ANALYSIS OF CUSTOMARY LAND CONFLICT RESOLUTION STRATEGIES BASED ON CUSTOMARY LAW, CULTURAL CONCEPTS, AND LOCAL WISDOM IN INDONESIA

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ABSTRACT

Objective: Indonesia occurs due to problems related to the subject and object of customary land. The two sides of the conflict are Acehnese Customary peoples and private companies. Acehnese Customary peoples as subjects of customary land in the Lhoknga settlement area claim a large amount of land used by private companies as Customary land. Meanwhile, according to the Company, the land is a gift from the Government as a Cultivation Rights used for mining activities. Customary land conflicts have an impact on aspects of village development. The problem that will be studied by the author in this study is to identify the causes of customary land conflicts in Lhoknga Settlement, Aceh Besar Regency.

Methods: The methodology of this research is carried out and the way of data collection which includes the steps of conducting the research. Data analysis with a multi-criteria decision model (MCDA) - AHP to determine a decision in conflict resolution that occurs is carried out with an effective synthesis method pattern to support decision making and explore the pros and cons of various alternatives.

Results: The results show that the Legality of Customary Law Peoples (MHA) will refer to formal legal certainty, the role of Customary Law Peoples (MHA) is decisive in deciding cases, and Local wisdom of the community has an influence in resolving conflicts within Customary Law Peoples (MHA).

Conclusion: the involvement of Customary peoples in resolving Customary land conflicts is very necessary to determine the position of Customary peoples and Customary land in an area that has a history of ownership based on customary law, culture and local wisdom. And stakeholders need to pay attention to the recognition of Customary peoples that have existed both before the applicable state legal norms and afterwards.

Keyword: conflict resolution, strategy, customary land, customary law, MCDA-AHP.
ANÁLISE DE ESTRATÉGIAS DE RESOLUÇÃO DE CONFLITOS DE TERRA COSTUMEIRAS COM BASE EM DIREITO COSTUMEIRO, CONCEITOS CULTURAIS E SABEDORIA LOCAL NA INDONÉSIA

RESUMO

Objetivo: A Indonésia ocorre devido a problemas relacionados ao assunto e objeto de terras consuetudinárias. Os dois lados do conflito são os povos de costume de Acehnese e empresas privadas. Os povos de costume de Acehnese como sujeitos da terra habitual na área de assentamento de Lhoknga reivindicam uma grande quantidade de terra usada por empresas privadas como terra de costume. Enquanto isso, de acordo com a Companhia, a terra é uma dádiva do Governo como Direitos de Cultivo usados para atividades de mineração. Conflitos de terra costumam ter um impacto sobre os aspectos do desenvolvimento da aldeia. O problema que será estudado pelo autor neste estudo é identificar as causas dos conflitos fundiários habituais no assentamento Lhoknga, Regência de Aceh Besar.

Métodos: A metodologia desta pesquisa é realizada e a forma de coleta de dados que inclui as etapas de realização da pesquisa. Análise de dados com um modelo de decisão multicritério (MCDA) - AHP para determinar uma decisão na resolução de conflitos que ocorre é realizada com um padrão de método de síntese eficaz para apoiar a tomada de decisão e explorar os prós e contras de várias alternativas.

Resultados: Os resultados mostram que a Legalidade dos Povos de Direito Personalizado (MHA) se referirá à segurança jurídica formal, o papel dos Povos de Direito Personalizado (MHA) é decisivo para decidir casos, e a sabedoria local da comunidade tem influência na resolução de conflitos dentro dos Povos de Direito Personalizado (MHA).

Conclusão: o envolvimento dos povos habituais na resolução de conflitos fundiários é muito necessário para determinar a posição dos povos e terras habituais em uma área que tem um histórico de propriedade com base no direito consuetudinário, cultura e sabedoria local. E as partes interessadas precisam prestar atenção ao reconhecimento dos povos habituais que existiram tanto antes como depois das normas legais estaduais aplicáveis.

Palavras-chave: resolução de conflitos, estratégia, terreno consuetudinário, direito consuetudinário, MCDA-AHP.

1 BACKGROUND

In Indonesia, land is governed by the UUPA No. 5 of 1960 concerning Basic Regulations on Agrarian Principles, which incorporates customary law. The UUPA specifically states in article 5 that "Agrarian Law that applies to earth, water, and space is customary law, so long as it does not conflict with the interests of the National and State, which are based on the regulations of the Nation, with Indonesian Socialism, and with the regulations of the State" In accordance with article 3 of the UUPA, "the exercise of customary rights and similar rights of customary law communities, so far as they exist,
shall be such that they are in accordance with the interests of the National and the State, which are based on national unity and shall not be inconsistent with other higher laws and regulations," it is stated that customary rights and similar rights of communities that follow customary law may be exercised. Agrarian Decree/Head of BPN No. 5 of 1999's Guidelines for Solving Customary Rights Problems of Customary Law Peoples According to article 1, "Customary rights are authorities that, under customary law, constitute ownership by certain customary law communities over certain areas that are the living environments of their citizens to benefit from natural resources, including land in those areas for their survival and livelihood, coming from the inherited and unbroken outside and inside relationship between the customary law community and the territory concerned"

Indonesia with a variety of ethnicities, languages, and cultures holds many interesting uniqueness to learn. In relation to the rule of a tribe, many terms will be known customary land law. A piece of land with customary rights belongs to a community that practices customary law (Chipofya et al., 2020). Customary law itself is a series of rules that bind to an unwritten law, and originates from customs that grow and develop in a particular community which is then accepted into law for generations (Syahbandir, 2010) . Customary land rights are the control that communities subject to customary law have over specific areas that make up their citizens' surroundings (Nugroho, 2016).

