

Post-Tsunami Land Parcel Reconstruction in Aceh Province

Mazwar¹

Abstract

The tsunami on December 26, 2004 has devastated land parcel system, resulting in the loss of land parcel boundary markers, documents, and lives of the rightful owners. The people affected, either the survivors or their heirs sought for their legal ownership. As an effort to provide legal protection regarding land ownership in Aceh Province, the National Land Agency has conducted land parcel reconstruction by conducting land registration in the disaster-affected areas under a project called RALAS (Reconstruction of Aceh Land Administration System). RALAS experienced a lot of problems because the registration process was very complex. Post-tsunami land parcel reconstruction was challenged by two conflicting situations, i.e. emergency and reformation which prioritized democracy. Therefore, community empowerment is required. To collect out more-depth information regarding this situation, this research was conducted by using a sociological approach. The data were collected through a library research and field research. The instruments used for the data collection were documents and interview. The research results revealed that the community participated in land parcel registration in Aceh Province by arriving at an agreement among the community to participate in land parcel registration which includes land boundary identification, placement of land boundary markers, statement form completion and marking land parcels on map. To conclude, the community participation was in accordance with the Decree of the Head of National Land Agency Number 114-II/2005, which distinguished land registration through RALAS from commonly used land registration. However, the implementation still required some improvement. Therefore, the staff members of National Land Agency are expected to put a serious effort on socialization, to provide training for the community, and to learn local wisdom and value so that the land parcel registration can give satisfactory results that help community protect their properties.

Keywords: community participation, land registration, legal certainty and protection

1. Introduction

The earthquake and tsunami² in Aceh (previously known as Nanggroe Aceh Darussalam)³ on December 26, 2004 has caused the community to feel that their rights on their land status and ownership are insecure. The problems which emerged after the tsunami were loss or damage of subjects, objects (physical land), proof of ownership, and land books, as well as facilities and infrastructure of land⁴. Those problems physically separated the owners from their lands.

1 Staff member at the National Land Agency.

2 The term "tsunami" was not in Acehnese terminology. However, among elderly or islamic school students, it is known as "ie beuna" which they found in oral history. "ie" means water and "beuna" means "true". "ie beuna" means water which shows the truth of God's words in erasing evildoings. Besides the term "ie beuna" some people know the term "smong" or "seumong". See Abdullah Sanny, *National Workshop on Encouraging Community Aspiration in Planning Post-Tsunami Reconstruction and Rehabilitation Programs in Aceh*, Banda Aceh: 1 February 2005, in Hasanuddin Yusuf, *Sejarah Aceh dan Tsunami*, (Yogyakarta: Ar-Ruzz, 2005), p. 166. According to elders, "ie beuna" can originate in ocean accompanied by water spray out of the surface of the earth. See Sanusi M. Syarif, *Gampong dan Mukim di Aceh: Menuju Rekonstruksi Pasca Tsunami*, Second Edition, (Banda Aceh: Pustaka Rumpun Bambu, 2010), p. 102.

3 The use of word "Aceh" instead of Nanggroe Aceh Darussalam is based on Aceh Governor Regulation Number 46 of 2009 concerning the use of word "Aceh" and Government Official titles in official documents in Aceh Government Administration starting April 7, 2009. This regulation emphasizes that the term Nanggroe Aceh Darussalam is replaced with Aceh including when it is used with Autonomy, Local Government, Regent/Vise Regent, House of Representative, Nomenclature and Name of Aceh Government Agencies, title in signature, personal and institutional stamps in Aceh Government Administration.

4 Head of National Land Agency in Aceh, *presentation*, presented on National Working Meeting of the National Land Agency in 2009, p. 5.

Physical damage of the land and loss of the documents of ownership tend to be regarded as a loss of ownership in the disaster affected areas. It was less likely to implement the reconstruction in the disaster affected areas without recovering land ownership.

Based on the data from the National Land Agency presented at the hearing with the House of Representative on March 7, 2005, the damage caused by the earthquake and tsunami in Aceh Province covered the area of approximately 28,483.7 Ha or 1.27% of the Aceh total area, i.e. 2,252,053.9 Ha in the City of Banda Aceh, the City of Lhokseumawe, Aceh Besar district, Aceh Barat district, Aceh Jaya district, Nagan Raya district, Pidie district, Bireuen district, and Aceh Utara district.

