14</sup> Muhammad Yamin, *Beberapa Dimensi Filosofis Hukum Agraria*, (Medan: Pustaka Bangsa Press, 2003), hlm. 127.

garden. If you ignore the langgeih rights in the community, land, plantation and building disputes will occur which will have a negative impact on the socio-cultural community of Aceh. .<sup>15</sup>

Based on the description above, this article emerged, because in reality what happened from the results of research conducted by researchers in Aceh, disputes and problems in land buying and selling transactions arise if the land buying and selling process is not carried out according to the order of bidding based on Prior rights are known as syuf'ah or langgeh rights which are known in Acehese society. For this reason, it is necessary to strengthen the elements of sharia syuf'ah which originate from the provisions of Islamic law in land buying and selling transactions to avoid or minimize problems or disputes about land buying and selling in Acehese society.

## 2. RESEARCH METHODS

This article uses normative juridical research, namely legal research that places law as a building system of norms, namely regarding the principles, norms, rules of statutory regulations. This normative research aims to identify the meanings or bases in law,<sup>16</sup> both written law, unwritten law and religious provisions that are linked to the reality in Acehese society relating to syuf'ah rights or langgeh rights in land buying and selling transactions in Aceh. The data source in this research is secondary data originating from literature, which consists of primary legal materials such as the 1945 Constitution, Law Number 44 of 1999 concerning Aceh Specialties, Law Number 11 of 2006 concerning Aceh Government, Aceh Qanun Number 9 of 2008 concerning the Development of Customs and Customs, and Aceh Qanun Number 10 of 2008 concerning Traditional Institutions. Secondary legal materials such as opinions of scholars, textbooks, journals, cases relevant to the problem being studied as well as tertiary legal materials<sup>17</sup> that help primary and secondary legal materials, such as legal dictionaries and encyclopedias. Data collection was carried out using library research, data analysis was carried out using qualitative analysis methods, which was carried out by tracing statutory regulations and library materials which were then written descriptively.

## 3. DISCUSSION

### 3.1. The concept of Syuf'ah Rights in Islam

Syuf'ah comes from the word syaf' which linguistically means "to combine". The intention is to combine ownership into one through a sale and purchase agreement. Meanwhile, in terms of terminology, the meaning of syuf'ah is: "A contract whose object is to transfer property rights to a syirkah partner according to the purchase price to prevent harm."<sup>18</sup>

In general, syuf'ah rights are the rights of partners/partners (syafi') to forcibly take over property (which has been sold by their partner in the form of immovable property) to a third party or new partner by paying compensation or appropriate costs (with which has been issued by the third party or new partner).<sup>19</sup>

Syuf'ah rights have conditions that must be fulfilled, as explained in the book al-Mabadi' fi Syarh al-Muqni', including the existence of property that is bought and sold, in the form of immovable property that has not been divided, such as land, rights The Syuf'ah must be requested

---

<sup>15</sup> F atwa Majelis Permusyawaratan Ulama Aceh Nomor 8 Tahun 2015 tentang Hak Langgeh dalam Islam.

<sup>16</sup> Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2016) hlm. 93.

<sup>17</sup> Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif*, (Malang: bayumedia publishing, 2012), hlm. 392.

<sup>18</sup> Fithriana Syarqawie, *Fikih Muamalah*, (Banjarasin: IAIN Antasari Press, 2015), hlm. 1.

<sup>19</sup> Sulaimān bin Muhammad Umar al-Bujayramiyyi, *Hāsiyah al-Bujayramiyyi 'alā Syarhi al-Minhāj*, Juz 3, (t.t.p.: Maṭba'ah al-Halbiy, 1369 H), hlm. 133.

by the Syafi' immediately, the portion of the Syuf'ah rights that will be requested must be taken in all, and the Syafi' already has that portion before the new partner.<sup>20</sup>

Syuf'ah is something that was known to the Arab people during the Jahiliyah era. In the past, if a person wanted to sell his house or garden, his neighbors, company friends or friends would come to give him advice, making him the person who had more right to buy that share. From here it is called Syuf'ah, and the person who asks for Syuf'ah is called syafii`. Some say that it is called a syuf'ah because the owner combines the things that are sold to him, so that they become a pair after previously being separated.<sup>21</sup>

Syuf'ah was determined based on the decision of the Prophet Muhammad. In an authentic hadith it has been narrated from Jabir Bin Abdillah r.a which means: "Rasulullah saw. Determining syuf'ah for all types that have not been divided, and if there is a had (limitation of rights), then differentiation of had (limitation of rights) has been made, then syuf'ah becomes non-existent. (H.R. Mutafaq alaih).