This position of authority allows communities to benefit from the local natural resources, particularly the land, for their survival. Under customary law, there is a hereditary and continuing relationship between the community and the resources in question and the territory. So, in accordance with customary land law, the idea of traditional land rights includes mystical communalistic-religious concepts that create opportunities for both individual land tenure and personal rights, but traditional land rights themselves are not personal rights. As a result, it can be claimed that customary land rights are communalistic since they represent the shared ownership of the relevant land by members of communities governed by customary law. Land is a crucial and critical natural resource since it affects the very foundation of human existence. In addition, soil has high complexity, multi-dimensional, multi-sectorial, and multi-disciplinary features (Seid et al., 2023). The social purpose of land is expressed by saying that, regardless of a person's land rights, it cannot be justifiable for him to utilize (or not use) his land only for his own interests, especially if doing so would be detrimental to the
community. As a state of law, Indonesia is made up of many different cultures and traditions. In accordance with customary law, there is a cosmic, magical, and religious connection between man and the land. This means that there is also a connection between a group of community members who belong to a customary law alliance and the land in respect to customary rights. (Penados et al., 2022) The customary rights of Customary peoples are closely related to Customary land which is interpreted as land belonging to the unity of Customary peoples whose ownership according to regulated law can occur by inheritance, grants, and receiving land due to hereditary gifts that are believed to be gifts or gifts from their ancestors that can be used for their daily needs.

Based on Article 1 Paragraph (2) of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) and Article 33 Paragraph (3) of the Unitary State of the Republic of Indonesia 1945 Constitution, one of them confirms that the earth in this case in the form of land is used as much as possible for the prosperity of the people. However, land as a commodity is very important for humans. This makes existing land in Indonesia very vulnerable to the emergence of disputes and conflicts including Customary land. (Mali, 2015) The issues relating to violations of land reform provisions, excesses in the provision of land for development purposes, civil disputes relating to land issues, issues relating to the customary rights of Customary peoples, and issues relating to the cultivation of land by people in plantations, forestry, abandoned housing projects, among other things. According to data from the KPA (agricultural Reform Consortium), there were 241 agricultural conflicts across all sectors in 2020. As much as (122) disputes, forestry (41), infrastructure development (30), property (20), mining (12), military installations (11), coastline and small islands (3), and agribusiness (2), the plantation sector dominates the agricultural conflict. This indicates that there are very serious structural issues with Indonesia's plantation sector.

Plantation land that has experienced conflict is motivated by the issue of Business Use Cultivation Rights on Customary land by existing companies. The granting of this right is carried out directly by the state on land controlled, while land controlled directly by the state is very limited and even no longer exists (Sugianto and Leliya, 2017). Large tracts of land for agriculture or plantations are controlled only by customary law communities. Therefore, so far, data collection of land rights of customary law communities has been carried out by the state so that the land falls into state land and only then is given to
companies with business use rights. This is what often reaps conflicts in it due to the gap between the interests of customary peoples and companies.

The reality of land conflicts in the Lhoknga area of Aceh Regency is large between communities and private companies. The community considers that land used as plantations by private companies is carried out with an approach that is closely related to the involvement of the Government. Indications of this are marked by violations of existing conservation areas and customary lands. Efforts made by the community through legal channels, conveying aspirations to the executive and legislative parties to carry out protests have not yet met a bright spot. Land conflicts that occurred in the Lhoknga residential area were triggered by land claimed by private companies as Cultivation Rights granted mining permits by the Government. The Customary land that is in conflict in the Lhoknga settlement area is a customary forest area bordering a protected forest that is part of the village administrative area. The conflict in the Lhoknga region is a manifestation of differences in perceptions and preferences that occur on the parties to the conflict. The existence of ownership rights to land that spearheads conflicts with the perceptions of each party, namely the Government, Customary peoples and companies.

The problem of customary land in the Lhoknga settlement area occurs due to problems related to the subject and object of customary land. The two sides of the conflict are Acehnese Customary peoples and private companies. Acehnese Customary peoples as subjects of customary land in the Lhoknga settlement area claim a large amount of land used by private companies as Customary land. Meanwhile, according to the Company, the land is a gift from the Government as a Cultivation Rights used for mining activities. The lack of state recognition of Acehnese Customary peoples as subjects of customary land has hampered the settlement process through the courts. This is what causes land use that is beyond the limits of the provisions due to the determination of the subject of customary land that has not been resolved. Based on the Cultivation Rights Certificate given to the Company by the Government, there is a problem regarding the unclear boundaries of the land used due to shifting regional boundaries. This issue has triggered unilateral claims from both customary peoples and companies. The Customary land objects in the Lhoknga settlement area have not been mapped in detail due to the lack of re-measurement of the land area used by the Company, causing different perceptions in determining the land area. The area of land used by the company is considered by Acehnese Customary peoples to be outside the land provisions for Cultivation Rights.
Because the land used by customary peoples is decreasing while the area of land used by the Company continues to grow.

Customary land conflicts have an impact on aspects of village development, the indications of which can be seen from the low economic level of rural communities to date (Penados et al., 2022). The majority of residents of the Lhoknga settlement area who have livelihoods as farmers and fishermen certainly need land to be planted as the main source of income. Unfortunately, the area of land that can be cultivated by the community continues to decrease due to massive control by private companies. In this context, efforts need to be made to find alternative conflict resolutions to resolve the conflict, of course, it must involve parties involved in the customary land conflict. That is the basis for the importance of alternative conflict resolution in customary land conflicts for a way to resolve customary land conflicts that are occurring. Based on the background above, the problems that will be studied by the author in this study to find out the causes of Customary land conflicts in Lhoknga Settlement, Aceh Besar Regency, What are the resolution options that have been taken by the authorities in overcoming Customary land conflicts? What are the solutions taken in overcoming Customary land conflicts based on customary law, culture and local wisdom?