The people affected by the tsunami, either the survivors or their heirs, expected that they were granted legal protection for their ownership of the lands they owned before the disaster. Strong recommendation on legal protection for the land ownership was offered by a member of Commission A (Commission for Governance Issues) of Aceh House of Representative.⁵

Recovery program for land issue become less simple, prioritized program because this program was expected to provide legal certainty and protection for land owners.⁶ As an effort to ensure the legal protection for the land owners in the disaster affected areas and to hasten the process of disaster recovery, a simultaneous, systematic, comprehensive, and integrated program was required to address any land issues. This program was also a part of government commitments to protect the human rights⁷ in disaster-affected areas.

Through the National Land Agency, the government conducted a free-of-charge⁸ land registration program for all land parcels in all villages in the tsunami-affected areas under a project named Reconstruction of Aceh Land Administration System (RALAS). RALAS was conducted to return every piece of land to its rightful owners as it was before the earthquake and tsunami disaster occurred on December 26, 2004. It was organized as an effort to provide legal certainty and protection for land ownerships.

RALAS program successfully facilitated the community-based land registration for 600,000 pieces of land in tsunami-affected areas, along with their surrounding areas, as directed by the Decree of the Head of National Land Agency Number 114-II/2005 on guideline for land registration in the tsunami-affected areas. The registration of 600,000 pieces of land was conducted gradually between 2005 and 2009.⁹

The reconstruction for recovery, legal certainty and protection of land ownerships for the community should have been immediately completed because it is one of the requirements for social recovery in post-disaster Aceh reconstruction. It was also in this program did the government play its role to provide the people with legal certainty and protection for their land ownerships. It was in line with the Article 33 paragraph (3) of the 1945 Constitution, in conjunction with Article 19 paragraph (1) of Law No. 5 of 1960 concerning basic regulations on agrarian principles.

5 Serambi Indonesia newspaper, August 8, 2005 issue.

6 The purpose of land parcel administration activity is to provide legal certainty to the land owners. It is in line with the purpose of law proposed by E. Utrecht that law functions to ensure law certainty in human interaction, E. Utrecht, *Pengantar dalam Hukum Indonesia*, (Jakarta: Balai Buku Ichtiar, 1957), p. 254. Meanwhile, according to Jeremy Bentham, law should lead to something useful, a belief that prioritizes *utilitiet* (utilities theory). According to this theory, law should create what is useful for all people, because what is useful for one person might mean something harmful for others as law should help as many people as possible and Legal Certainty for an individual is what law should provide, see Liza Erwina, *Ilmu Hukum*, (Medan: Pustaka Bangsa Press, 2012), p. 33. The same discussion on legal certainty is also regulated in Article 28D paragraph (1) of the 1945 Constitution, third amendment, that "every citizen has right for fair legal recognition, protection, and certainty"

7 A new right is considered valid if the right can be maintained or protected. Therefore, as a country which prioritizes legal proceeding, human rights should be a part of national law and a procedure to maintain and protect human rights should be established. Therefore, implementing human rights should meet the following requirements: human rights should be considered positive law, a procedure to maintain and protect human rights should be available, human rights court should be independent, Bahder Johan Nasution, *Negara Hukum dan Hak Asasi Manusia*, (Bandung: Mandar Maju, 2012), p. 244-245.

8 According to Article 15 of Law No. 48 of 2007, no charge, fee, or tax should be paid for request for ownership letter replacement, land ownership conversion, land ownership recognition, or land ownership establishment along with its registration in the earthquake and tsunami-affected area until 2009.

9 Decree of the head of National Land Agency No. 114-II/2005 concerning guideline for land registration in the tsunami-affected areas.

However, land management was complex even in normal condition and usually gave difficult-to-solve problems, let alone in post-disaster condition. Therefore, post-disaster legal certainty and protection for land ownerships and land ownership reconstruction in Aceh province was conducted integrally and holistically by involving as much community participation as possible.¹⁰

According to the data obtained by the National Land Agency in Aceh Province, from the targets of 600,000 pieces of land, 321,479 pieces were successfully measured and land certificates were issued for 231,316 of them.¹¹

Achieving the target of RALAS above was influenced by some factors such as the capacity of staff members at the National Land Agency, the existence of government regulations, and community participation. Therefore, community empowerment in the implementation of land recovery process in the disaster-affected areas through community participation was certainly required. It was also in line with the recommendation offered by Commission II (Commission for Domestic Governance, Regional Autonomy, State Apparatus and Agrarian Affairs) of the Indonesian House of Representative to the National Land Agency.¹²

The problem formulated for this research was “How did the community participation support the implementation of post-tsunami land parcel reconstruction in Aceh Province?”