Most scholars agree that a syāfi' is a person who owns a share in property owned jointly by two or more people, generally known as syarīk. It's just that Hanafiyyah scholars include neighbors as syāfi' too.<sup>22</sup> The argument that is the basis of Hanafiyyah scholars is a hadith narrated by Abū Rafi' which means: The neighbor has more rights to something that is next to him.<sup>23</sup>

The regulations regarding syuf'ah are one of the regulations stipulated by syara' which are mandatory regulations because they can prevent many harms from occurring and can avoid disputes. This is because the shafi's ownership rights to objects purchased by foreigners can prevent him from suffering loss due to the arrival of a new neighbor replacing his old neighbor's position in terms of ownership of the property. Because one of the main aspects of Islam is not to harm neighbors' rights over their neighbors. What this means is that he is not the cause of his neighbor's harm, because the Qur'an and hadith have emphasized that we should look after and honor our neighbors and do good to them. Based on this, the Syuf'ah right was established for the Syafi' to forcefully buy the new owner of the union's goods, even though this is contrary to the basic principle in terms of buying and selling, namely the willingness of both parties. The explanation above can be understood to mean that syuf'ah is to avoid harm to the shafi' (old people), to anticipate losses and dangers.<sup>24</sup> because changing his union friend with someone he doesn't know can cause a fight between the two of them.

### 3.2. Langgeh Rights in Acehese Society

Aceh is a community that lives at the tip of the Indonesian island of Sumatra. Almost the entire population of Aceh is Muslim. Aceh is also the first region where Islam entered Southeast Asia.<sup>25</sup> Aceh has a unique and different history, culture, ethnicity and Islamic religious traditions

---

<sup>20</sup> Ibrahim bin Muhammad bin Abdullah bin Muhammad bin Muflih, Abu Ishaq, Burhamuddin, Al Mabdi' fi Syarhi al Muqni', Juz 5, h. 60-71.

<sup>21</sup> Taufik Jahidin, *Op, Cit*, hlm. 24.

<sup>22</sup> Utmān Ali al-Zayla'i al Hanafī, Tabyin al-Haqāiq Syarh Kanza al-Daqāiq wa Hāsiyah al Syalbiyyi, Juz 5, hlm. 239.

<sup>23</sup> Fakhri Nur Zaki, Jahada Mangka, Sirajuddin, "Hak Syuf'ah Menurut Fikih Muamalah dan Serapannya Dalam Kompilasi Hukum Ekonomi Syariah", *AL-QIBLAH: Jurnal Studi Islam dan Bahasa Arab*, Volume. 2, Nomor. 1 (2023), hlm.102.

<sup>24</sup> Mardani, *Fiqh Ekonomi Syari'ah, Fiqh Muamalah*, (Jakarta: Kencana, 2013), hlm. 316.

<sup>25</sup> Muhammad Arifin dan Khadijah Binti Mohd Khambali, "Islam Danakulturasi Budaya Lokal Aceh (Studi Terhadap Ritual *Rah Ulei* Di Kuburan Dalam Masyarakat Pidie Aceh)", *Jurnal Ilmiah: ISLAM FUTURA*, Volume 15. Nomor 2, (Februari, 2016), hlm. 252. <http://jurnal.ar-raniry.ac.id/index.php/islamfutura/article/download>.

compared to other provinces in the archipelago,<sup>26</sup> giving rise to a strong ethno-religious identity.<sup>27</sup> Customary law in Aceh is a combination of custom and Islamic law which serves as a guideline for people's lives in the province of Aceh, as is known by the expression: *hukom ngen adat lage alat ngen sifeut*, which means Islamic law and custom cannot be separated.

Aceh has special features and specialties, one of which is in the field of customs.<sup>28</sup> Customs in the life of the Acehnese people are something that is still highly respected.<sup>29</sup> Soil is a consistent material and cannot be renewed<sup>30</sup>, According to Customary Law, land is a fixed object,<sup>31</sup> which is very important for the survival of the Acehnese people.

Buying and selling land in Acehnese society has procedures or rules that regulate it in customary law, most of which are adopted from the provisions of Islamic law. Before the land is sold to the buyer, it is first offered to neighbors or relatives in the village where the land is located. If the neighbors or relatives in the village do not buy the land or house, then it is offered to other parties in the village, and finally it is offered to parties in the village. outside the village where the land or house is located. One of the customary rights that still applies today in people's lives is *langgeh* rights.