2 LITERATURE REVIEW

2.1 CUSTOMARY IN THE INDONESIAN LEGAL SYSTEM

Customary land is land under the control of a customary law community (Mangar & Ridho, 2022) Land in this sense means a land that has been traditionally or traditionally controlled by the customary law community inhabiting the relevant area, namely the chief, with this power, the customary law community uses Customary land to meet their living needs, manage and preserve the sustainability of Customary land contained in their territory (Adekola et al., 2023). Common land that is believed to be a gift or a supernatural power or ancestral relic to a group that is a customary law community as the main supporting element of the group's life and livelihood throughout the ages. (Teweldebrihan et al., 2023) Land as one of the elements that supports the implementation of the life of the nation and state society has a crucial role because it is closely related to the functions and uses it contains, including political functions, economic functions, social functions, and religious functions (Madiong & Fahri, 2023). If it is then associated with customary
Customary land in customary law has a very important position in the community (Pangapanga-Phiri et al., 2022). This important position is caused by two things, namely because of its nature and because of the fact. Customary law is a law motivated by custom (Joireman & Tchatchoua-Djomo, 2023). The habit in question is behavior that was originally carried out by someone continuously, then expanded and followed by people in the community group which was then known as "adat" (Lankono et al., 2023). From these customs, customary law emerges which is defined as customs that are accepted and must be implemented by the community concerned. Such communities have been described before, which have come to be known as customary law communities. The 1945 Constitution's Article 18 B, subparagraph (2), which states that "the State recognizes and respects the unity of Customary peoples and their traditional rights so long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in the Law," recognizes the existence of customary law-governed communities. The existence of traditional law Peoples are made visible and protected by national legislation as a result of a provision in the State of Indonesia's constitution. Customary land is governed by land law, which is a component of customary law itself.

Customary land as the main element of life, Customary land is useful to ensure common welfare (Marizal et al., 2022). Discussing the use of Customary land, it will be closely related to customary rights which are two inseparable things Customary rights are the authority that certain communities governed by customary law have over particular regions that are the environment of its residents and from which they can profit from the natural resources, especially the land, for their survival and livelihood (Scheyvens et al., 2020). 3 Regulation of customary rights is contained in Article 3 of Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles or hereinafter referred to as UUPA. According to the article, the implementation of customary rights is recognized as long as the relevant customary law communities exist, and it must be in compliance with national and state interests based on other higher laws and regulations. Customary law groups have the right to use customary land, which is known as customary rights. However, as times change, it is not uncommon to find customary territory that primarily belongs to customary law people being used by non-customary law communities. This has sparked
debate, because the rights of customary peoples to customary territory are recognized and safeguarded by the Indonesian government.

Customary Peoples

According to the statement Loivaranta, (2023) communities under customary law are groups of people who are organized, act as a unit, reside in a certain location, have rulers, have their own customary rules, and have their own wealth in the form of tangible or intangible goods as well as power over the natural resources within their control. While communities governed by customary law are structured groups of people that reside in a certain area, have their own authority, and own both tangible and intangible riches, (Fligg et al., 2022). Wherein each union's members view society as being natural in accordance with nature, and no one has any desire to dissolve the growing link or forsake it in the sense of severing ties for an extended period of time (Kumar & Dwivedi, 2023). Legal professionals refer to judicial institutions, specific legal relationships between communities that practice customary law, and territory that falls under customary jurisdiction as "customary rights." (Bekele et al., 2022). Customary rights are a set of powers and responsibilities held by a community under customary law in relation to land that is located on its territory and has historically served as the principal source of the community's livelihood and way of life. (Salmerón-Manzano & Manzano-Agugliaro, 2023). Referring specifically to Article 1 Point 1 of National Land Agency/Minister of Agrarian State Regulation No. 5 of 1999 on Guidelines for Resolving Customary Rights Problems of Customary Law Peoples. Customary rights are thus the authority that, according to customary law, belongs to specific customary law peoples over specific areas that are their inhabitants' environment to benefit from natural resources, including land, within the area for their survival and subsistence. These rights stem from the customary law community's hereditary and unbroken external and internal tie with the land in question.

2.2 CUSTOMARY LAND CONFLICT

(Ringo, 2023) Divide conflicts into two types, namely; (1) Vertical conflict is the conflict of elites and masses of people. Where the elite is defined as the government, business group, or military apparatus. What stands out in this conflict is that the instrument of state violence is used, resulting in casualties among the masses. Cases, such as conflicts over agrarian resources (land, mines, plantations, etc.) or groups over regional
sovereignty; (2) Second, horizontal conflict, which is a conflict that occurs among the community itself. Land conflict is described as a conflict that results from a relationship between individuals or groups that is connected to the issue of the earth and all natural resources that are present both on its surface and deep within the ground. (Chen & Cai, 2022). The terms "land dispute" and "conflict" are sometimes used interchangeably to refer to similar-meaning concepts. A land conflict is a land dispute between two or more parties that has the potential to have significant sociopolitical repercussions (Basco et al., 2023).

The definition of land conflict provided by the government in the technical recommendations of the Head of BPN RI Number 01 / JKNIS / D.V / 2007 about Mapping Land Problems and Root Problems. Conflict is defined as a difference in values, interests, opinions, and/or perceptions between citizens or community groups and/or citizens or community groups and/or citizens or community groups with legal entities (private or public), communities, and communities regarding the tenure, ownership, use, or utilization of specific land parcels by certain parties, or the status of State Administrative Decisions (TUN) regarding control, ownership, and use or utilization. Puustinen et al., (2022) Land conflicts contain several things, namely: (1) Involvement of strong economic, political and social actors; (2) Have a very long duration of time; (3) There are administrative problems; (4) More complicated cases are found in forestry areas to be converted to plantations. Often the plantation location permits granted by the Government are just a cover for companies to extract timber products; (5) involving a part of the victimized community who are public but in fact have controlled the land for generations. Further Zuo et al., (2022) Divide land conflicts that often occur into 3 (three) types, namely: (1) Horizontal disputes between communities and other communities, such as cases of double certificates, or ownership of several certificates on one piece of land that often occur in the case of inherited land; (2) Vertical conflicts between communities and governments or authorities due to recognition of plantation land by both the government and the community; (3) Conflicts between communities and entrepreneurs or investors that occur in relation to investment, land conflicts that occur between communities and entrepreneurs or investors.

Based on the explanation above about the three models of conflict that often occur, researchers assess that conflicts between communities and entrepreneurs (private investors) occur more than conflicts between communities and communities. This
identifies that the vertical dimension is more dominant in a land conflict than the horizontal one. Conflicts related to plantation investment are difficult to occur on customary land owned by customary peoples due to unclear customary land rights.