According to the problem formulated above, the objective of this research was to describe the community participation in supporting the implementation of post-tsunami land parcel reconstruction in Aceh Province.

This research was a prescriptive research with sociological approach. The data were collected through library and field researches. The instruments for the data collection were documentation study and interview.

II. Results and Discussion

Generally, the people affected by the disaster were in temporary shelters around their former surrounding areas. This condition has threatened the social structure and social ties which had been previously established. It challenged the National Land Agency to plan land parcel reconstruction which is based on the community participation. The disaster survivors were not only the sources of data and information in planning land parcel reconstruction, but they could also be regarded as the primary actors in land parcel reconstruction activities.

The community participation involved the community members in the process of identifying problems and potentials in the community, making decision on the alternative solutions for the problems, setting the efforts to solve the problems, and taking part in evaluation.¹³ Community participation is a process which involves the community members in creating two-way constant communication to build community awareness to support land parcel reconstruction in an effort to return the land ownership to the rightful owners after the tsunami in Aceh province.

Based on the result of data analysis, the community participated in land parcel reconstruction by establishing an agreement to implement community-based land registration.

Based on the results of this study, there were several steps taken to establish the agreement among the community members. The first step was to identify the residents of a village or land owners who survived from the disaster, followed by identifying the land borders both on maps and on the land it self. The next step was to make notes regarding land inventory, followed by the deliberation among the villagers to establish a mutual agreement. The last step was to prepare an official report regarding the agreement made by the villagers.

10 Local head of National Land Registry in Aceh, “Rekonstruksi Bidang Pertanahan Pasca Bencana Alam Gempa Bumi dan Gelombang Tsunami di Provinsi Nanggroe Aceh Darussalam (sebagai Wujud Perlindungan dan Jaminan Kepastian Hak Atas Tanah)” *paper*, presented in a seminar conducted on March 1, 2005 in Pekanbaru, p. 2. Community participation is defined as a condition in which an individual or group mutually involves in conducting an activity. Participation is the right, not a tool, to reach a goal in a development activity. The core of community participation is the involvement of all community elements in the process of decision making, which includes the steps of planning, implementing, monitoring and evaluating the RALAS.

11 See Data from Regional office at the National Land Agency in Aceh Province, *Permasalahan Pertanahan di Provinsi Aceh, Banda Aceh*, May 10, 2013

12 See Recommendation by Commission II of the Indonesian House of Representative to the National Land Agency Number KD.02/928/DPR RI/2005 issued on February 14, 2005 concerning Post-Disaster Management in Aceh Province and Nias District in North Sumatera.

13 Isbandi Rukminto Adi, *Pemberdayaan Masyarakat dan Partisipasi Masyarakat*, Revised Edition, (Jakarta: Raja Grafindo Persada, 2012), p. 227.

According to the analysis of the process establishing an agreement among the villagers, every village was provided with guidance, supervision, and explanation by the facilitator assigned by several Non-Governmental Organizations. They provided advice for the village staff members, the chief of tribal council, common community members (i.e. *TuhaPeut*, *Tuhalapan*, *Imam Meunasah*, and village chief) or village organization. Afterwards, the village staff members or the community members delivered the information to the villagers. Whenever the explanation was not clear or ambiguous, it could be asked or confirmed to the committee/education team or to the National Land Agency in Aceh.

The villagers agreed with the schedule set with all land owners or written proxies or their heirs to determine and mark all land boundaries, followed by filling out the form provided by the Statement of Claim for De Facto Possession of Land Parcel and Placement for Boundary Markers, and marking every pieces of land on the satellite map. The last step was to list all the name of land owners.