The *langgeh* right known in Aceh in Indonesian customary law is called the right to buy (*naastingsrecht*), namely a pre-emptive right to buy a plot of land; This means having the right to take precedence over other people, which results in excluding third parties in purchasing the land. Those who have the authority to purchase land consist of: relatives of the party who will sell the land; neighbors of bordering land, and members of the legal alliance concerned.<sup>32</sup>

In the Acehnese traditional environment, 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 right to demand the validity of a sale and purchase because it violates previous rights is called "*langgeh* right" (right to object).<sup>33</sup>

In the decision of the Supreme Court of the Republic of Indonesia dated March 31 1977 No. 298 K/Sip./1973 explains that *langgeh* rights are rights in customary law which give priority/priority rights over other people to buy land, which rights are given to three

---

<sup>26</sup> Al Makin, "Identitas Keacehan Dalam Isu-Isu Syariatisasi, Kristenisasi, Aliran Sesat dan Hegemoni Barat", *Jurnal Studi Keislaman: ISLAMIKA*, Volume 11, Nomor 1, (September, 2016), hlm. 1. <http://islamica.uinsby.ac.id/index.php/islamica/article/view>.

<sup>27</sup> Hasnil Basri Siregar, "Lessons Learned From the Implementation of Islamic Shari'ah Criminal Law in Aceh", *Journal of Law and Religion*, Volume 24, Nomor 1, (2009), hlm. 143. <https://media.neliti.com/media/publications/93247-EN-islamic-acehnese-identity-sharia-and-chr>.

<sup>28</sup> Rachmad Safa'at, *et al*, "The spatial Planning Based on Local Wisdom of the Customary Legal Community in Aceh", *Journal of Law; Policy and Globalization*, Volume 54, p. 147, 2016. <http://www.iiste.org/psp.ub.ac.id/wp-content/uploads/2018/06/the-spatial-planning-based-on-local-wisdom-of-the-Customary>.

<sup>29</sup> Yulia, *et al*, "Pemberdayaan Fungsi dan Wewenang Keujreun Blang Di Kecamatan Sawang Aceh Utara (Dalam Pelaksanaan Qanun Nomor 10 Tahun 2008 tentang Lembaga Adat)", *Jurnal: Dinamika Hukum*, Volume 12 Nomor 2, (Mei, 2012). hlm. 368. <https://jurnaldinamikahukum.wordpress.com/fh.unsoed.ac.id>.

<sup>30</sup> Datu Bua Napoh, "Recognition of the Customary Land Law in the Constitution of Indonesia and Malaysia", *Brawijaya Law Journal; Journal of Legal Studies*, Volume 2, Nomor 2, (2015), p. 1. <https://lawjournal.ub.ac.id/index.php/law/article/view>.

<sup>31</sup> Sankalp, Sharma, *et al*, "Land Acquisition in India: A Pareto and Kaldor-Hicks Perspective", *Land Journal*, Volume 7, Issue 2, (2018), p. 66. <https://doi:10.3390/land/7020066>.

<sup>32</sup> Abdul Hamid Usman, "Perlindungan Hukum Hak Milik atas Tanah Adat Setelah Berlakunya Undang-Undang Pokok Agraria", *Jurnal Kepastian Hukum dan Keadilan*, Volume 1, Nomor 2, (Juni 2020), P-ISSN:2721=0545, E-ISSN: 2722-3604, hlm. 64. <https://jurnal.um.palembang.ac.id>.

<sup>33</sup> Ilyas Ismail, *Konsepsi Hak Garap Atas Tanah*, (Bandung: Ciptapustaka Media Perintis, 2011), hlm 107.



communities, namely relatives, fellow community members and neighboring land owners. In the Acehese customary law environment, if the land sale and purchase process is not carried out according to the order of bidding based on prior rights, the aggrieved party can sue for the cancellation of the validity of the sale and purchase to the Gampong and Mukim Courts and/or the Court. Rights according to the validity of buying and selling because they violate previous rights are called "langgeh rights (syuf'ah)" (right to refute).<sup>34</sup>

### **3.3. Strengthening Sharia Elements; Syuf'ah (Langgeh Rights) to Prevent Disputes in Land Buying and Selling Transactions in Aceh**

This article on strengthening the elements of syari'ah syuf'ah (langgeh rights) in land buying and selling transactions in Aceh emerged because it was motivated by the reality that occurred in several areas in Aceh which did not implement the provisions of langgeh rights, giving rise to disputes or problems in land buying and selling transactions. happen. This can be seen based on the results of research that has been carried out. Among them are:

Firstly, there was a protest or commotion because the land seller ignored and did not implement the provisions of langgeh rights in land sale and purchase transactions in Lampeunerut Aceh Besar. <sup>35</sup>secondly, the Langgeh Rights Dispute in the Sale and Purchase of Land in Baitussalam District, Aceh Besar Regency, which was the cause of the langgeh rights dispute because the land owner was not an Acehese so he did not apply the langgeh rights provisions in land sale and purchase transactions. <sup>36</sup>Third, there was a violation of langgeh rights in the process of buying and selling land in Paya Bujok Tunong village, Langsa Baro District, because the seller ignored the langgeh rights. This problem was resolved peacefully through the gampong customary court. <sup>37</sup> Fourth, only a small portion of the people of Langsa City know that disputes over violations of langgeh rights can be resolved through the Syar'iyah Court, which they know is only resolved through the gampong customary court. <sup>38</sup> Fifth, in Langsa Barat and Langsa Kota sub-districts, there have been cases of disputes regarding langgeh rights, land owners do not comply with langgeh rights that grow and develop in Aceh. So the neighboring land owner sued the land owner who sold his land to the developer to the Geuchik (Village Head). ).<sup>39</sup>

Based on the description above, it can be seen that there have been several disputes in land buying and selling transactions in Aceh which were caused by ignoring or not implementing the provisions of langgeh rights which are provisions in Acehese customary law which have been known for a long time and are still currently carried out by the Acehese people in land sale and

---

<sup>34</sup> Taufik Jahidin, *Op, Cit*, hlm. 25

<sup>35</sup> Herinawati, Tan Kamello, Ilyas Ismail, Mahdi Syahbandir, "The Implementation of the Horizontal Partition Principle in Buying and Selling Rights for Housing and Land in the Province of Aceh, Indonesia", *International Journal of Innovation, Creativity and Change*. Volume 12, Issue 5, (2020). [https://www.ijicc.net/images/vol12/iss5/12534\\_Herinawati\\_2020\\_E\\_R.pdf](https://www.ijicc.net/images/vol12/iss5/12534_Herinawati_2020_E_R.pdf).

<sup>36</sup> Ghazi Ahmad Tijani, Teuku Muttaqin Mansur, "Penyelesaian Sengketa Hak Langgeh dalam Jual Beli Tanah di Kecamatan Baitussalam Kabupaten Aceh Besar", *Jurnal Ilmiah Mahasiswa Bidang Keperdataan, Fakultas Hukum Universitas Syiah Kuala*, Volume. 6, Nomor 4, (November, 2022) pp. 458-468. <https://jim.usk.ac.id/perdata/article/view/22905>.

<sup>37</sup> Carissa Vialyta Lubis, "Akibat Hukum Pelanggaran Terhadap Hak Langgeh dalam Proses Jual Beli Tanah di Desa Paya Bujok Tunong Kecamatan Langsa Baro", *Skripsi*, Fakultas Hukum Universitas Muhammadiyah Sumatera Utara Medan, 2021.

<sup>38</sup> Taufik Jahidin, *Op, Cit*, hlm. 23.

<sup>39</sup> Aulia Rahman, "Kajian Yuridis Hak Langgeh (Syuf'ah) Dalam Adat Masyarakat Aceh di Kota Langsa", *Premise Law Journal*, 2015.

purchase transactions. Based on this, it is very important to strengthen the provisions on the elements of Syari'ah Syuf'ah or langgeh rights in Acehese society at this time.

Strengthening the provisions on the elements of Syari'ah Syuf'ah or langgeh rights in land buying and selling transactions for people in Aceh can be done in several ways, namely:

### **1. Syuf'ah provisions or Langgeh Rights must be regulated in the Gampong Qanun**

Aceh is a province which is a special legal community unit which is given special authority to manage its own government affairs and community interests.<sup>40</sup> With Law Number 44 of 1999 to implement the privileges given to Aceh. In Article 1 point 8, it is stated that "Privilege is special authority to carry out religious life, customs, education and the role of ulama in determining regional policies, including the authority to form regional regulations called Qanun.