2.3 THE MAIN PROBLEM OF THE CUSTOMARY LAND CONFLICT

Resolution of land conflicts basically requires an identification and inventory of the roots of the land conflict itself (Golob & Lisec, 2022). The roots of land conflicts are fundamental factors that cause land conflicts. Golob & Lisec, (2022) argue that The following can be utilized to address the root causes of land disputes: (1) Conflict of interest, defined as the existence of competing interests in substantive interests, procedural interests, and psychological interests; (2) Structural conflicts, caused by destructive behavior patterns and unbalanced control of resource ownership; (3) Value conflicts, caused by disparities in the standards used to evaluate ideas or behaviors, disparities in lifestyle, ideology, religion, or belief; and (4) Relationship conflicts. Nurdin, (2018) mentions the root of land problems that occur in Indonesia caused by; (1) Lack of orderly land administration in the past; (2) Inequality of land tenure and ownership structures; (3) A negative land registry publication system; (4) Increasing demand for land, so that land prices cannot be controlled due to the actions of the land mafia; (5) Laws and regulations overlap with each other, both horizontally and vertically, as well as the substance being regulated; (6) There is still a lot of wasteland; (7) Lack of care of notaries and land deed officials in carrying out their duties; (8) There has been no implementation of the perception or interpretation of law enforcers, especially judges, on laws and regulations in the land sector; and (9) Law enforcers lack commitment to consistently implement laws and regulations.

Recent land conflicts are often the result of two reasons: legal causes and non-legal factors. It also listed overlapping regulations, insufficient regulations, overlapping judiciary, settlement, and complicated bureaucracy as legal factors. Non-legal issues include overlapping land use, high economic worth of land, greater public awareness, permanent population expansions on the land, and poverty. Resolving land conflicts is an urgency for the Government, so it is necessary to know the root of the problem in it. Based on the Decree of the Head of BPN R1 Number 34 of 2007 concerning Technical Guidelines for Handling and Solving Land Problems, identify the roots of land conflicts into 8 groups, namely; (1) On Land Tenure and Ownership; (2) On Determination of
Rights and Registration; (3) On the Boundary or field location; (4) on land acquisition; (5) On Land objects of Land reform; (6) on claims for compensation of particulate land; (7) On Customary land; (8) On the execution of a court decision.

The root of the problem as intended in this study is about the root cause of customary land conflict. According to Village & Beratan, (2021) Conflicts related to Customary land are caused by 3 factors, namely: (1) The issue of determining the subject of Customary land; (2) The issue of determining Customary land objects; (3) The problem of assigning the object and subject of Customary land. Based on the explanation of experts about the root of land problems that cause various land conflicts, including customary land conflicts. Researchers consider that the root cause of customary land conflicts is based on the desire to improve the economic condition of the community in meeting the needs of life. The increasing needs of the community are something that encourages land conflicts to be able to control customary land from external parties. In addition, the advancement of industrial activities that are closely related to economic, social and political relations established among stakeholders, namely the community, government, private sector, and other related institutions are factors that often cause Customary land conflicts to occur.

2.4 THE CUSTOMARY LAND CONFLICT RESOLUTION

Efforts to resolve conflicts are known as conflict resolution. Zhang et al., (2012) Defining conflict resolution simply is an attempt to stop conflict in an analytical way and address the root causes of conflict with the aim of building new, positive and long-lasting relationships between conflicting parties. Whatever is aimed at settling disagreements or disputes in daily life is referred to as conflict resolution. As stated Liu et al., (2023) The broad term "conflict resolution" suggests that the core causes of conflict will be identified and addressed. Conflict resolution is essentially considered as an endeavor to address the sources of conflict and strive to overcome it by forging new, lasting connections amongst adversarial parties.

While Chen & Cai, (2022) claims that, despite the fact that some parties must be vanquished or defeated in the ultimate process, conflict resolution is carried out to offer a solution that is acceptable to all parties. The goal of the dispute resolution process is to reach an agreement that is palatable to all parties. Due to this, they will be motivated to come up with a solution that benefits everyone and is reached independently. It is
necessary to inform the parties to the conflict that they must participate more actively in
the conflict discussion and the resolution process if they are to accept it. They do this to
better understand the situation from either their own perspective or the perspective of the
adversary. They should also be able to more clearly understand the options accessible to
them and fully value the decision they make in the end.

Susan, (2013) suggests that to manage conflict consists of five ways; (1) Compete,
dominating, and forcing. This is an approach to conflict characterized by win-lose; (2)
Cooperation and confronting. The two parties involved in this conflict cooperate and seek
a conflict resolution that satisfies the interests of both parties. This method is win to win
solution; (3) Compromise and negotiation. This is an approach to conflict where neither
party to the conflict wins nor loses; (4) Avoiding or withdrawing. In this approach both
sides do not fight for each other's interests, in fact they do not draw attention to the conflict
(5) Adjusting accommodating.

3 RESEARCH METHODS

The technique used for this study and the process of data collecting, which
includes the procedures of conducting the study, are described. Data kinds and sources,
population and sample determination techniques, data gathering techniques, data
processing strategies, and data analysis techniques are all aspects of research
methodology. Data analysis with a multi-criteria decision model (MCDA) to determine a
decision is carried out with a pattern of effective synthesis methods to support decision
making and explore the pros and cons of various alternatives. With the support of this
strategy, it is possible to evaluate options using a clearly stated set of criteria that account
for the most important factors in a particular decision-making process. MCDA in
constructing decision problems, evaluating alternatives across criteria, investigating
trade-offs, coming up with decisions, and assessing resilience. In participative settings
with a variety of stakeholders and purposes, multi-criteria decision analysis is especially
helpful when it is neither practical nor desirable to reduce multi-purpose issues to single-
main strength is that it enables the merging of analytical performance from alternatives
with stakeholder preferences and priorities in a transparent and replicable manner.
3.1 ANALYTICAL HIERARCHY PROCESS (AHP)

The Analytic Hierarchy Process (AHP) is a popular method for Multi-Criteria Decision Analysis (MCDA). Myers and Alpert first introduced the AHP in 1968, and Saaty built it as a model in 1977 to address decision-making issues. When a decision hierarchy can be identified, the AHP method of estimating and decision-making, which provides a percentage distribution of decision points in terms of elements impacting the decision, is utilized. Using a predetermined scale of comparisons, AHP is the industry leader in the decision hierarchy, factors that affect decision-making, and the significance of decision points relative to these aspects.