According to the results of this study, the agreement was reached in 4 (four) cases:

1) Land Owner And Land Boundary Identification

Land owner identification is an activity conducted to find out the identity of the person or institution to whom a piece of land belonged to before the tsunami. Land boundary is any border which defines a piece of land for permanent ownership. This border may be in the form of fence or others or fenceless.¹⁴

According to the results of this study, the community participation in identifying land owners and land boundary through the following steps:

Village staff members, together with the members of community and assisted by the facilitators identified the surviving villagers including those who were living in the temporary shelters or who had moved to other areas after the disaster, including the underage children and widows who would be potential land owners. Land owners or their heirs or their written proxies identified the land they owned on the map.

During the field research, it was found out that some lands had been inundated and become swamps or sea. For such lands, the boundary identification was conducted on maps. The inventory for the lost lands as described above was reported to the corresponding institution, i.e. National Land Agency in Aceh/District Land Registration Office, the Agency for the Rehabilitation and Reconstruction of Aceh and Nias, and corresponding Local Government. The management of lost lands in Aceh Province was in line with Article 3 of Law No. 48/2007 for which the standard operating procedure has not been made available.

After identifying the land parcel boundary on the map, the land owners or their heirs or their written proxies filled out land ownership forms. They placed their boundary markers for their lands based on the agreement among the villagers. They completed the statement of land ownership for each piece of land which would be registered to the Land **Registration** Office / Adjudication Committee.

The land owners or their heirs who were not in the location of registration office, or they might have already died, the identification of land boundary and the placement of boundary markers were conducted by the village staff members or other villagers appointed for such responsibility based on the written power of attorney or other method approved by the villagers.

In an interview with Mr. Rusdi Yusuf, the secretary of Lampisang Village, one of the villages in PekanBadasubdistrict in Aceh Besar District said:¹⁵

“After identifying the land owners and land parcel boundaries by the land owners or their heirs, together with the other village residents, the head of the village representing the villagers registered the land parcels to the Head of the Adjudication Committee or Head of the Land Registration Office”.

The level of community participation of the land owners and land boundary identification was very low. The low participation was a result of the trauma suffered by the villagers, especially in the early stages of RALAS. In addition, the people involved in the project and the villagers did not have information about the current address of some of the land owners or their heirs or they might be currently living very far from the project area.

14 R. Rahardjo, *Op.Cit*, p. 23.

15 Interview result with Mr. Rusdi Yusuf, the secretary of Lampisang Village, one of the villages in Pekan Bada subdistrict in Aceh Besar, on June 15, 2014 at 10.00 am

2) Placement of Boundary Markers

Based on the results of this study, the community participation in the placement of boundary marking can be described as follows:

Land owners or their heirs or written proxies placed boundary markers along the border lines of their own land parcel for which agreement had been reached among the nearest neighbors, and the owners of adjacent lands. The adjacent land owners who were absent by the time of this placement should be represented by their written proxies, or corresponding village staff members who were able to show the border line of the land parcel, which was in accordance with the agreement made among the other members of village.

The placement of land parcel boundary markers was conducted to all land parcels in the corresponding village, as far as the condition in the area enabled this placement. The placement also applied to the land parcels owned by more than one person (collective ownerships) or those owned by people who were absent. The boundary markers were placed at every corner of the land parcel and, if it was considered necessary, some markers were placed along the border lines. The placement of boundary markers should be on the consent of owners of the adjacent land and the head of the village. If several adjacent land owners could not attend the placement, the head of village ensured the right place of the border to the best of his knowledge.

During the interview, Mr. Anwar Hasyim, the former Head of Rima Jeuneu village in Pekan Bada Subdistrict, Aceh Besar District, said:¹⁶

“The boundary markers were not provided by the villagers but by Adjudication Committee, for free of charge, and placed together with the land owners or their heirs or the villagers on the land parcels shown by the owners.”

It was in line with what the head of Aceh Besar Land Registration Office said during the interview:¹⁷

“All of the boundary markers were given to the land owners for free in the area of adjudication because they have been provided by the National Land Agency. For the village that needs the boundary markers, the head of the village may ask for them from the Land Registration Office or Adjudication Committee Office.”

The level of community participation in the placement of boundary markers was very good because they believed that their presence was crucial to ensure the right placement of the boundary markers on their land parcels. The placement of the boundary markers was related to the accuracy in land size before the tsunami. The owner did not wish to find their land size reduced because the land price had boosted due to its high demand for the purpose of reconstruction and relocation.