Qanun is a term to explain the rules that apply in society which are adapted to local conditions.<sup>41</sup> Gampong Qanun is a statutory regulation established by the Keuchik after being discussed and agreed upon with Tuha Peut.<sup>42</sup>

Reusam or Gampong Qanun is a mandate of Law Number 11 of 2006 concerning Aceh Government (UUPA) which also regulates gampong government. Apart from the UUPA mandate, the reusam is a Qanun mandate regarding regulations that have been passed by the legislature, the substance of which depends on the wishes of the community. Anything you want to regulate can be included in the reusam as long as it does not conflict with national law. Meanwhile, the district/city government will facilitate the gampong government in preparing the reusam until it is ratified by the executive. This is simply so that each gampong government has its own regulations that regulate social order in accordance with the cultural conditions and social system of the local community.<sup>43</sup>

In Article 213 of Law Number 11 of 2006 concerning the Aceh Government, "The Aceh Government has the authority to regulate and manage the allocation, utilization and legal relations relating to land rights by recognizing, respecting and protecting existing rights including customary rights in accordance with nationally applicable norms, standards and procedures".

In connection with the provisions above which have given authority, gampong can regulate syuf'ah or langgeh rights in the Gampong Qanun to be applied in land sale and purchase transactions in order to apply the provisions in Aceh customary law which originate from elements of Islamic sharia, namely to give priority to family, land neighbors and local people in selling their land so as not to cause problems and disputes in the community in land buying and selling transactions, both for people who come from the local area and for immigrants who will reside in the area.

---

<sup>40</sup> Pasal 1 angka 2 Ketentuan Umum Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh.

<sup>41</sup> Al Yasa' Abubakar dan M. Daud Yoesoef, "Qanun Sebagai Peraturan Pelaksana Otonomi Khusus di Provinsi Nanggroe Aceh Darussalam", *Jurnal Legislasi Indonesia*, Volume 1 Nomor 3, (November, 2004), hlm. 21. <https://e-jurnal.peraturan.go.id>.

<sup>42</sup> Peraturan Bupati Aceh Jaya Nomor 5 Tahun 2019 tentang Kewenangan Gampong Berdasarkan Hak Asal Usui dan Kewenangan Lokal Berskala Gampong.

<sup>43</sup> Mahmuddin, "Qanun dan Arah Penguatan Kelembagaan Gampong", *Al-Ijtima': International Journal of Government and Social Science*, Volume. 1 Nomor 2, (Maret, 2016), <https://journal.ar-raniry.ac.id/index.php/jai/article/view/531>



## **2. Strengthening must be carried out by Gampong Traditional institutions.**

As is known, traditional institutions that have developed in the lives of the Acehese people from the past until now have an important role in fostering cultural values, traditional norms and rules to create security, order, peace, harmony and prosperity for the Acehese people in accordance with Islamic values.

In Article 4 of Qanun Number 10 of 2008 concerning Traditional Institutions, the functions of traditional institutions in gampong include:

- a. maintain security, peace, harmony and public order;
- b. maintaining the existence of traditional values and customs that do not conflict with Islamic law;
- c. apply customary provisions;
- d. solving social problems;
- e. reconcile disputes that arise in society; And
- f. enforce customary law.

Based on the provisions contained in Article 4 of the Qanun on Traditional Institutions, it can be seen that the main function of traditional institutions is to enforce customary law, reconcile disputes that arise in society, so as to create peace, harmony and order in society. In connection with disputes that occur in buying and selling land due to ignoring the provisions of customary law and sharia law, syuf'ah rights or langgeh rights are duties and obligations that must be carried out by traditional institutions in the gampong to resolve disputes that occur between communities.

This is also in accordance with the provisions contained in Qanun Number 9 of 2008 concerning the Implementation of Traditional Life and Customs. If a dispute occurs in the community, the first opportunity is given to traditional institutions to resolve the dispute. If it is not resolved at the gampong and mukim levels then it will be taken to court to be resolved.

In connection with disputes over syuf'ah rights or langgeh rights that occur in Acehese society, the settlement is submitted to the gampong customary court and nothing has been submitted to the syar'iyah court which also has the authority to resolve muamalah disputes that occur in the community, in this case sales disputes. buy land.

In connection with the function of traditional institutions to maintain harmony and order in society, gampong traditional institutions must strengthen the provisions of langgeh rights which are customary law provisions originating from Syuf'ah sharia law by socializing, providing explanations, and understanding the benefits of implementing sharia elements. Syuf'ah or langgeh rights in land buying and selling transactions, both for the people of Aceh and immigrants from outside Aceh who live in an area to prevent commotion, problems or disputes in land buying and selling transactions so as to create harmony and order in the lives of the Acehese people.