(Wątróbski et al., 2022) Saaty’s claimed AHP is a decision support model. To breakdown difficult multi-factor or multi-criteria situations, this decision support approach will generate a hierarchy. A complex problem is represented in a hierarchy as a multi-level structure, with the goal at the top, followed by levels of components, criteria, sub-criteria, and so on all the way down to the level of alternatives. A complex problem can be broken into groups and then arranged in a way that makes the problem appear more ordered and methodical.

Multi-criteria decision-making is a notion that is used in AHP. The primary emphasis on this AHP idea is on some criteria that are compared to one another (degree of relevance). AHP is a technique for generating judgments or conclusions that combines the concepts of subjectivity and objectivity in the person who creates the Decision Support System (DSS) or its decisions. Nearly 20 nations and numerous businesses have embraced the AHP technique, which is also taught in numerous prestigious colleges. The steps performed on the AHP method are as follows:

a. Define the problem and define the desired solution

Unorganized issues are answered explicitly, in detail, and easily comprehended at this stage. Determine some potential solutions that can be used to solve existing challenges. Identify the best solution for the problem from among the various options accessible. This solution will be refined further in the future stage.

b. Create a hierarchical structure

Multi-criteria problems in AHP are simplified in the form of a hierarchy consisting of 3 main components, namely goals, criteria, and alternative choices. The hierarchy in question can be seen in the figure below.
The topmost level of the hierarchy is the goal of problem solving and there is only one element. The next level is the criteria and the next level is the alternative problem solving. This is one of the advantages of the AHP method is that it can represent the natural thinking of humans who tend to group system elements into levels where each level contains equivalent elements. This form of hierarchy is closely related to the complexity of the problem. In some cases, the hierarchy continues with sub criteria (if possible).

This matrix is simple, has a strong standing for consistency framework, gets other possible information and is able to analyze the sensitivity of overall priorities for changing considerations. The value of $A_{IJ}$ is the value of the alternative comparison of $A_I$ with $A_J$ which expresses the relationship as follows:

a. How far is the importance of $A_I$ when compared to $A_J$.
b. How much does $A_I$ contribute to criterion $C$ compared to $A_J$.
c. How far is $A_I$'s dominance compared to $A_J$.
d. How many properties of criterion $C$ are present in $A_I$ compared to $A_J$. If the $A_{IJ}$ value is known, the $A_{JI}$ value can be formulated as follows:

$$A_{JI} = \frac{1}{A_{IJ}}$$

$a_{ij} = 1$, in situation $i = j$.

1. Calculates the normalized Eigen vector.

The calculation of these normalized eigenvector values is performed for all paired comparisons. This value is the weight of each element for prioritization of the
elements of each paired comparison matrix. The method of calculating normalized eigenvectors can be described as follows:

a. Sums the results of row and column multiplication.
b. Then sum the values of each column of the matrix.
c. Then divide each value from the column by the total of the corresponding column to obtain matrix normalization.
d. Lastly sum the values of each row and divide by the number of elements to get an average.

2. Check hierarchy consistency

Hierarchy consistency is done in the following way:

a. Determine the maximal eigenvalue ($\lambda_{\text{max}}$).
b. Calculates the consistency index (CI) with the following equation:

$$\text{CI} = \frac{\lambda_{\text{max}} - n}{n - 1}$$

Information:

- $n$ = Number of criteria
- CI = Consistency index (Consistency Index)

(c. Calculate the consistency ratio (CR) with the following equation:

$$\text{CR} = \frac{\text{CI}}{\text{IR}}$$

Information:

- CR = Consistency ratio
- IR = Ratio index (the value of the ratio index depends on the size of the matrix) The IR values can be shown in Table 1
The level of consistency is crucial information to have while making decisions. In the assessment that is used to decide a priority, the AHP technique takes consistency into account as a logical value. To determine whether consistency between the assessed objects is real, consistency must be measured. The item in question is a pairwise comparison matrix with decision assessment data filled in. The consistency index is divided by a random index determined by the size of the matrix to produce this consistency ratio. Expected consistency is the consistency that is nearly flawless to provide decisions that are nearly valid. Although it is difficult to achieve perfection, the consistency ratio is expected to < 10% or 0.1. If the consistency value exceeds 0.1, it will cause consistency not to be 100%, so it is recommended that decision makers re-compare the pairwise comparison matrix.

3.2 PERFORM THE FINAL CALCULATION

The final calculation for each alternative by summing the result of multiplying the eigenvalue of the normalized vector of each criterion with the eigenvalue of the normalized vector of each alternative.

There are two processes in this study. The first is to define criteria that affect the suitability of the location of customary land in Aceh Besar regency, Aceh Province, Indonesia, and the second is the process to assess the importance of each criterion.

3.3 RESEARCH CONTEXT

This research was conducted from May to June 2023 with the object in this study being customary land areas in Aceh Besar and surrounding districts.

3.4 POPULATION AND SAMPLE

Purposive sampling was the method utilized in this study to select respondents. Purposive sampling is a sampling technique that bases its decisions on stakeholders' input and those of the decision-makers in the land sector, academics as experts and researchers from Syiah Kuala University as part of customary law education, Aceh traditional assembly (MAA) in Aceh Besar Regency who have a role in taking customary law policies in the local area and customary leaders who have historical experience of the
position and origin of the existence of the Customary land. The *sampling* technique is used because the AHP decision-making method, theoretically can be analyzed from the perception of 1 expert or several multidisciplinary experts, so that respondents are set at cross-related stakeholders. In this case, the number of samples was determined as many as 5 experts from various institutions and stakeholders who were willing to give opinions voluntarily, these experts included the following:

1. Customary Law Expert,
2. Expert at the Ministry of Agrarian Affairs
3. Expert at MAA Aceh Besar,
4. Academician of Syiah Kuala University,
5. Customary Law Society (MHA),

3.5 DATA TYPES AND SOURCES

Data is a form of collection of information both oral and written that supports research writing. The types and sources of data used in this study are as follows:

1. Primary data

   Primary data is data obtained by researchers directly from the source. The primary data used in this study was questionnaire data. The survey is sent to participants with relevant expertise, who are asked to assess the relative importance of different parameters

2. Secondary Data

   Secondary data are data obtained by researchers from existing or published sources, through a review of government guidelines and Non-Governmental Organizations (NGOs), academic literature.