3) Completion of Statement Form

The community participation in completing the statement form of the boundary marker placement and claim for de facto possession of land parcel, abbreviated in Bahasa Indonesia as SPPTBPF was very essential to ensure the accuracy of their land borders. According to the results of this study, the community participation in completing this form is summarized as follows.

The land owners or their heirs completed the statement form of boundary marker placement and claim for de facto possession of the land parcel for each land parcel they owned, in the presence of the owners of adjacent lands as witnesses, certified by the head of village. This form was provided by the National Land Agency. One person was found to have more than one land parcel and had to complete separate forms for each of his land parcels. There were also lands owned by the villagers without any information of their current residence or those who they might have passed away. The form for such lands were filled out by the heirs of the land owners who had been approved by the head of village or the village spiritual/religious leader called *Imam Meunasah*. Some disputes among the heirs of the land owners regarding the share of inheritance were found during the implementation of this project. In this case, the heirs were recommended to settle the dispute amicably on the awareness of the head of village. The agreement was written in the forms of Statement of Inheritance and Inheritance Agreement, provided by the Adjudication Committee. If the heirs in dispute failed to arrive at an agreement, the dispute was settled in Islamic Sharia Court known as *Mahkamah Syariah* and the court decision was used for sharing the inheritance.

16 Interview result with Mr. Anwar Hasyim, the former head of Rima Jeuneu village in Pekan Bada subdistrict, Aceh Besar district, on June 15, 2014 at 9.00 am

17 Interview result with head of Aceh Besar Land Registry Office, on June 15, 2014 at 3.00 pm

During the interview, Anwar Hasyim, the former head of Rima Jeuneu village in PekanBada Subdistrict, Aceh Besar District, said:¹⁸

“If the heirs are underage, according to the guideline provided by the Adjudication Committee, the form should be completed by their guardians who have been approved by the head of village or *Imam Meunasah*.”

The guardians were legally decided by Islamic Syaria Court. To hasten this process, the Islamic Syaria Court conducted the trial outside the office, i.e. in the corresponding villages, in an agreed schedule.

Anwar Hasyim said that to decide a guardian for the underage children, the Islamic Syaria Court did not charge any fee and the head of village, along with the villagers recorded the guardian who had been decided.

Anwar Hasyim said that:¹⁹

“The completed SPPTBPF form is kept by the corresponding land owner or his/her heir and the head of village helped provide the certified copies of this form. This form was submitted to the Adjudication Committee when they visited the village for land measurement and mapping.”

4) Marking Land Parcels on Map

The community participation in marking land parcel on map, based on this research results, is presented as follows.

The land parcels which had been marked with the boundary markers were drawn into a map, and the names of the owners were recorded in the Letter of Physical Land Possession Statement. The map identifying the land parcels was provided by the National Land Agency. The land owners or heirs signed the owner list after they marked their land in the map and confirmed the data regarding their land on the list. Furthermore, the head of village made an agenda based on the agreement made by the villager. The agenda included the total number of all the land parcels in the village, the number of land parcels with clear subjects and objects and those without clear subjects and objects.

According to the Decree of the Head of National Land Agency No. 114-II/2005, the time that the villagers have in order to reach an agreement is 30 days after the National Land Agency announced the name of the villagers in turn of the registration.

Based on the results of this study, after the agreement had been reached, the next step was to report to the corresponding District Land Registration Office or the Adjudication Committee that the village was ready for the land parcel registration.

During the interview, Mr. H. M. Ansari Yahya, the head of GampongBaru village in Meuraxa Subdistrict, the City of Banda Aceh, said that:²⁰

“The proposal stating that Gampong Baru village was ready for the land parcel registration was submitted in written to the Adjudication Committee and we also notified them through phone. We also asked the local Non-Government Organization or the facilitators in GampongBaru village to talk to the corresponding District Land Registration Office or the Adjudication Committee.”

The success in reaching an agreement did not mean that the villagers had obtained the legality for their land parcels. In fact, it was a starting point for the National Land Agency to conduct a land parcel registration. The community participation in the process of land parcel registration is presented as follows.

1) Measurement and Mapping

According to the result of this study, there were some activities that the villagers did in the process of measurement and mapping. First of all, not all of the land owners/heirs/proxies/guardians were present during the process of measuring and mapping the land by the Adjudication Team. Moreover, not all of the adjacent land owners attended when the Adjudication Team conducted the measurement and mapping process although they were expected to be the witnesses.