## **4. CONCLUSION**

Langgeh rights in the Acehese community are rights in customary law that originate from elements of sharia or syuf'ah which give priority or the right to take precedence over other people to buy land, which is given to three communities, namely relatives, fellow community members and neighboring land owners. . However, in its implementation it has begun to be ignored so that the process of buying and selling land is not carried out according to the order of bidding based on previous rights, so problems or disputes occur in the buying and selling transaction and the aggrieved party sues for the cancellation of the validity of the sale and buying and is resolved through the Gampong customary court. Strengthening the elements of sharia syuf'ah or langgeh rights provided as a contribution in this article is: the elements of syari'ah

syuf'ah or langgeh rights must be regulated in the Gampong Qanun, and these provisions must be strengthened by traditional institutions in the gampong by means of socializing or provide the public with an understanding of the wisdom or benefits of the syuf'ah or langgeh rights to prevent problems and cancellation of land sales and purchases if the provisions of langgeh rights are not implemented in the land sale and purchase transaction. And gampong traditional institutions must resolve langgeh rights disputes that occur within the community.

## 5. AUTHOR CONTRIBUTIONS

The contribution made by the author in this article is the concept of strengthening the elements of sharia syuf'ah or langgeh rights which can be applied in land buying and selling transactions in Aceh by: elements of syari'ah syuf'ah or langgeh rights must be regulated in the Gampong Qanun, and these provisions must be strengthened by traditional institutions in the gampong by socializing or providing understanding to the community about the wisdom or benefits of the syuf'ah or langgeh rights to prevent problems and cancellation of land sales and purchases if the langgeh rights provisions are not carried out in the transaction buying and selling land. And gampong traditional institutions must resolve langgeh rights disputes that occur within the community peacefully.

## 6. ACKNOWLEDGMENTS

Thanks are expressed to all parties who have helped to complete the writing of this article and to the entire committee team of the Proceedings of the 3<sup>rd</sup> Malikussaleh International Conference on Law, Legal Studies and Social Science (MICoLLS) 2023, which will publish this article.

## 7. REFERENCES

- Abdul Hamid Usman, "Perlindungan Hukum Hak Milik atas Tanah Adat Setelah Berlakunya Undang-Undang Pokok Agraria, *Jurnal Kepastian Hukum dan Keadilan*, Volume 1, Nomor 2, (Juni 2020), P-ISSN:2721=0545, E-ISSN: 2722-3604, hlm. 64. <https://jurnal.um.palembang.ac.id>.
- Al Makin, "Identitas Keacehan Dalam Isu-Isu Syariatisasi, Kristenisasi, Aliran Sesat dan Hegemoni Barat", *Jurnal Studi Keislaman: ISLAMIKA*, Volume 11, Nomor 1, (September, 2016), hlm. 1. <http://islamica.uinsby.ac.id/index.php/islamica/article/view>.
- Al Yasa' Abubakar dan M. Daud Yoesoef, "Qanun Sebagai Peraturan Pelaksana Otonomi Khusus di Provinsi Nanggroe Aceh Darussalam", *Jurnal Legislasi Indonesia*, Volume 1 Nomor 3, (November, 2004), hlm. 21. <https://e-jurnal.peraturan.go.id>.
- Aulia Rahman, "Kajian Yuridis Hak Langgeh (Syuf'ah) Dalam Adat Masyarakat Aceh di Kota Langsa", *Premise Law Journal*, 2015.
- Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta, Raja Grafindo Persada, 2016.
- Carissa Vialyta Lubis, "Akibat Hukum Pelanggaran Terhadap Hak Langgeh dalam Proses Jual Beli Tanah di Desa Paya Bujok Tunong Kecamatan Langsa Baro", *Skripsi*, Fakultas Hukum Universitas Muhammadiyah Sumatera Utara Medan, 2021.
- Datu Bua Napoh, "Recognition of the Customary Land Law in the Constitution of Indonesia and Malaysia", *Brawijaya Law Journal; Journal of Legal Studies*, Volume 2, Nomor 2, (2015), p. 1. <https://lawjournal.ub.ac.id/index.php/law/article/view>.