3.6 DATA ANALYSIS TECHNIQUES

   Each criterion is a raster layer that has a range of values to indicate the level of conformity of the criteria. The range is from 0 to 9; A 0 indicates that the school is not very suitable, while a 9 indicates that the school is very suitable.
3.7 IDENTIFICATION OF COMPARISONS BETWEEN CRITERIA AND DETERMINATION OF WEIGHTS

At this stage, identification is carried out on the comparison that occurs between predetermined criteria. The purpose of this identification is to optimize the quality of decisions made in order to accommodate all the needs of stakeholders and the community. This identification process will later compare the level of importance between criteria so that values can be determined as weights for calculations in AHP.

Identification of comparisons between criteria will be expressed in a numerical value, so there are several methods that can be done to make the assessment. In this study, the comparison method that will be carried out is an online survey involving several competent parties, including:

1. *Experts* or experts from the academic field who are competent in conducting decision-making analysis.

The method of assessing weights between criteria is carried out by comparing the level of importance intensity between 2 criteria. The basis of assessment used is the basic scale from Saaty (1990) which is by dividing into 9 scales, as explained in Table 2 below.

<table>
<thead>
<tr>
<th>Intensity of Importance</th>
<th>Definition</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>One criterion is as important as the other (<em>Equal importance</em>)</td>
<td>Both criteria contribute equally to the trait</td>
</tr>
<tr>
<td>3</td>
<td>One criterion is somewhat more important than the other (<em>Moderate more importance</em>)</td>
<td>Experience states slightly favoring one criterion</td>
</tr>
<tr>
<td>5</td>
<td>One criterion is more important than the other (<em>Essential, strong more importance</em>)</td>
<td>Experience shows strongly siding with one criterion</td>
</tr>
<tr>
<td>7</td>
<td>One criterion is very important than the other (<em>Demonstrated importance</em>)</td>
<td>Experience shows strongly favorability and dominance by a criterion seen in practice</td>
</tr>
<tr>
<td>9</td>
<td>One criterion is absolutely more important than the other (<em>Absolutely more importance</em>)</td>
<td>Experience shows one very obvious criterion is more important</td>
</tr>
<tr>
<td>2,4,6,8</td>
<td>Middle value between two values adjacent (<em>Intermediate values</em>)</td>
<td>This value is provided when a compromise is required</td>
</tr>
<tr>
<td>1(2-9)</td>
<td>If the C1 criterion gets one number when compared to the C2 criterion it has the opposite value when compared to C1</td>
<td>If the C1 criterion has an x value when compared to the C2 criterion, then the C2 criterion gets an 1/x value when compared to the C1 criterion</td>
</tr>
</tbody>
</table>

Source: Saaty, Thomas L., I (1990)
The assessment scale above will be used to fill out the importance comparison questionnaire between criteria, so that in the perception survey the respondents will choose the importance value between 2 criteria.

3.8 DECISION MATRIX CALCULATION

The calculation of the decision matrix in this AHP will be carried out in several stages, namely:

Done by calculating the comparison matrix between criteria until the priority vector value and weight of each criterion are generated.

1. Scoring is carried out for each area in each criterion

2. The area score on a criterion will be multiplied by the priority vector or weight of the criterion.

3. The result of summing all scores in 1 area of all criteria

3.9 CONSISTENCY TESTING IN ANALYTICAL HIERARCHY PROCESS (AHP)

In order to produce the best and consistent decisions through the AHP method, a limit is given that the consistency ratio (CR) value should not exceed 0.1 to get this consistency ratio (CR) value as follows:

1. The consistency ratio (CR) value is a division between the consistency index (CI) and the random consistency (RI) value.

2. The value of random consistency (RI) is a constant that has been determined by Saaty according to the size of the decision matrix we make.

3. To obtain the value (CI), it is necessary to first calculate the value of $\lambda_{\text{max}}$. 

An example of how to calculate the value of $\lambda_{\text{max}}$ will be shown as follows:
Matrix multiplication is performed:

\[
\begin{align*}
&y_1 = (x_1.x_1)+(x_4.x_2)+(x_7.x_3) & \text{and}_6 = (x_3.x_4)+(x_6.x_5)+(x_9.x_6) \\
&y_2 = (x_2.x_1)+(x_5.x_2)+(x_8.x_3) & \text{and}_7 = (x_1.x_7)+(x_4.x_8)+(x_7.x_9) \\
&y_3 = (x_3.x_1)+(x_6.x_2)+(x_9.x_3) & \text{and}_8 = (x_2.x_7)+(x_5.x_8)+(x_8.x_9) \\
&y_4 = (x_1.x_4)+(x_4.x_5)+(x_7.x_6) & \text{and}_9 = (x_3.x_7)+(x_6.x_8)+(x_9.x_9) \\
&y_5 = (x_2.x_4)+(x_5.x_5)+(x_8.x_6) & \\
\end{align*}
\]

Sum per line to get the priority vector \((z_1 ; z_2 ; z_3)\):

\[
\begin{bmatrix}
  y_1 \\
  y_4 \\
  y_7 \\
\end{bmatrix} = \begin{bmatrix}
  y_2 \\
  y_5 \\
  y_8 \\
\end{bmatrix} = \begin{bmatrix}
  y_3 \\
\end{bmatrix} = z_1 = y_1 + y_2 + y_3 \\
\begin{bmatrix}
  y_4 \\
  y_5 \\
  y_8 \\
\end{bmatrix} = \begin{bmatrix}
  y_6 \\
\end{bmatrix} = z_2 = y_4 + y_5 + y_6 \\
\begin{bmatrix}
  y_7 \\
  y_8 \\
\end{bmatrix} = \begin{bmatrix}
  y_9 \\
\end{bmatrix} = z_3 = y_7 + y_8 + y_9 \\
\end{align*}
\]