¹⁸ Interview result with Mr. Anwar Hasyim, the former head of Rima Jeuneu village in Pekan Bada subdistrict, Aceh Besar district, on June 15, 2014 at 9.00 am

¹⁹ Ibid.

²⁰ Interview result with Mr. H. M. Ansari Yahya, the head of Gampong Baru village in Meuraxa subdistrict, Banda Aceh, on June 15, 2014 at 3.00 pm

Based on the results of this study, the absence of land owners or their heirs during the process of measurement and mapping was due to: 1) lack of socialization and coaching provided by the Adjudication Team, especially regarding the measurement and mapping schedule; and 2) the land owners or their heirs were still in the temporary shelters/refugee camps which were located far from the area.

2) Committee Conference

The research results revealed that there were some activities that the community involved in the committee conducted during the committee conference. They attended every committee conference conducted by the Adjudication Committee in accordance with the conference schedule. They also brought the available data or documents as reference materials in determining whether the land ownership and land parcel boundary informed by the land owners was accurate. The documents included the completed map, the list of land parcelownerships, the list of lostlands, the list of family heads (family member cards, etc). The community involved in the committee also provided accurate information to the Adjudication Committee regarding the agreement among the villagers for the land borders and ownerships.

Based on the results of this study, when wrong information was found, either on physical data such as the side border, location, and width or juridical data such as the names of owners and land status, the community explained them in the conference and later it was discussed and clarified in the conference.

3) Announcement

The results of this study showed that some activities that the community conducted in announcement process, in which the land owners or their heirs read and paid attention to the accuracy of the physical and juridical data in the announcement. The villagers granted approval if the data were considered accurate and would provide feedback if there was any mistake in the announcement. The facilitators including the villagers and village heads assisted the community in reading the results of the announcement, ensured that every land owner was aware of the results of the announcement, and prioritized widows and orphans in obtaining information regarding the physical and juridical data.

The objections regarding technical errors were addressed to the Adjudication Committee. If the objections were related to the land ownership agreements, it was reported to the head of village. The objections were addressed to the Islamic Syaria Court or District Court if the errors dealt with the court institution authority.

Based on the results of this study, there were several land owners who did not read the announcement or read it too late but voiced their objections on the announced data.

4) Preparing Land Record and Certificate

The research resultsof this study revealed that the community was not expected to actively participate in the process of preparing land record and certificate. However, the community monitored and evaluated the implementation of this process by the Adjudication Team, especially the process related to the deadline, and the rightful owners of the land on the land certificate.

5) Delivering Land Certificate

The results of this study showed that based on the Decree of the National Land Agency No. 114/II/2005, the certificate is delivered by the Adjudication Team together with the head of village to the certificate holders. In the implementation, it was only the head of village who distributed the certificate because the head of village knew the villagers better and he was also a member of the Adjudication Team.

During the certificate distribution, the certificate holders paid very careful attention to the explanation given by the Adjudication Team regarding the right and responsibility of a land owner. The certificate distribution was not completed in one phase because not all of the villagers attended the meeting. The villagers who were absent collected their certificate on the other days.

Based on the results of this study, there were some obstacles during the land reconstruction in terms of community participation. Some problems were related to the fact that some lands were very difficult to identify due to the tsunami impacts. In addition, some villagers were pessimistic because they no longer had the document of ownership which was one of the requirements for the land parcel registration. Some villagers still experienced post-disaster trauma. Furthermore, the community did not have adequate knowledge on land reconstruction. Some Non-Government Organizations had previously conducted land measurement without any follow-up registration process, which discouraged the community participation in land parcel registration.

III. Conclusion and Suggestion

1. Conclusion

According to the Decree of the Head of the National Land Agency No. 114-II/2005, the community should be involved in the process of post-tsunami land reconstruction in Aceh Province, which distinguishes it with the other land reconstruction (the Government Regulation No. 24/1997, in conjunction with the Regulation of Agrarian Minister/Head of the National Land Registration No.3/1997). However, the community participation in land reconstruction process has not been yet optimal.

The fact that the community participation was not optimal is evident from the following research findings: 1) many land owners or their heirs and the adjacent land owners were absent when the team conducted coaching, socialization, border clarification and measurement, 2) the villagers were not active or less careful in reading the physical and juridical data, 3) the villagers did not file their objection to the Adjudication Team within the given time, and 4) the land owners or their heirs were not actively participated in land certificate distribution by the Adjudication Team.