- Fakhri Nur Zaki, Jahada Mangka, Sirajuddin, "Hak Syuf'ah Menurut Fikih Muamalah dan Serapannya Dalam Kompilasi Hukum Ekonomi Syariah", *AL-QIBLAH: Jurnal Studi Islam dan Bahasa Arab*, Volume. 2, Nomor. 1 (2023).
- Fatwa Majelis Permusyawaratan Ulama Aceh Nomor 8 Tahun 2015 tentang Hak Langgeh dalam Islam.
- Firdaus M. Yunus, Azwarfajri, Muhammad Yusuf, "Penerapan dan Tantangan Pelaksanaan Syariat Islam di Aceh", *JURNAL SOSIOLOGI USK: MEDIA PEMIKIRAN & APLIKASI*, Volume 17, Nomor 1, (Juni 2023), hlm. 181-192 P-ISSN: 2252-5254 | E-ISSN: 2722-6700, <https://jurnal.usk.ac.id>.
- Fithriana Syarqawie, *Fikih Muamalah*, Banjarmasin, IAIN Antasari Press, 2015.
- Ghazi Ahmad Tijani, Teuku Muttaqin Mansur, "Penyelesaian Sengketa Hak Langgeh dalam Jual Beli Tanah di Kecamatan Baitussalam Kabupaten Aceh Besar", *Jurnal Ilmiah Mahasiswa Bidang Keperdataan, Fakultas Hukum Universitas Syiah Kuala*, Volume. 6, Nomor 4, (November, 2022) pp. 458-468. <https://jim.usk.ac.id/perdata/article/view/22905>.
- Gufron Ihsan, *Fiqh Muamalah*, Jakarta, Prenada Media Grup, 2008.
- Hasnil Basri Siregar, "Lessons Learned From the Implementation of Islamic Shari'ah Criminal Law in Aceh", *Journal of Law and Religion*, Volume 24, Nomor 1, (2009), hlm. 143. <https://media.neliti.com/media/publications/93247-EN-islamic-acehnese-identity-sharia-and-chr>.
- Herinawati, Tan Kamello, Ilyas Ismail, Mahdi Syahbandir, "The Implementation of the Horizontal Partition Principle in Buying and Selling Rights for Housing and Land in the Province of Aceh, Indonesia", *International Journal of Innovation, Creativity and Change*. Volume 12, Issue 5, (2020). [https://www.ijcc.net/images/vol12/iss5/12534\\_Herinawati\\_2020\\_E\\_R.pdf](https://www.ijcc.net/images/vol12/iss5/12534_Herinawati_2020_E_R.pdf).
- Ibrahim bin Muhammad bin Abdullah bin Muhammad bin Muflih, Abu Ishaq, Burhamuddin, Al Mabdi' fi Syarhi al Muqni', Juz 5.
- Ilyas Ismail, *Konsep Hak Garap Atas Tanah*, Bandung, Ciptapustaka Media Perintis, 2011.
- Imam Mustofa, *Fiqh Muamalah Kontemporer*, Jakarta, PT. Raja Grafindo Persada, 2016.
- Jamaluddin, "Konsep Dasar Muamalah dan Etika Jual Beli", (*Al-Ba'i*) *Perspektif Islam, Tribakti: Jurnal Pemikiran Keislaman*, Volume 28, Nomor 2, (Juli-Desember, 2017), hlm. 291. <https://ejournal.uit-lirboyo.ac.id/index.php/tribakti/article/view/485/32h>.
- Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif*, Malang, bayumedia publishing, 2012.
- Mahmuddin, "Qanun dan Arah Penguatan Kelembagaan Gampong", *Al-Ijtima': International Journal of Government and Social Science*, Volume. 1 Nomor 2, (Maret, 2016), <https://journal.ar-raniry.ac.id/index.php/jai/article/view/531>
- Mardani, *Fiqh Ekonomi Syari'ah, Fiqh Muamalah*, Jakarta, Kencana, 2013.
- Ma'ruf Ari Sandy, Muhammad Nur Hadi, Syaifullah, "Nilai-nilai Islam dalam praktik Muamalah (Studi Kasus Rumah Makan Bebek Sincan Purwosari Pasuruan)", *Jurnal Mu'allim*, Volume 1 Nomor 2 (Juli, 2019), E-ISSN: 2655-8912 P-ISSN: 2655-8939, hlm. 372, <https://jurnal.yudharta.ac.id/v2/index.php/muallim>.
- M. Idris, Dinda Rizky Amalia, "Syariat Islam dan Tradisi di Aceh Darussalam", *Jurnal Sosial, Politik dan Budaya (SOSPOLBUD)*, Volume. 1, Nomor. 2, 2022, hlm. 27. <https://journal.formosapublisher.org/index.php/sospolbud>.