Multiplication is done between the priority vector and the matrix:

\[
\begin{align*}
&\begin{bmatrix}
  z_1 \\
  z_2 \\
  z_3 \\
\end{bmatrix} = \begin{bmatrix}
  x_1 \\
  x_4 \\
  x_7 \\
\end{bmatrix} + \begin{bmatrix}
  x_2 \\
  x_5 \\
  x_8 \\
\end{bmatrix} + \begin{bmatrix}
  x_3 \\
  x_6 \\
  x_9 \\
\end{bmatrix} = \begin{bmatrix}
  h_1 \\
  h_2 \\
  h_3 \\
\end{bmatrix}
\end{align*}
\]

Next divided by the priority vector value and divided equally by the matrix size:
The last step, determine the CI value with the formula:

$$CI = \frac{\lambda_{max} - n}{n - 1}$$

### 3.9.1 Classification Criteria

This classification process is to convert the parameters on the existing map into values so that they can be processed arithmetically in AHP calculations.

Each criterion has a range of values to indicate the degree of suitability of that factor. The range is from 0 to 9; A value of 0 indicates that the conflict area of the Customary land area is very inappropriate, while a value of 9 indicates that the Customary land area is very suitable. The next section will describe these criteria in more detail.

### 4 RESULTS AND DISCUSSION

#### 4.1 DATA MATRIX COMPARISON BETWEEN EXPERTS

Based on the analysis that has been carried out by a survey at the location of the conflict and combined with expert responses to the concept and offer of conflict resolution for the customary land conflict can be seen in the table 3 below.

<table>
<thead>
<tr>
<th>No</th>
<th>Experts</th>
<th>Criteria</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Legality of Customary peoples</td>
<td>9,00</td>
<td>7,00</td>
<td>9,00</td>
<td>9,00</td>
<td>8,00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Legality of Customary peoples</td>
<td>1,00</td>
<td>9,00</td>
<td>1,00</td>
<td>9,00</td>
<td>1,00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Legality of Customary peoples</td>
<td>9,00</td>
<td>9,00</td>
<td>9,00</td>
<td>1,00</td>
<td>1,00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Legality of Customary peoples</td>
<td>7,00</td>
<td>9,00</td>
<td>9,00</td>
<td>7,00</td>
<td>8,00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Legality of Customary peoples</td>
<td>7,00</td>
<td>1,00</td>
<td>1,00</td>
<td>2,00</td>
<td>1,00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Legality of Customary peoples</td>
<td>1,00</td>
<td>1,00</td>
<td>3,00</td>
<td>2,00</td>
<td>9,00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognition of Customary Peoples</td>
<td>8.36</td>
</tr>
<tr>
<td>Protection of Customary peoples’ rights</td>
<td>2.41</td>
</tr>
<tr>
<td>The role of customary considerations</td>
<td>3.74</td>
</tr>
<tr>
<td>Customary Chief’s Decision</td>
<td>7.95</td>
</tr>
<tr>
<td>customary statutes become customary law</td>
<td>1.70</td>
</tr>
<tr>
<td>Concern for the position of History</td>
<td>2.22</td>
</tr>
<tr>
<td></td>
<td>Legality of Customary Peoples</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------</td>
</tr>
<tr>
<td></td>
<td>Legality of Customary Peoples</td>
</tr>
<tr>
<td></td>
<td>Recognition of Customary Peoples</td>
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<td></td>
<td>Recognition of Customary Peoples</td>
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<td>Recognition of Customary Peoples</td>
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<td>Recognition of Customary Peoples</td>
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<tr>
<td></td>
<td>Recognition of Customary Peoples</td>
</tr>
<tr>
<td></td>
<td>Protection of Customary peoples' rights</td>
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<td></td>
<td>Protection of Customary peoples' rights</td>
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<td>Protection of Customary peoples' rights</td>
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<td>Protection of Customary peoples' rights</td>
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<td></td>
<td>Protection of Customary peoples' rights</td>
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<tr>
<td></td>
<td>The role of considerations</td>
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<td>The role of considerations</td>
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<td>The role of considerations</td>
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<tr>
<td></td>
<td>The role of customary considerations</td>
</tr>
<tr>
<td></td>
<td>Customary Chief's Decision</td>
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<td>Customary Chief's Decision</td>
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<td>Customary Chief's Decision</td>
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<td>Customary Chief's Decision</td>
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<td>Customary Chief's Decision</td>
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<tr>
<td></td>
<td>Customary Chief's Decision</td>
</tr>
<tr>
<td></td>
<td>Customary Chief's Decision</td>
</tr>
</tbody>
</table>
Based on the explanation above, there are results that lead to a positive strategic analysis of conflict resolution. It shows that the opinions of the experts have their own views. From the results of the five expert tests on the criteria determined by the researchers, the results prove that the expert opinions are close to each other.

Henceforth, to test the consistency of the results of the expert's opinion, the discussion of this analysis data can be continued at the Eigen vector normalization stage in the table below for further Eagen normalization data can be seen in the table 4 below.

<table>
<thead>
<tr>
<th>Legality of Customary peoples</th>
<th>Recognition of Customary People's rights</th>
<th>Protection of Customary people's rights</th>
<th>The role of customary considerations</th>
<th>Customary statute becomes customary law</th>
<th>Customary Chief's Decision</th>
<th>Concern for the position of History</th>
<th>Formation of the social character of Customary peoples</th>
<th>Cultural Concern for Customary peoples</th>
<th>Cultural Concern for Customary peoples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legality of Customary peoples</td>
<td>1,00</td>
<td>8.36</td>
<td>2.41</td>
<td>3.74</td>
<td>7.95</td>
<td>1.70</td>
<td>2.22</td>
<td>4.84</td>
<td>5.36</td>
</tr>
<tr>
<td>Recognition of Customary People’s rights</td>
<td>8.36</td>
<td>1,00</td>
<td>1.60</td>
<td>4.08</td>
<td>1.55</td>
<td>1.70</td>
<td>1.70</td>
<td>0.56</td>
<td>1.97</td>
</tr>
<tr>
<td>Protection of Customary peoples’ rights</td>
<td>2.41</td>
<td>1.60</td>
<td>1.00</td>
<td>0.76</td>
<td>0.92</td>
<td>0.76</td>
<td>0.25</td>
<td>0.61</td>
<td>3.47</td>
</tr>
<tr>
<td>The role of customary considerations</td>
<td>3.74</td>
<td>4.08</td>
<td>0.76</td>
<td>1.00</td>
<td>3.84</td>
<td>1.42</td>
<td>3.13</td>
<td>2.14</td>
<td>0.58</td>
</tr>
<tr>
<td>Customary Chief’s Decision</td>
<td>7.95</td>
<td>1.55</td>
<td>0.92</td>
<td>3.84</td>
<td>1.00</td>
<td>0.23</td>
<td>0.19</td>
<td>0.24</td>
<td>0.16</td>
</tr>
<tr>
<td>customary statutes become customary law</td>
<td>1.70</td>
<td>1.70</td>
<td>0.76</td>
<td>1.42</td>
<td>0.23</td>
<td>1.00</td>
<td>0.23</td>
<td>0.30</td>
<td>0.44</td>
</tr>
</tbody>
</table>