The inhibiting factors for the implementation of community participation in post-tsunami land reconstruction includes: the trauma experienced by the community/land owners/heirs, especially in the early stages of the project, lack of information during the program implementation, and long distance of their temporary shelters/refugee camps from the project area.

2. Suggestion

It is recommended that the National Land Agency improve the process of socialization and coaching to the community in the implementation of programs and activities. The National Land Agency is also expected to make the Adjudication Team aware of local wisdom and culture before conducting the land reconstruction process, so that the community members are more motivated to participate.

References

Books

- Adi, Isbandi Rukminto. *Pemberdayaan Masyarakat dan Partisipasi Masyarakat*, Edisi Revisi, Jakarta: Raja Grafindo Persada, 2012.
- Daud, Syamsuddin., dan Miftachuddin Cut Adek, *Adat Meulaot: Adat Menangkap Ikan di Laut*, Banda Aceh: CV. Boebon Jaya, 2010.
- Erwina, Liza. *Ilmu Hukum*, Medan: Pustaka Bangsa Press, 2012.
- Nasution, Bahder Johan. *Negara Hukum dan Hak Asasi Manusia*, Bandung: Mandar Maju, 2012.
- Rahardjo, R. *Himpunan Istilah Pertanahan dan yang Terkait*, Jakarta: Djambatan, 2008.
- Syarif, Sanusi M. *Gampong dan Mukim di Aceh: Menuju Rekonstruksi Pasca Tsunami*, Cetakan Kedua, Banda Aceh: Pustaka Rumpun Bambu, 2010.
- Utrecht, E. *Pengantar dalam Hukum Indonesia*, Jakarta: Balai Buku Ichtiar, 1957.
- Yusuf, Hasanuddin. *Sejarah Aceh dan Tsunami*, Yogyakarta: Ar-Ruzz, 2005.
- Reports/Researches/Journals/Papers/Theses/Dissertation/Dictionaries
- Kakanwil BPN NAD, “Rekonstruksi Bidang Pertanahan Pasca Bencana Alam Gempa Bumi dan Gelombang Tsunami di Provinsi Nanggroe Aceh Darussalam (sebagai Wujud Perlindungan dan Jaminan Kepastian Hak Atas Tanah)”, paper, presented on a seminar conducted on march 1, 2005 in Pekanbaru.
- Kantor Wilayah Badan Pertanahan Nasional Provinsi Nanggroe Aceh Darussalam, *Permasalahan Pertanahan di Provinsi Aceh*, Banda Aceh, 10 Mei 2013.
- Head of National Land Agency in Aceh, presentation, presented on National Working Meeting of the National Land Agency in 2009, p. 5.
- Recommendation by Commission II of the Indonesian House of Representative to the National Land Agency Number KD.02/928/DPR RI/2005 issued on February 14, 2005 concerning Post-Disaster Management in Aceh Province and Nias District in North Sumatera.
- Sanny, Abdullah. *National Workshop on Encouraging Community Aspiration in Planning Post-Tsunami Reconstruction and Rehabilitation Programs in Aceh*, Banda Aceh: February 1, 2005.

Law and Regulations

The 1945 Constitution. Third Amendment.

Law of the Republic of Indonesia Number 48 of 2007 concerning Enactment of Government Regulation in Lieu of Law No. 2 of 2007 concerning Management of Problems related to Law in the Implementation of Rehabilitation and Reconstruction for Physical Areas and Human Lives in Nanggroe Aceh Darussalam Province and Nias to become Law, (The State Gazette of the Republic of Indonesia Number 168 of 2007, and The State Gazette of the Republic of Indonesia Number 4796).

Decree of the Head of National Land Agency Number 114-II/2005 concerning guideline for community-based land registration in the tsunami-affected areas in Nanggroe Aceh Darussalam Province which become an object of Land Ownership Recovery Activities and Land Administration System Reconstruction in Aceh.

Aceh Governor Regulation Number 46 of 2009 concerning the use of word “Aceh” and Government Official titles in official documents in Aceh Government Administration starting April 7, 2009.

Newspaper

Serambi Indonesia Newspaper, August 8, 2005 issue.