- Muhammad Arifin dan Khadijah Binti Mohd Khambali, "Islam Danakulturasi Budaya Lokal Aceh (Studi Terhadap Ritual *Rah Ulei* Di Kuburan Dalam Masyarakat Pidie Aceh)", *Jurnal Ilmiah: ISLAM FUTURA*, Volume 15. Nomor 2, (Februari, 2016), hlm. 252. <http://jurnal.ar-raniry.ac.id/index.php/islamfutura/article/download>.
- Muhammad Yamin, *Beberapa Dimensi Filosofis Hukum Agraria*, Medan, Pustaka Bangsa Press, 2003.
- Nila Trisna, "Justice Principles Syuf'ah Rights Towards Land Commerce According to Islamic Concep In Aceh", *Proceeding of Dirundeng International Conference on Islamic Studies* (DICIS, 2022)
- Nur Risca, Zaini Abdul Malik, Siska Lis Sulistiani, "Analisis Fiqh Muamalah terhadap Praktek Jual Beli Tanah dengan Sistem Tahunan di Desa Senyubuk Kec. Kelapa Kampit Kab. Belitung Timur", *Prosiding Hukum Ekonomi Syariah*, Volume 6, Nomor 2, Tahun 2020, ISSN 2460-2159, hlm.343. [https://karyailmiah.unisba.ac.id/index.php/hukum\\_ekonomi\\_syariah/article/view/22121](https://karyailmiah.unisba.ac.id/index.php/hukum_ekonomi_syariah/article/view/22121)
- Peraturan Bupati Aceh Jaya Nomor 5 Tahun 2019 tentang Kewenangan Gampong Berdasarkan Hak Asal Usui dan Kewenangan Lokal Berskala Gampong.
- Rahmat Hidayat, Asma Maulidar Afni, Ristia Ananda, Bulan Ningsih, "Peran Hukum Adat dalam Pelaksanaan Syari'at Islam di Aceh", *Al- Ilmu: Jurnal Keagamaan dan Ilmu Sosial*, Volume 5, Nomor 2, 2020, hlm. 125. <https://jurnal.kopertais5aceh.or.id/index.php/AIJKIS/article/view/107/63>.
- Rachmad Safa'at, et, al, "The spatial Planning Based on Local Wisdom of the Customary Legal Community in Aceh", *Journal of Law; Policy and Globalization*, Volume 54, p. 147, 2016. <http://www.iiste.org/psp.ub.ac.id/wp-content/uploads/2018/06/the-spatial-planning-based-on-local-wisdom-of-the-Customary>.
- Rusdan, "Prinsip-Prinsip Dasar Fiqh Muamalah dan Penerapannya pada Kegiatan Perekonomian", *EL-HIKAM: Jurnal Pendidikan dan Kajian Keislaman*, Volume XV, Nomor 2, (Desember, 2022), hlm. 208. <https://ejournal.iainh.ac.id>.
- Sankalp, Sharma, et, al, "Land Acquisition in India: A Pareto and Kaldor-Hicks Perspective", *Land Journal*, Volume 7, Issue 2, (2018), p. 66 . <https://doi:10.3390/land/7020066>.
- Sayyid Sabiq, *fiqh al sunnah*, Kairo, Dar al- Fiqr, 2000,
- Sulaimān bin Muhammad Umar al-Bujayramiyyi, Hāsiyah al-Bujayramiyyi 'alā Syarhi al-Minhāj, Juz 3, t.t.p., Maṭba'ah al-Halbiy, 1369 H.
- Taufik Jahidin, "Hak Langgeh Dalam Proses Jual Beli Tanah Pada Masyarakat di Aceh", *Jurnal Ilmiah Sains, Teknologi, Ekonomi, Sosial dan Budaya*, Volume. 5 Nomor. 3, (Mei, 2021), <http://www.journal.umuslim.ac.id/index.php/ltr2/article/view/518>
- Utmān Ali al-Zayla'i al Hanafi, *Tabyin al-Haqāiq Syarh Kanza al-Daqāiq wa Hāsiyah al Syalbiyyi*, Juz 5.
- Yulia, et, al," Pemberdayaan Fungsi dan Wewenang Keujreun Blang Di Kecamatan Sawang Aceh Utara (Dalam Pelaksanaan Qanun Nomor 10 Tahun 2008 tentang Lembaga Adat)", *Jurnal: Dinamika Hukum*, Volume 12 Nomor 2, (Mei, 2012). hlm. 368. <https://jurnaldinamikahukum.wordpress.com/fh.unsoed.ac.id>.
- Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh.