Concern for the position of History
Formation of the social character of Customary peoples
Concern for Customary peoples

<table>
<thead>
<tr>
<th></th>
<th>2.22</th>
<th>1.70</th>
<th>0.25</th>
<th>3.13</th>
<th>0.19</th>
<th>0.23</th>
<th>1.00</th>
<th>0.29</th>
<th>0.25</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHP table 4.2 systems</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The test results based on the AHP table 4.2 systems on normalized vector aigen data show that the legality of customary law communities with a value of 37.58. Where the results are at the highest value of all criteria tested in this study according to expert opinions that have been responded to the distribution of quesionario sheets.

In the aigen vector normalization data, it further shows that the recognition of customary peoples is in a position below it with a total value of 22.52. Based on the data presented, this becomes the second alternative in determining the determination of conflict resolution strategies in the community.

Analysis of normalized vector eigen data on alternative criteria for the protection of customary peoples' rights received an overall value of 11.78 against the comparison calculation with 8 other alternatives that have been tested. However, alternatives to this criterion are in seventh position to be considered in making decisions. Meanwhile, the role of customary consideration as another alternative criterion received a score of 20.69 on the normalized vector Eigen data, with the position of importance at the third priority level. The results show that the role of customary considerations in conflict resolution has an important role to participate in.

Other normalization vector Eigen data shows that the decision of the traditional head with a value of 16.08, ranked fourth as a part that needs to be involved in determining decision making in a conflict in Customary communities. Eigen vector normalization data shows that customary provisions into customary law get a value of 7.78, on this criterion the role and provisions of costumary which become customary law are not so influential in conflict resolution. When compared to some other criteria that need more precedence which has become a determining factor as a conflict resolution strategy.

While the concern for the position of History in the normalization vector Eigen data shows that 9, 26, this alternative role is the last part to be used as a basis in
determining decisions on conflict resolution that is occurring. The formation of Customary peoples' social character is needed as a solution to Customary peoples' awareness of customary legal processes and applicable legal norms, Eigen vector normalization data shows that the 10, 46 score values obtained can be based on stakeholder considerations to facilitate the resolution of conflicts that are happening and the importance of avoiding the conflict from recurring. Customary peoples' social cultural concerns based on normalization vector Eigen data show a score value of 13.71, where the influence of determining strategies for making decisions needs to consider social culture and local Customary peoples. The next section to determine the priority vector value and consistency value can be seen in the data table 5 below

<table>
<thead>
<tr>
<th>Priority vector</th>
<th>Matrix x Priority</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.29</td>
<td>34.53</td>
<td>120</td>
</tr>
<tr>
<td>0.14</td>
<td>34.53</td>
<td>240</td>
</tr>
<tr>
<td>0.08</td>
<td>34.53</td>
<td>414</td>
</tr>
<tr>
<td>0.16</td>
<td>34.53</td>
<td>222</td>
</tr>
<tr>
<td>0.08</td>
<td>34.53</td>
<td>450</td>
</tr>
<tr>
<td>0.05</td>
<td>34.53</td>
<td>644</td>
</tr>
<tr>
<td>0.06</td>
<td>34.53</td>
<td>619</td>
</tr>
<tr>
<td>0.06</td>
<td>34.53</td>
<td>593</td>
</tr>
<tr>
<td>0.09</td>
<td>34.53</td>
<td>406</td>
</tr>
</tbody>
</table>

Max 412 CI 0.11 RE 1.45 CR 0.08

As contained in the priority matrix data in table 4 above, all produce positive values by making decisions and being consistent through the AHP method, where the limit is that the consistency ratio (CR) value cannot exceed 0.1. Then the consistency ratio (CR) value obtained in the results of this study is considered positive with a value 0.08. While the value (CI) in this study also produces a perfect value that does not exceed the limit specified in the test method in the AHP method where the value obtained is 0.11

The results of this study also get a positive value number in accordance with a constant that has been determined by Saaty in accordance with the size of the decision matrix that has been formulated. The results of this study can be used as a basic guideline to determine customary law-based customary land conflict resolution strategies in Aceh, especially in the conflict of the customary land area in Aceh Besar, Indonesia.
5 CONCLUSION

Legal legality on the basis of customary land ownership in dispute resolution will be prioritized to see from state legal norms and the position of ownership based on customary law. Legal norms are the highest level in the process of conflict settling without neglecting local customary and customary law. Meanwhile, the involvement of Customary peoples in resolving customary land conflicts is very necessary to determine the position of Customary peoples and Indigenous land in an area that has a history of ownership based on customary law, culture and local wisdom. And stakeholders need to pay attention to the recognition of Customary peoples that have existed both before the applicable state legal norms and afterwards. Because local history and culture have an influence on the management and ownership of customary land in the past for generations.

SUGGESTION

In taking policies, the need for openness and cooperation by involving customary peoples who have been recognized by the state based on applicable legal decisions. As well as paying attention to socio-culture and local wisdom without overriding legality and legal norms that need to be upheld for justice and deciding cases on the resolution of customary land conflicts in Aceh Besar district.
REFERENCES


